

**SUPPORTING STATEMENT**  
**United States Patent and Trademark Office**  
**Substantive Submissions Made During the Prosecution**  
**of the Trademark Application**  
**OMB CONTROL NUMBER 0651-0054**  
**(August 2014)**

**A. JUSTIFICATION**

**1. Necessity of Information Collection**

This collection of information is required by the Trademark Act, 15 U.S.C. § 1051 *et seq.*, which provides for the registration of trademarks, service marks, collective trademarks and collective 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 United States Patent and Trademark Office (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 was 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. 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. As a result, the Federal trademark registration process is intended to reduce unnecessary litigation, and its accompanying costs and burdens.

The forms in this collection are available in electronic format through the Trademark Electronic Application System (TEAS), which may be accessed through the USPTO Web site. The TEAS forms allow users to pay any fees by credit card, by an authorization to charge a USPTO deposit account, or by electronic funds transfer (EFT). Applicants may also submit the information in paper format by mail, fax, or hand delivery, as appropriate. There are no official paper forms for the items in this

collection. Individuals and businesses can submit their own paper forms, following the USPTO's rules and guidelines to ensure that all of the necessary information is provided.

Table 1 identifies the statutory and regulatory provisions pursuant to which the USPTO collects the information:

**Table 1: Information Requirements for Substantive Submissions Made During Prosecution of the Trademark Application**

	<b>Requirement</b>	<b>Statute</b>	<b>Rule</b>
1	Trademark/Service Mark Allegation of Use (Statement of Use/Amendment to Allege Use)	15 U.S.C. § 1051(c) and (d) (1)	37 CFR Part 2, 2.76, 2.86 and 2.88
2	Request for Extension of Time to File a Statement of Use	15 U.S.C. § 1051(d)(2)	37 CFR Part 2, 2.89
3	Petition to Revive Abandoned Application – Failure to Respond Timely to Office Action	15 U.S.C. §§ 1062(b) and 1123	37 CFR Part 2, 2.61-2.66
4	Petition to Revive Abandoned Application – Failure to File Timely Statement of Use or Extension Request	15 U.S.C. § 1051(d)(4)	37 CFR Part 2, 2.66, 2.88, and 2.89
5	Request to Delete Section 1(b) Basis, Intent to Use	15 U.S.C. § 1123	37 CFR Part 2, 2.35
6	Request for Express Abandonment (Withdrawal) of Application	15 U.S.C. § 1123	37 CFR Part 2, 2.68
7	Request to Divide Application	15 U.S.C. § 1123	37 CFR Part 2, 2.87
8	Response to Intent-to-Use (ITU) Divisional Unit Office Action	15 U.S.C. § 1123	37 CFR Part 2, 2.87
9	Response to Petition to Revive Deficiency Letter	15 U.S.C. §§ 1051(d)(4), 1062(b), and 1123	37 CFR Part 2, 2.61, 2.63-2.66, 2.88, and 2.89
10	Petition to the Director Under Trademark Rule 2.146	15 U.S.C. § 1123	37 CFR Part 2, 2.35, 2.63, 2.84, 2.101, 2.102, 2.146, 2.165, 2.176 and 2.186
11	Due Diligence Petition Under Trademark Rule 2.66	15 U.S.C. §§ 1062(b) and 1123	37 CFR Part 2, 2.66 and 2.146
12	Petition to Revive with Request to Delete Section 1(b) Basis or to Delete ITU Goods/Services After NOA	15 U.S.C. §§ 1062(b) and 1123	37 CFR Part 2, 2.35, 2.66, and 2.77

## 2. Needs and Uses

The USPTO uses the information described in this collection to process the substantive submissions made during prosecution of the trademark application. 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's Web site. Additionally, the USPTO provides the information to other entities, including Patent and Trademark Resource Centers (PTRCs). The PTRCs maintain the information for use by the public.

This proposed collection results in information collected, maintained, and used consistent with all applicable OMB and USPTO Information Quality Guidelines. This includes the basic information quality standards established in the Paperwork Reduction Act (44 U.S.C. Chapter 35) (PRA), in OMB Circular A-130, and in the OMB information quality guidelines. (See Ref. A, the *USPTO Information Quality Guidelines*.)

