

5167, marked to the attention of Nicholas A. Fraser.

**Marcie Lovett,**

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

[FR Doc. 2017-22619 Filed 10-17-17; 8:45 am]

**BILLING CODE 3510-16-P**

**DEPARTMENT OF COMMERCE**

**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 (USPTO)**

**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 information collection proposed extension of an existing information collection.

**DATES:** Written comments must be submitted on or before December 18, 2017.

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

- *Email: InformationCollection@uspto.gov.* Include “0651-0012 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 Dahlia George, Office of Enrollment and Discipline, United States Patent and Trademark

Office, P.O. Box 1450, Alexandria, VA 22313-1450; by telephone at 571-272-4097; or by email to *Dahlia.George@uspto.gov* with “0651-0012 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**

This collection of information is required 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.

The USPTO administers the statute through 37 CFR 1.21, 10.14 and 11.5 through 11.12. These rules address the requirements to apply for the examination for registration and to demonstrate eligibility to be a registered attorney or agent before the USPTO, including the fee requirements. The Office of Enrollment and Discipline (OED) collects information to determine the qualifications of individuals entitled to represent applicants before the USPTO in the preparation and prosecution of applications for a patent. The OED also collects information to administer and maintain the roster of attorneys and agents registered to practice before the USPTO. Information concerning registered attorneys and agents is published by the OED in a public roster that can be accessed through the USPTO Web site. The information in this collection is used by the USPTO to review applications for the examination for registration and to determine whether an applicant may be added to, or an existing practitioner may

remain on, the Register of Patent Attorneys and Agents.

**II. Method of Collection**

Individuals desiring to participate in the Register of Patent Attorneys may submit material in electronic form or by mail following guidance provided by the Office of Enrollment and Discipline.

**III. Data**

*OMB Number:* 0651-0012.

*IC Instruments and Forms:* PTO-158, PTO-158A, PTO-158T, PTO-107A, PTO-107R, PTO-107S, PTO-275, PTO-1209, PTO-2126, PTO-2149 and PTO-2150.

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

*Affected Public:* Individuals.

*Estimated Number of Annual Respondents:* 18,458. Estimates for numbers of annual responses are based on the previously received number of responses and the anticipated participation trends over the next three years.

*Estimated Time per Response:* The USPTO estimates that it takes the public approximately 1 minute (0.01 hours) to 40 hours to complete this information, depending upon the application (see Table 1 below). This includes the time to gather the necessary information, prepare the forms, and submit the items to the USPTO.

*Estimated Total Annual Respondent Burden Hours:* 18,559.39 hours.

*Estimated Total Annual Respondent (Hourly) Cost Burden:* \$8,090,661.34. The USPTO expects that attorneys will complete the items in this collection. The professional hourly rate for attorneys is \$438. The rate is established by estimates in the 2017 Report for the Economic Survey of the American Intellectual Property Law Association. Using this hourly rate, the USPTO estimates that the total respondent cost burden for this collection is \$8,090,661.34 per year.

**TABLE 1—RESPONDENT COSTS**

IC No.	Item	Hours	Responses (yr)	Burden (hrs/yr)	Rate (\$/hr)	Estimated respondent cost
	(a)	(b)	(c) = (a) × (b)	(d)	(e) = (c) × (d)	
1 .....	Application for Registration to Practice Before the United States Patent and Trademark Office (includes both the computerized exam and the USPTO-administered exam) Form PTO-158.	0.50	2,611	1,305.50	\$438	\$571,809.00

