III. Data

OMB Number: 0651–0082.

IC Instruments and Forms: The individual instrument in this collection, as well as its associated form, is listed in the table below.

Type of Review: Extension of an existing information collection.

Affected Public: Not-for-profit institutions.

Estimated Number of Respondents: 1106 total respondents. An estimated 20 regional hubs will provide quarterly responses to USPTO (the PBAC Administrator Survey). This results in 80 responses from regional hubs per year. In addition, an estimated 1026 applicants will provide demographic data in their applications directly to the regional hubs as part of their individual applications for pro bono assistance, resulting in 1026 responses from applicants per year.

Estimated Time per Response: The USPTO estimates that it will take two hours to complete the PBAC Administrator Survey, including time needed to gather the necessary information, enter it into the information collection instrument, and submit it. The USPTO estimates that it will take approximately one minute for applicants to answer the demographic questions.

Estimated Total Annual Respondent Burden Hours: 177.10 hours.

Estimated Total Annual Respondent (Hourly) Cost Burden: $8,866.44.00. The USPTO expects that regional program administrators will complete these applications. The professional hourly rate for a regional program administrator is $50.11. The rate for administrators (BLS 11–0000) is based on the Hourly Wage Estimates. The hourly rate for the demographic survey uses the estimated rate for independent inventors (the average of mean rates for Engineers and Scientists). Using this hourly rate, the USPTO estimates that the total respondent cost burden for this collection is $8,866.44.00 per year.


<table>
<thead>
<tr>
<th>IC No.</th>
<th>Information collection instrument</th>
<th>Estimated number of respondents</th>
<th>Total respondent burden hours</th>
<th>Rate ($/h)</th>
<th>Totals</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Regional Program Administrator Survey</td>
<td>120 80 160</td>
<td>50.11</td>
<td>8,017.60</td>
<td></td>
</tr>
<tr>
<td>2</td>
<td>Demographic survey</td>
<td>1 1,026 17.1</td>
<td>49.64</td>
<td>848.84</td>
<td></td>
</tr>
<tr>
<td>Total</td>
<td></td>
<td>1,106</td>
<td>177.1</td>
<td></td>
<td>8,866.44</td>
</tr>
</tbody>
</table>

**Respondent Cost Burden:** $26,666.66.

There is a startup cost for each regional hub to update their data collection form to capture demographic data. The USPTO estimates that each regional hub (20) will require, on average, $4,000.00 to update their web collection form. A total one-time cost of $80,000.00 is annualized over a three (3) year period, for an annual cost of $26,666.66. There are no maintenance, or operating fees associated with this collection, nor are there postage costs, filing fees, or processing fees.

IV. Request for Comments

Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. USPTO invites public comments on:

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

(b) Accuracy of the agency’s estimate of the burden (including hours and cost) of the proposed collection of information, including the validity of the methodology and assumptions used;

(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., including through the use of automatic data collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

Marcie Lovett, Director, Records and Information Governance Branch, Office of the Chief Administrative Officer, USPTO.

DEPARTMENT OF COMMERCE

United States Patent and Trademark Office

Post Allowance and Refiling

ACTION: Notice of renewal of information collection; request for comment.


DATES: Written comments must be submitted on or before January 13, 2020.

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

Email: InformationCollection@uspto.gov. Include “0651–0033 comment” in the subject line of the message.


Mail: Marcie Lovett, Records and Information Governance Branch, Office
of the Chief Administrative 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. Additional information about this collection is also available at http://www.reginfo.gov under “Information Collection Review.”

SUPPLEMENTARY INFORMATION:

I. Abstract

This collection of information covers the submission of issue fee payments to the United States Patent and Trademark Office (USPTO). The USPTO is required by 35 U.S.C. 131 and 151 to examine applications and, when appropriate, allow applications and issue them as patents. When an application for a patent is allowed by the USPTO, the USPTO issues a notice of allowance and the applicant must pay the specified issue fee within three months to avoid abandonment of the application. If the appropriate fees are paid within the proper time period, the USPTO can then issue the patent. If the fees are not paid within the designated time period, the application is abandoned (applicant may petition the Director to accept a delayed payment and revive the application with a statement that the delay was unintentional; the Petition for Revival of an Application for Patent is approved under information collection 0651–0031). The rules outlining the procedures for payment of the issue fee and issuance of a patent are found at 37 CFR 1.18 and 1.311–1.317.

This collection of information also covers several transactions that may be taken after issuance of a patent, pursuant to Chapter 25 of Title 35 U.S.C. A certificate of correction may be requested to correct an error or errors in the patent. If the USPTO determines that the request should be approved, the USPTO will issue a certificate of correction. For an original patent that is believed to be wholly or partly inoperative or invalid, the original patentee, or the current patent owner if there has been a subsequent assignment, may apply for reissue of the patent, which entails several formal requirements, including provision of an oath or declaration specifically identifying at least one error being relied upon as the basis for reissue and stating the reason for the belief that the original patent is wholly or partly inoperative or invalid (e.g., a defective specification or drawing, or claiming more or less than the patentee had the right to claim in the patent). The rules outlining these procedures are found at 37 CFR 1.171–1.178 and 1.322–1.325.

