

SUPPORTING STATEMENT
United States Patent and Trademark Office
Patent and Trademark Resource Center Metrics
OMB CONTROL NUMBER 0651-0068
2021

A. JUSTIFICATION

1. Explain the circumstances that make the collection of information necessary. Identify any legal or administrative requirements that necessitate the information collection. Attach a copy of the appropriate section of each statute and regulation mandating or authorizing the collection of information.

The United States Patent and Trademark Office (USPTO) first started its network of libraries in 1871 when federal statute (35 U.S.C. 12) first provided for the distribution of printed patents to libraries for use by the public. As designated by the USPTO, these libraries receive and house copies of U.S. patents and patent and trademark materials, make them freely available to the public, and actively disseminate patent and trademark information.

The USPTO has undertaken a revitalization of the program to reflect the new 21st century electronic approach to customer services. As a part of this revitalization, the name changed to Patent and Trademark Resource Center Program (previously known as Patent and Trademark Depository Libraries) and the nationwide network of libraries are now known as Patent and Trademark Resource Centers (PTRCs). The PTRCs include academic, public, and state libraries and 1 special research library. These centers provide services to a variety of customers, including, inventors, intellectual property attorneys and agents, business people, researchers, entrepreneurs, students, and historians.

Recognition as a PTRC is authorized under the provisions of 35 U.S.C. § 2(a)(2), which provides that the USPTO shall be responsible for disseminating to the public information with respect to patents and trademarks. In order to be designated as a PTRC, libraries must fulfil the following requirements:

- Assist the public in the efficient use of patent and trademark information resources;
- Provide free access to patent and trademark resources provided by the USPTO;
- Provide metrics on the use of patent and trademark services provided by the member library as stipulated by the USPTO;
- Provide metrics on outreach efforts conducted by the member library as stipulated by the USPTO; and

- Send representatives to attend the USPTO-hosed PTRC training seminars.

Since the PTRC requirements stipulate that the participating libraries must submit information (metrics) in order to be designated as a PTRC, the USPTO is submitting this information collection for review under the Paperwork Reduction Act (PRA). The information collected will enable the USPTO to more effectively train the PTRC staffs who, in turn, provide assistance and training to the public customers in the areas of patent and trademarks. As the PTRCs continue to move away from the physical distribution of hard copy information, the USPTO is interested in what types of new and different services the PTRC of the future should offer its customers. Collection of this information will enable the USPTO to service its current customers more efficiently while planning for the future.

The USPTO has developed a questionnaire to collect the metrics concerning the use of the patent and trademark services and the public outreach efforts from the libraries. On the USPTO's behalf, the metrics will be collected on a quarterly basis through a third-party vendor. The information will only be collected electronically. Each PTRC will be given a unique password to input their information.

Table 1 provides the specific statutes and regulations authorizing the USPTO to collect the information discussed above:

Table 1: Information Requirements for Patent and Trademark Resource Center Metrics

Item No.	Item	Statute	Regulations
1	Patent and Trademark Resource Center (PTRCs) Metrics	35 U.S.C. § 2(a)(2)	N/A

2. Indicate how, by whom, and for what purpose the information is to be used. Except for a new information collection, indicate the actual use the agency has made of the information received from the current information collection.

The participating PTRCs uses this information collection to provide metrics pertaining to the use of the patent and trademark services by the public, as well as the public outreach efforts of their libraries.

This information collected, maintained, and used in this information collection is based on OMB and USPTO guidelines. This includes the basic information quality standards established in the Paperwork Reduction Act (44 U.S.C. Chapter 35), in OMB Circular A-130, and in the USPTO information quality guidelines.

Table 2 outlines how this collection of information is used by the public and the USPTO:

Table 2: Needs and Uses of Information Collected for Patent and Trademark Resource Center Metrics

Item No.	Item	Instrument	Needs and Uses
1	Patent and Trademark Resource Center (PTRCs) Metrics	Survey Worksheet	<ul style="list-style-type: none"> • Used by the PTRCs to provide metrics to the USPTO on a quarterly basis concerning the public's use of the member library's patent and trademark services • Used by the PTRCs to provide metrics to the USPTO on a quarterly basis concerning the member library's public outreach efforts • Used by the USPTO to more effectively train PTRC staff • Used by the USPTO to determine what type of new and different services that the PTRCs should provide in the future

3. Describe whether, and to what extent, the collection of information involves the use of automated, electronic, mechanical, or other technological information collection techniques or other forms of information technology, e.g., permitting electronic submission of responses, and the basis for the decision for adopting this means of information collection. Also describe any consideration of using information technology to reduce burden.