Table 2 lists the information identified in this collection and explains how this information is used by the public and by the USPTO:

**Table 2: Needs and Uses of Substantive Submissions Made During Prosecution of the Trademark Application**

	<b>Form and Function</b>	<b>Form #</b>	<b>Needs and Uses</b>
1	Trademark/Service Mark Allegation of Use (Amendment to Allege Use/Statement of Use) (TEAS)  (Ref. B)	PTO Form 1553	<ul style="list-style-type: none"> <li>Used by the public to electronically file a notification to the USPTO that a mark for which registration is sought is in use in commerce.</li> <li>Used by the USPTO to review electronically filed applications for registration.</li> </ul>
1	Trademark/Service Mark Allegation of Use (Amendment to Allege Use/Statement of Use) (Paper)	PTO Form 1553	<ul style="list-style-type: none"> <li>Used by the public to notify the USPTO that a mark for which registration is sought is in use in commerce.</li> <li>Used by the USPTO to review applications for registration.</li> </ul>
2	Request for Extension of Time to File a Statement of Use (TEAS)  (Ref. C)	PTO Form 1581	<ul style="list-style-type: none"> <li>Used by the public to electronically file a request for a six-month extension of time to file a statement that the mark for which registration is sought is in use in commerce.</li> <li>Used by the USPTO to grant an extension of time to electronically file statements that the mark for which registration is sought is in use in commerce.</li> </ul>
2	Request for Extension of Time to File a Statement of Use (Paper)	PTO Form 1581	<ul style="list-style-type: none"> <li>Used by the public to request a six-month extension of time to file a statement that the mark for which registration is sought is in use in commerce.</li> <li>Used by the USPTO to grant an extension of time to file a statement that the mark for which registration is sought is in use in commerce.</li> </ul>
3	Petition to Revive Abandoned Application – Failure to Respond Timely to Office Action (TEAS)  (Ref. D)	Form 2194	<ul style="list-style-type: none"> <li>Used by the public to electronically file a petition to the USPTO to revive an application that was abandoned because of a failure to submit a timely response to an office action.</li> <li>Used by the USPTO to review and process electronically filed petitions to revive an application that was abandoned because of a failure to submit a timely response to an office action.</li> </ul>

	<b>Form and Function</b>	<b>Form #</b>	<b>Needs and Uses</b>
3	Petition to Revive Abandoned Application – Failure to Respond Timely to Office Action (Paper)	No Form Associated	<ul style="list-style-type: none"> <li>Used by the public to petition the USPTO to revive an application that was abandoned because of a failure to submit a timely response to an office action.</li> <li>Used by the USPTO to review and process a request to revive an application that was abandoned because of a failure to submit a timely response to an office action.</li> </ul>
4	Petition to Revive Abandoned Application – Failure to File Timely Statement of Use or Extension Request (TEAS) (Ref. E)	Form 2195	<ul style="list-style-type: none"> <li>Used by the public to electronically file a petition to revive an application that was abandoned because of a failure to file a timely statement of use or extension request.</li> <li>Used by the USPTO to review and process electronically filed petitions to revive an application that was abandoned because of a failure to file a timely statement of use or extension request.</li> </ul>
4	Petition to Revive Abandoned Application – Failure to File Timely Statement of Use or Extension Request (Paper)	No Form Associated	<ul style="list-style-type: none"> <li>Used by the public to petition the USPTO to revive an application that was abandoned because of a failure to file a timely statement of use or extension request.</li> <li>Used by the USPTO to review and process a petition to revive an application that was abandoned because of a failure to file a timely statement of use or extension request.</li> </ul>
5	Request to Delete Section 1(b) Basis, Intent to Use (TEAS) (Ref. F)	Form 2200	<ul style="list-style-type: none"> <li>Used by the public to electronically file a request to delete a section 1(b) basis as to an entire class of goods and/or services in an application.</li> <li>Used by the USPTO to review and process electronically filed requests to delete a section 1(b) basis from an application.</li> </ul>
5	Request to Delete Section 1(b) Basis, Intent to Use (Paper)	No Form Associated	<ul style="list-style-type: none"> <li>Used by the public to submit a request to delete a section 1(b) basis as to an entire class of goods and/or services in an application.</li> <li>Used by the USPTO to review and process requests to delete a section 1(b) basis from an application.</li> </ul>
6	Request for Express Abandonment (Withdrawal) of Application (TEAS) (Ref. G)	Form 2202	<ul style="list-style-type: none"> <li>Used by the public to electronically file a request to withdraw an application.</li> <li>Used by the USPTO to review and process electronically filed requests to withdraw an application.</li> </ul>
6	Request for Express Abandonment (Withdrawal) of Application (Paper)	No Form Associated	<ul style="list-style-type: none"> <li>Used by the public to submit a request to withdraw an application.</li> <li>Used by the USPTO to review and process requests to withdraw an application.</li> </ul>
7	Request to Divide Application (TEAS Global) (Ref. H)	TEAS Global Form	<ul style="list-style-type: none"> <li>Used by the public to electronically request that an application for registration that identifies multiple goods and/or services be divided into two or more separate applications.</li> <li>Used by the USPTO to review and process electronic requests to divide applications for registration that identify multiple goods and/or services into two or more separate applications.</li> </ul>

