

SUPPORTING STATEMENT
United States Patent and Trademark Office
Admission to Practice and Roster of Registered Patent Attorneys and Agents
Admitted to Practice Before the United States Patent and Trademark Office
OMB CONTROL NUMBER 0651-0012
2026

A. JUSTIFICATION

- 1. Explain the circumstances that make the collection of information necessary. Identify any legal or administrative requirements that necessitate the collection. Attach a copy of the appropriate section of each statute and regulation mandating or authorizing the collection of information.**

This collection of information is authorized by 35 U.S.C. 2(b)(2)(D), which permits the United States Patent and Trademark Office (USPTO) to establish regulations governing the recognition and conduct of agents, attorneys, or other persons representing applicants or other parties before the USPTO. This statute also permits the USPTO to require information from applicants that shows that they are of good moral character and reputation and have the necessary qualifications to assist applicants with the patent process and to represent them before the USPTO.

This information collection addresses submissions required by the regulations at 37 CFR §§ 1.21 and 11.5-11.11, which set forth the requirements to apply for the examination for registration and to demonstrate eligibility to be a registered attorney or agent before the USPTO. The Office of Enrollment and Discipline (OED) collects this information to determine the qualifications of individuals who represent or seek to represent applicants before the USPTO in the preparation and prosecution of applications for a patent. The information in this information collection is also used by the USPTO to review applications for the examination for registration and to determine whether an applicant meets the qualifications be added to, or an existing practitioner may remain on, the Register of Patent Attorneys and Agents.

Table 1 identifies the proposed statutory and regulatory provisions that require the USPTO to collect this information:

Table 1: Information Requirements

Item No.	Requirement	Statute	Regulations
1	Application for Registration to Practice Before the United States Patent and Trademark Office. Includes: • Former examiners (examination waived) • 37 CFR § 11.6(c) by a Foreign Resident (examination waived) • 37 CFR § 11.14(c) by a Foreign Resident (examination waived)	35 U.S.C. 2(b)(2)(D)	37 CFR §§ 11.6 and 11.7
2	Data Sheet – Register of Patent Attorneys and Agents	35 U.S.C. 2(b)(2)(D)	37 CFR §§ 11.5 and 11.11
3	Registration Statement of Patent Attorneys and Agents	35 U.S.C. 2(b)(2)(D)	37 CFR § 11.11

4	Oath or Affirmation	35 U.S.C. 2(b)(2)(D)	37 CFR § 11.8
5	Reinstatement to the Register	35 U.S.C. 2(b)(2)(D)	37 CFR § 11.11
6	Undertaking Under 37 CFR § 11.10(b)	35 U.S.C. 2(b)(2)(D)	37 CFR § 11.10(b)
7	Petition to the Director of the Office of Enrollment and Discipline under 37 CFR § 11.2(c)	35 U.S.C. 2(b)(2)(D)	37 CFR §§ 11.2(c) and (d)
8	Petition to USPTO Director under 37 CFR § 11.2(d)	35 U.S.C. 2(b)(2)(D)	37 CFR § 11.2(d)

2. Indicate how, by whom, and for what purpose the information is to be used. Except for a new collection, indicate the actual use the agency has made of the information received from the current information collection.

The OED Director uses the information in this collection to determine whether the applicant is of good moral character and repute; has the necessary legal, scientific, and technical qualifications; and is otherwise competent to advise and assist applicants in the presentation and prosecution of patent applications.

The USPTO uses applicant information in determining whether an applicant meets the qualifications to sit for the registration examination. The information is also used to determine whether an applicant meets the qualifications to be added to, or an existing practitioner may remain on, the Register of Patent Attorneys and Agents.

The information collected, maintained and used in this 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 the USPTO and the public use this information. There are eight forms associated with this information collection.