The metrics will only be collected electronically from the PTRCs, using the survey worksheet developed by the USPTO. The metrics will be collected on the USPTO's behalf by a third-party vendor. The PTRCs will be given a password via e-mail to input their information.

The metrics are automatically tabulated by the vendor software. A government employee who is a member of the PTRC program office staff will be responsible for downloading the tabulated metrics. This employee and the program manager will have access to the information.

The revitalization of the Patent and Trademark Resource Center Program highlights a major shift in focus from the "paper depository" concept to an expansion of access to electronic information and specialized training to meet the information needs of 21st century patent and trademark customers. A wide range of information is available electronically at the PTRCs, such as currently issued U.S. patents, procedural manuals, and electronic patent and trademark search products, to name just a few examples. The PTRCs also provide web-based tutorials on various topics, such as how to conduct a preliminary U.S. patent search.

4. Describe efforts to identify duplication. Show specifically why any similar information already available cannot be used or modified for use for the purposes described in Item 2 above.

This information is collected from the PTRCs on a quarterly basis. It does not duplicate information or collection of data found elsewhere.

5. If the collection of information impacts small businesses or other small entities, describe any methods used to minimize burden.

The information collected is the minimum needed to execute the transaction and to ensure that the PTRCs metrics collected are accurate. This collection of information does not impose a significant impact or put an unnecessary burden on small entities or small businesses. The same information is required of every applicant and is not available from any other source.

6. Describe the consequence to Federal program or policy activities if the information collection is not conducted or is conducted less frequently, as well as any technical or legal obstacles to reducing burden.

The USPTO is collecting this information on a quarterly basis from the PTRCs in order to train the PTRC staff more effectively and to determine what types of services the PTRCs should offer their customers in the future. This information is not collected elsewhere. If this information were not collected quarterly, the USPTO would not be able to obtain the data necessary to meet the needs of its patent and trademark customers.

7. Explain any special circumstances that would cause an information collection to be conducted in a manner:

- **requiring respondents to report information to the agency more often than quarterly;**
- **requiring respondents to prepare a written response to a collection of information in fewer than 30 days after receipt of it;**
- **requiring respondents to submit more than an original and 2 copies of any document;**
- **requiring respondents to retain records, other than health, medical, government contract, grant-in-aid, or tax records, for more than 3 years;**
- **in connection with a statistical survey, that is not designed to produce valid and reliable results that can be generalized to the universe of study;**
- **requiring the use of a statistical data classification that has not been reviewed and approved by OMB;**
- **that includes a pledge of confidentiality that is not supported by authority established in statute or regulation, that is not supported by disclosure and data security policies that are consistent with the pledge, or which unnecessarily impedes sharing of data with other agencies for compatible confidential use; or**
- **requiring respondents to submit proprietary trade secrets, or other confidential information unless the agency can demonstrate that it has instituted procedures to protect the information's confidentiality to the extent permitted by law.**

There are no special circumstances associated with this collection of information.

8. If applicable, provide a copy and identify the date and page number of publication in the Federal Register of the agency's notice, required by 5 CFR

1320.8(d), soliciting comments on the information collection prior to submission to OMB. Summarize public comments received in response to that notice and describe actions taken by the agency in response to these comments. Specifically address comments received on cost and hour burden.

Describe efforts to consult with persons outside the agency to obtain their views on the availability of data, frequency of information collection, the clarity of instructions and recordkeeping, disclosure, or reporting format (if any), and on the data elements to be recorded, disclosed, or reported.

Consultation with representatives of those from whom information is to be obtained or those who must compile records should occur at least once every 3 years - even if the collection of information activity is the same as in prior periods. There may be circumstances that may preclude consultation in a specific situation. These circumstances should be explained.

The 60-Day *Federal Register* Notice published on December 17, 2020 (85 Fed. Reg. 81904). The public comment period ended on February, 16, 2021. No comments were received.

The USPTO has long-standing relationships with groups who frequently communicate their views on information collections, including the American Bar Association (ABA), American Intellectual Property Law Association (AIPLA), and International Trademark Association (INTA), as well as business groups, inventor associations, and users of our public facilities. Views expressed by these groups are considered in developing proposals for information collection requirements and during the renewal of an information collection. These organized groups did not communicate any comments regarding the present renewal.

9. Explain any decision to provide any payment or gift to respondents, other than remuneration of contractors or grantees.

This information collection does not involve a payment or gift to any respondent.

