

**SUPPORTING STATEMENT**  
**United States Patent and Trademark Office**  
**Substantive Submissions Made During the Prosecution**  
**of the Trademark Application**  
**OMB CONTROL NUMBER 0651-0054**  
**2023**

**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 collection of information is required by the Trademark Act, 15 U.S.C. § 1051 *et seq.*, which provides for the registration of trademarks, service marks, collective trademarks and collective service marks, collective membership marks, and certification marks. Individuals and businesses that use or intend to use such marks in commerce may file an application to register their marks with the United States Patent and Trademark Office (USPTO).

Such individuals and businesses may also submit various communications to the USPTO, including providing additional information needed to process a request to delete a particular filing basis from an application or to divide an application identifying multiple goods and/or services into two or more separate applications. Applicants may seek a six-month extension of time to file a statement that the mark is in use in commerce or submit a petition to revive an application that was abandoned for failure to submit a timely response to an office action or a timely statement of use or extension request. In some circumstances, an applicant may expressly abandon an application by filing a request for withdrawal of the application.

The USPTO administers the Act through Title 37 of the Code of Federal Regulations. These rules allow the USPTO to request and receive information required to process applications. These rules also allow applicants to submit certain amendments to their applications.

Table 1 identifies the statutory and regulatory provisions that permit the USPTO to collect the information needed to process these submissions:

**Table 1: Information Requirements**

<b>Item No.</b>	<b>Requirement</b>	<b>Statute</b>	<b>Regulation</b>
<b>1</b>	Allegation of Use (Statement of Use/Amendment to Allege Use)	15 U.S.C. § 1051(c) and (d)(1)	37 CFR Part 2, 2.76, 2.86 and 2.88
<b>2</b>	Request for Extension of Time to File a Statement of Use	15 U.S.C. § 1051(d)(2)	37 CFR Part 2, 2.89

3	Petition to Revive Abandoned Application – Failure to Respond Timely to Office Action	15 U.S.C. §§ 1062(b) and 1123	37 CFR Part 2, 2.61-2.66
4	Petition to Revive Abandoned Application – Failure to File Timely Statement of Use or Extension Request	15 U.S.C. § 1051(d)(4)	37 CFR Part 2, 2.66, 2.88, and 2.89
5	Request to Delete Section 1(b) Basis, Intent to Use	15 U.S.C. § 1123	37 CFR Part 2, 2.35
6	Request for Express Abandonment (Withdrawal) of Application	15 U.S.C. § 1123	37 CFR Part 2, 2.68
7	Request to Divide Application	15 U.S.C. § 1123	37 CFR Part 2, 2.87
8	Response to Intent-to-Use/Divisional (ITU/Divisional) Unit Office Action	15 U.S.C. § 1123	37 CFR Part 2, 2.87
9	Response to Petition to Revive Deficiency Letter	15 U.S.C. §§ 1051(d)(4), 1062(b), and 1123	37 CFR Part 2, 2.61, 2.63-2.66, 2.88, and 2.89
10	Petition to the Director	15 U.S.C. § 1123	37 CFR Part 2, 2.35, 2.63, 2.84, 2.101, 2.102, 2.146, 2.147, 2.165, 2.176 and 2.186
11	Petition to Revive with Request to Delete Section 1(b) Basis or to Delete ITU Goods/Services/Collective Membership Organization After NOA	15 U.S.C. §§ 1062(b) and 1123	37 CFR Part 2, 2.35, 2.66, and 2.77

**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 USPTO uses the information described in this information collection to process the substantive submissions made during prosecution of the trademark application. The information in this information collection is a matter of public record and is used by the public for a variety of private business purposes related to establishing and enforcing trademark rights. The information is accessible online, through the USPTO website, as well as through various USPTO facilities. Additionally, the USPTO provides the information to other entities, including Patent and Trademark Resource Centers (PTRCs). The PTRCs maintain the information for use by the public. For more specific needs and uses of the collected information, see Table 2.

The information in this collection must be submitted electronically.

