

IC No.	Item	Time for response (hours) (a)	Responses (b)	Burden hours (c) (a) × (d)	Rate (d)	Total cost (e) (c) × (d)
1	Letter of Protest (TEAS Global)	1 (60 minutes)	3,475	3,475.00	\$438.00	\$1,522,050.00
1	Letter of Protest (Paper)	1.25 (75 minutes)	10	12.50	438.00	5,475.00
2	Request to Make Special (TEAS Global).	0.58 (35 minutes)	150	87.00	438.00	38,106.00
2	Request to Make Special (Paper)	0.75 (45 minutes)	1	0.75	438.00	328.50
3	Response to Petition to Director Inquiry Letter (TEAS Global).	0.75 (45 minutes)	274	205.50	438.00	90,009.00
3	Response to Petition to Director Inquiry Letter (Paper).	1 (60 minutes)	1	1.00	438.00	438.00
4	Petition to Make Special (TEAS Global).	0.58 (35 minutes)	531	307.98	438.00	134,895.25
4	Petition to Make Special (Paper)	0.75 (45 minutes)	2	1.5	438.00	657.00
5	Request to Restore Filing Date (TEAS Global).	0.58 (35 minutes)	5	2.90	438.00	1,270.20
5	Request to Restore Filing Date (Paper).	0.75 (45 minutes)	1	0.75	438.00	328.50
6	Request for Reinstatement (TEAS Global).	0.75 (45 minutes)	317	237.75	438.00	104,134.50
6	Request for Reinstatement (Paper)	1 (60 minutes)	1	1.00	438.00	438.00
Total			4,768	4,333.63		1,898,129.94

*Estimated Total Annual (Non-hour) Respondent Cost Burden:* \$53,307.84 per year. This collection has no capital start-up, maintenance, or operating fees.

This collection does have postage cost and filing fees.

**Filing Fees**

There are fees associated with this collection, specifically for the Petition

to Make Special, which has a fee amount of \$100 per respondent. The total estimated filing-fee cost for this collection is \$53,300.00

IC No.	Item	Responses	Filing fee	Total cost
4	Petition to Make Special (TEAS Global)	531	\$100.00	\$53,100.00
4	Petition to Make Special (Paper)	2	100.00	200.00
Totals		533		53,300.00

**Postage Cost**

Applicants incur postage costs when submitting non-electronic information to the USPTO by mail through the United States Postal Service (USPS). The USPTO estimates that the vast majority—approximately 98%—of the paper forms are submitted to the USPTO via first-class mail, while the rest are submitted by hand delivery. The USPTO estimates that 16 forms will be mailed. The average first-class USPS postage cost for a mailed submission is \$0.50. Therefore, the USPTO estimates that the postage costs for the mailed submissions in this collection will total \$8.

Therefore, the USPTO estimates that the total annual (non-hour) cost burden for this collection, in the form of filing fees (\$53,300) and postage costs (\$8), is \$53,308 per year.

**IV. Request for Comments**

Comments submitted in response to this notice will be summarized or

included in the request for OMB approval of this information collection. They also will become a matter of public record.

Comments are invited on:

(a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility;

(b) The accuracy of the agency's estimate of the burden (including hours and cost) of the proposed collection of information;

(c) Ways to enhance the quality, utility, and clarity of the information to be collected; and

(d) Ways to minimize the burden of the collection of information on respondents, e.g., the use of automated

collection techniques or other forms of information technology.

**Marcie Lovett,**

*Records and Information Governance Division Director, OCTO, United States Patent and Trademark Office.*

[FR Doc. 2018-08021 Filed 4-16-18; 8:45 am]

**BILLING CODE 3510-16-P**

**DEPARTMENT OF COMMERCE**

**Patent and Trademark Office**

**Third-Party Submissions and Protests**

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

**SUMMARY:** The United States Patent and Trademark Office (USPTO), as required by the Paperwork Reduction Act of 1995, invites comments on a proposed extension of an existing information collection: 0651-0062 (Third-Party Submissions and Protests).