II. Method of Collection

By mail, facsimile, hand delivery, or electronically to the USPTO.

III. Data

OMB Number: 0651–0033.

Form Number(s): PTO/SB/44/50/51/51S/52/53/56/141, PTO/AIA/05/06/07, and PTOL–85B.

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: 392,149 responses per year. The USPTO estimates that approximately 25% (98,037) of these responses will be from small entities (22%) and micro entities (3%).

Estimated Time per Response: The USPTO estimates that it will take the public from 12 minutes (0.20 hours) to 5 hours to gather the necessary information, prepare the appropriate form or document, and submit the information to the USPTO.

Estimated Total Annual Respondent Burden Hours: 213,789.50 hours.

Estimated Total Annual Respondent Cost Burden: $37,691,207.50. The USPTO expects that the information in this collection will be prepared by attorneys at an estimated rate of $438 per hour, except for the Issue Fee Transmittal, which will be prepared by paraprofessionals at an estimated rate of $125 per hour. The attorney rates are found in the 2017 Report of the Economic Survey of the America Intellectual Property Law Association (AIPLA). The paraprofessional rate is found in the 2016 National Utilization Survey published by the National Association of Legal Assistants (NALA). Therefore, the USPTO estimates that the respondent cost burden for this collection will be approximately $37,691,207.50 per year.

IC No. | Item | Estimated time for response (hr) | Estimated annual responses | Estimated annual burden hours | Rate ($/hr) | Total cost burden ($) |
--- | --- | --- | --- | --- | --- | --- |
1 | Certificate of Correction (PTO/SB/44) | 1 | 29,000 | 29,000.00 | 438.00 | 12,702,000.00 |
2 | Petition to Correct Assignee After Payment of Issue Fee (37 CFR 3.81(b)) (PTO/SB/141) | 0.50 (30 minutes) | 800 | 400.00 | 438.00 | 175,200.00 |
3 | Reissue Documentation | 5 | 900 | 4,500.00 | 438.00 | 1,971,000.00 |
4 | Reissue Patent Application Transmittal (PTO/SB/50/Office (RO/US) (PTO–1382). | 0.20 (12 minutes) | 900 | 180.00 | 438.00 | 78,840.00 |
5 | Reissue Application Declaration by the Inventor or the Assignee (PTO/SB/51S/52 and PTO/AIA/05/06/07) or Substitute Statement in Lieu of an Oath or Declaration for Reissue Patent Application (35 U.S.C. § 115(d) and 37 CFR 1.64) (PTO/AIA/07). | 0.50 (30 minutes) | 1,150 | 575.00 | 438.00 | 251,850.00 |
6 | Supplemental Declaration for Reissue Patent Application to Correct “Errors” Statement (37 CFR 1.175) (PTO/SB/51S). | 0.30 (18 minutes) | 50 | 15.00 | 438.00 | 6,570.00 |
7 | Reissue Application: Consent of Assignee; Statement of Non-assignment (PTO/SB/53). | 0.20 (12 minutes) | 950 | 190.00 | 438.00 | 83,220.00 |
8 | Reissue Application Fee Transmittal Form (PTO/SB/56). | 0.20 (12 minutes) | 900 | 180.00 | 438.00 | 78,840.00 |
9 | Issue Fee Transmittal (PTO–85B). | 0.50 (30 minutes) | 35,750 | 17,875.00 | 125.0 | 2,234,375.00 |
10 | Issue Fee Transmittal (electronic) (PTO–85B). | 0.50 (30 minutes) | 321,749 | 160,874.50 | 125.0 | 20,193,312.50 |
Totals | | | | | | 37,691,207.50 |
Postage Costs: Customers may also incur postage costs when submitting the information in this collection by the USPTO by mail. The USPTO estimates the average USPS Priority Mail postage cost for a legal flat rate envelop is estimated to be $7.65 and that approximately 1% (3,755) of the submissions will be mailed to the USPTO per year. For a total estimated postage cost of $28,725 per year.

The total annual (non-hour) respondent cost burden for this collection is estimated to be approximately $305,708,615 per year.

IV. Request for Comments

Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record.

USPTO invites public comments on:

- Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
- Accuracy of the agency’s estimate of the burden (including hours and cost) of the proposed collection of information, including the validity of the methodology and assumptions used;
- Ways to enhance the quality, utility, and clarity of the information to be collected; and
- Ways to minimize the burden of the collection of information on respondents, e.g., including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

Marcie Lovett,
Office of the Chief Administrative Officer, Records and Information Governance Branch, USPTO.

[FR Doc. 2019–24617 Filed 11–12–19; 8:45 am]
BILLING CODE 3510–16–P

DEPARTMENT OF DEFENSE

Department of the Army

[Docket ID: USA–2019–HQ–0030]

Proposed Collection; Comment Request

AGENCY: Department of the Army, Network Enterprise Technology, DoD.

ACTION: Information collection notice.