10. Describe any assurance of confidentiality provided to respondents and the basis for the assurance in statute, regulation, or agency policy. If the information collection requires a systems of records notice (SORN) or privacy impact assessment (PIA), those should be cited and described here.

Confidentiality is not required in either the information collection or processing of the metric information. Respondents are organizations and not individuals. No personal information is collected through, or as a part, of this program and its associated information collection. Respondents are organizations and not individuals.

11. Provide additional justification for any questions of a sensitive nature, such as sexual behavior and attitudes, religious beliefs, and other matters that are commonly considered private. This justification should include the reasons why the agency considers the questions necessary, the specific uses to be made of

the information, the explanation to be given to persons from whom the information is requested, and any steps to be taken to obtain their consent.

None of the required information is considered to be of a sensitive nature.

12. Provide estimates of the hour burden of the collection of information. The statement should:

- **Indicate the number of respondents, frequency of response, annual hour burden, and an explanation of how the burden was estimated. Unless directed to do so, agencies should not conduct special surveys to obtain information on which to base hour burden estimates. Consultation with a sample (fewer than 10) of potential respondents is desirable. If the hour burden on respondents is expected to vary widely because of**
- **differences in activity, size, or complexity, show the range of estimated hour burden, and explain the reasons for the variance. Generally, estimates should not include burden hours for customary and usual business practices.**
- **If this request for approval covers more than 1 form, provide separate hour burden estimates for each form and aggregate the hour burdens.**
- **Provide estimates of annualized cost to respondents for the hour burdens for collections of information, identifying and using appropriate wage rate categories. The cost of contracting out or paying outside parties for information collection activities should not be included here. Instead, this cost should be included under ‘Annual Cost to Federal Government’.**

Table 3 calculates the anticipated burden hours and costs of this information collection to the public, based on the following factors:

- **Respondent Calculation Factors**
The USPTO estimates that it will receive 360 responses to this information collection per year, with approximately 90 libraries reporting their metrics once per quarter. All responses are submitted electronically.
- **Burden Hour Calculation Factors**
The USPTO estimates that it takes the public approximately 30 minutes (0.50 hours) to complete the worksheet. This includes the time to gather the necessary information, prepare the worksheet, and submit it to the USPTO. Using these burden factors, USPTO estimates that the total respondent hourly burden for this information collection is 180 hours per year.
- **Cost Burden Calculation Factors**
The USPTO expects that librarians will supply the information in this collection at an estimated hourly rate of \$32.93. This is the mean hourly wage for college librarians according to the Bureau of Labor Statistics Occupational Employment Statistics ([OES 25-4022](#)). Using this hourly rate, the USPTO estimates that the total respondent cost burden for this information collection is \$5,927 per year.

Table 3: Total Estimated Hourly Burden for Private Sector Respondents

Item No.	Item	Estimated Annual Respondents	Estimated Annual Responses (a)	Estimated Time for Response (Hours) (b)	Estimated Annual Burden Hour (a) x (b)=(c)	Rate (\$/hour) (d)	Estimated Annual Hourly Cost Burden (c) x (d)=(e)
1	PTRC Metrics	4	16	0.50 (30 minutes)	8	\$32.93	\$263
	Total	4	16	---	8	---	\$263

Table 4: Total Estimated Hourly Burden for State, Local, And Tribal Government Respondents

Item No.	Item	Estimated Annual Respondents	Estimated Annual Responses (a)	Estimated Time for Response (Hours) (b)	Estimated Annual Burden Hour (a) x (b)=(c)	Rate (\$/hour) (d)	Estimated Annual Hourly Cost Burden (c) x (d)=(e)
1	PTRC Metrics	86	344	0.50 (30 minutes)	172	\$32.93	\$5,664
	Total	86	344	---	172	---	\$5,664

13. Provide an estimate for the total annual cost burden to respondents or record keepers resulting from the collection of information. (Do not include the cost of any hour burden already reflected on the burden worksheet).

- The cost estimate should be split into 2 components: (a) a total capital and start-up cost component (annualized over its expected useful life) and (b) a total operation and maintenance and purchase of services component. The estimates should take into account costs associated with generating, maintaining, and disclosing or providing the information. Include descriptions of methods used to estimate major cost factors including system and technology acquisition, expected useful life of capital equipment, the discount rate(s), and the time period over which costs will be incurred. Capital and start-up costs include, among other items, preparations for collecting information such as purchasing computers and software; monitoring, sampling, drilling and testing equipment; and record storage facilities.
- If cost estimates are expected to vary widely, agencies should present ranges of cost burdens and explain the reasons for the variance. The cost of purchasing or contracting out information collections services should be a part of this cost burden estimate. In developing cost burden estimates, agencies may consult with a sample of respondents (fewer than 10), utilize

the 60-day pre-OMB submission public comment process and use existing economic or regulatory impact analysis associated with the rulemaking containing the information collection, as appropriate.

