

SUPPORTING STATEMENT
United States Patent and Trademark Office
Pro Bono Survey
OMB CONTROL NUMBER 0651-0082
2020

B. COLLECTION OF INFORMATION EMPLOYING STATISTICAL METHODS

- 1. Describe (including a numerical estimate) the potential respondent universe and any sampling or other respondent selection methods to be used. Data on the number of entities (e.g., establishments, State and local government units, households, or persons) in the universe covered by the collection and in the corresponding sample are to be provided in tabular form for the universe as a whole and for each of the strata in the proposed sample. Indicate expected response rates for the collection as a whole. If the collection had been conducted previously, include the actual response rate achieved during the last collection.**

Data from the Pro Bono Survey is used to determine the effectiveness of each individual regional hub in matching financially under-resourced independent inventors and small businesses with patent practitioners who offer pro bono patent prosecution and filing services. The Pro Bono Survey data will also help identify the demographics of inventors that apply to the regional hubs for patent pro bono services. The respondent pool covers all 22 current regional patent pro bono hubs. The USPTO expects that up to 22 regional patent pro bono hub administrators will respond to the Pro Bono Survey, which is conducted by the USPTO on a quarterly basis. As a result, the USPTO believes that a maximum of 88 responses in total will be received over the course of a single year's administration of the Pro Bono Survey. During the previous quarter (October 1, 2019 – December 31, 2020), 20 out of the 22 regional hubs responded to the Pro Bono Survey.

- 2. Describe the procedures for the collection of information including:**
 - Statistical methodology for stratification and sample selection,**
 - Estimation procedure,**
 - Degree of accuracy needed for the purpose described in the justification,**
 - Unusual problems requiring specialized sampling procedures, and**
 - Any use of periodic (less frequent than annual) data collection cycles to reduce burden.**

The Pro Bono Survey is conducted quarterly through a web form maintained by the Pro Bono Advisory Council (PBAC). The web form has sixteen (16) fields, all of which are

mandatory and must be completed in order to submit the form. Three of the fields: number of applicants, number of applications placed with a practitioner, and applications filed, require each regional hub administrator to include demographic information of the inventor-applicants. Prior to the end of each quarter, the USPTO sends an email request to all twenty-two (22) hub administrators containing a link to the web form asking the administrators to complete the Pro Bono Survey within a month from the last day of the quarter. Two weeks after the end of the quarter, the USPTO contacts the PBAC and obtains a list of programs that have completed the Pro Bono Survey. Based on the list, the USPTO sends an email reminder to the administrators that have not responded asking them to complete the form by the end of the month. This process is repeated again in the third week. A month after the end of the quarter, the USPTO again contacts PBAC and obtains the raw data from the respondents. Based on this data, the USPTO identifies regional patent pro bono hub administrators that have not completed the Pro Bono Survey. The USPTO follows up with a phone call to these administrators to determine the reason why they have not responded. The period to collect the information may be extended to allow for these administrators to submit their information based on circumstances. This process is repeated every quarter.

- 3. Describe methods to maximize response rates and to deal with issues of non-response. The accuracy and reliability of information collected must be shown to be adequate for intended uses. For collections based on sampling, a special justification must be provided for any collection that will not yield "reliable" data that can be generalized to the universe studied.**

The Pro Bono Survey functions to evaluate the effectiveness of each regional hub and will identify the demographic groups engaging the Patent Pro Bono Program. The information generated from the Pro Bono Survey results will be used externally by the USPTO to promote the regional hubs. The USPTO will use the Pro Bono Survey results internally to determine the effectiveness of financial assistance being provided to regional hubs, its impact on various demographic groups, and whether additional USPTO resources and/or funding are necessary to sustain performance across all regional hubs. There are no unusual problems requiring specialized sampling procedures, thus, Pro Bono Survey responses are not weighted or imputed to estimate for the entire universe or account for non-response. Analysis will be based primarily on response frequencies and simple cross-tabulations.

