SUPPORTING STATEMENT
United States Patent and Trademark Office
Patents External Quality Survey
OMB Control Number 0651-0057
2026

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 (EQS) 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. The USPTO uses the survey to identify problems with examination quality and works to resolve these issues in a timely manner. The External Quality Survey requests feedback from attorneys and agents who are registered to practice before the USPTO. These attorneys and agents may represent 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 pro se inventors or foreign entities.

Starting in Fiscal Year 2026 the responses will be collected using an opt-in approach instead of the previous rotating sample panel method. The response rates have seen a downward trend over the past few years. The last wave of the External Quality Survey Summer Fiscal Year 2025 Wave 42 had a response rate below 25%. The opt-in approach will allow agents/attorneys to respond to the survey who would otherwise may not have been selected by a panel design. The agents and attorneys can still respond to each wave (summer and winter), thereby preserving the goal of monitoring quality over time.

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 External Quality Survey sample selection, data collection, and analysis was previously conducted by Westat. Starting Fiscal Year 2026 the USPTO will be conducting all aspects of the survey using the Qualtrics platform. The External Quality Survey link will be posted on a USPTO website. Invitations and communication about the survey will be sent through Patents Alerts, as well as several intellectual property blogs to increase participation.

The External Quality Survey questions from Fiscal Year 2025 remain largely unchanged. However, one question will be added asking for the attorney or agent registration number. This item is required for validity purposes to ensure that the responding attorneys and agents are legitimate members of the Patent Bar and authorized to represent patent applicants. Respondents will only be allowed to complete the survey once per wave; the registration number will confirm that a single response is maintained in the data files. The question requesting an email address will be removed.

The information collects, maintains, and uses 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 1 outlines how this collection of information is used by the public and the USPTO.

Table 1: Needs and Uses

Item No.	Form and Function	Form No.	Needs and Uses
1	Patents External Quality Survey	PTO/2535	• Used by individuals 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 will be conducted electronically via the Qualtrics survey platform. The attorneys and agents will provide their registration number to ensure that only one response is collected per wave. 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.**

Currently, there are no other methods to gather this type of information 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.**

This information collection does not impose a significant economic impact on small entities. In an effort to minimize burden, the number of questions is limited to the minimum required to obtain useful information.

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 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. 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).[2] The public comment period ended on August 23, 2025. No public comments were received.

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.**

Information collected is kept private to the extent of the law. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR §§ 1.11 and 1.14.

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[1] https://www.govinfo.gov/content/pkg/FR-2025-05-01/pdf/2025-07524.pdf.
[2] https://www.govinfo.gov/content/pkg/FR-2025-07-23/pdf/2025-13811.pdf.

This collection contains information which is subject to the Privacy Act. This information is collected on the survey (form PTO/2535), and a Privacy Act Statement is included on this form. Reponses are reported in aggregate summary format only and any data collected is not linked to the actual respondent. The registration number will be used to ensure only one from each agent and attorney. All individual responses will remain anonymous.

The applicable SORN for this information is COMMERCE/PAT–TM–1, Attorneys and Agents Registered to Practice Before the Office; published on March 19, 2013 (78 FR 16839).[3]

The information in this system of records is used to manage biographical information, personal and professional qualifications, character and fitness reports, investigations of an applicant's suitability or eligibility for registration to practice before the USPTO, undertakings of former patent examiners, current address, and status information.

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.

[3] https://www.govinfo.gov/content/pkg/FR-2013-03-19/pdf/2013-06254.pdf.

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 1,250 responses per year from 1,250 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 208 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 $92,976 per year.

Table 2: Total Burden Hours and Hourly Costs to Private Sector Respondents

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[4] (f)	Estimated Annual Respondent Cost Burden (e) x (f) = (g)
1	Patents External Quality Survey (includes both waves)	1,250	1	1,250	0.16 (10 minutes)	208	$447	$92,976
	Totals	**1,250**	**- - -**	**1,250**	**- - -**	**208**	**- - -**	**$92,976**

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 annual non-hour costs associated with this information collection. The link to the survey is posted on the USPTO alerts page and the respondents submit the survey electronically.

[4] 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).

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 employs a GS-14 statistician to analyze the surveys. The USPTO estimates that the cost of a GS-14, step 7 employee is $112.75 per hour (GS hourly rate of $82.75 with 36.25% ($30) added for benefits and overhead).

The USPTO estimates that it takes an employee 4 minutes (0.06 hours) to process a survey response.

Table 3 calculates the burden hours and costs to the federal government for processing this information collection:

Table 3: Burden Hour/Cost to the Federal Government

Item No.	Item	Estimated Annual Responses (a)	Estimated Burden Hours (b)	Estimated Hourly Burden (a) x (b) = (c)	Rate[5] ($/hr) (d)	Total Federal Government Cost (c) x (d) = (e)
1	Patents External Quality Survey	1,250	0.06 (4 minutes)	83	$112.75	$9,358
	Totals	**1,250**	**- - -**	**83**	**- - -**	**$9,358**

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	1,250	0	250	0	0	1,000
Annual Time Burden (Hr)	208	0	37	0	0	171
Annual Cost Burden ($)	0	0	0	0	0	0

<u>Change in Responses and Hourly Burden due to Adjustment in Agency Discretion</u>

The survey will now utilize an opt-in approach which will allow attorneys/agents to respond to the survey who would otherwise were not selected by the panel design. The

[5] https://www.opm.gov/policy-data-oversight/pay-leave/salaries-wages/salary-tables/pdf/2026/DCB_h.pdf.

total number of estimated responses will increase by 250 due to the USPTO changing the method of collection, and this increase in the number of responses results in a corresponding increase of 37 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. 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 43 (January 2026)

Task	Due Date
Launch EQS web survey	January 26
Close data collection	March 13
Deliver biannual report to USPTO	April 10

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.

B. COLLECTIONS OF INFORMATION EMPLOYING STATISTICAL METHODS

This collection of information does not employ statistical methods.