

SUPPORTING STATEMENT
United States Patent and Trademark Office
Representative and Address Provisions
OMB CONTROL NUMBER 0651-0035
(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.

This information collection includes the information necessary to submit a request to grant or revoke power of attorney for an application, patent, or reexamination proceeding, and for a registered practitioner to withdraw as attorney or agent of record. This also includes the information necessary to change the correspondence address for an application, patent, or reexamination proceeding, to request a Customer Number and manage the correspondence address and list of practitioners associated with a Customer Number, and to designate or change the correspondence address or fee address for one or more patents or applications by using a Customer Number.

Under 35 U.S.C. 2 and 37 CFR 1.31-1.32, power of attorney may be granted to one or more joint inventors or a person who is registered to practice before the USPTO to act in an application or a patent. In particular, for an application filed before September 16, 2012, or for a patent which issued from an application filed before September 16, 2012, power of attorney may be granted by the applicant for patent (as set forth in 37 CFR 1.41(b) (pre-AIA)) or the assignee of the entire interest of the applicant. For an application filed on or after September 16, 2012, or for a patent which issued from an application filed on or after September 16, 2012, power of attorney may be granted by the applicant for patent (as set forth in 37 CFR 1.42) or the patent owner. The USPTO provides two different versions of the forms for establishing power of attorney based upon whether the application filing date is before or after September 16, 2012, to thereby reduce applicants' burden in having to determine the appropriate power of attorney requirements for a given application.

37 CFR 1.36 provides for the revocation of a power of attorney at any stage in the proceedings of a case. 37 CFR 1.36 also provides a path by which a registered patent attorney or patent agent who has been given a power of attorney may withdraw as attorney or agent of record.

The USPTO's Customer Number practice permits applicants, patent owners, assignees, and practitioners of record, or the representatives of record for a number of applications or patents, to change the correspondence address of a patent application or patent with one change request instead of filing separate requests for each patent or application. Any changes to the address or practitioner information associated with a Customer

Number will be applied to all patents and applications associated with said Customer Number.

The Customer Number practice is optional, in that changes of correspondence address or power of attorney may be filed separately for each patent or application without using a Customer Number. However, a Customer Number associated with the correspondence address for a patent application is required in order to access private information about the application using the Patent Application Information Retrieval (PAIR) system, which is available through the USPTO Web site. The use of a Customer Number is also required in order to grant power of attorney to more than ten practitioners, or to establish a separate “fee address” for maintenance fee purposes that is different from the correspondence address for a patent or application.

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

Table 1: Information Requirements for Representative and Address Provisions

Item No.	Requirement	Statute	Regulations
1	Power of Attorney	35 U.S.C. § 2	37 CFR 1.31, 1.32, 1.510, and 1.915
2-3	Revocation of Power of Attorney	35 U.S.C. § 2	37 CFR 1.36(a)
4-5	Reexamination – Patent Owner Power of Attorney or Revocation of Power of Attorney	35 U.S.C. § 2	37 CFR 1.31, 1.32, 1.36(a), 1.510, and 1.915
6	Withdrawal as Attorney or Agent	35 U.S.C. § 2	37 CFR 1.36(b)
7-8	Petition to Grant or Revoke Power of Attorney by Fewer than All the Applicants	35 U.S.C. § 2	37 CFR 1.17(h), 1.32(b)(4), 1.36(a)
9-10	Request for Customer Number or Customer Number Data Change	35 U.S.C. § 2	37 CFR 1.32 and 1.33
11	Customer Number Upload Spreadsheet	35 U.S.C. § 2	37 CFR 1.33 and 1.363
12	Request to Update a PCT Application with a Customer Number	35 U.S.C. § 2	37 CFR 1.33

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 public uses this information collection to grant or revoke power of attorney, to withdraw as attorney or agent of record, to authorize a practitioner to act in a representative capacity, to change a correspondence address, to request a Customer Number, and to change the data associated with a Customer Number. This information

collection is necessary so that the USPTO knows who is authorized to take action in an application, patent, or reexamination proceeding and where to send correspondence regarding an application, patent, or reexamination proceeding.