**DATES:** Written comments must be submitted on or before June 18, 2018.

**ADDRESSES:** You may submit comments by any of the following methods:

- *Email:* [InformationCollection@uspto.gov](mailto:InformationCollection@uspto.gov). Include “0651–0062 comment” in the subject line of the message.
- *Federal Rulemaking Portal:* <http://www.regulations.gov>.
- *Mail:* Marcie Lovett, Records and Information Governance Division Director, Office of the Chief Technology 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 “0651–0062 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 United States Patent and Trademark Office (USPTO) is required by 35 U.S.C. 131 *et seq.* to examine an application for patent and, when appropriate, issue a patent. The provisions of 35 U.S.C. 122(c), 122(e), 131, and 151, as well as 37 CFR 1.290 and 1.291, limit the ability of a third party to have information entered and considered in, or to protest, a patent application pending before the Office. 37 CFR 1.290 provides a mechanism for third parties to submit to the USPTO, for consideration and inclusion in the record of a patent application, any patents, published patent applications, or other printed publications of potential relevance to the examination of the application. A third-party submission under 37 CFR 1.290 may be made in any non-provisional utility, design, and plant application, as well as in any continuing application. A third-party submission under 37 CFR 1.290 must include a concise description of the asserted relevance of each document submitted, and must be submitted within a certain statutorily specified time period. 37 CFR 1.291 permits a member of the public to file a protest against a pending application. Protests pursuant to 37 CFR

1.291 are supported by a separated statutory provision from third-party submissions under 37 CFR 1.290 (35 U.S.C. 122(c) v. 35 U.S.C. 122(e)). As a result, there are several differences between protests and third-party submissions.

For example, 37 CFR 1.291 permits the submission of information in a protest that is not permitted in a third-party submission under 37 CFR 1.290. Specifically, 37 CFR 1.291 provides for the submission of information, including any facts or information adverse to patentability. Further, 37 CFR 1.291 requires a protest to include a concise explanation of the relevance of each item of information submitted. Unlike the concise description of relevance required for a third-party submission under 37 CFR 1.290, which is limited to a description of a document’s relevance, the concise explanation for a protest under 37 CFR 1.291 allows for arguments against patentability. Additionally, the specified time period for submitting a protest differs from the time period for submitting third-party submissions, and is impacted by whether the protest is accompanied by the written consent of the applicant.

Comparison	Third party submission	Protest
Statute/Rule .....	35 U.S.C. 122(e), 37 CFR 1.290 .....	35 U.S.C. 122(c), 37 CFR 1.291.
Content .....	Printed publications .....	Printing publications and any facts or information adverse to patentability.
Remarks .....	Concise description of relevance (limited to a concise description of each document’s relevance).	Concise explanation of the relevance (allows for arguments against patentability).
Timing .....	Prior to Allowance and prior to later of: 6 months after Pre-Grant Publication or first rejection of any claim.	Prior to Allowance and prior to Pre-Grant Publication OR Prior to Allowance and after and after Pre-Grant Publication with application consent.

This information collection is necessary so that the public may contribute to the quality of issued patents. The USPTO will use this information, as appropriate, to assist in evaluating the patent application as it moves through the patent examination process.

**II. Method of Collection**

- OMB Number:* 0651–0062.
- IC Instruments:* PTO/SB/429.
- Type of Review:* Extension of a currently approved collection.

- Affected Public:* Individuals or households; businesses or other for-profits; and not-for-profit institutions.
- Estimated Number of Respondents:* 1,450 responses per year.
- Estimated Time per Response:* The USPTO estimates that it will take the public approximately 10 hours to gather the necessary information, prepare the appropriate form or document, and submit the information to the USPTO.
- Estimated Total Annual Hour Burden:* 14,500 hours.
- Estimated Annual Respondent (Hourly) Cost Burden:* \$6,351,000.00.

The USPTO expects that intellectual property attorneys in private firms will complete the instruments associated with this information collection. The professional hourly rate is \$438. The rate is established by estimates in the 2017 Report on the Economic Survey, published by the Committee on Economics of Legal Practice of the American Intellectual Property Law Association. Using this hourly rate, the USPTO estimates that the total respondent cost burden for this collection is \$6,351,000 per year.

TABLE 1—BURDEN HOUR AND COST

IC No.	Item	Response time (hours) (a)	Responses (b)	Annual burden hours (c) (a) × (b)	Rate (d)	Total cost (e) (c) × (d)
1 .....	Third-Party Submissions in Non-issued Applications (electronic).	10	1,400	14,000	\$438.00	\$6,132,000.00
2 .....	Third-Party Submissions in Non-issued Applications (paper).	10	40	400	438.00	175,200.00
3 .....	Protests by the Public Against Pending Applications Under 37 CFR 1.291 (paper).	10	10	100	438.00	43,800.00
Total	.....	.....	1,450	14,500	.....	6,351,000.00

*Estimated Total Annual (Non-hour) Respondent Cost Burden:* \$74,160 per year. There are no capital start-up, recordkeeping or maintenance costs associated with this information collection. There are, however, annual (non-hour) costs associated with this information collection in the forms of filing fees and postage costs. In particular, 37 CFR 1.290 requires payment of the fee set forth in 37 CFR 1.17(o) (\$180 undiscounted; \$90 for a small or micro entity) for every ten documents, or fraction thereof, listed in each third-party submission.