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**

Item No.	Form/Function	Form No.	Needs and Uses
1	Allegation of Use (Amendment to Allege Use/Statement of Use)	PTO 1553	<ul style="list-style-type: none"> <li>Used by the public to notify the USPTO that a mark for which registration is sought is in use in commerce.</li> <li>Used by the USPTO to review applications for registration..</li> </ul>
2	Request for Extension of Time to File a Statement of Use	PTO 1581	<ul style="list-style-type: none"> <li>Used by the public to request a six-month extension of time to file a statement that the mark for which registration is sought is in use in commerce.</li> <li>Used by the USPTO to grant an extension of time to file a statement that the mark for which registration is sought is in use in commerce. .</li> </ul>
3	Petition to Revive Abandoned Application – Failure to Respond Timely to Office Action	PTO 2194	<ul style="list-style-type: none"> <li>Used by the public to petition the Director of the USPTO to revive an application that was abandoned because of a failure to submit a timely response to an Office action.</li> <li>Used by the USPTO to review and process petitions to revive an application that was abandoned because of a failure to submit a timely response to an Office action.</li> </ul>
4	Petition to Revive Abandoned Application – Failure to File Timely Statement of Use or Extension Request	PTO 2195	<ul style="list-style-type: none"> <li>Used by the public to petition the Director of the USPTO to revive an application that was abandoned because of a failure to file a timely statement of use or extension request.</li> <li>Used by the USPTO to review and process petitions to revive an application that was abandoned because of a failure to file a timely statement of use or extension request.</li> </ul>
5	Request to Delete Section 1(b) Basis, Intent to Use	PTO 2200	<ul style="list-style-type: none"> <li>Used by the public to request to delete a section 1(b) basis as to an entire class of goods and/or services in an application.</li> <li>Used by the USPTO to review and process requests to delete a section 1(b) basis from an application.</li> </ul>
6	Request for Express Abandonment (Withdrawal) of Application	PTO 2202	<ul style="list-style-type: none"> <li>Used by the public to request to withdraw an application.</li> <li>Used by the USPTO to review and process requests to withdraw an application.</li> </ul>
7	Request to Divide Application	PTO 1554	<ul style="list-style-type: none"> <li>Used by the public to request that an application for registration that identifies multiple goods and/or services be divided into two or more separate applications.</li> <li>Used by the USPTO to review and process requests to divide applications for registration that identify multiple goods and/or services into two or more separate applications.</li> </ul>

Item No.	Form/Function	Form No.	Needs and Uses
8	Response to Intent-to-Use (ITU) Divisional Unit Office Action	PTO 1555	<ul style="list-style-type: none"> <li>• Used by the public to submit information in response to an Office action received from the USPTO after it is determined from the initial review that the request to divide is incomplete.</li> <li>• Used by the public to pay additional fees.</li> <li>• Used by the USPTO to collect information that the applicant did not supply in the original request to divide and which the USPTO needs to complete the review of the request.</li> </ul>
9	Response to Petition to Revive Deficiency Letter	PTO 1556	<ul style="list-style-type: none"> <li>• Used by the public to submit information in response to an Office action received from the USPTO after it is determined from the initial review that the petition to revive is incomplete.</li> <li>• Used by the public to pay additional fees.</li> <li>• Used by the USPTO to collect information that the applicant did not supply in the original petition and which the USPTO needs to complete the review of the petition.</li> </ul>
10	Petition to the Director	PTO 2301	<ul style="list-style-type: none"> <li>• Used by the public to petition the Director pursuant to Trademark Rules 2.146, 2.147, or 2.148.</li> <li>• Used by the USPTO to review and process petitions to the Director filed pursuant to Trademark Rules 2.146, 2.147, or 2.148.</li> </ul>
11	Petition to Revive with Request to Delete Section 1(b) Basis or to Delete ITU Goods/Services After NOA	PTO 1557	<ul style="list-style-type: none"> <li>• Used by the public to submit information in response to an Office action received from the USPTO after it is determined from the initial review that the petition to revive is incomplete.</li> <li>• Used by the public to pay additional fees.</li> <li>• Used by the USPTO to collect information that the applicant did not supply in the original petition and which the USPTO needs to complete the review of the petition.</li> </ul>

**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 USPTO operates the following IT systems that support this information collection:

- Trademark Center
- Trademark Electronic Application System (TEAS)
- Trademark Status and Document Retrieval System (TSDR)
- Trademark Search

The USPTO provides online electronic forms through Trademark Center and TEAS. Once completed, the forms are transmitted to the USPTO. The forms include “help” instructions, and “form wizards” that tailor the forms to the particular characteristics of

the application(s) or registration(s) in question. USPTO is transitioning to exclusive use of Trademark Center; starting in 2024. Once Trademark Center is fully developed, TEAS will be retired.