The 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 Representative and Address Provisions

Item No.	Form and Function	Form #	Needs and Uses
1	Power of Attorney to Prosecute Applications Before the USPTO	PTO/SB/80 PTO/AIA/80	<ul style="list-style-type: none"> • SB/80: used by an assignee to appoint an attorney or agent in all applications filed before September 16, 2012, in which the assignee is the assignee of record of the entire interest and to change the correspondence address for the application(s). • AIA/80: used by an assignee to appoint an attorney or agent in all applications filed on or after September 16, 2012, in which the assignee is or is becoming the named applicant and to change the correspondence address for the application(s). • The advantage of both the SB/80 and AIA/80 is that an assignee only has to sign one SB/80 or AIA/80; copies can then be used to establish the desired power of attorney in (all) compliant patent applications of the assignee. • Both forms are used by the USPTO to determine who is authorized to act on behalf of the assignee and to change the correspondence address for the applications.

<p style="text-align: center;">2</p>	<p>Power of Attorney or Revocation of Power of Attorney with a New Power of Attorney and Change of Correspondence Address</p>	<p>PTO/SB/81 PTO/AIA/81 PTO/AIA/82A PTO/AIA/82B PTO/AIA/82C Translations thereof</p>	<ul style="list-style-type: none"> • SB/81: Used by the applicant or assignee of record of the entire interest in an application filed before September 16, 2012, to revoke all previous powers of attorney, appoint a practitioner, and change the correspondence address. • AIA/81: Used by pro se inventors who are the applicant in an application filed on or after September 16, 2012, to revoke all previous powers of attorney in the application, appoint one or more of the joint inventors as having power of attorney, and change the correspondence address. • AIA/82A: Used by the applicant in an application filed on or after September 16, 2012, to identify the application to which the Power of Attorney is directed. • AIA/82B: Used by the applicant in an application filed on or after September 16, 2012, to revoke all previous powers of attorney in the application, appoint a practitioner, and change the correspondence address. • AIA/82C: Used by the applicant in an application filed on or after September 16, 2012, to appoint up to 10 practitioners by name and registration number. • Each of these forms is used by the USPTO to determine who is authorized to act on behalf of the applicant or assignee, to process a request to revoke a power of attorney and to grant a new power of attorney, and to change the correspondence address for the identified application.
<p style="text-align: center;">3</p>	<p>Patent – Power of Attorney or Revocation of Power of Attorney with a New Power of Attorney and Change of Correspondence Address</p>	<p>PTO/SB/81A PTO/AIA/81A</p>	<ul style="list-style-type: none"> • SB/81A: Used by an inventor or patent owner in a patent that issued from an application filed before September 16, 2012, to revoke all previous powers of attorney in the patent, appoint a practitioner, and change the correspondence address. • AIA/81A: Used by the applicant or patent owner in a patent that issued from an application filed on or after September 16, 2012, to revoke all previous powers of attorney in the patent, appoint a practitioner, and change the correspondence address. • Both forms are used by the USPTO to determine who is authorized to act on behalf of the inventor, applicant, or patent owner, to process a request to revoke a power of attorney and to grant a new power of attorney, and to change the correspondence address for the identified patent.