The USPTO provides an exemption from the 1.17(o) fee requirement where

a third-party submission listing three or fewer total documents is the first third-party submission submitted in an application by the third party, or a party in privity with the third party. The effect of this is that the first three documents submitted by a third party are exempt from the fee requirement. However, the submission of four or more documents by a third party triggers the collection of the fee.

There is no fee for filing protests under 37 CFR 1.291 unless the filed protest is the second or subsequent protest by the same real party in interest, in which case the 37 CFR 1.17(i) fee of \$130 must be included.

The USPTO estimates that only 1 out of every 10 protests filed per year will require this fee.

When electronically submitting the information in this collection to the USPTO, the applicant is encouraged to retain a copy of the file submitted to the USPTO as evidence of the application. Inclusion of an USPS acknowledgement receipt with mailed items provides evidence of the date the file was received by the USPTO. The USPTO does not, however, require this recordkeeping, and thus does not consider this action to be a recordkeeping cost imposed on the applicant.

TABLE 2—FILING FEES

IC No.	Item	Estimated annual responses (a)	Filing fee (\$) (b)	Total Non-hour cost burden (\$) (a) × (b) = (c)
1–2 .....	Third-Party Submissions in Non-issued Applications .....	410	\$180.00	\$73,800.00
1–2 .....	Third-Party Submissions in Non-issued Applications (small and micro entities)	170	90.00	15,300.00
3 .....	Protests by the Public Against Pending Applications Under 37 CFR 1.291 .....	1	130.00	130.00
Total ..	.....	581	.....	73,930.00

This collection also has non-hourly annual cost burden in the form of postage costs. Customers may incur postage costs when submitting the instruments contained within this collection to the USPTO by mail through the United States Postal Service. The USPTO estimates that the average first class postage cost for a one-pound submission mailed in a flat-rate envelope to be \$6.70. The USPTO estimates that the vast majority—roughly 98 percent—of all paper submissions will be delivered by mail, with the remainder being delivered by hand delivery, for an estimated that approximately 40 submissions will

require postage. Therefore, the estimated postage cost for this collection will be \$268.

The total non-hour respondent cost burden for this collection in the form of filing fees (\$73,930) and postage costs (\$268) is approximately \$74,198.

**IV. Request for Comments**

Comments submitted in response to this notice will be summarized or included in the request for OMB approval of this information collection. They will also become a matter of public record.

Comments are invited on:

(a) Whether the proposed collection of information is necessary for the proper

performance of the functions of the agency, including whether the information shall have practical utility;

(b) The accuracy of the agency's estimate of the burden (including hours and cost) of the proposed collection of information;

(c) Ways to enhance the quality, utility, and clarity of the information to be collected; and

(d) Ways to minimize the burden of the collection of information on respondents, e.g., the use of automated

collection techniques or other forms or information technology.

**Marcie Lovett,**

*Records and Information Governance  
Division Director, OCTO, United States Patent  
and Trademark Office.*

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**BILLING CODE 3510-16-P**

## **BUREAU OF CONSUMER FINANCIAL PROTECTION**

[Docket No. CFPB-2018-0014]

### **Request for Information Regarding the Bureau's Consumer Complaint and Consumer Inquiry Handling Processes**

**AGENCY:** Bureau of Consumer Financial Protection.

**ACTION:** Notice and request for information.

**SUMMARY:** The Bureau of Consumer Financial Protection (Bureau) is seeking comments and information from interested parties to assist the Bureau in assessing its handling of consumer complaints and consumer inquiries and, consistent with law, considering whether changes to its processes would be appropriate.

**DATES:** Comments must be received by July 16, 2018.

**ADDRESSES:** You may submit responsive information and other comments, identified by Docket No. CFPB-2018-0014, by any of the following methods:

- *Electronic:* Go to <http://www.regulations.gov>. Follow the instructions for submitting comments.
- *Email:* [FederalRegisterComments@cfpb.gov](mailto:FederalRegisterComments@cfpb.gov). Include Docket No. CFPB-2018-0014 in the subject line of the message.

- *Mail:* Comment Intake, Consumer Financial Protection Bureau, 1700 G Street NW, Washington, DC 20552.
- *Hand Delivery/Courier:* Comment Intake, Consumer Financial Protection Bureau, 1700 G Street NW, Washington, DC 20552.

