

SUPPORTING STATEMENT
United States Patent and Trademark Office
Public Search Facility User ID and Badging
2021

A. JUSTIFICATION

- 1. Explain the circumstances that make the collection of information necessary. Identify any legal or administrative requirements that necessitate the 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) is required by 35 U.S.C. § 41(i)(1) and the Leahy Smith America Invents Act, P.L. 112-29 to maintain a Public Search Facility to provide patent and trademark collections for searching and retrieval of information. The Public Search Facility is maintained for public use with paper and electronic search files and trained staff to assist searchers. The USPTO also offers training courses to assist the public with using the advanced electronic search systems available at the facility.

By statute, the USPTO must maintain the collections arranged to permit searching and retrieval of information. The security and integrity of the files as complete and accurate collections is critical. Destroying, misfiling, or removing documents or subclasses of documents so that others cannot access them seriously damages the integrity of the collection and is direct violation of 18 U.S.C. § 2071.

In order to manage the patent and trademark collections that are available to the public, the USPTO issues online access accounts to customers who wish to use the electronic search systems at the Public Search Facility. Customers may obtain an online access account by completing the application at the Public Search Facility reference desk and providing proper identification. The online access account includes a bar-coded user number and expiration date. Users may renew their account by validating and updating the required information and may obtain a reprint of the account information providing proper identification.

Under the authority provided in 41 CFR Part 102-81, the USPTO issues security identification badges to members of the public who wish to use the facilities at the USPTO. Public users may apply for a security badge in person at the USPTO Office of Security by providing the necessary information and presenting a valid form of identification with a photograph. The security badges include a color photograph of the user and must be work at all times when at the USPTO facilities.

Table 1 provides the specific statues and regulations authorizing the USPTO to collect the information discussed above.

Table 1: Information Requirements

IC Number	Requirement	Statute	Regulation
1-7	PKI Certificate Request and Subscriber Agreement	35 U.S.C. §§ 2 and 122, Article 30 of the Patent Cooperation	

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

The public uses this information collection to obtain online access accounts, obtain security identification badges for the Public Search Facility and other office areas of the USPTO, or to sign up for user training courses. The applications for online access accounts and security identification badges are completed on site and handed to a USPTO staff member for entry into the system and issuance of the relevant item. Renewal or replacement of online access accounts or security badges requires the user's information to be verified and updated as necessary. User training registration forms may be mailed, faxed, or hand delivered to the USPTO.

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

IC Number	Information Collection Item	Form #	Needs and Uses
1	Application for Public User ID (Access Card)	PTO-2030	<ul style="list-style-type: none"> Used by the public to request an online access account in order to obtain access the search facility and its online systems. Used by the public to learn the rules of conduct and to agree to follow them. Used by the USPTO to identify the status of any existing online access account for the user. Used by the USPTO to manage the use of the facility and its services.
2	Renewal Online Access Card	PTO-2030	<ul style="list-style-type: none"> Used by the public to renew an online access account. Used by the public to learn the rules of conduct and to agree to follow them. Used by the USPTO to identify the status of any existing online access account for the user. Used by the USPTO to update the user record.
3	Replace Online Access Card	PTO-2030	<ul style="list-style-type: none"> Used by the public to replace a lost or

			<p>forgotten online access account information.</p> <ul style="list-style-type: none"> • Used by the public to learn the rules of conduct and to agree to follow them. • Used by the USPTO to identify the status of any existing online access account for the user. • Used by the USPTO to update the user record and issue a replacement online access account information printout.
4	User Training Registration	No Form Number(s)	<ul style="list-style-type: none"> • Used by the public to register for classes in using the online search systems. • Used by the USPTO to collect registrations for user training classes.
5	Security Identification Badges for Public Users	PTO-2224	<ul style="list-style-type: none"> • Used by the public to request a security identification badge for access to USPTO public facilities. • Used by the USPTO to process requests for security identification badges and issue the badge to the user.
6	Renew Security Identification Badges for Public Users	PTO-2224	<ul style="list-style-type: none"> • Used by the public to renew a security identification badge for access to USPTO public facilities. • Used by the USPTO to process requests to renew security identification badges for public users.
7	Replace Security Identification Badges for Public Users	PTO-2224	<ul style="list-style-type: none"> • Used by the public to replace a lost security identification badge. • Used by the USPTO to update the user record and issue a replacement security identification badge.