4	Reexamination – Patent Owner Power of Attorney or Revocation of Power of Attorney with a New Power of Attorney and Change of Correspondence Address	PTO/SB/81B PTO/AIA/81B	<ul style="list-style-type: none"> • SB/81B: Used by an inventor or patent owner in a reexamination proceeding in which the patent being reexamined issued from an application filed before September 16, 2012, to revoke all previous powers of attorney in the patent, appoint a practitioner, and change the correspondence address for the reexamination proceeding. • AIA/81B: Used by the applicant or patent owner in a reexamination proceeding in which the patent being reexamined issued from an application filed on or after September 16, 2012, to revoke all previous powers of attorney in the patent, appoint a practitioner, and change the correspondence address for the reexamination proceeding. • Both forms are used by the USPTO to determine who is authorized to act on behalf of the inventor, applicant, or patent owner, to process a request to revoke a power of attorney and to grant a new power of attorney, and to change the correspondence address in a reexamination proceeding.
5	Reexamination – Third Party Requester Power of Attorney or Revocation of Power of Attorney with a New Power of Attorney and Change of Correspondence Address	PTO/SB/81C	<ul style="list-style-type: none"> • Used by a third party requester to revoke all previous powers of attorney in a reexamination proceeding, appoint a practitioner, and change the correspondence address for the reexamination proceeding. • Used by the USPTO to determine who is authorized to act on behalf of a third party requester, to process a request to revoke a power of attorney and to grant a new power of attorney, and to change the correspondence address in a reexamination proceeding.
6	Request for Withdrawal as Attorney or Agent and Change of Correspondence Address	PTO/SB/83 PTO/AIA/83	<ul style="list-style-type: none"> • SB/83: Used by a practitioner to withdraw as the attorney or agent of record for an application filed before September 16, 2012, and to change the correspondence address for the application. • AIA/83: Used by a practitioner to withdraw as the attorney or agent of record for an application filed on or after September 16, 2012, and to change the correspondence address for the application. • Both forms are used by the USPTO to process the withdrawal request and to change the correspondence address for the identified application.
7	Petition Under 37 CFR 1.36(a) to Revoke Power of Attorney by Fewer than All the Applicants	No Form	<ul style="list-style-type: none"> • Used by an applicant or assignee to request that power of attorney in an application be allowed to be revoked by fewer than all the applicants or assignees of the entire interest. • Used by the USPTO to determine whether the request to revoke power of attorney should be granted.
8	Petition to Waive 37 CFR 1.32(b)(4) and Grant Power of Attorney by Fewer than All the Applicants	No Form	<ul style="list-style-type: none"> • Used by an applicant or assignee to request that power of attorney in an application be allowed to be granted by fewer than all the applicants or assignees of the entire interest. • Used by the USPTO to determine whether the request to grant power of attorney should be granted.
9	Request for Customer Number or Customer Number Data Change	PTO/SB/124	<ul style="list-style-type: none"> • Used by the applicant, assignee, practitioner of record, or third party requester to change the correspondence address or list of registered practitioners associated with an existing Customer Number. • Used by the USPTO to process a request for a Customer Number data change.

10	Request for Customer Number	PTO/SB/125	<ul style="list-style-type: none"> Used by the public to request a Customer Number and associate a correspondence address or list of registered practitioners with that Customer Number. Used by the USPTO to assign new Customer Numbers and associate a specified address and a list of registered practitioners with a new Customer Number.
11	Customer Number Upload Spreadsheet	None	<ul style="list-style-type: none"> Used by an applicant, assignee, practitioner of record, or third party requester to change the correspondence address or fee address for a list of applications, patents, and/or reexamination proceedings by using a Customer Number. Used by the USPTO to process a request to change the correspondence address or fee address for a list of applications, patents, and/or reexamination proceedings.
12	Request to Update a PCT Application with a Customer Number	PTO-2248	<ul style="list-style-type: none"> Used by an applicant to associate an already established PCT paper application with an existing Customer Number. Used by the USPTO to process a request to associate an existing PCT application with a Customer Number.

3. Describe whether, and to what extent, the collection of information involves the use of automated, electronic, mechanical, or other technological 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 forms associated with this information collection may be downloaded from the USPTO Web site in Portable Document Format (PDF), filled out electronically, and then either printed for mailing or submitted online to the USPTO.

Customers may submit a batch request in spreadsheet format to designate or change the correspondence address and/or fee address for a list of patents, applications, or reexamination proceedings by associating them with a Customer Number. The Customer Number Upload Spreadsheet file may be submitted to the USPTO on a computer-readable diskette or compact disc (CD) with a signed cover letter requesting entry of the address changes. The spreadsheet and cover letter must be mailed to the USPTO and cannot be filed electronically. Customers may download a Microsoft Excel template with instructions from the USPTO web site to assist them in preparing the spreadsheet in the proper format. The USPTO permits electronic submission of the Customer Number Upload Spreadsheets via the Private Patent Application Retrieval (PAIR) system for spreadsheets having 20 or fewer customer number associations. Use of the Customer Number Upload Spreadsheet reduces the chance of errors and ensures that the USPTO avoids changing the address data for the wrong patent, application, or reexamination proceeding.