	<b>Form and Function</b>	<b>Form #</b>	<b>Needs and Uses</b>
7	Request to Divide Application (Paper)	No Form Associated	<ul style="list-style-type: none"> <li>Used by the public to request that an application for registration that identifies multiple goods and/or services be divided into two or more separate applications.</li> <li>Used by the USPTO to review and process requests to divide applications for registration that identify multiple goods and/or services into two or more separate applications.</li> </ul>
8	Response to Intent-to-Use (ITU) Divisional Unit Office Action (TEAS Global)  (Ref. I)	TEAS Global Form	<ul style="list-style-type: none"> <li>Used by the public to electronically submit information in response to an Office Action received from the USPTO after it is determined from the initial review that the request to divide is incomplete.</li> <li>Used by the public to electronically pay additional fees.</li> <li>Used by the USPTO to collect information that the applicant did not supply in the original request to divide and which the USPTO needs to complete the review of the request.</li> </ul>
8	Response to Intent-to-Use (ITU) Divisional Unit Office Action (Paper)	No Form Associated	<ul style="list-style-type: none"> <li>Used by the public to submit information in response to an Office Action received from the USPTO after it is determined from the initial review that the request to divide is incomplete.</li> <li>Used by the USPTO to collect information that the applicant did not supply in the original request to divide and which the USPTO needs to complete the review of the request.</li> </ul>
9	Response to Petition to Revive Deficiency Letter (TEAS Global)  (Ref. J)	TEAS Global Form	<ul style="list-style-type: none"> <li>Used by the public to electronically submit information in response to an Office Action received from the USPTO after it is determined from the initial review that the petition to revive is incomplete.</li> <li>Used by the public to electronically pay additional fees.</li> <li>Used by the USPTO to collect information that the applicant did not supply in the original petition and which the USPTO needs to complete the review of the petition.</li> </ul>
9	Response to Petition to Revive Deficiency Letter (Paper)	No Form Associated	<ul style="list-style-type: none"> <li>Used by the public to submit information in response to an Office Action received from the USPTO after it is determined from the initial review that the petition to revive is incomplete.</li> <li>Used by the USPTO to collect information that the applicant did not supply in the original petition and which the USPTO needs to complete the review of the petition.</li> </ul>
10	Petition to the Director Under Trademark Rule 2.146 (TEAS Global)  (Ref. K)	TEAS Global Form	<ul style="list-style-type: none"> <li>Used by the public to electronically file a petition to the Director pursuant to Trademark Rule 2.146.</li> <li>Used by the USPTO to review and process electronic petitions to the Director filed pursuant to Trademark Rule 2.146.</li> </ul>
10	Petition to the Director Under Trademark Rule 2.146 (Paper)	No Form Associated	<ul style="list-style-type: none"> <li>Used by the public to file a petition to the Director pursuant to Trademark Rule 2.146.</li> <li>Used by the USPTO to review and process electronic petitions to the Director filed pursuant to Trademark Rule 2.146.</li> </ul>

