

SUPPORTING STATEMENT
United States Patent and Trademark Office
Patents External Quality Survey
OMB Control Number 0651-0057
2025

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 United States Patent and Trademark Office (USPTO) External Quality Survey is an instrument designed to measure opinions about the services that USPTO provides its patent application customers. The results from this voluntary survey will assist the USPTO in guiding improvements and enhancements in the future. This survey narrows the focus of customer satisfaction to examination quality. It also uses a longitudinal, rotating panel design to assess changes in customer perceptions and to identify key areas for examiner training and opportunities for improvement. The USPTO uses this survey to identify problems with examination quality and works to resolve these issues in a timely manner. The USPTO surveys patent agents, attorneys, and other individuals from large domestic corporations (including those with over 500 employees), small and medium-size businesses, independent inventors, and universities and other non-profit research organizations. This survey does not request responses from foreign entities.

The random sample used in this survey is drawn from One Patent Service Gateway. The sample population of patent agents and attorneys is drawn from the top filing firms, which are entities that have filed more than five patent applications in a 12-month period. This ongoing survey is generally conducted twice a year. The USPTO uses a rotating panel design where participants take the survey twice in back-to-back survey periods (waves). Half the participants in each survey period are new and complete the survey for the first time and half return to complete the same survey for a second time. This design allows a precise measurement of changes in customer experience over time. The survey does not request responses from foreign entities.

The rotating panels and their impact on respondents are described in more detail in the table below.

Table 1: The Rotating Panel

Panel 1	Holdover panel from the previous year, respondents are surveyed once in Wave 1.
Panel 2	Wave 1 and Wave 2 in the current year, respondents are surveyed in both waves.
Panel 3	New panel in the current year, respondents are surveyed once in Wave 2.

The Patents External Quality Survey is a web-based survey. The USPTO sends potential respondents either an email or mailed pre-survey letter, depending on the respondent's preferred method of contact. At the beginning of each survey period, the

USPTO provides respondents with instructions for accessing and completing the survey electronically. After a specified response period, the USPTO sends a reminder to all sample members who have not yet submitted a response. The USPTO also uses reminder/thank-you postcards and telephone calls to encourage a response from sample members.

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 sends potential respondents a pre-survey letter at the beginning of each survey period. Respondents receive either the pre-survey letter in electronic or paper version depending on their noted preferences for contact. The survey contains instructions for accessing and completing the survey electronically.

The USPTO sends all sample members a pre-notification letter or email that describes the study and requests their participation. The sample members receive instructions including details for accessing the survey online through Westat's website and are provided a username, password, and 5-digit survey identification number which respondents need to access the electronic survey. The USPTO sends a reminder/thank you email or postcard to all sample members.

Additionally, one week after the reminder/thank you email or postcard is sent, all sample members who have not completed the survey receive a follow-up telephone call. The primary purpose of these phone calls is to remind non-respondents of the survey date and to answer any questions that they may have about the survey. These calls are intended as prompting calls, and Westat leaves messages if respondents are not available. Westat does not make repeated phone calls if a message is left on an answering machine or with a receptionist/secretary, etc. The Westat telephone staff encourage non-respondents to complete the survey using the web option in order to expedite completion of the survey. The non-respondents are not asked to complete the survey over the telephone with Westat staff because this survey is not intended to be administered over the telephone. A suggested script ensures that the staff conducting the follow-up phone calls covers the same information in the same manner.

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 OMB 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 and Function	Form No.	Needs and Uses
----------	-------------------	----------	----------------

1-3	Patents External Quality Survey	PTO/2535	<ul style="list-style-type: none"> Used by individuals who work at firms that file more than five patent applications a year to provide the USPTO with their perceptions of examination quality. Used by the USPTO to gather feedback to assist them in targeting key areas for examination quality improvement and identify important areas for examiner training.
-----	---------------------------------	----------	---

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 survey is electronic. The USPTO has phased out use of a paper version of the survey.