TABLE 1—RESPONDENT COSTS—Continued

IC No.	Item (a)	Hours (b)	Responses (yr) (c) = (a) × (b)	Burden (hrs/yr) (d)	Rate (\$/hr) (e) = (c) × (d)	Estimated respondent cost
1 .....	Application for Registration to Practice Before the United States Patent and Trademark Office (former examiners; examination waived) Form PTO–158.	0.50	19	9.50	438	4,161.00
2 .....	Application for Registration to Practice Before the United States Patent and Trademark Office Under 37 CFR 11.6(c) by a Foreign Resident (examination waived) Form PTO–158A.	0.50	10	5.00	438	2,190.00
3 .....	Application for Reciprocal Recognition to Practice in Trademark Matters Before the United States Patent and Trademark Office Under 37 CFR 11.14(c) by a Foreign Attorney or Agent (examination waived) Form PTO–158T.	0.50	3	1.50	438	657.00
4 .....	Mandatory Survey—Register of Patent Attorneys and Agents PTO–107S.	0.50	5,000	2,500	438	1,095,000.00
5 .....	Registration Examination to Become a Registered Practitioner.	7.00	1,982	13,874	438	6,076,812.00
6 .....	Undertaking under 37 CFR 11.10(b) PTO/275	0.33	159	53	438	23,214.00
7 .....	Data Sheet—Register of Patent Attorneys and Agents (individuals passing the registration exam) PTO–107A.	0.17	916	152.67	438	68,868.00
7 .....	Data Sheet—Register of Patent Attorneys and Agents (foreign applicants) PTO–107A.	0.17	100	16.67	438	7,300.00
7 .....	Data Sheet—Register of Patent Attorneys and Agents (former examiners seeking registration) PTO–107R.	0.17	100	16.67	438	7,300.00
8 .....	Oath or Affirmation PTO–1209 .....	0.08	1,116	93	438	40,734.00
9a .....	Reinstatement to the Register PTO–107A, PTO–107R.	0.01	53	0.88	438	386.90
9b .....	Written request for reconsideration and further review of disapproval notice of application.	1.50	30	45	438	19,710.00
9c .....	Petition to the Director of the Office of Enrollment and Discipline under 11.2(c).	0.75	20	15	438	6,570.00
10 .....	Cover pages used for submitting correspondence to OED (for documents submitted with applications, requests for reconsideration, and petitions).	0.05	6,300	315	438	137,970.00
11 .....	Reasonable Accommodation PTO 158R .....	4.0	39	156	438	68,328.00
Totals	.....	.....	18,458	18,559.39	.....	8,090,661.34

*Estimated Total Annual (Non-hour) Respondent Cost Burden:* Estimated Total Annual Non-hour Respondent Cost Burden: \$1,546,909.00. There are no capital start-up or maintenance costs associated with this information collection. There are, however, non-hour costs due to recordkeeping requirements, filing fees, and postage costs.

The General Requirements Bulletin recommends that “applicants should make and keep a copy of every document submitted to the office in

connection with an application for registration.” 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 5,176 responses will be made per year, for a total of 413 hours. Using the professional rate of \$438 per hour for intellectual property attorneys, the USPTO estimates that the record keeping cost associated with this copy requirement will be \$181,752 per year.

An additional cost comes from the requirement for an Oath statement for each member of the patent bar; an item which requires the services of a notary public. The average fee for having a document notarized is \$6. The USPTO estimates that it will receive 1,116 responses to this information collection per year as a result of this notary requirement, for a total cost of \$6,696.00 per year, for a total recordkeeping cost of \$195,620.00.

TABLE 2—RECORDKEEPING COSTS

IC No.	Item	Hours (a)	Responses (yr) (b)	Burden (hrs/yr) (c) = (a) × (b)	Rate (\$/hr) (d)	Estimated respondent cost (e) = (c) × (d)
1 .....	Application for Registration to Practice Before the United States Patent and Trademark Office (includes both the computerized exam and the USPTO-administered exam) Form PTO-158.	0.08	2,630	219.17	\$438.00	\$95,995.00
2 .....	Application for Registration to Practice Before the United States Patent and Trademark Office Under 37 CFR 11.6(c) by a Foreign Resident (examination waived) Form PTO-158A.	0.08	10	0.83	438.00	365.00
3 .....	Application for Reciprocal Recognition to Practice in Trademark Matters Before the United States Patent and Trademark Office Under 37 CFR 11.14(c) by a Foreign Attorney or Agent (examination waived) Form PTO-158T.	0.08	3	0.25	438.00	109.50
6 .....	Undertaking under 37 CFR 11.10(b) PTO/275	0.08	159	13.25	438.00	5,803.50
7 .....	Data Sheet—Register of Patent Attorneys and Agents (individuals passing the registration exam) PTO-107A.	0.08	1,116	93.00	438.00	40,734.00
8 .....	Oath or Affirmation PTO-1209 .....	0.08	1,116	93.00	438.00	40,734.00
8 .....	Oath or Affirmation Cost of Notary Public .....		1,116		6 Cost of notary public 438.00	6,696.00
9a .....	Reinstatement to the Register PTO-107A, PTO-107R.	0.08	53	4.42	438.00	1,934.50
9b .....	Written request for reconsideration and further review of disapproval notice of application.	0.08	30	2.50	438.00	1,095.00
9c .....	Petition to the Director of the Office of Enrollment and Discipline under 11.2(c).	0.08	20	1.67	438.00	730.00
11 .....	Reasonable Accommodation PTO 158R .....	0.08	39	3.25	438.00	1,423.50
Totals	.....		6,292	431.33	.....	195,620.00

There are also filing fees associated with this collection. The application fees for registration to practice before the USPTO vary depending on whether the applicant is a current applicant, a

former examiner, or a foreign resident, or seeking reinstatement to the Register to become active upon leaving the USPTO. The fee for administration of the computerized examination to

become a registered patent practitioner also varies depending on how the examination is administered. The total annual non-hour cost burden associated with filing fees is \$776,920.00.