Given the limited scope, complexity, and influence of this Pro Bono Survey, the USPTO does not utilize extensive follow-up enumeration via outside contractors to boost response rates. However, efforts are made within the current Pro Bono Survey design to maximize response rates to enhance the reliability of Pro Bono Survey results. These include:

- Use of properly-defined respondent pool. The Pro Bono Survey will only be sent to regional pro bono hub administrators.

- A flexible Pro Bono Survey period that can be extended beyond a month allows for correction of invalid email addresses and links being re-sent and provide administrators additional time based on their particular circumstance to complete the Pro Bono Survey.
- Follow-up reminders sent to regional hubs who have not responded in the first two (2) weeks.
- Use of a Pro Bono Survey instrument that is both brief and simple. The electronic web-based form instrument contains 16 questions, reducing by approximately half the number of question from the prior Pro Bono Survey. The questions reflect information compiled by the administrators in the course of their supervision of the patent pro bono hub in their region. The emailed Pro Bono Survey link sends the respondent directly to the instrument, and does not require sign-ups, IDs, logins, etc.
- Memoranda of Agreements (MOAs) with most regional patent pro bono hubs clearly identifies the responsibility of the regional hub to provide quarterly responses to the Pro Bono Survey.

The USPTO expects that up to 22 regional patent pro bono hub administrators will respond to the Pro Bono Survey, which is conducted by the USPTO on a quarterly basis. As a result, the USPTO believes that a maximum of 88 responses in total will be received over the course of a single year's administration of the Pro Bono Survey. The previously submitted estimated response rate from 2017 was 100% with approximately 20 regional patent pro bono administrators responding to the survey on a quarterly basis; however, there was a 90% response rate (20 of the 22 administrators) during the 10/1/2019-12/31/2019 quarter.

- 4. Describe any tests of procedures or methods to be undertaken. Testing is encouraged as an effective means of refining collections of information to minimize burden and improve utility. Tests must be approved if they call for answers to identical questions from 10 or more respondents. A proposed test or set of tests may be submitted for approval separately or in combination with the main collection of information.**

The Pro Bono Survey is designed to determine the effectiveness of regional patent pro bono hubs via data collected from regional hub administrators and provide the USPTO with an understanding of the groups most impacted by the Patent Pro Bono Program. This Pro Bono Survey is a modification of the existing Pro Bono Survey set to expire in April of 2020. The regional hubs' familiarity with the prior Pro Bono Survey and the USPTO's previous outreach and discussion with the regional hubs suggest that there is not likely to be any respondent confusion or mis-interpretation of the Pro Bono Survey instrument and the questions therein. The Pro Bono Survey instrument was developed

through extensive collaboration and review with the concerned stakeholders. Given these factors, further testing is not considered necessary.

- 5. Provide the name and telephone number of individuals consulted on statistical aspects of the design and the name of the agency unit, contractor(s), grantee(s), or other person(s) who will actually collect and/or analyze the information for the agency.**

USPTO consulted with Georgia Lawyers for the Arts (GLA), a regional hub providing patent pro bono coverage for Georgia, South Carolina, and Tennessee regarding the Pro Bono Survey. In coordination with GLA, the USPTO aligned the demographic groups in the Pro Bono Survey to match the demographic groups used by GLA, which are currently used on their client intake forms. GLA plans on adapting a few of their demographic groups to align with demographic groups identified by the federal government in order to minimize any potential difficulty in completing the Pro Bono Survey.

In addition, the USPTO consulted with the California Lawyers for the Arts (CLA) regarding their existing demographic data collection. CLA indicated that the demographic information input by applicants on their client intake forms is optional. The USPTO adapted its Pro Bono Survey to align with that of CLA by including an option that the applicant "did not specify" their demographic information, making the demographic information input by all the regional hubs voluntary.

GLA's and CLA's contact information regarding this coordination is provided below:

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The Deputy General Counsel and Director for the Office of Enrollment and Discipline for the USPTO is responsible for conducting and summarizing the Pro Bono Survey. James Silbermann, Senior Counsel for Enrollment and Intellectual Property Legal Services in the Office of Enrollment and Discipline, is the point of contact for this Survey and can be reached by phone at 571-272-4097 or by e-mail at james.silbermann@uspto.gov.