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 collection. Also describe any consideration of using information technology to reduce burden.

The paper applications for the online access accounts and the security identification badges are completed on site and handed to a USPTO staff member to enter into the electronic systems and issue the access account or security badge. Users must present proper identification and sign the application form. The electronic database permits lost or replacement security badges and access accounts to be quickly reissued upon confirming the identity of the requestor and updating any change information as necessary.

For the security identification badges, the USPTO also takes color digital photographs of the users to allow USPTO staff to verify the badge wearer's identity on sight. These digital photographs are stored in the electronic badging database to facilitate the replacement of security badges as needed without retaking the photograph.

Since the information collected for the online access accounts and security identification badges must be verified in person, the USPTO does not plan to collect this information electronically. The USPTO has no plan to disseminate this information electronically or otherwise. Customers may download user training registration forms from the USPTO web site, but, at this time, the USPTO is not collecting the completed class registration forms electronically. If the USPTO later develops a means for electronic class registration, the USPTO will develop the associated forms and submit them to OMB for review and approval as necessary.

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.

The information is collected only when a customer requests an online access account, security identification badge, or registers for a training class. Customers must provide standard identifying information when making these requests, but these requests may only be filed at the USPTO and are not collected elsewhere. Safeguards within the database software discourage the issuing of multiple online access accounts or security badges to the same person. Replacement online access accounts and security identification badges may be issued upon verifying the user's personal information and updating the database as necessary.

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

This information collection does not impose a significant economic impact on small entities or small businesses. This information must be provided by the user and is not available from any other source. The same information is required of every application.

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

The information is collected only when the public user accesses the public facilities at the USPTO or when the user registers for a training class. The information for the online access accounts and security identification badges is collected only once, on the user's first visit, and allows subsequent visits while the user's account and badge are valid. Obtaining a security identification badge will allow users to access the public facilities without having to sign in manually each time they enter. Annual renewal of the access account or security badge, or replacement when necessary, requires validating, and updating the minimum information as necessary in order to maintain the user records.

If the information for online access accounts and security identification badges were not collected, public access to accurate and complete search collections would be at risk and the USPTO would not be able to identify and contact users who abuse their search privileges. Therefore, this collection of information could not be conducted less frequently.

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 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 April 16, 2021 (86 Fed. Reg. 20126). The comment period ended on June 15, 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.

- 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 collection requires a systems of records notice (SORN) or privacy impact assessment (PIA), those should be cited and described here.**

The USPTO collects this information under authority of 41 CFR Subpart C - Conduct on Federal Property, Section 102-74.375(c). Because personal information, such as personal addresses and telephone numbers, is collected, and that a digital photograph of the user is taken and stored in a database, this information collection is subject to protections under the Privacy Act. A Privacy Act System of Records Notice entitled "PAT/TM-14 Users of Public Facilities of the Patent and Trademark Office" for security

identification badges for individuals who access USPTO facilities was published in the *Federal Register* on March 19, 2013 (78 Fed. Reg. 16835). The information in this system of records is used for issuing security identification badges for individuals who access USPTO facilities.

Records for public users are kept in secured premises with physical and electronic access to the information limited to staff members whose official duties require it. The information is available to the extent required by law and as allowed under the Freedom of Information Act (FOIA) and the Privacy Act. Personal addresses, personal telephone numbers, and the digital photographs are kept confidential; business addresses or telephone numbers could be provided in response to a FOIA request. Completed user training forms are retained and organized by class date, not by name or other personal identifier and therefore are not included in this system of record.