In addition to providing a system for electronic transmission of trademark submissions, the USPTO also provides the public with online access to various trademark records.

The USPTO maintains TSDR, an online image database that displays each document that makes up the “electronic file wrapper” of a trademark application or registration and provides users with information regarding the status and prosecution history of trademark applications and registrations. The TSDR system is updated daily.

The USPTO also provides Trademark Search, a web-based record of registered marks, and marks for which applications for registration have been submitted. Trademark Search can be used by potential applicants for trademark registration to assist in the determination of whether a particular mark may be available. The data in Trademark Search is identical to the data reviewed by examining attorneys at the USPTO in their determination of whether there is, or may be, a likelihood of confusion between marks for which registration is sought and marks in existing registrations or pending applications for registration.

**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 collection does not solicit any data already available at the USPTO. This information collection does not create a duplication of effort.

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

The USPTO expects that the submission of the information provided places no undue burden on small businesses or other small entities. The same information is required from every customer and is not available from any other source.

**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 collection could not be conducted less frequently, since the information is collected only when voluntarily submitted by the public. If the information were not collected, the public would not be able to submit any of the information collection items listed above to the USPTO to provide the information contained in those items. If this information was not collected, the USPTO could not comply with the requirements of the Trademark Act and rules of practice (15 U.S.C. §§ 1051, 1056, 1062 and 37 CFR Part 2).

- 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 activity, 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 December 4, 2023 (88 FR 84132).<sup>1</sup> The public comment period ended on February 2, 2024. No comments were received from the public.

In addition, several large and well-organized bar associations frequently communicate their views to the USPTO. Also, the Trademark Public Advisory Committee (TPAC) was created by the American Inventors Protection Act of 1999 to advise the Director of the USPTO on the agency's operations, including its goals, performance, budget, and user fees. The TPAC includes nine voting members who are appointed by and serve at the pleasure of the Secretary of Commerce. Members include inventors, lawyers, corporate executives, entrepreneurs, and academicians with significant experience in management, finance, science, technology, labor relations, and intellectual-property issues. The members of the TPAC reflect the broad array of USPTO's stakeholders and embrace the USPTO's e-government initiative. This diversity of interests is an effective tool in helping the USPTO nurture and protects the intellectual property that is the underpinning of America's strong economy.

**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.**

Trademark applications and registrations are open to public inspection. Confidentiality is not required in the processing of trademark applications.

This information collection may contain information subject to the Privacy Act.

This information is collected on registration of trademarks, service marks, collective trademarks and service marks, collective membership marks, and certification marks. Individuals and businesses that use, or intend to use such marks in commerce may file an application to register their marks with the USPTO. The following System of Records Notice (SORN) provides privacy disclosures and information about USPTO's handling of personally identifiable information (PII) that is part of this collection:

- COMMERCE/USPTO-26 Trademark Application and Registration Records; published February 18, 2020 (85 FR 8847).<sup>2</sup>

This SORN identifies the categories of records in the system containing applicants for trademark, including the name, citizenship, domicile, email address, postal address, and

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<sup>1</sup> <https://www.govinfo.gov/content/pkg/FR-2023-12-04/pdf/2023-26556.pdf>.

<sup>2</sup> <https://www.govinfo.gov/content/pkg/FR-2020-02-18/pdf/2020-03068.pdf>.

telephone number of the trademark applicant, registrant, and applicant's or registrant's legal or other authorized representative(s), an attorney's law firm or company affiliation and professional licensing information, and other information pertaining to an applicant's or registrant's activities in connection with the applied-for or registered mark. Records in this system include trademark applications, applicant and registrant declarations, office actions, registration certificates, and correspondence generated in the course of the prosecution of a trademark application or maintenance of a trademark registration.

The electronic forms also include links to the USPTO's Web Privacy Policy and to the form's burden statement at the bottom of each page.

**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 information collection is considered to be of a 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'.**
- **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 expects that it will receive respondents per year from respondents for this information collection, with approximately 25% of these responses submitted by small entities.

The USPTO estimates that approximately 99% of the annual responses for this collection will be submitted electronically.

