

Agency: United States Patent and Trademark Office, Commerce.  
 Title: Third-Party Submissions and Protests.

OMB Control Number: 0651-0062.

Form Number(s): PTO/SB/429.

Type of Request: Renewal.

Number of Respondents: 1,560.

Average Time per Response: 10 hours.

Burden Hours: 15,600.

Cost Burden: \$237,619.25.

*Needs and Uses:* This information collection (the information collected via third-party submissions under 37 CFR 1.290 and protests under 37 CFR 1.291) is necessary so that the public may contribute to the quality of issued patents. Through the third-party submissions, members of the public may submit patents, published patent applications, or other printed publications of potential relevance to the examination of an application in accordance with 37 CFR 1.290. Through the protests, members of the public may call attention to any facts that—in the protestor's opinion—would make the grant of a patent improper. The USPTO will use this information, as appropriate, during the patent examination process to assist in evaluating the patent application and to, where necessary, avoid the issuance of an invalid patent.

*Affected Public:* Individuals or households; businesses or other for-profits; and not-for-profit institutions.

*Frequency:* On occasion.

*Respondent's Obligation:* Required to Obtain or Retain Benefits.

*OMB Desk Officer:* Nicholas A. Fraser, email: [Nicholas\\_A\\_Fraser@omb.eop.gov](mailto:Nicholas_A_Fraser@omb.eop.gov).

Once submitted, the request will be publicly available in electronic format through [reginfo.gov](http://reginfo.gov). Follow the instructions to view Department of Commerce collections currently under review by OMB.

Further information can be obtained by:

- Email: [InformationCollection@uspto.gov](mailto:InformationCollection@uspto.gov). Include "0651-0062 copy request" in the subject line of the message.

- Mail: Marcie Lovett, Records Management Division Director, Office of the Chief Information Officer, United States Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450.

Written comments and recommendations for the proposed information collection should be sent on or before July 9, 2015 to Nicholas A. Fraser, OMB Desk Officer, via email to [Nicholas\\_A\\_Fraser@omb.eop.gov](mailto:Nicholas_A_Fraser@omb.eop.gov), or by fax to 202-395-5167, marked to the attention of Nicholas A. Fraser.

Dated: June 1, 2015.

**Marcie Lovett,**

*Records Management Division Director, USPTO, Office of the Chief Information Officer.*

[FR Doc. 2015-14090 Filed 6-8-15; 8:45 am]

**BILLING CODE 3510-16-P**

## DEPARTMENT OF COMMERCE

### Patent and Trademark Office

#### Submission for OMB Review; Comment Request; "Post Registration (Trademark Processing)"

The United States Patent and Trademark Office (USPTO) will submit to the Office of Management and Budget (OMB) for clearance the following proposal for collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. chapter 35).

*Agency:* United States Patent and Trademark Office, Commerce.

*Title:* Post Registration (Trademark Processing).

*OMB Control Number:* 0651-0055.

*Form Number(s):*

- PTO Form 1563
- PTO Form 1573
- PTO Form 1583
- PTO Form 1597
- PTO Form 1963
- PTO Global Form

*Type of Request:* Regular.

*Number of Respondents:* 185,047 responses per year. Of this total, the USPTO expects that 175,846 responses will be submitted through TEAS and 9,201 will be submitted on paper.

*Average Hours Per Response:* The USPTO estimates that it will take approximately 5 minutes (0.08 hours) to 35 minutes (0.58 hours) to complete a single item in this collection, depending on the instrument used. This includes the time to gather the necessary information, create the documents, and submit the completed request to the USPTO.

*Burden Hours:* 43,095.72 hours.

*Cost Burden:* \$54,392,518.33.

*Needs and Uses:*

The United States Patent and Trademark Office (USPTO) administers the Trademark Act, 15 U.S.C. 1051 *et seq.*, which provides for the Federal registration of trademarks, service marks, collective trademarks and service marks, collective membership marks, and certification marks. Individuals and businesses that use or intend to use such marks in commerce may file an application to register their marks with the USPTO.

Such individuals and businesses may also submit various communications to

the USPTO, including requests to amend their registrations to delete goods or services that are no longer being used by the registrant. Registered marks remain on the register for ten years and can be renewed, but will be cancelled unless the owner files with the USPTO a declaration attesting to the continued use (or excusable non-use) of the mark in commerce, and a renewal application, within specific deadlines. Applicants may also request to amend or divide a registration, respond to a post-registration Office action, and surrender a registration.

The rules implementing the Act are set forth in 37 CFR part 2. These rules mandate that each register entry include the mark, the goods and/or services in connection with which the mark is used, ownership information, dates of use, and certain other information. The USPTO also provides similar information concerning pending applications. The register and pending application information may be accessed by an individual or by businesses to determine the availability of a mark. By accessing the USPTO's information, parties may reduce the possibility of initiating use of a mark previously adopted by another. Thus, the Federal trademark registration process may reduce unnecessary litigation and its accompanying costs and burdens.

*Affected Public:* Individuals or households; businesses or other for-profit institutions, and not-for-profit institutions.

*Frequency:* On occasion.

*Respondent's Obligation:* Required to Obtain or Retain Benefits.

*OMB Desk Officer:* Nicholas A. Fraser, email: [Nicholas\\_A\\_Fraser@omb.eop.gov](mailto:Nicholas_A_Fraser@omb.eop.gov).

Once submitted, the request will be publicly available in electronic format through [reginfo.gov](http://reginfo.gov). Follow the instructions to view Department of Commerce collections currently under review by OMB.

Further information can be obtained by:

- Email: [InformationCollection@uspto.gov](mailto:InformationCollection@uspto.gov). Include "0651-0055 copy request" in the subject line of the message.

