

JUSTIFICATION FOR NONMATERIAL/NONSUBSTANTIVE CHANGE
United States Patent and Trademark Office
Patent and PTAB Pro Bono Programs
OMB CONTROL NUMBER 0651-0082
2025

Background

The Leahy-Smith America Invents Act (AIA), Public Law 112–29 § 32 (2011) directs the USPTO to work with and support intellectual property law associations across the country in the establishment of *pro bono* programs designed to assist financially under-resourced independent inventors and small businesses (also referred to as “regional hubs”). To support this, the USPTO works with and supports various non-profit organizations to establish a series of autonomous regional hubs that endeavor to match low-income inventors with volunteer patent practitioners across the United States. The regional hubs comprise law schools, bar associations, innovation/entrepreneurial organizations, and arts-focused lawyer referral services that are strategically located to provide access to patent *pro bono* services across all fifty states, the District of Columbia, and Puerto Rico.

To support the purposes described above, the Patent Pro Bono Survey collects information regarding the activity of the regional hubs. The USPTO works with the Pro Bono Advisory Council (PBAC) to determine what information is necessary to evaluate the effectiveness of each regional hub’s operations. The PBAC is a well-established group of patent practitioners and thought leaders in intellectual property who are committed to provide support and guidance to the regional hubs across the country. The data collected provides the USPTO with valuable information, including the number of inventor inquiries, referral sources, number of *pro bono* applicants successfully matched with patent practitioners, and types of patent filings. The USPTO, PBAC, and the regional hubs, are responsible for the quarterly collection of this data.

The USPTO’s Patent Trial and Appeal Board (PTAB) collaborates with the PTAB Bar Association (PTAB Bar Assoc.), a non-profit organization focused on helping secure the just, speedy, and inexpensive resolution of every PTAB proceeding and serves the public by coordinating *pro bono* opportunities. The PTAB and the PTAB Bar Assoc. established a national clearinghouse that acts as a matchmaker to connect under-resourced inventors with volunteer patent practitioners across the United States for assistance in preparing and arguing *ex parte* appeals before the PTAB. The PTAB Bar Assoc.’s national clearinghouse provides nationwide access to legal representation for *pro bono ex parte* appeal services. The PTAB Pro Bono Program supports the purposes described above by facilitating the availability of *pro bono* services for proceedings before the PTAB, which the USPTO believes can help reduce the financial burden on under-resourced inventors seeking *ex parte* appeal assistance, especially those impacted by the pandemic.

The information, at its highest level, allows the USPTO to determine whether the regional hubs and national clearinghouse are matching qualified under-resourced inventors with volunteer patent practitioners and help estimate the total economic benefit derived by low-income inventors in the form of donated legal services. This information also helps the USPTO determine if the regional hubs and clearinghouse are effectively serving low-income inventors and whether they may need additional support.

Summary of Changes

The USPTO is updating the surveys (USPTO/550 - Patent Pro Bono Survey and USPTO/552 - PTAB Pro Bono Survey) to remove the demographic questions. This lowers the estimated time to complete the surveys by 15 minutes; the new estimated time to complete is 1.75 hours (105 minutes). Additionally, the intake forms (USPTO/551 – Patent Applicant Intake Form and USPTO/553 – PTAB Applicant Intake Form) are being removed from this information collection.

The burden estimates in the information collection will result in a decrease in responses and hourly burden due to:

- the removal of the demographic questions from the surveys (USPTO/550 and USPTO/552);
- the removal of the intake forms (USPTO/551 and USPTO/553); and
- the reduction in reporting for the PTAB Pro Bono Survey (USPTO/552) from quarterly to annually (reduction in “responses per respondent” from 4 to 1).

Changes in Burden

The removal of the demographic questions from the surveys, the removal of the intake forms, and reduction in reporting for the PTAB Pro Bono Survey result in a decrease of 1,743 responses and 171 burden hours for this information collection.

The total burden for 0651-0082 is as follows:

- 89 respondents
- 156 burden hours
- \$1,333 non-hourly cost (unchanged)