

JUSTIFICATION FOR NONMATERIAL/NONSUBSTANTIVE CHANGE
(Admission to Practice and Roster of Registered Patent Attorneys and Agents Admitted to Practice Before the
United States Patent and Trademark Office)
OMB Control Number 0651-0012

Background

This collection of information is required by 35 U.S.C. 2(b)(2)(D), which permits the United States Patent and Trademark Office (USPTO) to establish regulations governing the recognition and conduct of agents, attorneys, or other persons representing applicants or other parties before the USPTO. This statute also permits the USPTO to require information from applicants that shows that they are of good moral character and reputation and possess the necessary qualifications to assist applicants with the patent process and to represent them before the USPTO.

This information collection addresses submissions required by the regulations at 37 CFR 1.21 and 11.5-11.14, which set forth the requirements to become recognized to represent others before the USPTO. The Office of Enrollment and Discipline (OED) collects this information to determine the qualifications of individuals entitled to represent applicants before the USPTO.

The names of the persons recognized by the USPTO to practice in patent matters, and Canadian trademark agents recognized to practice in trademark matters, are published on the USPTO's website.

This request is to: 1) include a fee to permit individuals to request an extension for examinations, and 2) explain that the USPTO may follow up with individuals to ensure they are still in good standing and should be recognized to practice before the USPTO.

- 1) The USPTO seeks to include a fee to permit individuals to request an extension for examinations as outlined in the table below.

Responses (Year)	Fee (\$)	Total Non-Hourly/Fee Respondent Cost Burden
120	\$115	\$13,800

Without an examination-extension mechanism, applicants who do not schedule and sit for their examination before the given deadline are required to reapply for admission. Reapplication results in applicants having to again pay a \$210 examination fee and \$110 application fee, in addition to any fee imposed by the testing center. The examination-extension mechanism eliminates the paperwork associated with reapplying and avoids re-imposition of the examination and application fees. In sum, the examination-extension mechanism reduces cost and paperwork burdens on applicants.

- 2) As it currently exists, the USPTO collects information from foreign patent and trademark agents under 37 CFR 11.6(c) and 11.14(c) to verify eligibility for reciprocal recognition. To retain reciprocal recognition, agents must remain eligible to practice in their home country. For the requested change, USPTO seeks to clarify that it may follow up with agents to confirm their eligibility to practice in their home country in order to determine whether an agent remains in good standing.

Summary of Changes

The annual number of responses and annual time burden remain unchanged by this request. The annual non-hour cost burden will decrease by \$25,800¹ because of the new examination extension mechanism.

¹ This is the product of the number of extension requests (120) multiplied by the application plus exam fees (\$330) minus the extension fee (\$115).