The other items in this information collection may be submitted to the USPTO online through the Patent Electronic System (EFS-Web or Patent Center). The Patent

Electronic System is the USPTO's web-based patent application and document submission system that allows customers to file patent applications and associated documents electronically through their standard web browser without downloading special software, changing their document preparation tools, or altering their workflow processes. Typically, the customer will prepare the forms or documents and then upload them as standard PDF files to the USPTO servers using the secure EFS-Web or Patent Center interface. For one item in this information collection, the Request for Withdrawal as Attorney or Agent, the customer may choose to enter the information directly into the EFS-Web interface screens instead of using the PDF form. The Patent Electronic System offers many benefits to filers, including immediate notification that a submission has been received by the USPTO, automated processing of requests, and avoidance of postage or other paper delivery costs.

To protect the confidentiality, authenticity, and integrity of electronic submissions, the USPTO employs Public Key Infrastructure (PKI) technology for secure electronic communications with its customers. All electronic submissions are automatically encrypted prior to transmission to ensure confidentiality of the submission contents. After the electronic package has been received by the USPTO, the Patent Electronic System server uses digital signature technology to verify that the package contents have not been altered and generates an electronic acknowledgement receipt that is immediately returned to the customer.

Customers must have a Customer Number that is associated with the correspondence address for a patent application in order to access private information about the application using the Patent Application Information Retrieval (PAIR) system, which is available through the USPTO Web site. PAIR allows authorized individuals secure and immediate online access to up-to-date patent application status and history information, but only for patent applications that are linked to a Customer Number. PAIR also offers public access to non-private information about issued patents and published applications.

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 only when a respondent grants or revokes power of attorney in an application, withdraws as attorney of record, changes a correspondence address and/or fee address via a Customer Number Upload Spreadsheet, requests a Customer Number, or changes data associated with a Customer Number. This information is not collected elsewhere. However, if a customer submits Customer Number forms containing a large amount of data, such as associating Customer Number data with a large number of patents or applications, the USPTO may in some case contact the customer and request that the data be resubmitted using the Customer Number Upload Spreadsheet format in order to facilitate accurate uploading of the data into USPTO databases.

Additionally, the Customer Number Upload Spreadsheet instructs the user to provide both the Customer Number and the correspondence address associated with the Customer Number. This correspondence address is already on file with the Customer Number, but the USPTO requests this information in order to verify that the Customer Number submitted is correct for associating the patents and applications listed on the spreadsheet.

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

No significant impact is placed on small entities.

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.

This information is collected only when an applicant, assignee, or practitioner of record submits an application, or when an applicant, assignee, practitioner of record, or third party requester designates or changes their representative or correspondence address, or requests a Customer Number. This information collection could not be conducted less frequently. If the collection of information were not conducted, the USPTO would not know who is authorized to take action in an application, patent, or reexamination proceeding and could not communicate with the applicant, assignee, practitioner of record, third party requester or authorized representative concerning the application, patent, or reexamination proceeding.

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 two copies of any document;
- requiring respondents to retain records, other than health, medical, government contract, grant-in-aid, or tax records, for more than three 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 Notice was published in the *Federal Register* on January 15, 2021 (86 FRN 4003). The comment period ended on March 16, 2021. One public comment was received.

The 60-Day Notice was published in the *Federal Register* on January 15, 2021 (86 FR 4003). The comment period ended on March 16, 2021. One public comment was received. The public comment was submitted by one individual, but signed by 90 other patent and trademark practitioners.

The comment suggests that the published time estimates for several items in this information collection, in particular the Power of Attorney forms, are too low. Instead of the USPTO's estimate of 3 minutes, the comment proposed that 1.7 hours is needed to complete this item. The comment also proposed that the estimate for the burden time include attorney actions instead of just paraprofessional/paralegal time. The USPTO appreciates any feedback regarding the time estimates for items in this, or any, information collection. The USPTO reviewed the actions that the comment asserts should be taken into account when calculating time estimates and has determined that some of those actions fall outside the scope of Paperwork Reduction Act burden. The current time estimate for Power of Attorney papers is consistent with what has been previously approved by OMB. The USPTO will consider further consultation with respondents to verify current burden estimates, among other things. The USPTO will

update this information collection to reflect any changes, as needed.