Table 2: Needs and Uses

Item No.	Form/Function	Form No.	Needs and Uses
1	Application for Registration to Practice Before the United States Patent and Trademark Office. Includes: - Former examiners (examination waived) 37 CFR § 11.6(c) by a Foreign Resident (examination waived) 37 CFR § 11.14(c) by a Foreign Resident (examination waived)	PTO-158 PTO-158A PTO-158T	- Used by foreign and domestic applicants to apply for registration. - Used by applicants to ensure that all of the necessary information is provided to the USPTO. - Used by applicants to show they have met all of the necessary requirements. - Used by the USPTO to determine whether the applicant meets all of the necessary requirements. - Used by the USPTO to determine whether the applicant possesses good moral character. - Used by the USPTO to register applicants.
2	Data Sheet – Register of Patent Attorneys and Agents	PTO-107A	- Used by applicants to request that they be included on the Register of Patent Attorneys and Agents. - Used by applicants and registered practitioners to provide updated information such as addresses. - Used by the USPTO to determine whether the applicant can be included on the Register of Patent Attorneys and Agents. - Used by the USPTO to determine whether the attorney or agent may remain on the Register of Patent Attorneys and Agents. - Used by the USPTO to update current address and/or status of applicants and registered practitioners.

3	Registration Statement of Patent Attorneys and Agents	PTO-107S	- Used by practitioners to supply current contact information and indicate whether the practitioner desires to remain in active status. - The USPTO is still considering the manner in which this form may be implemented.
4	Oath or Affirmation	PTO-1209	- Used by all applicants requesting to be registered to practice before the USPTO. - Used by the USPTO to register an applicant to practice before the USPTO.
5	Reinstatement to the Register	PTO-107R	Used by practitioners for requesting reinstatement to active registration status in patent matters.
6	Undertaking Under 37 CFR § 11.10(b)	PTO-275	- Used by applicants who were previously employed by the USPTO to certify that an agent or attorney will not involve themselves in patent applications they reviewed while employed by the Agency. - Used by the USPTO to review applicants who were previously employed by the Agency.
7	Petition to the Director of the Office of Enrollment and Discipline under 37 CFR § 11.2(c)	No Form Associated	- Used by the applicant to petition the OED Director for reconsideration of denial of admission to practice before the USPTO. - Used by the applicant to petition the OED Director for reconsideration of denial of recognition to practice before the USPTO.
8	Petition to USPTO Director under 37 CFR § 11.2(d)	No Form Associated	- Used by applicants to petition the USPTO Director to request a review of the decision made by the OED Director regarding enrollment or recognition. - Used by the USPTO Director to receive petitions to the USPTO for review of decision made by the OED Director regarding enrollment or recognition.

3. Describe whether, and to what extent, the collection of information involves the use of automated, electronic, mechanical, or other technological information 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 collection. Also describe any consideration of using information technology to reduce burden.

The entire information collection uses PDF printable forms. Some of them are also available electronically through the applicant and practitioner portals as an e-form (filled and submitted electronically). The e-forms are PTO-158, PTO-107A, PTO-107R, PTO-275, and PTO-1209.

The basic contact information the USPTO collects about the attorneys and agents on the register, who are recognized to practice before the USPTO in patent matters, can be accessed by the public through the USPTO's website. When the public clicks on the link to the Roster of Patent Attorneys and Agents, the "Patent Attorneys and Agents Registered to Practice before the USPTO" page will open. From this page, the public can search for registered patent attorneys and agents through a search engine, by geographical region, or by searching through the entire list of registered patent attorneys and agents. The actual attorney/agent names are all formatted in the same manner, regardless of the search conducted: last name, street address, city, state, zip code, telephone number (optional), registration number, and an indication of attorney/agent/government employee status.

The OED Director may publish on the Internet the names, city and state of all individuals seeking registration or recognition who pass the examination or for whom examination

has been waived, as well as, publishing a notice in the *Official Gazette of the United States Patent and Trademark Office* to solicit information bearing on their moral character and reputation. The OED Director also publishes notices of administrative suspensions.

If the USPTO is notified that a foreigner registered as a patent agent pursuant to 37 CFR 11.6(c) is no longer registered or no longer in good standing before the patent office of the country in which the foreigner resides and practices, and the foreigner does not show good cause why his or her name should not be removed from the register, the OED Director shall promptly remove the foreigner's name from the register and publish that the name has been removed. The OED Director will also remove the name of any such foreign patent agent who no longer lives in the foreign country of the patent office in which he or she is registered and upon which his or her registration as a patent agent pursuant to 37 CFR 11.6(c) was granted and will publish that the name has been removed.