This SORN identifies the categories of individuals covered by the system containing Federal employees other than employees of the USPTO; employees and other representatives of commercial firms offering patent search services to the public; registered agents before the USPTO; and any member of the general public who uses the search room. Categories of records in the system comprise the following: name; addresses; telephone numbers; business firm or other organizations with which affiliated; user access number; record of use; violations of policies governing use of the search facilities and other office areas; signature of recipients of user access number; and other information as needed to establish identity.

The information you provide 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 for personnel research purposes; to National Archives and Records Administration for records management activities; and to the Office of Management and Budget for legislative coordination and clearance. Failure to provide any part of the requested information may result in an inability to process requests for access and information.

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.

The collected identifying information is necessary in order to issue a unique online access account for public search facility users and/or a photo identification security badge for access to the public facilities at the USPTO. The photograph of the user is considered essential for visually confirming that the security badge is being used by the individual to whom it was issued. Digitally stored photographs have become a basic part of all identification badges and have been used for several years in similar systems, such as the Reader Identification Card at the Library of Congress. The online access accounts issued by the Public Search Facility and the identification badges issued by the Office of Security at the USPTO are necessary in order to protect the integrity of the patent and trademark collections and maintain proper physical security at the USPTO facilities.

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'.**

Provide an estimate for the total annual cost burden to respondents or record keepers resulting from the collection of information.

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 5,925 total responses from 5,925 respondents per year for this information collection.
- **Burden Hour Calculation Factors**

The USPTO estimates that it will take the public approximately 5 minutes (0.08 hours) to complete the items in this information collection, including gathering the necessary information, preparing the appropriate form, and submitting the completed request. Using these burden factors, USPTO estimates that the total respondent hourly burden for this information collection is 474 hours per year.

- **Cost Burden Calculation Factors**

The USPTO expects that the items in this information collection will be prepared by both attorneys and paraprofessionals, for an average rate of \$273 per hour. The USPTO uses an attorney rate of \$400 per hour, which is the median rate for intellectual property attorneys in private firms as shown in the 2019 *Report of the Economic Survey* published by the American Intellectual Property Law Association (AIPLA). The paraprofessional rate of \$145 is the average rate for paraprofessionals as shown in the 2019 *National Utilization and Compensation Survey* published 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 \$145,912 per year.

Table 3: Total Hourly Burden for Individuals or Households Respondents

Item No.	Item	Estimated Annual Respondents	Estimated Annual Responses (year) (a)	Estimated Time for Response (hour) (b)	Estimated Annual Burden (hour/year) (a) x (b) = (c)	Rate ¹ (\$/hour) (d)	Estimated Annual Burden (c) x (d) = (e)
1	Application for Public User ID (Access Account)	1,050	1,050	0.08 (5 minutes)	84	\$400	\$33,600
2	Renew Online Access Replace	Same as item 6	400	0.08 (5 minutes)	32	\$400	\$12,800
3	Replace Online Access Replace	75	75	0.08 (5 minutes)	6	\$400	\$2,400
4	User Training Registration	100	100	0.08 (5 minutes)	8	\$400	\$3,200
5	Security Identification Badges for Public Users	1,000	1,000	0.08 (5 minutes)	80	\$273	\$21,840
6	Renew Security Identification Badges for Public Users	3,200	3,200	0.08 (5 minutes)	256	\$273	\$69,888
7	Replace Security Identification Badges	100	100	0.08 (5 minutes)	8	\$273	\$2,184
	Totals	5,525	5,925		474		\$145,912

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). A combined rate is used for the security badges items.

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.

There are no capital start-up, maintenance, or recordkeeping costs associated with this information collection. This information collection has non-hourly costs burdens in both fees paid by the public and associated postage costs for mailing items to the USPTO.

The total (non-hour) respondent cost burden for this information collection is estimates to be \$1,505 per year, which includes \$1,500 in fees and \$5 in postage costs.

Fees

There are fees associated with issuing a replacement security identification badge, for a total of \$1,500 per year as outlined in Table 4 below.