The comment further suggests that the USPTO's estimates for the number of Power of Attorney responses is too low. The USPTO notes that the overall number of Power of Attorney responses have been trending downward since at least 2011, and the current estimate is consistent with that trend. The USPTO continuously reviews and refines its burden estimates to ensure the most up-to-date and accurate information is provided. As such, the USPTO updated its burden estimates published in the 60-Day Notice. The comment also notes that the time estimates published in the 60-Day Notice are inconsistent with the time estimates currently displayed on the associated forms. The USPTO will update all those materials to ensure consistent burden estimates are communicated.

The comment also makes several claims regarding the Application Data Sheet (ADS) and Agency guidance. The ADS is associated with the Patent process, but is not a part of this information collection. The ADS is associated with 0651-0032 (Initial Patent Application). The USPTO addressed recent comments regarding the ADS under that information collection.

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 of patent applications is governed by statute (35 U.S.C. § 122) and regulation (37 CFR 1.11 and 1.14). The USPTO has a legal obligation to maintain the confidentiality of the contents of unpublished patent applications and related documents. For secure electronic access to PAIR, the USPTO employs digital certificates and PKI technology to permit only authorized individuals to access private patent application information and to maintain the confidentiality and integrity of the information as it is transmitted over the Internet. Upon publication of an application or issuance of a patent, the patent application file is made available to the public, subject to the provisions for providing only a redacted copy of the file contents. The entire file of a reexamination proceeding is available to the public.

The United States Patent and Trademark Office (USPTO) is required by Title 35 of the United States Code, including 35 U.S.C. § 131, to maintain the patenting process. Information is collected on petitions and applications for patent products including information regarding representation. These information collection activities are covered under the Statement of Records Notice (SORN COMMERCE/PAT-TM-7 Patent Application Files, available at Federal Register /Vol. 78, No. 61 / Friday, March 29, 2013

/Notices 19243. <https://www.govinfo.gov/content/pkg/FR-2013-03-29/pdf/2013-07341.pdf>).

This SORN identifies the categories of individuals covered by the system containing applicants for patent, including inventors, legal representatives for inventors, and other persons authorized by law to make applications for patent.

The information obtain is protected from disclosure to third parties in accordance with the Privacy Act. However, routine uses of this information may include disclosure to the following: to law enforcement and investigation in the event that the system of records indicates a violation or potential violation of law; to a Federal, state, local, or international agency, in response to its request; to an agency, organization, or individual for the purpose of performing audit or oversight operations as authorized by law; to non-federal personnel under contract to the agency; to a court for adjudication and litigation; to the Department of Justice for Freedom of Information Act (FOIA) assistance; to members of congress working on behalf of an individual; to the Office of Personnel Management (OPM) for personnel research purposes; to National Archives and Records Administration for inspection of records, and to the Office of Management and Budget (OMB)for legislative coordination and clearance.

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 in this collection is considered to be sensitive.

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 one 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 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 approximately 226,573 responses per year from 184,743 respondents for this information collection, with approximately 3% of these responses submitted by small entities.

- **Burden Hour Calculation Factors**

The USPTO estimates that it will take the public approximately between 0.05 hours (3 minutes) to 1.5 hours (90 minutes) to complete this information collection. This includes the time to gather the necessary information, create the documents, and submit the completed request to the USPTO. Using these burden factors, USPTO estimates that the total respondent hourly burden for this information collection is 13,641 hours per year.

- **Cost Burden Calculation Factors**

The USPTO uses a professional rate of \$400 per hour for respondent cost burden calculations, which is the mean rate of intellectual property attorneys in private firms as shown in the 2019 Report of the Economic Survey published by the Committee on Economics of Legal Practice of the American Intellectual Property Law Association (AIPLA). The USPTO also uses a paraprofessional rate of \$145 per hour for respondent cost burden calculations, which is the average rate of paralegals as shown in the 2018 Utilization and Compensation Survey by the National Association of Legal Assistants (NALA). Using these hourly rates, the USPTO estimates that the total respondent cost burden for this information collection is \$2,161,035 per year.

