

Supporting Statement
United States Patent and Trademark Office
Clearance for the Collection of Qualitative Feedback on Agency Service Delivery
OMB Control Number 0651-0080
2024

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.**

Executive Order 12862 (Setting Customer Service Standards) directs Federal agencies to provide services to the public that matches or exceeds the best services available in the private sector.¹ In order to work continuously to ensure that its programs are effective and meet its customers' needs, the United States Patent and Trademark Office (USPTO) uses this generic clearance to collect qualitative feedback on its service delivery. Qualitative feedback refers to information that provides useful insights on perceptions and opinions, but is not in the form of statistical surveys which yield quantitative results that can be generalized to the population of study.

The USPTO collects, analyzes, and interprets the information gathered to identify strengths and weaknesses of current services. Based on feedback received, the USPTO will identify operational changes needed to improve programs and services. The solicitation of such feedback will target areas such as: timeliness, appropriateness, accuracy of information, courtesy, efficiency of service delivery, and resolution of issues with service delivery.

Collecting this feedback provides the USPTO with information on customer satisfaction. This feedback provides for ongoing, collaborative, and actionable communication between the USPTO and its customers and stakeholders. Additionally, it allows the USPTO to gather feedback in an efficient and timely manner. The information collected from external customers and stakeholders ensures that users have an opportunity to convey their experience with USPTO programs. This information collection also provides insights into customer or stakeholder perceptions, experiences, and expectations, which allows the USPTO to focus its attention on areas where communication, training, or changes in operations may be necessary.

This information collection covers a variety of methods used by USPTO to obtain qualitative feedback from the public. The estimated number of annual responses and burden hours being requested are based on the number of information collections the USPTO expects to conduct over the period of this clearance. Each specific request for clearance under this generic information collection includes estimates for the following

¹ <https://www.archives.gov/files/federal-register/executive-orders/pdf/12862.pdf>.

information: respondent types, number of respondents, number of responses, time per response, burden hours, and associated costs.

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.

Improving USPTO programs requires ongoing assessment. As mentioned above, the USPTO collects, analyzes, and interprets the information gathered to identify strengths and weaknesses of its current services, and to identify operational changes needed to improve its programs and services. The solicitation of this feedback targets areas such as: timeliness, effectiveness, accuracy, courtesy, efficiency of service delivery, and resolution of issues with service delivery. The USPTO is committed to hearing feedback from its customers and stakeholders. Responses are assessed to identify service areas in need of improvement.

Information collections may be submitted under this clearance provided that:

- The information collected is voluntary;
- The information collected is low-burden for respondents (based on considerations of total burden hours, total number of respondents, or burden-hours per respondent) and are low-cost for both the respondents and the federal government;
- The information collected is noncontroversial and does not raise issues of concern to other federal agencies;
- Any information collected is targeted to the solicitation of opinions from respondents who have experience with the program or may have experience with the program in the near future;
- Personally identifiable information (PII) is collected only to the extent necessary and is not retained;
- Information gathered will only be used internally for general program and service improvement as well as program administrative purposes, and is not intended for release outside the USPTO;
- Information gathered will not be used for the purpose of substantially informing influential policy decisions; and
- Information gathered will yield qualitative information; the information collections are not designed or expected to yield statistically reliable results nor used as though the results are generalizable to the population of study.

As a general matter, these information collections do not result in any new system of records containing privacy information and will not ask questions of a sensitive nature.

If these conditions are not met, the Agency will submit an information collection request to OMB for approval through the normal PRA process. To obtain approval for an information collection that meets the conditions of this generic clearance, a standardized form will be submitted to OMB along with supporting documentation (e.g.,

a copy of the comment card). The submission will have automatic approval, unless OMB identifies issues within five business days.

The types of information collections that this generic clearance covers include, but are not limited to:

- Customer comment cards/complaint forms;
- Small discussion groups;
- Focus groups of customers, potential customers, delivery partners, or other stakeholders;
- Cognitive laboratory studies, such as those used to refine questions or assess usability of a website;
- Qualitative customer-satisfaction surveys (e.g., post-transaction surveys and opt-out web surveys); and
- In-person observation testing (e.g., website or software usability tests).

The USPTO conducts an independent review of each information collection to ensure compliance with the terms of this clearance prior to submitting each information collection to OMB.

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.

If appropriate, the USPTO will collect information electronically and/or use online collaboration tools to reduce burden.

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.

No similar data are gathered or maintained by the USPTO or are available from other sources known to the USPTO.

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

Small business or other small entities may be involved in these efforts, but the USPTO will minimize the burden on them of information collections approved under this clearance by sampling, asking for readily available information, and using short, easy-to-complete information collection instruments.

- 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.**

If this information is not collected, the USPTO would miss opportunities to obtain vital feedback from its customers and stakeholders on ways to improve its programs and services.

- 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 information collection.

- 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 June 17, 2024 (89 FR 51312).² The comment period ended on August 16, 2024. No public comments were received.

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

Incentives, remuneration, and gifts are generally deemed inappropriate as part of plans for information collections conducted within the scope of this clearance. In some cases, the provision of gifts and incentives to customer satisfaction survey respondents may appear to be a conflict of interest. However, there may be extraordinary circumstances under which remuneration may be appropriate within the scope of this program. In the extraordinary circumstances where information collections seek to use incentives, USPTO program managers must describe the proposed incentive, how it will be offered to respondents, and justify its use as part of each information collection request under this clearance.