TABLE 3—FILING FEES

IC No.	Item	Responses (yr) (a)	Filing Fee (\$) (b)	Total non-hour cost burden (\$/hr) (c)=(a) × (b)
1 .....	Non-Refundable Application Fee for Registration to Practice Before the United States Patent and Trademark Office (includes both the computerized exam and the USPTO-administered exam).	2,611	\$40.00	\$104,400.00
1 .....	Application Fee for Registration to Practice Before the United States Patent and Trademark Office, as applicable when used for registration fees only (former examiners; examination waived).	19	40.00	760.00
2 .....	Application for Registration to Practice Before the United States Patent and Trademark Office Under 37 CFR 11.6(c) by a Foreign Resident (examination waived) Form PTO-158A.	10	40.00	400.00
3 .....	Application Fee for Reciprocal Recognition to Practice in Trademark Matters Before the United States Patent and Trademark Office Under 37 CFR 11.14(c) by a Foreign Attorney/Agent (examination waived).	3	40.00	120.00
5 .....	Registration examination fee for administration of computerized examination to become a registered patent practitioner administered by the USPTO (USPTO-administered exam).	20	450.00	9,000.00
5 .....	Registration examination fee for administration of computerized examination to become a registered patent practitioner administered by a commercial entity (computer exam).	2,382	200.00	476,400.00

TABLE 3—FILING FEES—Continued

IC No.	Item	Responses (yr) (a)	Filing Fee (\$) (b)	Total non-hour cost burden (\$/hr) (c)=(a) × (b)
7 .....	Data Sheet—Register of Patent Attorneys and Agents (individuals passing the registration exam) PTO–107A.	916	100.00	91,600.00
7 .....	Data Sheet—Register of Patent Attorneys and Agents (foreign applicants) PTO–107A.	100	100.00	10,000.00
7 .....	Data Sheet—Register of Patent Attorneys and Agents (former examiners seeking registration) PTO–107R.	100	100.00	10,000.00
9a .....	Reinstatement to the Register PTO–107A, PTO–107R .....	53	100.00	5,300.00
9b .....	Written request for reconsideration and further review of disapproval notice of application.	30	130.00	3,900.00
9c .....	Petition to the Director of the Office of Enrollment and Discipline under 11.2(c) ..	20	130.00	2,600.00
9d .....	Petition for reinstatement after disciplinary removal under 37 CFR 11.60 .....	4	1,600.00	6,400.00
9f .....	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).	35	1,600.00	56,000.00
Totals	.....	6,303	—	776,920.00

Postage costs are also associated with this collection. Estimates for postage range from \$0.49 to \$1.73 per mailed

submission, depending upon the item sent. The postage costs estimated at

\$2,260.53 for this collection and are outlined in the table below.

TABLE 4—POSTAGE COSTS

IC No.	Item	Responses (a)	Postage fee (\$) (b)	Total non-hour cost burden (a) × (b) = c
1 .....	Non-Refundable Application Fee for Registration to Practice Before the United States Patent and Trademark Office (includes both the computerized exam and the USPTO-administered exam).	2,611	\$0.61	\$1,592.71
1 .....	Application Fee for Registration to Practice Before the United States Patent and Trademark Office, as applicable when used for registration fees only (former examiners; examination waived).	19	0.61	11.59
2 .....	Application for Registration to Practice Before the United States Patent and Trademark Office Under 37 CFR 11.6(c) by a Foreign Resident (examination waived) Form PTO–158A.	10	0.49	4.90
3 .....	Application Fee for Reciprocal Recognition to Practice in Trademark Matters Before the United States Patent and Trademark Office Under 37 CFR 11.14(c) by a Foreign Attorney/Agent (examination waived).	3	0.61	1.83
7 .....	Data Sheet—Register of Patent Attorneys and Agents (individuals passing the registration exam) PTO–107A.	916	0.49	448.84
7 .....	Data Sheet—Register of Patent Attorneys and Agents (foreign applicants) PTO–107A.	100	0.49	49.00
7 .....	Data Sheet—Register of Patent Attorneys and Agents (former examiners seeking registration) PTO–107A.	100	0.49	49.00
9a .....	Reinstatement to the Register PTO–107A, PTO–107R .....	53	0.49	25.97
9b .....	Written request for reconsideration and further review of disapproval notice of application.	30	0.61	18.30
9c .....	Petition to the Director of the Office of Enrollment and Discipline under 11.2(c) ..	20	1.73	34.60
11 .....	Reasonable Accommodation PTO 158R .....	39	0.61	23.79
Totals	.....	3,901	.....	2,260.53