Table 4: Filing Fees/Non-hour Cost Burden to Respondents

IC Number	Information Collection Instrument	Estimated Annual Responses (a)	Filing fee (\$) (b)	Total non-hour cost burden (yr) (a) x (b) = (c)
7	Replace Security Identification Badges for Public Users	100	\$15.00	\$1,500.00
Total	\$1,500.00

Postage Costs

Users may incur postage costs when submitting a user training registration form to the USPTO by mail. The USPTO expects that approximately 5 training forms will be submitted by mail each year. The USPTO estimates that the average first-class postage costs for a mailed training form will be \$0.95, which results in total postage costs of \$5.

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-6 employee to process and issue security identification badges for public users and a GS-8 employee to process the applications and associated actions with the online access accounts.

The USPTO estimates that the cost of a GS-6, step 3 employee is \$29.39 per hour (GS hourly rate of \$22.61 with 30% (\$6.78 added for benefits and overhead). The USPTO also estimates that the cost of a GS-8, step 1 employee is \$33.92 per hour (GS hourly rate of \$26.09 with 30% (\$7.83) added for benefits and overhead).

The USPTO estimates that it takes employees between 1 minute (0.02 hours) and 5 minutes (0.08 hours) to complete the processing and issuing of security identification badges and online access accounts.

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

Table 5: Burden Hour/Cost to the Federal Government

IC Number	Item	Responses (yr) (b)	Hours (a)	Burden (hrs/yr) (a) x (b) (c)	Rate (\$/hr) (d)	Total Cost (\$/hr) (c) x (d) (e)
1	Application for Public User ID (Access Card)	1050	0.08 (5 minutes)	84	\$33.92	\$2,849
2	Renewal Online Access Card	400	0.08 (5 minutes)	32	\$33.92	\$1,085
3	Replace Online Access Card	75	0.08 (5 minutes)	6	\$33.92	\$204
4	User Training Registration Form	100	0.08 (5 minutes)	8	\$33.92	\$271
5	Security Identification Badges for Public Users	1,000	0.08 (5 minutes)	80	\$29.39	\$2,351

6	Renew Security Identification Badges for Public Users	3,200	0.02 (1 minute)	64	\$29.39	\$1,881
7	Replace Security Identification Badges for Public Users	100	0.02 (1 minute)	2	\$29.39	\$59
	Total	5,925	- - - -	276	- - - - -	\$8,700

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

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

Changes Due to Adjustment in Agency Estimate for Respondent Annual Time and Cost Burdens

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	5,925	0	0	-325	0	6,250
Annual Time Burden (Hr)	474	0	0	-26	0	500
Annual Cost Burden (\$)	1,505	0	0	3	0	1,502

Changes in Respondent Cost Burden

The total respondent cost burden for this information collection has decreased by \$30,286.25 (from \$145,750 to \$145,912) from the previous renewal of this information collection in 2018:

- Increase in hourly rates. The 2018 renewal used an estimated rate of \$213 per hour for respondents to this information collection, which came from the estimated attorney rate of \$438 per hour and the paraprofessional rate of \$148 per hour. For the current renewal, the USPTO is using updated hourly rates of \$400 for attorneys and \$145 for paraprofessionals, which yields a revised average of \$273 per hour for respondents.
- Decreases in estimated burden hours. The total estimated burden hours have decreased from 500 in the 2018 renewal to 474 in the current renewal due to adjustments of the estimated response time.

Changes in Responses and Burden Hours

For this renewal, the USPTO estimates that the annual responses will decrease by 325 (from 6,250 to 5,925) and the total burden hours will decrease by 26 (from 500 to 474) from the currently approved burden for this information collection.

Changes in Annual (Non-hour) Costs

For this renewal, the USPTO estimates that the total annual (non-hour) costs will increase by \$3 (from \$1,502 to \$1,505) due to an increase in postage costs.

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. However, patent and trademark assignment records are available to the public at the USPTO Public Search Facilities and on the USPTO Web site.

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 STATISTICAL METHODS

This collection of information does not employ statistical methods.