	<b>Form and Function</b>	<b>Form #</b>	<b>Needs and Uses</b>
11	Due Diligence Petition Under Trademark Rule 2.66 (TEAS Global)  (Ref. L)	TEAS Global Form	<ul style="list-style-type: none"> <li>Used by the public to electronically file a petition to revive an application that was abandoned because of a failure to file a response to an Office Action or a timely statement of use or extension request when the petition is filed more than two months after the issue date of the notice of abandonment.</li> <li>Used by the USPTO to review and process electronic petitions to revive an application that was abandoned because of a failure to file a response to an office action or a timely statement of use or extension request when the petition is filed more than two months after the issue date of the notice of abandonment.</li> </ul>
11	Due Diligence Petition Under Trademark Rule 2.66 (Paper)	No Form Associated	<ul style="list-style-type: none"> <li>Used by the public to file a petition to revive an application that was abandoned because of a failure to file a response to an Office Action or a timely statement of use or extension request when the petition is filed more than two months after the issue date of the notice of abandonment.</li> <li>Used by the USPTO to review and process petitions to revive an application that was abandoned because of a failure to file a response to an office action or a timely statement of use or extension request when the petition is filed more than two months after the issue date of the notice of abandonment.</li> </ul>
12	Petition to Revive with Request to Delete Section 1(b) Basis or to Delete ITU Goods/Services After NOA (TEAS Global)  (Ref. M)	TEAS Global Form	<ul style="list-style-type: none"> <li>Used by the public to electronically file a petition to the USPTO to revive an application that was abandoned because of a failure to submit a timely response to a Notice of Allowance and to request deletion of a basis or of specified goods and/or services.</li> <li>Used by the USPTO to review and process electronic petitions to revive an application that was abandoned because of a failure to submit a timely response to an office action that also included a request to delete a basis or specified goods and/or services.</li> </ul>
12	Petition to Revive with Request to Delete Section 1(b) Basis or to Delete ITU Goods/Services After NOA (Paper)	No Form Associated	<ul style="list-style-type: none"> <li>Used by the public to file a petition to the USPTO to revive an application that was abandoned because of a failure to submit a timely response to a Notice of Allowance and to request deletion of a basis or of specified goods and/or services.</li> <li>Used by the USPTO to review and process a petition to revive an application that was abandoned because of a failure to submit a timely response to an office action that also included a request to delete a basis or specified goods and/or services.</li> </ul>

### **3. Use of Information Technology**

The USPTO provides online electronic forms through the Web-accessible Trademark Electronic Application System (TEAS). TEAS provides a useful service for all trademark filers. TEAS forms are completed online and transmitted to the USPTO electronically

via the Internet. The TEAS forms include “Help” instructions, as well as a “Form Wizard” that tailors the form to the particular characteristics of the application and the mark in question, based on responses provided by the user to questions posed by the Wizard. The forms are received and filed upon transmission, and a confirmation of filing is issued via e-mail to the user. TEAS Global forms provide an option for electronic submission of information when a TEAS form having dedicated fields for particular information is not available.

Please note that electronic forms can only be submitted via TEAS; filers may not e-mail their own forms to the USPTO. Additionally, filers who submit drawings of marks that are not “standard character” drawings must attach digitized images of these drawings to their submissions.

In addition to providing a system that allows the electronic transmission of trademark submissions, the USPTO also provides the public with online access to various trademark records.

The USPTO maintains an online image database, called the Trademark Status and Document Retrieval (TSDR) system, which includes images of each of the documents that make up the “electronic file wrapper” of a trademark application or registration, and also provides users with information regarding the status of trademark applications and registrations. The data in the TSDR system is updated daily.

The USPTO provides a web-based record of registered marks, and marks for which applications for registration have been submitted, called the Trademark Electronic Search System (TESS). TESS can be used by potential applicants for trademark registration to assist in the determination of whether a particular mark may be available. The data in TESS is identical to the data reviewed by examining attorneys at the USPTO in their determination of whether marks for which registration is sought are confusingly similar to marks in existing registrations or to marks in pending applications for registration. TESS allows the user to choose from four different search tools, is updated daily, and is easy to use.

