

JUSTIFICATION FOR NONMATERIAL/NONSUBSTANTIVE CHANGE
Patents External Quality Survey
OMB Control Number 0651-0057
2026

Background

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 this survey to identify problems with examination quality and works to resolve these issues in a timely manner.

The revised EQS will gather 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 will not request responses from pro se inventors or foreign entities.

Changes

A new opt-in approach to the survey

Response rates to the survey have been declining over several years and the USPTO is changing its method of delivery in an attempt to increase respondent engagement. The most recent wave of the survey (Summer Fiscal Year 2025, Wave 42) had a response rate below 25%.

The USPTO currently uses a rotating panel method which cuts out potential respondents from the sample for 18 months. This causes the USPTO to lose opportunities for valuable feedback during that time. The USPTO will now use an opt-in approach to the survey that can capture respondents' experience with patent quality at any point in the process, and allows the USPTO to capture more responses from smaller firms. The USPTO currently has the potential to miss patents attorneys/agents from smaller firms, but the opt-in approach will provide all patent attorneys/agents with the ability to respond to the survey.

The USPTO is planning a communication campaign to encourage patent applicant feedback. This communication can be modified to help increase responses from any particular subset (large, small, micro filers, etc.) to ensure that the USPTO has a complete picture of applicant experiences. Because the opt-in approach will permit additional respondents who are motivated to provide ongoing feedback—particularly patent agents and attorneys who want to share their views—the total number of responses and the diversity of viewpoints are likely to increase. This broader participation will help the

USPTO better understand and address concerns across a wider cross-section of stakeholders. The ultimate goal of the new survey is to take in the widest possible feedback to support patent quality.

Change to sampling method \

The USPTO intends to keep the same survey schedule, with two surveys periods (waves) per year. This feedback cycle allows the USPTO to maintain a consistent analysis of trends in patent quality. Previous studies were done for testing the non-response bias (nonrespondents versus respondents), and no statistical significance was identified. Under the current framework, most of the sampling is from large firms that are chosen by USPTO. The new opt-in framework allows the USPTO to capture smaller firms that might have missed in previous surveys. With a more substantial inclusion of small firms, the USPTO will get a broader set of viewpoints than provided by previous surveys under this program. This wider audience will enable the USPTO to hear more types of concerns and issues and be able to address those issues in a timely fashion.

The USPTO has the potential to capture feedback from patent agents/attorneys who wish to continue responding with valuable information. This will enable respondents to engage with USPTO at their own desired frequency rather than being dependent upon inclusion on a particular survey panel.

The revisions listed above will result in these particular changes to the information collection burdens and questions:

- 1) The responses will be now be collected using an opt-in approach instead of the previous rotating sample panel method. This means that:
 - a. The information collection will no longer use statistical methods to select respondents, and therefore Supporting Statement Part B has been removed.
 - b. The opt-in approach to the survey aims to increase the number of responses. The USPTO estimates that the new method of collection will increase the estimated annual responses from 1,000 to 1,250 (an increase of 250 responses) and have a corresponding increase in 37 burden hours (from 171 to 208 hours).
- 2) One question will be added, which asks for the attorney or agent registration number. This will be 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. The addition of the one question will have a negligible impact on the time per response.
- 3) The question requesting an email address has been removed.

Changes in Burden

The addition of one question and removal of another question in the survey does not change the estimated time per response. However, the change in the survey's method of delivery will likely increase the response rate, and therefore the number of estimated annual responses and annual hourly burden will increase to 1,250 responses and 208 hours.

Burden Type	Currently Approved	Proposed Change	New Estimate
Responses	1,000	250	1,250
Hourly Burden	171	37	208

0651-0057's revised burden is as follows:

- 1,250 annual responses
- 208 annual hourly burden
- \$0 in annual non-hourly burden costs (unchanged)