- **Burden Hour Calculation Factors**

The USPTO estimates that it will take the public an between 30 minutes (0.5 hours) to 70 minutes (1.17 hours), depending on the complexity of the situation and item, to gather the necessary information, prepare the appropriate document(s), and submit the information to the USPTO. Using these factors, the USPTO estimates that the total respondent hourly burden for this information collection is 265,556 hours per year.

- **Cost Burden Calculation Factors**

The USPTO uses a professional rate of \$447 per hour for respondent cost burden calculations, which is the median rate for intellectual property attorneys in private firms as shown in the 2023 *Report of the Economic Survey* published by the American Intellectual Property Law Association (AIPLA).

Using these hourly rates, the USPTO estimates that the total respondent cost burden for this information collection is \$118,703,532 per year.

**Table 3: Total Burden Hours and Hourly Costs to Private Sector Respondents**

Item No.	Item	Estimated Annual Respondents	Responses per Respondent	Estimated Annual Responses	Estimated Time for Response (hours)	Estimated Burden (hour/year)	Rate <sup>3</sup> (\$/hour)	Estimated Annual Respondent Burden
		(a)	(b)	(a) x (b) = (c)	(d)	(c) x (d) = (e)	(f)	(e) x (f) = (g)
1	Allegation of Use (Amendment to Allege Use/Statement of Use) <b>(PTO 1553)</b>	94,729	1	94,729	1 (60 minutes)	94,729	\$447	\$42,343,863
2	Request for Extension of Time to File a Statement of Use <b>(PTO 1581)</b>	238,839	1	238,839	0.58 (35 minutes)	138,527	\$447	\$61,921,569

<sup>3</sup> 2023 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>).

Item No .	Item	Estimated Annual Respondents (a)	Responses per Respondent (b)	Estimated Annual Responses (a) x (b) = (c)	Estimated Time for Response (hours) (d)	Estimated Burden (hour/year) (c) x (d) = (e)	Rate (\$/hour) (f)	Estimated Annual Respondent Burden (e) x (f) = (g)
3	Petition to Revive Abandoned Application – Failure to Respond Timely to Office Action <b>(PTO 2194)</b>	20,665	1	20,665	1 (60 minutes)	20,665	\$447	\$9,237,255
4	Petition to Revive Abandoned Application – Failure to File Timely Statement of Use or Extension Request <b>(PTO 2195)</b>	1,067	1	1,067	0.67 (40 minutes)	715	\$447	\$319,605
5	Request to Delete Section 1(b) Basis, Intent to Use <b>(PTO 2200)</b>	2,188	1	2,188	0.5 (30 minutes)	1,094	\$447	\$489,018
6	Request for Express Abandonment (Withdrawal) of Application <b>(PTO 2202)</b>	9,702	1	9,702	0.5 (30 minutes)	4,851	\$447	\$2,168,397
7	Request to Divide Application <b>(PTO 1554)</b>	3,223	1	3,223	0.67 (40 minutes)	2,159	\$447	\$965,073
8	Response to Intent-to-Use (ITU) Divisional Unit Office Action <b>(PTO 1555)</b>	5	1	5	1.17 (70 minutes)	6	\$447	\$2,682
9	Response to Petition to Revive Deficiency Letter <b>(PTO 1556)</b>	436	1	436	0.83 (50 minutes)	362	\$447	\$161,814
10	Petition to the Director <b>(PTO 2301)</b>	2,385	1	2,385	1 (60 minutes)	2,385	\$447	\$1,066,095

Item No.	Item	Estimated Annual Respondents (a)	Responses per Respondent (b)	Estimated Annual Responses (a) x (b) = (c)	Estimated Time for Response (hours) (d)	Estimated Burden (hour/year) (c) x (d) = (e)	Rate (\$/hour) (f)	Estimated Annual Respondent Burden (e) x (f) = (g)
11	Petition to Revive with Request to Delete Section 1(b) Basis or to Delete ITU Goods/Services/Collective Membership Organization After NOA (PTO 1557)	54	1	54	1.17 (70 minutes)	63	\$447	\$28,161
	<b>Totals</b>	<b>373,293</b>	<b>- - -</b>	<b>373,293</b>	<b>- - -</b>	<b>265,556</b>	<b>- - -</b>	<b>118,703,532</b>

**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 record-keeping costs associated with this information collection. This collection has non-hourly cost burdens in both fees paid by the public and associated postage costs for mailing items to USPTO.