*Instructions:* The Bureau encourages the early submission of comments. All submissions must include the document title and docket number. Please note the number of the topic on which you are commenting at the top of each response (you do not need to address all topics). Because paper mail in the Washington, DC area and at the Bureau is subject to delay, commenters are encouraged to submit comments electronically. In general, all comments received will be posted without change to <http://www.regulations.gov>. In addition, comments will be available for public inspection and copying at 1700 G Street

NW, Washington, DC 20552, on official business days between the hours of 10 a.m. and 5 p.m. Eastern Time. You can make an appointment to inspect the documents by telephoning 202-435-7275.

All submissions in response to this request for information, including attachments and other supporting materials, will become part of the public record and subject to public disclosure. Proprietary information or sensitive personal information, such as account numbers or Social Security numbers, or names of other individuals, should not be included. Submissions will not be edited to remove any identifying or contact information.

**FOR FURTHER INFORMATION CONTACT:**

Darian Dorsey, Deputy Assistant Director, Office of Consumer Response, at 202-435-7268. If you require this document in an alternative electronic format, please contact [CFPB\\_Accessibility@cfpb.gov](mailto:CFPB_Accessibility@cfpb.gov).

**SUPPLEMENTARY INFORMATION:** An important aspect of the Bureau's mission is hearing directly from the American public about their experiences in the consumer financial marketplace. Pursuant to 12 U.S.C. 5511(c)(2), "collecting, investigating, and responding to consumer complaints" is one of the six statutory "primary functions" of the Bureau. In addition, ensuring that "consumers are provided with timely and understandable information to make responsible decisions about financial transactions" is one of its six enumerated objectives.<sup>1</sup>

In furtherance of these statutory mandates, the Dodd-Frank Wall Street Reform and Consumer Protection Act (Dodd-Frank Act) requires the Bureau to establish a unit to "facilitate the centralized collection of, monitoring of, and response to consumer complaints regarding consumer financial products or services"<sup>2</sup> and directs the Bureau to establish reasonable procedures to provide timely responses to consumer complaints and consumer inquiries.<sup>3</sup> The Bureau defines *consumer complaints* as "submissions that express dissatisfaction with, or communicate suspicion of wrongful conduct by, an identifiable entity related to a consumer's personal experience with a financial product or service."<sup>4</sup> To date,

the Bureau has not published its definition of *consumer inquiries*; however, as an operational matter for the purposes of establishing reasonable procedures for providing timely responses to consumer inquiries and for the purposes of this request for information, the Bureau defines *consumer inquiries* as consumer requests for information—typically proffered by telephone—to its Office of Consumer Response about consumer financial products or services, the status of a complaint, an action taken by the Bureau, and often combinations thereof.<sup>5</sup>

Since it began accepting consumer complaints and consumer inquiries in July 2011, the Bureau has established reasonable procedures to provide consumers with timely responses to their complaints and inquiries, in writing where appropriate.<sup>6</sup> To date, the Bureau has received more than 1.5 million consumer complaints. The consumer complaint process seeks to provide consumers with timely responses to their complaints, while the consumer inquiry process aims to provide timely answers to consumers who submit inquiries. Both processes support the Bureau's statutory objective to provide consumers with timely and understandable information about consumer financial products and services to make responsible decisions. To that end, the Bureau has established reasonable procedures for responding to both consumer complaints and consumer inquiries.

Though the Bureau is required to establish reasonable procedures to provide timely responses to consumer complaints and consumer inquiries, certain aspects of the complaint and inquiry handling processes were developed in furtherance of those statutory requirements but are not directly mandated by statute. Mindful of the Bureau's statutory objective to provide consumers with timely and understandable information about consumer financial products and services so they can make responsible decisions, as well as its statutory obligations to (1) establish reasonable procedures to provide consumers with timely responses and (2) centralize the collection of consumer complaints about consumer financial products or

<sup>1</sup> 12 U.S.C. 5511(b)(1).

<sup>2</sup> The Bureau's Office of Consumer Response ("Consumer Response") serves these and other functions. 12 U.S.C. 5493(b)(3)(A).

<sup>3</sup> 12 U.S.C. 5534(a).

<sup>4</sup> Consumer Financial Protection Bureau, *Consumer Response Annual Report* (Mar. 2012), available at [http://files.consumerfinance.gov/f/201204\\_cfpb\\_ConsumerResponseAnnualReport.pdf](http://files.consumerfinance.gov/f/201204_cfpb_ConsumerResponseAnnualReport.pdf).

<sup>5</sup> 12 U.S.C. 5511(b)(1) authorizes the Bureau to ensure that, with respect to consumer financial products and services, "consumers are provided with timely and understandable information to make responsible decisions about financial transactions"; some of this work occurs in the consumer complaint and inquiry processes performed within the Office of Consumer Response.

<sup>6</sup> 12 U.S.C. 5534(a).