Table 3: Total Hourly Burden for Private Sector Respondents

Item No.	Item	Estimated Annual Respondents	Estimated Annual Responses (year)	Estimated Time for Response (hour)	Estimated Annual Burden (hour/year)	Rate ¹ (\$/hour)	Estimated Annual Burden
			(a)	(b)	(a) x (b) = (c)	(d)	(c) x (d) = (e)
1	Power of Attorney to Prosecute Applications Before the USPTO PTO/AIA/80 PTO/SB/80	2,425	2,910	0.05 (3 minutes)	146	\$145	\$21,170

¹ 2019 Report of the Economic Survey, published by the Committee on Economics of Legal Practice of the American Intellectual Property Law Association (AIPLA); <https://www.aipla.org/detail/journal-issue/2019-report-of-the-economic-survey>. The USPTO uses the mean rate for attorneys in private firms which is \$400 per hour. The hourly rate for paraprofessional/paralegals is estimated at \$145 from data published in the 2018 Utilization and Compensation Survey by the National Association of Legal Assistants (NALA)

2	Power of Attorney or Revocation of Power of Attorney with a New Power of Attorney and Change of Correspondence PTO/AIA/82A PTO/AIA/82B PTO/AIA/82C	165,870	204,670	0.05 (3 minutes)	10,234	\$145	\$1,483,930
3	Patent – Power of Attorney or Revocation of Power of Attorney with a New Power of Attorney and Change of Correspondence Address PTO/AIA/81 PTO/SB/81 PTO/AIA/81A PTO/SB/81A	165	194	0.05 (3 minutes)	10	\$145	\$1,450
4	Reexamination – Patent Owner Power of Attorney or Revocation of Power of Attorney with a New Power of Attorney and Change of Correspondence Address PTO/AIA/81B PTO/SB/81B	29	29	0.05 (3 minutes)	1	\$145	\$145
5	Reexamination – Third Party Requester Power of Attorney or Revocation of Power of Attorney with a New Power of Attorney and Change of Correspondence Address PTO/SB/81C	24	24	0.05 (3 minutes)	1	\$145	\$145
6	Request for Withdrawal as Attorney or Agent and Change of Correspondence Address PTO/AIA/83 PTO/SB/83	2,134	3,395	0.20 (12 minutes)	679	\$400	\$271,600
7	Petition Under 37 CFR 1.36(a) to Revoke Power of Attorney by Fewer	9	9	1.00 (60 minutes)	9.00	\$400	\$3,600

	than All the Applicants						
8	Petition to Waive 37 CFR 1.32(b)(4) and Grant Power of Attorney by Fewer than All the Applicants	9	9	1.00 (60 minutes)	9.00	\$400	\$3,600
9	Request for Customer Number Data Change PTO/SB/124	1,067	1,067	0.20 (12 minutes)	213	\$145	\$30,885
10	Request for Customer Number PTO/SB/125	6,111	6,111	0.20 (12 minutes)	1,222	\$145	\$177,190
11	Customer Number Upload Spreadsheet	291	291	1.50 (90 minutes)	437	\$145	\$63,365
12	Request to Update a PCT Application with a Customer Number PTO-2248	1,067	1,067	0.25 (15 minutes)	267	\$145	\$38,715
	Totals	179,201	219,776		13,228		\$2,095,795

Table 4: Total Hourly Burden for Individuals or Households Respondents

Item No.	Item	Estimated Annual Respondents	Estimated Annual Responses (year)	Estimated Time for Response (hour)	Estimated Annual Burden (hour/year)	Rate ² (\$/hour)	Estimated Annual Burden
			(a)	(b)	(a) x (b) = (c)	(d)	(c) x (d) = (e)
1	Power of Attorney to Prosecute Applications Before the USPTO PTO/AIA/80 PTO/SB/80	75	90	0.05 (3 minutes)	5	\$145	\$725
2	Power of Attorney or Revocation of Power of Attorney with a New Power of Attorney and Change of Correspondence PTO/AIA/82A PTO/AIA/82B PTO/AIA/82C	5,130	6,330	0.05 (3 minutes)	317	\$145	\$45,965
3	Patent – Power of Attorney or Revocation of	5	6	0.05 (3 minutes)	1	\$145	\$145