The total (non-hour) respondent cost burden for this collection is estimated to be \$43,517,005 per year, which includes \$43,515,950 in fees and \$1,055 in postage.

## Filing Fees

There are fees associated with submitting certain documents, for a total of \$43,515,950 per year as outlined in Table 4 below. Some fees are charged per class of goods or services. Therefore, the total fees can vary depending on the number of classes. The filing fees shown here are the minimum fees associated with this information collection.

**Table 4: Filing Fees**

<b>Item No.</b>	<b>Fee Code(s)</b>	<b>Item</b>	<b>Estimated Annual Responses</b>	<b>Estimated Fee Amount</b>	<b>Estimated Non-Hour Cost Burden</b>
			<b>(a)</b>	<b>(b)</b>	<b>(a) x (b) = (c)</b>
1	6002 6003	Allegation of Use (Amendment to Allege Use/Statement of Use) (Paper)	1	\$200	\$200
1	7002 7003	Trademark/Service Mark Allegation of Use (Amendment to Allege Use/Statement of Use) (Electronic)	94,729	\$100	\$9,472,900
2	6004	Request for Extension of Time to File a Statement of Use (Paper)	1	\$225	\$225
2	7004	Request for Extension of Time to File a Statement of Use (Electronic)	238,839	\$125	\$29,854,875
3	6010	Petition to Revive Abandoned Application – Failure to Respond Timely to Office Action (Paper)	1	\$250	\$250
3	7010	Petition to Revive Abandoned Application – Failure to Respond Timely to Office Action (Electronic)	20,665	\$150	\$3,099,750
4	6010	Petition to Revive Abandoned Application – Failure to File Timely Statement of Use or Extension Request (Paper)	1	\$250	\$250
4	7010	Petition to Revive Abandoned Application – Failure to File Timely Statement of Use or Extension Request (Electronic)	1,067	\$150	\$160,050
7	6006	Request to Divide Application (Paper)	1	\$200	\$200
7	7006	Request to Divide Application (Electronic)	3,223	\$100	\$322,300
10	6005	Petition to the Director (Paper)	1	\$350	\$350
10	7005	Petition to the Director (Electronic)	2,385	\$250	\$596,250
11	6010	Petition to Revive With Request to Delete Section 1(b) Basis or to Delete ITU Goods/Services/Collective Membership Organization After NOA (Paper)	1	\$250	\$250
11	7010	Petition to Revive With Request to Delete Section 1(b) Basis or to Delete ITU Goods/155.40Services/Collective Membership Organization After NOA (Electronic)	54	\$150	\$8,100
		<b>Totals</b>	<b>360,969</b>	<b>- - -</b>	<b>\$43,515,950</b>

## Postage Costs

Although the USPTO prefers that the items in this information collection be submitted electronically, the items may, in limited situations, be submitted by mail through the United States Postal Service (USPS). The USPTO estimates that the average postage cost for a mailed submission, using a Priority Mail legal flat rate envelope, will be \$9.95. The USPTO estimates approximately 106 submissions per year may be mailed to the USPTO, for an estimated total postage cost of \$1,055 per year.

**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 estimates that it takes a GS 11, step 9 employee 12 minutes to process an allegation of use (Item Number 1), 9 minutes to process an request for extension (Item Number 2), 6 minutes to process a request to delete a section 1(b) filing basis (Item Number 5), 30 minutes to process a request to divide an application (Item Number 7), and 30 minutes to process a response to an ITU Office action (Item Number 8). The USPTO estimates that the cost of a GS-11, step 9 is \$65.30 per hour (GS hourly rate of \$50.23 with 30% (\$15.07) added for benefits and overhead).

USPTO expects both a GS 7, step 2 and a GS 11, step 2 to process a petition to revive for failure to respond timely to office action (Item Number 3), and estimates that it takes them 25 minutes total to review the petition. USPTO will use an average of the two GS rates for that item (\$34.34), plus 30% (\$10.30) included for benefits and overhead, for a total of \$44.64.