Potential respondents are sent either an email or mailed pre-survey letter, depending on their noted preferences for contact, at the beginning of each survey period with instructions for accessing and completing the survey electronically. The cover letter that accompanies the survey provides the link, instructions for completing the survey online through the Westat's secure website, and the respondent's username, password, and survey ID for the survey.

The USPTO disseminates information from the surveys on the following website: <https://www.uspto.gov/patents/quality-metrics>.

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 is collected only when sampled respondents from organizations that file more than five patents a year respond to the Patents External Quality Survey. Currently, there are no other methods to gather the type of information proposed by this survey directly from USPTO customers. The survey questions relate directly to customers' perceptions of examination quality, as well as information about the customers' frequency of contact with the USPTO. This information is not generally available from other sources and is not collected elsewhere. Therefore, 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.

In an effort to minimize burden, the number of questions is limited to the minimum required to obtain useful information. All sizes of businesses and individual customers will participate in these surveys to accurately portray customer requirements and service quality.

Under this sampling design, the sample will primarily concentrate upon respondents at large, top-filing organizations. However, as the sample selection is designed to include respondents located at top-filing firms, small businesses will only be included in the sample if they submit more than five patent applications a year.

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.

The information collected from the Patents External Quality Survey is needed on a semi-annual basis so that the USPTO can identify problems with examination quality and work to resolve these issues in a timely manner. Timely, valid information on customer assessment of the USPTO's performance is needed in order for the USPTO to accomplish these measures. While the survey was initially conducted on a quarterly basis, the USPTO decided to conduct this survey on a semi-annual basis. The USPTO based this decision on the current use of the survey data and ability of the USPTO to implement changes. The USPTO did this in order to reduce costs to the federal government.

The USPTO cannot collect this information less frequently as it would not be able to generate a reliable measure of examination quality on a continuing basis.

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 publications 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 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 *Federal Register* Notice was published on May 1, 2025 (90 FR 18648).¹ The public comment period ended on June 30, 2025. No public comments were received.

The 30-day Federal Register Notice was published on July 23, 2025 (91 FR 34643) The public comment period will end on August 23, 2025.

In addition to the request for public comments, the USPTO has long-standing relationships with groups from whom patent application information is collected, such as the Patent Public Advisory Council and the American Intellectual Property Law Association, as well as patent bar associations, independent inventor's groups, and users of USPTO public search facilities. Views expressed by these groups are considered when evaluating information collection burdens and when developing proposals for information collection requirements.

- 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. This survey is voluntary, so the respondent is not required to answer the questions.

- 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.**

Data collected from the surveys will not be linked to the respondents in any way. All contact information collected from the questionnaire will be maintained in a separate

¹ <https://www.govinfo.gov/content/pkg/FR-2025-05-01/pdf/2025-07524.pdf>.

electronic file from the quantitative and qualitative data. At the end of the data collection, three files will be maintained by the survey contractor Westat. One file will contain respondent contact information and will establish a current and continuous sample file for use in future survey administrations. The second file will contain the aggregate quantitative data and will be delivered to the USPTO. The third file will contain the qualitative data generated from the one open-ended survey item; this data will consist of verbatim text written by the survey respondent. Once the three files are created, respondent information will not be realigned with the data collected.

When completing the electronic survey, applicants use the provided username and password to access the survey. Additionally, each respondent is assigned a unique 5-digit identification number. Westat generates the username, password, and survey ID numbers and provides the respondent with both the pre-notification letter and the cover letter.

Information collected is kept private to the extent of the law. Responses are reported in aggregate summary format only and any data collected is not linked to the actual respondent.

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 2 displays the burden hours and costs of this information collection to the public for each year of the study, based on the following calculation factors:

- **Respondent Calculation Factors**

The USPTO estimates that it will receive approximately 1,000 responses per year from 750 respondents for this information collection, with approximately 50 of these responses submitted by small entities.

The USPTO estimates that approximately 100% of the response in the collection will be submitted electronically.