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 at the time of application for registration or recognition to practice before the USPTO in patent matters or to update the roster of registered practitioners, as needed. In order to practice before the USPTO, individuals must complete the registration process; therefore it does not duplicate information or collection of data found elsewhere.

5. If the collection of information impacts small businesses or other small entities, describe any methods used to minimize burden.

This collection of information does not impose a significant economic impact on small entities or small businesses.

6. Describe the consequence to federal program or policy activities if the collection is not conducted or is conducted less frequently, as well as any technical or legal obstacles to reducing burden.

This information is collected only at the time of application for registration or recognition to practice before the USPTO in patent matters or to update the roster of registered practitioners, as needed. It could not be conducted less frequently. If the collection of information were not conducted, the USPTO would not be able to admit registered practitioners to practice before the USPTO or keep the roster of registered practitioners updated.

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 publication 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 Notice was published in the *Federal Register* on March 18, 2026 (91 FR 13015).¹ The USPTO received no substantive public comments in response to the notice.

The USPTO published a 30-day notice in the Federal Register on July 17, 2026 (91 FR 44829).² The comment period will close on August 17, 2026.

¹ <https://www.govinfo.gov/content/pkg/FR-2026-03-18/pdf/2026-05221.pdf>.

² <https://www.govinfo.gov/content/pkg/FR-2026-07-17/pdf/2026-14388.pdf>.

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. Response to this information collection is necessary for recognition as a registered attorney or agent by the USPTO.

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.

Confidentiality is governed by 35 U.S.C. 122 and 37 CFR §§ 1.11 and 1.14. This collection contains information of a confidential nature, which is subject to the Privacy Act. This information is collected on the following forms:

- PTO-158 (Application for Registration to Practice Before the United States Patent and Trademark Office)
- PTO-275 (Undertaking Under 37 CFR § 11.10(b))
- PTO-107A (Data Sheet – Register of Patent Attorneys and Agents)

Privacy Act Statements are included on all of these forms. The applicable Privacy Act System of Records Notice for this information is COMMERCE/PAT–TM–1 Attorneys and Agents Registered to Practice Before the Office; published on March 19, 2023 (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 or reinstatement 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.

The USPTO requests information of a sensitive nature on the following forms:

- PTO-158 (Application for Registration to Practice Before the United States Patent and Trademark Office)
- PTO-158A (Application for Registration to Practice Before the United States Patent and Trademark Office Under 37 CFR § 11.6(c) by a Foreign Resident)

³ <https://www.govinfo.gov/content/pkg/FR-2021-06-10/pdf/2021-12149.pdf>.

- PTO-158T (Application for Recognition to Practice Before the United States Patent and Trademark Office Under 37 CFR § 11.14(c) by a Foreign Resident)
- PTO-107A (Data Sheet – Register of Patent Attorneys and Agents)

35 U.S.C. 31 requires that attorneys, agents, and others possess good moral character and reputation before they are allowed to represent applicants. The information is used to determine the suitability of the applicant as a potential registered patent attorney or agent. On the application forms and the data sheet, the USPTO informs the applicant that candor and truthfulness are considered to be significant elements of fitness relevant for practice before the USPTO, and that they should provide all information, even if it is unfavorable. If the applicant answers “Yes” to any questions, the USPTO also requests that the applicant provide a written statement detailing the facts of the situation and any associated documentation. The USPTO also warns the applicant that failure to disclose any of the requested information may result in either denial of registration or disciplinary proceedings under 37 CFR § 11.22 if the applicant becomes a registered patent attorney or agent. The applicant also certifies by his or her signature that all of the information provided in the application is true and correct. The applicant is additionally warned that any willfully false statement or certification is considered to be a criminal offense and is punishable by law under 18 U.S.C. 1001.

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’.**

Table 3 calculates the anticipated burden hours and costs of this information collection to the public, based on the following factors:

- **Respondent Calculation Factors**

The USPTO estimates that it will receive approximately 5,578 responses from 5,578 respondents in this information collection between the reporting and recordkeeping requirements.