² 2019 Report of the Economic Survey, published by the Committee on Economics of Legal Practice of the American Intellectual Property Law Association (AIPLA); <https://www.aipla.org/detail/journal-issue/2019-report-of-the-economic-survey>. The USPTO uses the mean rate for attorneys in private firms which is \$400 per hour. The hourly rate for paraprofessional/paralegals is estimated at \$145 from data published in the 2018 Utilization and Compensation Survey by the National Association of Legal Assistants (NALA)

	Power of Attorney with a New Power of Attorney and Change of Correspondence Address PTO/AIA/81 PTO/SB/81 PTO/AIA/81A PTO/SB/81A						
4	Reexamination – Patent Owner Power of Attorney or Revocation of Power of Attorney with a New Power of Attorney and Change of Correspondence Address PTO/AIA/81B PTO/SB/81B	1	1	0.05 (3 minutes)	1	\$145	\$145
5	Reexamination – Third Party Requester Power of Attorney or Revocation of Power of Attorney with a New Power of Attorney and Change of Correspondence Address PTO/SB/81C	1	1	0.05 (3 minutes)	1	\$145	\$145
6	Request for Withdrawal as Attorney or Agent and Change of Correspondence Address PTO/AIA/83 PTO/SB/83	66	105	0.20 (12 minutes)	21	\$400	\$8,400
9	Request for Customer Number Data Change PTO/SB/124	33	33	0.20 (12 minutes)	7	\$145	\$1,015
10	Request for Customer Number PTO/SB/125	189	189	0.20 (12 minutes)	38	\$145	\$5,510
11	Customer Number Upload Spreadsheet	9	9	1.50 (90 minutes)	14	\$145	\$2,030
12	Request to Update a PCT Application with a Customer Number PTO-2248	33	33	0.25 (15 minutes)	8	\$145	\$1,160

	Totals	5,542	6,797		413	\$65,240

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 two 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.

This information collection contains non-hour cost burdens in both fees paid by the public and associated postage costs for mailing items to the USPTO. The USPTO estimates that the total annual (non-hour) cost burden for this information collection, in the form of filing fees and postage is \$26,241 per year.

Fees

There are two fees associated with submitting petitions to the USPTO for a total of \$8,000 per year as outlined in Table 5 below.

Table 5: Filing Fee/Non-hour Cost Burden to Respondents

Item No.	Item	Estimated Annual Responses (a)	Filing Fee (\$) (b)	Total Non-hour Cost Burden (yr) (a) x (b) = (c)
8	Petitions Under 37 CFR 1.36(a) to Revoke Power of Attorney by Fewer than All the Applicants	10	\$400.00	\$4,000.00
9	Petition to Waive 37 CFR 1.32(b)(4) and Grant Power of Attorney by Fewer than All the Applicants	10	\$400.00	\$4,000.00
	Totals	20	\$8,000.00

Postage Costs

Although the USPTO prefers that the items in this information collection be submitted electronically, responses may be submitted by mail through the United States Postal Service (USPS). The USPTO estimates that 1% of the 226,573 items will be submitted in the mail resulting in 2,266 mailed items. The USPTO estimates that the average postage cost for a mailed submission, using a Priority Mail 2-day flat rate legal envelope, will be \$8.05. Therefore, the USPTO estimates \$18,241 in postage 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-5 employee to process submissions for this information collection, except for the Customer Number Upload Spreadsheet, which is processed by a contractor.

The USPTO estimates that the cost of a [GS-5, step 1](#) employee is \$24.48 per hour (GS hourly rate of \$18.83 with 30% (\$5.65) added for benefits and overhead).

The USPTO estimates that it takes an employee approximately between 0.20 hours (12 minutes) and 1 hour to process the information in this collection.

Table 6 calculates the burden hours and costs to the Federal Government for processing this information collection.