Therefore, the USPTO estimates that the total annual (non-hour) cost burden for this collection, in the form of filing fees and postage is \$779,180.53 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. 2017-22617 Filed 10-17-17; 8:45 am]

**BILLING CODE 3510-16-P**

**DEPARTMENT OF COMMERCE**

**Patent and Trademark Office**

**Submission for OMB Review; Comment Request; Substantive Submissions Made During the Prosecution of the Trademark Application**

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:* Substantive Submissions Made During the Prosecution of the Trademark Application.

*OMB Control Number:* 0651-0054.

*Form Number(s):*

- PTO 1553
- PTO 1581
- PTO 2194
- PTO 2195
- PTO 2200
- PTO 2202

*Type of Request:* Revision of a currently approved collection.

*Number of Annual Respondents:* 374,972 responses.

*Average Hours per Response:* The USPTO expects that it will take the public approximately 10 to 35 minutes (0.17 to 0.58 hours) to gather the necessary information, create the document, and submit the completed request, depending upon the type of request and the method of submission (electronic or paper).

*Burden Hours:* 101,400.37 hours annually.

*Cost Burden:* \$42,650,873.51.

*Needs and Uses:* This collection of information is required by 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 providing additional information needed to process a request to delete a particular filing basis from an application or to divide an application identifying multiple goods and/or services into two or more separate applications. Applicants may seek a six-month extension of time to file a statement that the mark is in use in commerce or submit a petition to revive an application that abandoned for failure to submit a timely response to an Office action or a timely statement of use or extension request. In some circumstances, an applicant may expressly abandon an application by filing a written request for withdrawal of the application. The rules implementing the Trademark Act are set forth in 37 CFR part 2. The forms in this collection are available in electronic format through the Trademark Electronic Application System (TEAS).

The information in this collection is a matter of public record and is used by the public for a variety of private business purposes related to establishing and enforcing trademark rights. The information is available at USPTO facilities and can also be accessed at the USPTO Web site.

*Affected Public:* Businesses or other for-profits; not-for-profit institutions; individuals.

*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 "0651-0054 copy request" in the subject line of the message.
- *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.

Written comments and recommendations for the proposed information collection should be sent on or before November 17, 2017 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.

**Marcie Lovett,**

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

[FR Doc. 2017-22620 Filed 10-17-17; 8:45 am]

**BILLING CODE 3510-16-P**

**COMMODITY FUTURES TRADING COMMISSION**

**Agency Information Collection Activities Under OMB Review**

**AGENCY:** Commodity Futures Trading Commission.

**ACTION:** Notice.

**SUMMARY:** In compliance with the Paperwork Reduction Act ("PRA"), this notice announces that the Information Collection Request ("ICR") abstracted below has been forwarded to the Office of Management and Budget ("OMB") for review and comment. The ICR describes the nature of the information collection and its expected costs and burden.

**DATES:** Comments must be submitted on or before November 17, 2017.

**ADDRESSES:** Comments regarding the burden estimate or any other aspect of the information collection, including suggestions for reducing the burden, may be submitted directly to the Office of Information and Regulatory Affairs ("OIRA") in OMB within 30 days of this notice's publication by either of the following methods. Please identify the comments by "OMB Control No. 3038-0059."

- *By email addressed to:* [OIRASubmissions@omb.eop.gov](mailto:OIRASubmissions@omb.eop.gov); or
- *By mail addressed to:* the Office of Information and Regulatory Affairs, Office of Management and Budget, Attention Desk Officer for the Commodity Futures Trading Commission, 725 17th Street NW., Washington, DC 20503.

A copy of all comments submitted to OIRA should be sent to the Commodity Futures Trading Commission ("CFTC" or "Commission") by either of the following methods. The copies should refer to "OMB Control No. 3038-0059."

- *By submission through the Commission's Web site:* <http://comments.cftc.gov>. Please follow the instructions for submitting comments through the Web site;
- *By mail addressed to:* Christopher Kirkpatrick, Secretary of the Commission, Commodity Futures Trading Commission, Three Lafayette Centre, 1155 21st Street NW., Washington, DC 20581; or