- Generally, estimates should not include purchases of equipment or services, or portions thereof, made: (1) prior to October 1, 1995, (2) to achieve regulatory compliance with requirements not associated with the information collection, (3) for reasons other than to provide information or keep records for the government, or (4) as part of customary and usual business or private practices.

There are no annualized (non-hour) costs associated with this information collection. This information collection is submitted electronically and therefore there is neither postage nor other transaction costs associated with this information collection.

14. Provide estimates of annualized costs to the Federal government. Also, provide a description of the method used to estimate cost, which should include quantification of hours, operational expenses (such as equipment, overhead, printing, and support staff), and any other expense that would not have been incurred without this collection of information. Agencies may also aggregate cost estimates from Items 12, 13, and 14 in a single table.

The USPTO employs a GS-13 to process the metrics collected for this information collection.

The USPTO estimates that the cost of a [GS-13, step 9](#)¹ employee is \$81.81 per hour (GS hourly rate of \$62.93 with 30% (\$18.88) added for benefits and overhead). The USPTO estimates that it takes an employee 3 minutes (0.05 hours) to process a worksheet.

Table 5 calculates the burden hour and costs to the Federal Government for processing this information collection.

Table 5: Total Estimated Hourly Burden for the Federal Government

Item No.	Item	Estimated Annual Responses	Estimated Time for Response Hours	Estimated Annual Burden (hours/year)	Rate	Estimated Annual Burden
		(a)	(b)	(a) x (d)=(c)	(d)	(c) x (d)=(e)
1	PTRC Metric Worksheet	360	0.05	18	\$81.81	\$1,473
	Total	360	---	18	---	\$1,473

15. Explain the reasons for any program changes or adjustments reported on the burden worksheet.

¹ https://www.opm.gov/policy-data-oversight/pay-leave/salaries-wages/salary-tables/pdf/2021/DCB_h.pdf

A. Changes in Information Collection

ICR Summary of Burden:

	Requested	Program Change Due to New Statute	Program Change Due to Agency Discretion	Change Due to Adjustment in Agency Estimate	Change Due to Potential Violation of the PRA	Previously App
Annual Number of Responses	360	0	0	8	0	352
Annual Time Burden (Hr)	180	0	0	4	0	176
Annual Cost Burden (\$)	0	0	0	0	0	0

B. Changes proposed in this request to OMB

The proposed information collection, as outlined in the tables above, seeks to modify the existing information collection. The proposed information collection contains an estimated:

- 360 responses
- 180 burden hours
- \$5,927 in respondent hourly cost burden
- \$0 in annual (non-hour) costs

Changes in Respondent Hourly Cost Burden

The total respondent hourly cost burden for this information collection has increased by \$390.04 (from \$5,536.96 to \$5,927.00) from the previous renewal of this information collection in February 2018:

- **Increases in estimated hourly rates.** The 2018 renewal used an estimated rate of \$31.46 per hour for librarians to this information collection, which was the estimated hourly rate for college librarians. For the current renewal, the USPTO is using an updated hourly rate of \$32.93.
- **Increases in estimated burden hours.** The total estimated burden hours have increased from 176 in the 2018 renewal to 180 in the current renewal due to overall increases in the estimated annual responses for this information collection.

Changes in Responses and Burden Hours

For this renewal, the USPTO estimates that the annual responses will increase, due to new libraries joining the program, by 8 (from 352 to 360) and the total burden hours will increase by 4 (from 176 to 180) from the currently approved burden for this information collection.

16. For collections of information whose results will be published, outline plans for tabulation and publication. Address any complex analytical techniques that

will be used. Provide the time schedule for the entire project, including beginning and ending dates of the collection of information, completion of report, publication dates, and other actions.

The USPTO does not plan to publish this information for statistical use.

17. If seeking approval to not display the expiration date for OMB approval of the information collection, explain the reasons that display would be inappropriate.

The instruments in this information collection will display the OMB Control Number and the expiration date of OMB approval.

18. Explain each exception to the topics of the certification statement identified in “Certification for Paperwork Reduction Act Submissions.”

This collection of information does not include any exceptions to the certificate statement.

B. COLLECTIONS OF INFORMATION EMPLOYING STATISTICAL METHODS

This collection of information does not employ statistical methods.