These systems are all accessible through the Trademark Electronic Business Center (TEBC) on the USPTO Web site. The TEBC provides descriptions of these systems, and the systems feature online “Help” programs. Thus, the USPTO offers a single source for a variety of systems useful both for making submissions to the USPTO and for tracking the status of these submissions.

The Trademark Reporting and Monitoring (TRAM) system is also maintained by the USPTO. This system is an internal USPTO database only and provides support to all facets of Trademark operations, from the receipt of a new application in the USPTO, through processing and examination of the application, and into the post-registration activities required to maintain registered trademarks. Bibliographic data in TRAM for pending applications and active registrations is updated in real time. The TRAM system maintains current location and status information on applications and registrations,

enabling the USPTO to promptly determine the status of any file and to locate files. Data is received in an electronic format that permits expedited transfer to TRAM, thereby reducing processing steps and improving the reliability and quality of the data that is transferred.

#### **4. Efforts to Identify Duplication**

This information is collected only when allegations of use, requests for extension of time to file a statement of use, petitions to revive abandoned applications, requests to delete section 1(b) basis, requests for express abandonment, requests to divide, responses to intent-to-use (ITU) divisional unit office actions, responses to petition to revive deficiency letters, petitions to the director under trademark rule 2.146, due diligence petitions under trademark rule 2.66, and petitions to revive with request to delete section 1(b) basis or to delete ITU goods/services after notice of allowance are submitted to the USPTO. This collection does not solicit any data already available at the USPTO. This collection does not create a duplication of effort.

#### **5. Minimizing the Burden to Small Entities**

The USPTO expects that the submission of the information provided places no undue burden on small businesses or other small entities. The same information is required from every customer and is not available from any other source.

#### **6. Consequences of Less Frequent Collection**

This information collection could not be conducted less frequently, since the information is collected only when voluntarily submitted by the public. If the information were not collected, the public would not be able to allege use of a trademark/service mark, request an extension of time to file a statement of use, petition to revive abandoned applications, request that a section 1(b) basis be deleted from their applications, request express abandonment, file a request to divide an application, or file the other responses and petitions in this collection. If this information were not collected, the USPTO could not comply with the requirements of the Trademark Act, 15 U.S.C. § 1051 and 37 CFR Part 2.

#### **7. Special Circumstances in the Conduct of Information Collection**

There are no special circumstances associated with this collection of information.

#### **8. Consultation Outside the Agency**

The 60-Day Notice was published in the *Federal Register* on June 23, 2014 (79 Fed Reg. 14511). The public comment period ended on August 22, 2014. No public comments were received.

The USPTO has long-standing relationships with several large and well-organized groups who frequently communicate their views, such as the American Intellectual Property Law Association (AIPLA), as well as business groups, and users of our public facilities.

Also, the Trademark Public Advisory Committee (TPAC) was created by the American Inventors Protection Act of 1999 to advise the Director of the USPTO on the agency's operations, including its goals, performance, budget, and user fees. The T-PAC includes nine voting members who are appointed by and serve at the pleasure of the Secretary of Commerce. The statute also provides non-voting membership on the Committee for the agency's three recognized unions. Members include inventors, lawyers, corporate executives, entrepreneurs, and academicians with significant experience in management, finance, science, technology, labor relations, and intellectual property issues. The members of the TPAC reflect the broad array of USPTO stakeholders and embrace the USPTO's e-government initiative.

Views expressed by these groups are considered in developing proposals for information collection requirements and during the renewal of an information collection. No comments or viewpoints were expressed regarding the present renewal.

## **9. Payment or Gifts to Respondents**

This information collection does not involve a payment or gift to any respondent.

## **10. Assurance of Confidentiality**

Trademark applications and registrations are open to public inspection. Confidentiality is not required in the processing of trademark applications.

The TEAS forms also include a link to the USPTO's Web Privacy Policy. The "Privacy Policy Statement" link is located at the end of the "Wizard" and at the end of the forms themselves.

## **11. Justification for Sensitive Questions**

None of the required information in this collection is considered to be of a sensitive nature.