- **Burden Hour Calculation Factors**

The USPTO estimates that it will take the public between approximately 5 minutes (0.08 hours) to 45 minutes (0.75 hours), depending upon the complexity of the situation and item, to gather the necessary information, prepare the appropriate document(s), and submit the item to the USPTO. Using these burden factors. Additionally, the USPTO estimates that it will take an applicant approximately 5 minutes (0.08 hours) to print and retain a copy of the submissions. The USPTO estimates that the total respondent hourly burden for this information collection, in the form of reporting and recordkeeping, is 2,775 hours per year.

- **Cost Burden Calculation Factors**

The USPTO uses a professional rate of \$550 per hour for respondent cost burden calculations, which is the median rate for intellectual property attorneys in private firms as shown in the *2025 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 \$1,526,250 per year, with \$1,279,850 in reporting burden and \$246,400 in recordkeeping burden.

Table 3: Total Hourly Reporting Burden for Individual or Household Respondents

Item No.	Item	Estimated Annual Respondents	Responses per Respondent	Estimated Annual Responses	Estimated Time for Response (hours)	Estimated Burden (hour/year)	Rate ⁴ (\$/hour)	Estimated Annual Respondent Cost Burden
		(a)	(b)	(a) x (b) = (c)	(d)	(c) x (d) = (e)	(f)	(e) x (f) = (g)

⁴ *2025 Report of the Economic Survey*, published by the Committee on Economics of Legal Practice of the American Intellectual Property Law Association; pg. F-35. The USPTO uses the average billing rate for intellectual property work in all firms which is \$550 per hour (<https://www.aipla.org/detail/journal-issue/2025-report-of-the-economic-survey>).

1	Application for Registration to Practice Before the United States Patent and Trademark Office. Includes: - Former examiners (examination waived) (PTO-158) - Under 37 CFR § 11.6(c) by a Foreign Resident (examination waived) (PTO-158A) 37 CFR § 11.14(c) by a Foreign Resident (examination waived) (PTO-158T)	3,293	1	3,293	0.50 (30 minutes)	1,647	\$550	\$905,850
2	Data Sheet – Register of Patent Attorneys and Agents PTO-107A	1,103	1	1,103	0.50 (30 minutes)	552	\$550	\$303,600
3	Registration Statement of Patent Attorneys and Agents PTO-107S	1	1	1	0.50 (30 minutes)	1	\$550	\$550
4	Oath or Affirmation PTO-1209	1,034	1	1,034	0.08 (5 minutes)	83	\$550	\$45,650
5	Reinstatement to the Register PTO-107R	77	1	77	0.08 (5 minutes)	6	\$550	\$3,300
6	Undertaking Under 37 CFR § 11.10(b) PTO-275	61	1	61	0.50 (30 minutes)	31	\$550	\$17,050
7	Petition to the Director of the Office of Enrollment and Discipline under 37 CFR § 11.2(c)	8	1	8	0.75 (45 minutes)	6	\$550	\$3,300
8	Petition to USPTO Director under 37 CFR § 11.2(d)	1	1	1	0.75 (45 minutes)	1	\$550	\$550
	Totals	5,578	- - -	5,578	- - -	2,327	- - -	\$1,279,850

The USPTO Office of Enrollment and Discipline General Requirements Bulletin recommends that “an applicant should make and keep a copy of every document submitted to the Office in connection with an application for registration.”⁵ The USPTO estimates that it will take an applicant approximately 5 minutes (0.08 hours) to print and retain a copy of the submissions and that approximately 5,578 responses requiring record keeping (based on the response numbers from Table 4) will be made per year, for a total of 448 hours.

Table 4: Total Hourly Recordkeeping Burden for Individual or Household Respondents

⁵ General Requirements Bulletin for Admission to the Examination for Registration to Practice in Patent Cases before the United States Patent and Trademark Office; https://www.uspto.gov/sites/default/files/documents/OED_GRB.pdf.