These estimates are based on responses of previous survey waves that USPTO has conducted as well as the USPTO’s long-standing institutional knowledge of and experience with the type of information collected by these items.

- **Burden Hour Calculation Factors**

The USPTO estimates that the responses in this information collection will take the public 10 minutes (0.17 hours) to complete. This includes the time to gather the necessary information, answer the survey prompts, and submit the completed item to the USPTO. Using these burden factors, USPTO estimates that the total respondent hourly burden for this information collection is 171 hours per year.

- **Cost Burden Calculation Factors**

The USPTO expects that patent attorneys will be completing these surveys. The USPTO uses a professional rate of \$447 per hour for the attorney respondent

cost burden calculations, which is the mean rate for 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 \$76,437 per year.

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

Item No.	Item	Estimated Annual Responses (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 ² (f)	Estimated Annual Respondent Cost Burden (e) x (f) = (g)
1	Patents External Quality Survey (Holdover panel from previous year, surveyed once in Wave 1)	250	1	250	0.17 (10 minutes)	43	\$447	\$19,221
2	Patents External Quality Survey (Present in Wave 1 and Wave 2 in current year)	250	2	500	0.17 (10 minutes)	85	\$447	\$37,995
3	Patents External Quality Survey (New panel in current year, surveyed once in Wave 2)	250	1	250	0.17 (10 minutes)	43	\$447	\$19,221
	Totals	750	---	1,000	---	171	---	\$76,437

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

² 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>).

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 annual non-hour costs associated with this information collection. Respondents do not need to submit filing fees with these surveys. The USPTO covers the costs of all survey materials so there is no postage cost associated with this information collection. Therefore, this information collection does not impose any additional annual non-hour costs on the respondent.

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 uses a contractor to conduct the survey, and therefore is not conducted or processed by USPTO personnel. The USPTO estimates that the contractor Westat will spend about \$166,318 per wave of data collection, or \$332,637 per year. These costs include developing, conducting, and processing the survey. This estimate includes various tasks such as processing the related survey correspondence, performing data entry tasks, sampling, analyzing the data gathered, and preparing reports on the findings. This estimate also includes all labor costs and other direct costs.

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

Table 4: ICR Summary of Burden

	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	1,000	0	-600	-1,500	0	3,100
Annual Time Burden (Hr)	171	0	-18	-255	0	444
Annual Cost Burden (\$)	0	0	0	0	0	0

Change in Responses and Hourly Burden due to Adjustment in Agency Discretion

The total number of responses has decreased by 600 due to the removal of the non-response follow-up survey card (Item 3 in the previous renewal) This item was

determined to be exempt from the PRA. The survey card does not collect information and merely directs respondents to take the survey. This decrease in responses results in a decrease of 18 hours in the annual time burden estimates.

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

The total number of responses has decreased by 1,500 due to the overall long-term declining response rate by potential respondents. This decrease in responses results in a decrease of 255 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.

The USPTO disseminates information from the surveys on the following website: <https://www.uspto.gov/patents/quality-metrics>.

After each wave of data collection is completed, a report summarizing the results of the survey will be prepared by the USPTO's contractor. At the end of each year of data collection, Westat prepares a more in-depth summary report to discuss changes in examination quality across the waves of data collection.

The primary goal of the survey is to measure change in examination quality over a fixed period of time. Respondents will be asked to evaluate their perceptions of examination quality and their recent interactions with the USPTO. Results will be used as part of USPTO's overall quality measurement program.

A projected schedule for the next survey under this clearance is provided below:

Table 5: Wave 40 (September 2025)

Task	Due Date
Mail pre-notification letters	Friday, July 12
Launch EQS web survey	Friday, July 12
Mail reminder postcards	Monday, July 29
Begin telephone non-response prompting	Monday, August 5
Close data collection	Monday, August 26
Deliver biannual report to USPTO	Friday, September 30

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 expiration date of OMB approval.

**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.