



3510-16-P

## DEPARTMENT OF COMMERCE

### United States Patent and Trademark Office

#### Invention Promoters/Promotion Firms Complaints

**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 the extension of a continuing information collection, 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 *{insert date 60 days after the date of publication in the Federal Register, in the format “month, day, year”}*.

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

- *Email:* [InformationCollection@uspto.gov](mailto:InformationCollection@uspto.gov). Include “0651–0044 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 Cathie Kirik, Mail Stop 24, Commissioner for Patents, United States

Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450; by telephone at 571-272-8040; or by email at Cathie.Kirik@uspto.gov with “0651-0044 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**

Under the Inventors’ Rights Act of 1999, as found in 35 U.S.C. § 297 and implemented by 37 CFR Part 4, the United States Patent and Trademark Office (USPTO) is required to provide a forum for the publication of complaints concerning invention promoters and responses from the invention promoters to these complaints. An individual may submit a complaint concerning an invention promoter to the USPTO, which will forward the complaint to the invention promoter for response. The complaints and responses will be published and made available to the public on the USPTO Web site. The USPTO does not investigate these complaints or participate in any legal proceedings against invention promoters or promotion firms.

Complaints submitted to the USPTO must (1) identify the name and address of the complainant and the invention promoter or promotion firm; (2) explain the basis for the complaint; and (3) include the signature of the complainant. The identifying information is necessary so that the USPTO can both forward the complaint to the invention promoter or promotion firm as well as notify the complainant that the complaint has been forwarded. Complainants should understand that the complaints will be forwarded to the invention promoter for response and that the complaint and response will be made available to the public as required by the Inventors’ Rights Act. If the

USPTO does not receive a response from the invention promoter, the complaint will still be published without the response. The USPTO does not accept complaints under this program if the complainant requests confidentiality.

This information collection includes one form, Complaint Regarding Invention Promoter (PTO/SB/2048A), which is used by the public to submit a complaint under this program. This form is available for download from the USPTO Web site. Use of this form is not mandatory, and the complainant may submit their complaint without the form via any of the approved methods of collection as long as the complainant includes the necessary information and the submission is clearly marked as a complaint filed under the Inventors' Rights Act. There is no associated form for submitting responses to the complaints.

## **II. Method of Collection**

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

## **III. Data**

*OMB Number:* 0651–0044.

*IC Instruments and Forms:* The individual instruments in this collection, as well as their associated forms, are listed in the 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:* 50 responses per year. Of this total, the USPTO expects that 100% will be submitted on paper.

*Estimated Time per Response:* The USPTO estimates that it will take the public approximately 15 minutes (0.25 hours) to gather the necessary information, prepare the form, and submit a complaint to the USPTO and approximately 30 minutes (0.5 hours) for an invention promoter or promotion firm to prepare and submit a response to a complaint.

*Estimated Total Annual Hour Burden:* 17.5 hours.

*Estimated Total Annual Cost Burden (Hourly):* \$3,026.25. The USPTO expects that complaints will be prepared by paraprofessionals or independent inventors. Using the average of the paraprofessional rate of \$125 per hour and the estimated rate of \$30 per hour for independent inventors, the USPTO estimates that the average rate for preparing the complaints will be approximately \$77.50 per hour.

The USPTO expects that the responses to the complaints will be prepared by attorneys or invention promoters. Using the average of the professional rate of \$389 per hour for attorneys in private firms and the estimated rate of \$100 per hour for invention promoters, the USPTO estimates that the average rate for preparing the responses to the complaints will be approximately \$244.50 per hour. The time per response, estimated annual responses, and estimated annual hour burden associated with each instrument in this information collection is shown in the table below.

IC Number	Item	Hours (a)	Responses (yr) (b)	Burden (hrs/yr) (c) (a) x (b)	Rate (\$/hr) (d)	Total Cost (\$/yr) (e) (c) X (d)
1	Complaint Regarding Invention Promoter (PTO/SB/2048)	0.25	30	7.5	\$77.50	\$581.25
2	Responses to the Complaints	0.50	20	10	\$244.50	\$2,445.00

	Totals	-----	50	17.5	-----	\$3,026.25
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*Estimated Total Annual Cost Burden (Non-Hourly):* \$493.70. There are no capital startup, maintenance, or operating fees associated with this collection, nor are there filing or processing fees. There is, however, a non-hourly cost burden associated with this collection in the form of postage costs.

For this collection, it is estimated that 30 complaints will be received by mail. The USPTO estimates that the first-class postage cost for a mailed complaint will be \$0.49. Promotion firms may choose to send responses to complaints using overnight mail service at an estimated cost of \$23.95 per response. The USPTO estimates that it will receive 20 responses to complaints. Therefore, the total postage cost associated with this collection will be approximately \$493.70. As there are no other annual (non-hourly) costs associated with this collection, the USPTO therefore estimates that the total annual (non-hourly) cost burden for this collection, in the form of postage costs, is \$493.70 per year.

#### **IV. Request for Comments**

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

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.

Dated: August 6, 2015

Marcie Lovett

Records Management Division Director, USPTO

Office of the Chief Information Officer.

**BILLING CODE 3510-16-P**

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