Item No.	Item	Estimated Annual Responses (year) (a)	Estimated Time for Response (hours) (b)	Estimated Annual Burden (hour/year) (a) x (b) = (c)	Rate ⁶ (\$/hour) (d)	Estimated Annual Respondent Cost Burden (c) x (d) = (e)
1	Application for Registration to Practice Before the United States Patent and Trademark Office. Includes: - Former examiners (examination waived) (PTO-158) - Under 37 CFR § 11.6(c) by a Foreign Resident (examination waived) (PTO-158A) 37 CFR § 11.14(c) by a Foreign Resident (examination waived) (PTO-158T)	3,293*	0.08	263	\$550	\$144,650
2	Data Sheet – Register of Patent Attorneys and Agents PTO-107A	1,103*	0.08	88	\$550	\$48,400
3	Registration Statement of Patent Attorneys and Agents PTO-107S	1*	0.08	1	\$550	\$550
4	Oath or Affirmation PTO-1209	1,034*	0.08	83	\$550	\$45,650
5	Reinstatement to the Register PTO-107R	77*	0.08	6	\$550	\$3,300
6	Undertaking Under 37 CFR § 11.10(b)	61*	0.08	5	\$550	\$2,750
7	Petition to the Director of the Office of Enrollment and Discipline under 37 CFR § 11.2(c)	8*	0.08	1	\$550	\$550
8	Petition to USPTO Director under 37 CFR § 11.2(d)	1*	0.08	1	\$550	\$550
	Totals	5,578*	- - -	448	- - -	\$246,400

*These lines are the same respondents as those in Table 3, and are not additions to the total number of respondents and responses. USPTO includes these numbers to show how the values in column C are calculated.

⁶ Ibid footnote in Table 3.

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.
- Generally, estimates should not include purchases of equipment or services, or portions thereof, made: (1) prior to October 1, 1995, (2) to achieve regulatory compliance with requirements not associated with the information collection, (3) for reasons other than to provide information or keep records for the government, or (4) as part of customary and usual business or private practices.

There are no capital start-up or maintenance costs associated with this information collection. However, this information collection does have non-hourly costs in the form of filing fees and postage. Specifically, there are filing fees associated with this information collection. The application fees for registration to practice before the USPTO vary depending on whether the applicant is a current applicant, a former examiner, a foreign resident, or seeking reinstatement to the Register. The USPTO estimates that the total annual non-hour cost burden for this information collection is \$798,130.

The annual non-hour cost burden associated with filing fees is outlined in Table 5 below:

Table 5: Filing Fees

Item No.	Fee Code	Item	Responses (yr)	Filing Fee (\$)	Total Non-Hour Respondent Cost Burden (\$/hr)
			(a)	(b)	(a) x (b) = (c)

1	9001	Non-Refundable Application Fee for Registration to Practice Before the United States Patent and Trademark Office. Includes: • When used for registration fees only (former examiners; examination waived) • Under 37 CFR § 11.6(c) by a Foreign Resident (examination waived) • Under 37 CFR § 11.14(c) by a Foreign Resident (examination waived)	3,293	\$118	\$388,574
1	9030	Request for extension of time in which to schedule examination for registration to practice (non-refundable)	764	\$124	\$94,736
1	9014	Non-Refundable Application Fee for Enrollment and/or Reinstatement to Practice Before the United States Patent and Trademark Office under 37 CFR § 1.21(a)(10) (those who must prove fitness to practice)	21	\$1,806	\$37,926
1	9003	On Registration to Practice Under 37 CFR § 11.6	1,094	\$226	\$247,244
1	9026	On Grant of Limited Recognition Under 37 CFR §11.9(b)	36	\$226	\$8,136
5	9004	Administrative Reinstatement to the Register	77	\$226	\$17,402
7	9012	Petition to the Director of the Office of Enrollment and Discipline under 37 CFR § 11.2(c)	8	\$452	\$3,616
8	9013	Review of Decision of the Director of Enrollment and Discipline Under 37 CFR § 11.2(d)	1	\$452	\$452
		Totals	5,294	- - -	\$798,086

Postage costs are also associated with this information collection. The USPTO expects that at most 1% of the 5,578 reporting submissions in this information collection will be submitted in the mail through the United States Postal Service, resulting in 56 mailed items. The remaining items will be submitted electronically. The average postage cost for a mailed submission, using a First Class 1-ounce letter envelope, is \$0.78. Therefore, the USPTO estimates that the total mailing costs for this information collection is \$44.