USPTO expects both a GS 11, step 2 and a GS 11, step 9 to process petitions to revive for failure to file timely statement of use or extension request (Item Number 4), responses to petition to revive a deficiency letter (Item Number 9), and petitions to revive with request to delete Section 1(b) basis or to delete ITU goods/sevices after NOA (Item Number 11). UPSTO estimates that it takes them 25 minutes total to review Item Number 4, and 30 minutes to review Item Numbers 9 and 11. USPTO will use an average of the two GS rates for those items (\$45.61), plus 30% (\$13.68) included for benefits and overhead, for a total of \$59.29.

USPTO expects both a GS 11, step 9 and a GS 12, step 7 to process a request for express abandonment (Item Number 6), and estimates that it takes them 17 minutes total to review the request. USPTO will use an average of the two GS rates for those items (\$53.64), plus 30% (\$16.09) included for benefits and overhead, for a total of \$69.73.

USPTO expects both a GS 11, step 9 and a GS 15, step 10 to process a petition to the director (Item Number 10), and estimates that it takes them 75 minutes total to review

the request. USPTO will use an average of the two GS rates for those items (\$71.09), plus 30% (\$21.33) included for benefits and overhead, for a total of \$92.42.

Table 5 calculates the processing hours and costs of this information collection to the Federal Government:

**Table 5: Burden Hour/Burden Cost to the Federal Government for Substantive Submissions Made During Prosecution of the Trademark Application**

Item No.	Item	Estimated Annual Responses (a)	Estimated Burden Hours (b)	Estimated Hourly Burden (a) x (b) = (c)	Rate <sup>4</sup> (\$/hr) (d)	Total Federal Government Cost (c) x (d) = (e)
1	Allegation of Use (Amendment to Allege Use/Statement of Use)	94,729	0.20 (12 minutes)	18,946	\$65.30	\$1,237,174
2	Request for Extension of Time to File a Statement of Use	238,839	0.15 (9 minutes)	35,826	\$65.30	\$2,339,438
3	Petition to Revive Abandoned Application – Failure to Respond Timely to Office Action	20,665	0.42 (25 minutes)	8,679	\$44.64	\$387,431
4	Petition to Revive Abandoned Application – Failure to File Timely Statement of Use or Extension Request	1,067	0.42 (25 minutes)	448	\$59.29	\$26,562
5	Request to Delete Section 1(b) Basis, Intent to Use	2,188	0.10 (6 minutes)	219	\$65.30	\$14,301
6	Request for Express Abandonment (Withdrawal) of Application	9,702	0.28 (17 minutes)	2,717	\$69.73	\$189,456
7	Request to Divide Application	3,223	0.50 (30 minutes)	1,612	\$65.30	\$105,264
8	Response to Intent-to-Use (ITU) Divisional Unit Office Action	5	0.50 (30 minutes)	3	\$65.30	\$196
9	Response to Petition to Revive Deficiency Letter	436	0.50 (30 minutes)	218	\$59.29	\$12,925
10	Petition to the Director	2,385	1.25 (75 minutes)	2,981	\$92.42	\$275,504
11	Petition to Revive with Request to Delete Section 1(b) Basis or to Delete ITU Goods/Services After NOA	54	0.25 (15 minutes)	14	\$59.29	\$830
	<b>Totals</b>	<b>373,293</b>	<b>- - -</b>	<b>71,663</b>	<b>- - -</b>	<b>\$4,589,081</b>

**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	373,293	0	0	35,911	0	337,382

<sup>4</sup>[https://www.opm.gov/policy-data-oversight/pay-leave/salaries-wages/salary-tables/24Tables/html/DCB\\_h.aspx](https://www.opm.gov/policy-data-oversight/pay-leave/salaries-wages/salary-tables/24Tables/html/DCB_h.aspx).

Annual Time Burden (Hr)	265,556	0	0	53,917	0	211,639
Annual Cost Burden (\$)	43,517,005	0	0	3,814,865	0	39,702,140

Change in Respondents and Hourly Burden due to Adjustment in Agency Estimate

The total number of respondents has increased by 35,911 due to estimated fluctuations in the number of responses/submissions in this information collection. This increase in the number of respondents and responses results in an increase of 53,917 hours in the annual time burden estimates.

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

The total number of annual non-hour costs has increased by \$3,814,865 due to the estimated fluctuations in the number of responses/submission in this information collection.

**16. 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.**

There is no 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 date on which OMB’s approval of this information collection expires.

**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.