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 system of records notice (SORN) or privacy impact assessment (PIA), those should be cited and described here.

If a confidentiality pledge is deemed useful and feasible, the USPTO will only include a pledge of confidentiality that is supported by authority established in statute or regulation and disclosure and data-security policies that are consistent with the pledge, and that does not unnecessarily impede sharing of data with other agencies for compatible confidential use. If the USPTO includes a pledge of confidentiality, it will include a citation for the statute or regulation supporting the pledge.

Some information collections may contain information which is subject to the Privacy Act. In this case, Privacy Act Statements will be included on the appropriate forms.

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

² <https://www.govinfo.gov/content/pkg/FR-2024-06-17/pdf/2024-13217.pdf>.

the information is requested, and any steps to be taken to obtain their consent.

No questions will be asked that are of a personal or sensitive nature.

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

- **Indicate the number of respondents, frequency of response, annual hour burden, and an explanation of how the burden was estimated. Unless directed to do so, agencies should not conduct special surveys to obtain information on which to base hour burden estimates. Consultation with a sample (fewer than 10) of potential respondents is desirable. If the hour burden on respondents is expected to vary widely because of differences in activity, size, or complexity, show the range of estimated hour burden, and explain the reasons for the variance. Generally, estimates should not include burden hours for customary and usual business practices.**
- **If this request for approval covers more than 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'.**

Respondent Calculation Factors

The USPTO estimates that it will receive approximately 150,000 total responses per year from 150,000 respondents for this information collection, with approximately 25% of these responses submitted by small entities.

Burden Calculation Factors

The USPTO estimates that on average it will take 10 minutes (0.17 hours) to complete an item in this information collection, including the time gather the necessary information, prepare the forms or documents, and submit the completed request to the USPTO. Using these burden factors, the USPTO estimates that the total respondent hourly burden for this information collection is 25,500 hours per year.

Cost Burden Calculation Factors

With each instrument submitted to OMB, specific burden estimates will be provided. These estimates will include the total number of respondents, frequency of collection, average minutes/hours per response, total burden hours, and associated costs.

The USPTO expects that the petitions included in this information collection will be prepared by attorneys and pro se applicants. The USPTO uses a professional rate for attorneys of \$447 per hour for respondent cost burden calculations, which is based on the 2023 *Report of the Economic Survey* from the Law Practice Management

Committee of the American Intellectual Property Law Association (AIPLA). The USPTO uses a rate of \$57.24 per hour for pro se applicants, which is based on the Bureau of Labor Statistics' Occupational Employment and Wage Statistics for physical scientists. Using these hourly rates, the USPTO estimates that the total respondent cost burden for this information collection is \$6,429,060 per year.

Table 1: Total Burden Hours and Hourly Costs to Individual and Household Respondents

Item No.	Item	Estimated Annual Respondents	Responses per Respondent	Estimated Annual Responses	Estimated Time For Response (hours)	Estimated Burden (hour/year)	Rate ³ (\$/hour)	Estimated Annual Respondent Cost Burden
		(a)	(b)	(a) X (b) = (c)	(d)	(c) x (d) = (e)	(f)	(e) x (f) = (g)
1	Respondents	150,000	1	150,000	0.17	25,500	\$252.12	\$6,429,060

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**

³ In this information collection the USPTO uses an average of the rates for intellectual property (IP) attorneys and pro se applicants. The wage rate for IP attorneys is taken from the Report of the Economic Survey, published by the Committee on Economics of Legal Practice of the American Intellectual Property Law Association (AIPLA); pg. F-41. The USPTO uses the average billing rate for intellectual property work in all firms which is \$447 per hour (<https://www.aipla.org/home/news-publications/economic-survey>). The wage rate for pro se applicants is taken from the mean hourly wage (\$57.24) for physical scientists according to the data from the Bureau of Labor Statistics' Occupational Employment and Wage Statistics (occupational code 19-2099); <https://www.bls.gov/oes/current/oes192099.htm#:~:text=19%2D2099%20Physical%20Scientists%2C%20All%20Other>.

achieve regulatory compliance with requirements not associated with the information collection, (3) for reasons other than to provide information or keep records for the government, or (4) as part of customary and usual business or private practices.

There are no capital start-up, maintenance costs, recordkeeping costs, filing fees, or 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 anticipated cost to the federal government will be included with each submitted request. During the previous approval period, the average cost was \$9,824 per request. The average annual cost to the federal government is estimated to be \$98,405.

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

	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	150,000	0	0	50,000	0	100,000
Annual Time Burden (Hr)	25,500	0	0	8,833	0	16,667
Annual Cost Burden (\$)	0	0	0	0	0	0

Changes in Responses and Hourly Burden due to Adjustment in Agency Estimate

The total number of responses for this information collection have increased by 50,000 due to estimated fluctuations in the number of respondents/submissions in this information collection. This increase in the number of responses results in an increase of 8,833 hours in the annual time burden estimates.

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.

Feedback collected under this generic clearance provides useful information, but it does not yield data that can be generalized to the overall population. Findings will be used for general service improvement, but are not for publication or other public release.

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.

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

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 employ statistical methods.