Table 6: Burden Hour/Cost to the Federal Government for Representative and Address Provisions

Item No.	Item	Responses (a)	Hours (b)	Burden (hrs/yr) (a) x (b)=(c)	Rate ³ (\$/hr) (d)	Total Cost (\$/hr) (c) x (d)=(e)
----------	------	---------------	-----------	-------------------------------	-------------------------------	----------------------------------

³ <https://www.opm.gov/policy-data-oversight/pay-leave/salaries-wages/salary-tables/>

1	Power of Attorney to Prosecute Applications Before the USPTO	3,000	0.25 (15 minutes)	750	\$24.48	\$18,360
2	Power of Attorney or Revocation of Power of Attorney with a New Power of Attorney and Change of Correspondence	211,000	0.25 (15 minutes)	52,750	\$24.48	\$1,291,320
3	Patent – Power of Attorney or Revocation of Power of Attorney with a New Power of Attorney and Change of Correspondence Address	200	0.25 (15 minutes)	50	\$24.48	\$1224
4	Reexamination – Patent Owner Power of Attorney or Revocation of Power of Attorney with a New Power of Attorney and Change of Correspondence Address	30	0.25 (15 minutes)	8	\$24.48	\$196
5	Reexamination – Third Party Requester Power of Attorney or Revocation of Power of Attorney with a New Power of Attorney and Change of Correspondence Address	25	0.25 (15 minutes)	6	\$24.48	\$147
6	Request for Withdrawal as Attorney or Agent and Change of Correspondence Address	3,500	0.25 (15 minutes)	875	\$24.48	\$21,420
8	Petition Under 37 CFR 1.36(a) to Revoke Power of Attorney by Fewer than All the Applicants	10	1	10	\$24.48	\$245
9	Petition to Waive 37 CFR 1.32(b)(4) and Grant Power of Attorney by Fewer than All the Applicants	10	1	10.00	\$24.48	\$245
13	Request for Customer Number Data Change	1,100	0.20 (12 minutes)	220	\$24.48	\$5,386
14	Request for Customer Number	6,300	0.20 (12 minutes)	1260	\$24.48	\$30,845
15	Customer Number Upload Spreadsheet	300	0.42 (25 minutes)	126	\$24.48	\$3,085
16	Request to Update a PCT Application with a Customer Number	1,100	0.25 (15 minutes)	275	\$24.48	\$6,732
	Total	226,575	- - - -	56,340	- - - -	\$1,379,204

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

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 Approved
Annual Number of Responses	226,573	0	-129,999	-145,333	0	501,905
Annual Time Burden (Hr)	13,641	0	-6,499	-8,340	0	28,480
Annual Cost Burden (\$)	26,241	0	-1,274	13,565	0	13,950

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

- 226,573 responses
- 13,641 burden hours
- \$2,161,035 in respondent hourly cost burden
- \$26,241 in annual (non-hour) costs

Program Changes Due to Agency Discretion

With this renewal the USPTO has removed three lines from the information collection that dealt solely with change of address provisions; including 130,065 responses, 6,502 burden hours and \$1,274 non-hourly cost burdens. The following items are considered exempt from the PRA under 5 CFR 1320.3(h)(1) and removed from the information collection:

- Change of Correspondence Address-Application; PTO/SB/122
- Change of Correspondence Address-Patent; PTO/SB/123
- Patent Owner Change of Correspondence Address-Reexamination Proceeding; PTO/SB/123A

Changes in Respondent Cost Burden

The total respondent cost burden for this information collection has decreased by \$2,208,716 (from \$4,369,751 to \$2,161,035) from the previous renewal of this information collection in 2018 due to:

- Decreases in estimated hourly rates. The 2018 renewal used an estimated rate of \$438 for attorneys and an estimated rate of \$145 for paraprofessionals. For the current renewal, the USPTO is using updated hourly rates of \$400 for attorneys and \$145 for paraprofessionals.
- Removal of certain items that only dealt with change of address actions which are exempt from being considered public burdens under the Paperwork Reduction Act

Changes in Responses and Burden Hours due to Agency Estimate

- For this renewal, the USPTO estimates that the annual responses will decrease by 145,333 and the total burden hours will decrease by 8,340. These changes are due to the expected volumes estimated by the USPTO based on historical submission volumes.

Changes in Annual (Non-hour) Costs due to Agency Estimate

For this renewal, the USPTO estimates that the total annual (non-hour) costs will increase by \$13,565 (from \$13,950.74 to \$26,241), with the increase resulting from agency adjustments due to:

- The increase is due to the increased postage rates associated with this information collection. The previous postage rate was \$0.49 in 2018 and is now estimated at \$8.05. However, the overall percentage of items being mailed continues to decrease as the public increasingly adopts electronic submission.

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 forms 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.