- Mail: Marcie Lovett, Records Management Division Director, Office of the Chief Information Officer, United States Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450.

Written comments and recommendations for the proposed information collection should be sent on or before July 9, 2015 to Nicholas A. Fraser, OMB Desk Officer, via email to

Nicholas A. Fraser@omb.eop.gov, or by fax to 202 395-5167, marked to the attention of Nicholas A. Fraser.

Dated: June 1, 2015.

**Marcie Lovett,**

Records Management Division Director,  
USPTO, Office of the Chief Information  
Officer.

[FR Doc. 2015-14085 Filed 6-8-15; 8:45 am]

BILLING CODE 3510-16-P

**DEPARTMENT OF COMMERCE**

**United States Patent and Trademark  
Office**

**Matters Related to First Inventor To  
File**

**ACTION:** Proposed collection; comment request.

**SUMMARY:** The United States Patent and Trademark Office (USPTO), as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104-13 (44 U.S.C. 3506(c)(2)(A)).

**DATES:** Written comments must be submitted on or before August 10, 2015.

**ADDRESSES:** Written comments may be submitted by any of the following methods:

- *Email:* InformationCollection@uspto.gov. Include "0651-0071 comment" in the subject line of the message.
- *Federal Rulemaking Portal:* <http://www.regulations.gov>.
- *Mail:* Marcie Lovett, Records Management Division Director, Office of the Chief Information Officer, United States Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450.

**FOR FURTHER INFORMATION CONTACT:** Requests for additional information should be directed to Raul Tamayo, Senior Legal Advisor, Office of Patent Legal Administration, United States Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450; by telephone at 571-272-7728; or by email to [Raul.Tamayo@uspto.gov](mailto:Raul.Tamayo@uspto.gov) with "0651-0071 comment" in the subject line. Additional information about this collection is also available at <http://www.reginfo.gov> under "Information Collection Review."

**SUPPLEMENTARY INFORMATION:**

**I. Abstract**

The Leahy-Smith America Invents Act (AIA) was enacted into law on September 16, 2011. See Public Law 112-29, 125 Stat. 283 (2011). Section 3 of the AIA, *inter alia*, amended 35 U.S.C. 102 and 103 consistent with the objectives of the AIA, including the conversion of the United States patent system from a "first to invent" system to a "first inventor to file" system. The changes in section 3 of the AIA went into effect on March 16, 2013, but apply only to certain applications filed on or after March 16, 2013.

37 CFR 1.55(j), 1.78(a)(6) and 1.78(d)(6) require information needed to assist the USPTO in determining whether an application is subject to 35 U.S.C. 102 and 103 as amended by the AIA or 35 U.S.C. 102 and 103 in effect on March 15, 2013. 37 CFR 1.110 requires information needed to identify the inventor, and ownership on the effective filing date, of each claimed invention in an application or patent with more than one named inventor, when necessary for purposes of a USPTO proceeding. 37 CFR 1.130, 1.131, and 1.132 provide for the submission of affidavits or declarations needed (i) to show that a disclosure was by the inventor or joint inventor, or was by a party who obtained the subject matter from the inventor or a joint inventor (1.130), (ii) to show that there was a prior public disclosure by the inventor or a joint inventor, or by a party who obtained the subject matter from the inventor or a joint inventor (1.130), (iii) to establish prior invention or to disqualify a commonly owned patent or published application as prior art (1.131), or (iv) to submit evidence to traverse a rejection or objection on a basis not otherwise provided for (1.132).

The USPTO accounts for both electronic and paper submissions in this collection.

**II. Method of Collection**

Electronically when using the USPTO online filing system EFS-Web, or by mail, facsimile, or hand delivery.

**III. Data**

*OMB Number:* 0651-0071.  
*IC Instruments and Forms:* The individual instruments in this collection, as well as any associated forms, are listed in the hourly cost burden table below.

*Type of Review:* Revision of a Previously Existing Information Collection.

*Affected Public:* Individuals or households; businesses or other for-profits; and not-for-profit institutions.

*Estimated Number of Respondents:* The USPTO estimates that it will receive a total of approximately 50,150 responses per year for this collection, of which approximately 12,538 will be filed by small entities. The USPTO estimates that approximately 48,646 of the responses for this collection will be submitted electronically via EFS-Web.

These estimates are based on the Agency's long-standing institutional knowledge of and experience with the type of information collected by these items.

*Estimated Time per Response:* The USPTO estimates that the responses in this collection will take the public from 2 to 10 hours to complete. This includes the time to gather the necessary information, create the document, and submit the completed request to the USPTO. Specifically, the USPTO estimates that: (1) Preparing an affidavit or declaration under 37 CFR 1.130, 1.131, or 1.132 will require, on average, 10 hours; (2) identifying under 37 CFR 1.55(j), 1.78(a)(6), or 1.78(d)(6) whether there is any claim or subject matter not disclosed in the prior foreign, provisional, or non-provisional application will require, on average, 2 hours; and (3) identifying under 37 CFR 1.110 inventorship and ownership of the subject matter of claims will require, on average, 2 hours. The USPTO calculates that, on balance, it takes the same amount of time to gather the necessary information, create the document, and submit it to the USPTO, whether the applicant submits the information in paper form or electronically.

These estimates are based on the Agency's long-standing institutional knowledge of and experience with the type of information collected and the length of time necessary to complete responses containing similar or like information.

*Estimated Total Annual Respondent Burden Hours:* 340,300 hours.

*Estimated Total Annual Respondent (Hourly) Cost Burden:* \$132,376,700. The USPTO expects that attorneys will complete the instruments associated with this information collection. The professional hourly rate for attorneys is \$389. Using this hourly rate, the USPTO estimates \$132,376,700 per year for the total hourly costs associated with respondents.