In prior renewals of this information, new Patent Bar members would incur notary costs for when required to obtain and submit an Oath or Affirmation. The USPTO no longer requires the Oath or Affirmation to be notarized.

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 GS-9, GS-11, and GS-15 employees to process submissions in this information collection.

The USPTO estimates that the cost of a GS-9, step 5 employee is \$52.25 per hour (GS hourly rate of \$38.35 with 36.25% (\$13.90) added for benefits and overhead). The USPTO estimates that the cost of a GS-11, step 5 employee is \$63.22 per hour (GS hourly rate of \$46.40 with 36.25% (\$16.82) added for benefits and overhead). The USPTO estimates that the cost of a GS-15, step 5 employee is \$125.25 per hour (GS hourly rate of \$91.93 with 36.25% (\$33.32) added for benefits and overhead).⁷

⁷ https://www.opm.gov/policy-data-oversight/pay-leave/salaries-wages/salary-tables/pdf/2026/DCB_h.pdf.

The average hourly rate for this information collection is \$80.24, inclusive of benefits and overhead.

The USPTO estimates it will take 5,463 hours to review and process the submissions in this information collection. This estimate is based on the fact that the agency takes substantially more time to review and process most submissions for legal sufficiency than it takes to submit the item(s). The time and hourly rate applicable for a specific filing depends on the filing type and content of the submission. The estimated cost to the government is calculated by multiplying 5,463 hours by \$80.24 (the average hourly rate), which equals \$438,351.

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

Table 7: 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	5,578	0	-3,868	-21,117	0	30,563
Annual Time Burden (Hr)	2,778	0	-453	-15,011	0	18,239
Annual Cost Burden (\$)	798,130	0	-14,383	-78,298	0	890,811

Changes Since the Previous Renewal

Since the renewal of this information collection in 2023, the USPTO has filed three nonsubstantive change requests (change worksheets) modifying this collection.

1) In December 2023, the USPTO updated forms PTO-158, PTO-107A, PTO-107R, and PTO-107S, which are used by the public to apply for registration to practice in patent matters before the USPTO. The forms were updated as a part of RIN 0651-AD67 (Representation of Others in Design Patent Matters Before the United States Patent and Trademark Office). This Rule amended the rules of practice in patent matters and the rules regarding the representation of others before the USPTO by creating a separate design patent practitioner bar whereby admitted design patent practitioners would practice in design patent proceedings only. This rulemaking resulted in no change in burden.

2) In September 2024, the USPTO updated form PTO-107R, which is used by the public to apply for reinstatement to practice in patent matters before the USPTO. The changes clarified and simplified the form for when a patent practitioner requests reinstatement to “active” status after being in another status. Citations to reserved and incorrect sections of the rules were removed and corrected.

3) In November 2024, the USPTO updated the filing fees paid to the agency as a part of RIN 0651-AD64 (Setting and Adjusting Patent Fees During Fiscal Year 2025). This rulemaking resulted in an increase to the non-hourly cost burden.

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

The total number of responses has decreased by 3,868 due to OMB declaring several items that were previously in this information collection as exempt under the Paperwork Reduction Act. The items removed from this information collection are:

- Registration Examination to Become a Registered Practitioner
- Reasonable Accommodation – PTO-158RA
- Change of Registration from Agent to Attorney – PTO-158
- Written Requests (Certificate of Good Standing, Disciplinary History)

Additionally, the USPTO is adding an item (Item 6 - Undertaking Under 37 CFR § 11.10(b)) to this information collection.

This decrease in the number of responses results in a decrease of 453 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 21,117 due to estimated fluctuations in the number of respondents/submissions in this information collection. This decrease in the number of respondents and responses results in a decrease of 15,011 hours in the annual time burden estimates.

Change in Annual Non-hour Costs due to Adjustment in Agency Estimate

For this renewal, the USPTO estimates that the total annual non-hour costs will decrease by \$78,298 from the previous approval. This decrease is due to certain fees being removed from this collection, as their corresponding items have been declared exempt by OMB. Additionally, the USPTO no longer requires the Oath or Affirmation to be notarized.

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 does not plan to publish this information for statistical use.

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 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.