

JUSTIFICATION FOR NONMATERIAL/NONSUBSTANTIVE CHANGES
Practitioner Conduct and Discipline
0651-0017
January 2025

Background

The USPTO Rules of Professional Conduct require all practitioners to maintain complete records of all funds, securities, and other properties of clients coming into his or her possession, and to render appropriate accounts to the client regarding the funds, securities, and other properties of clients coming into the practitioner's possession, collectively known as "client property." These recordkeeping requirements are necessary to maintain the integrity of client property. State bars require attorneys to perform similar recordkeeping. Part 11 also requires a practitioner to report knowledge of certain violations of the USPTO Rules of Professional Conduct to the USPTO. The OED Director may, after notice and opportunity for a hearing, suspend, exclude, or disqualify any practitioner from further practice before the USPTO based on non-compliance with the USPTO Rules of Professional Conduct. Practitioners who have been excluded or suspended from practice before the USPTO, and practitioners transferred to disability inactive status must maintain records of their compliance with the suspension or exclusion order, or transfer to disability inactive status. These records are necessary to demonstrate eligibility for reinstatement. Reports of alleged violations of the USPTO Rules of Professional Conduct are used by the Director of OED to conduct investigations and disciplinary hearings, as appropriate.

This non-substantive change worksheet adds an existing form (Reinstatement to the Register; PTO-107R) into 0651-0017. The Reinstatement to the Register form is used by previously registered practitioners to request inclusion on the Register of Patent Attorneys and Agents. This form is currently used as a part of 0651-0012 for those practitioners seeking regular reinstatement to the Register. As currently approved, 0651-0017 covers the reinstatement for those practitioners who have been excluded or suspended from practice. Excluded practitioners pay a different fee and provide additional information than the reinstatement requests covered in 0651-0012, but otherwise the process is similar. In either case, these individuals can use the same form (PTO-107R). This change worksheet adds this form into 0651-0017 to reflect respondents' ability to use this form in all reinstatement situations.

Once this form is added, the form (PTO-107R) will display both control numbers (0651-0012 and 0651-0017).

Summary of Changes

The addition of this form results in no changes to the burden estimates or costs to 0651-0017.

Changes in Burden

0651-0017 burden remains as follows:

- 13,190 annual responses (unchanged)
- 14,192 annual hourly burden (unchanged)
- \$9,049 in annual non-hourly burden costs (unchanged)