## **12. Estimate of Hour and Cost Burden to Respondents**

Table 3 calculates the anticipated burden hours and costs of this information collection to the public, based on the following factors:

- **Respondent Calculation Factors**

The USPTO expects that it will receive 292,706 responses per year for this collection.

- **Burden Hour Calculation Factors**

The USPTO estimates that it will take the public an average of 5 to 30 minutes (0.08 to 0.50 hours) to complete the collections of information described in this submission, depending on the nature of the information. This includes time to gather the necessary information, create the documents, and either complete and electronically file the associated form or mail the completed request.

- **Cost Burden Calculation Factors**

The Committee on Economics of Legal Practice of the American Intellectual Property Law Association (AIPLA) published a report that summarized the results of a survey with data on hourly billing rates. The professional rate of \$389 per hour used in this submission is the median rate for attorneys in private firms as published in that report. The USPTO expects that the information in this collection will be prepared by attorneys, although some submissions may be prepared by *pro se* applicants and registrants. This is a fully loaded hourly rate.

**Table 3: Burden Hour/Burden Cost to Respondents for Substantive Submissions Made During Prosecution of the Trademark Application**

	Item	Minutes (a)	Responses (yr) (b)	Burden (hrs/yr) (c) (a) x (b)	Rate (\$/hr) (d)	Total Cost (\$/hr) (e) (c) x (d)
1	Trademark/Service Mark Allegation of Use (Amendment to Allege Use/Statement of Use) (Paper)	25	1704	710	\$389.00	\$276,190.00
1	Trademark/Service Mark Allegation of Use (Amendment to Allege Use/Statement of Use) (TEAS) (PTO Form 1553)	20	80733	26911	\$389.00	\$10468379
2	Request for Extension of Time to File a Statement of Use (Paper)	12	1819	363.8	\$389.00	\$141518.2
2	Request for Extension of Time to File a Statement of Use (TEAS) (PTO Form 1581)	10	180047	30007.83	\$389.00	\$11673045.87
3	Petition to Revive Abandoned Application – Failure to Respond Timely to Office Action (Paper)	20	348	116	\$389.00	\$45124
3	Petition to Revive Abandoned Application – Failure to Respond Timely to Office Action (TEAS) (PTO Form 2194)	15	18548	4637	\$389.00	\$1803793
4	Petition to Revive Abandoned Application – Failure to File Timely Statement of Use or Extension Request (Paper)	15	34	8.5	\$389.00	\$3306.5
4	Petition to Revive Abandoned Application – Failure to File Timely Statement of Use or Extension Request (TEAS) (PTO Form 2195)	12	159	31.8	\$389.00	\$12370.2
5	Request to Delete Section 1(b) Basis, Intent to Use (Paper)	10	26	4.33	\$389.00	\$1684.37
5	Request to Delete Section 1(b) Basis, Intent to Use (TEAS) (PTO Form 2200)	5	1,300	108.33	\$389.00	\$42140.37
6	Request for Express Abandonment (Withdrawal) of Application (Paper)	10	100	16.67	\$389.00	\$6484.63

	Item	Minutes (a)	Responses (yr) (b)	Burden (hrs/yr) (c) (a) x (b)	Rate (\$/hr) (d)	Total Cost (\$/hr) (e) (c) x (d)
6	Request for Express Abandonment (Withdrawal) of Application (TEAS) (PTO Form 2202)	5	4900	408.33	\$389.00	\$158840.37
7	Request to Divide Application (Paper)	15	39	9.75	\$389.00	\$3792.75
7	Request to Divide Application (TEAS Global)	10	1922	320.33	\$389.00	\$124608.37
8	Response to Intent-to-Use (ITU) Divisional Unit Office Action (Paper)	30	1	.5	\$389.00	\$194.5
8	Response to Intent-to-Use (ITU) Divisional Unit Office Action (TEAS Global)	30	1	.5	\$389.00	\$194.5
9	Response to Petition to Revive Deficiency Letter (Paper)	20	5	1.67	\$389.00	\$649.63
9	Response to Petition to Revive Deficiency Letter (TEAS Global)	15	250	62.5	\$389.00	\$24312.5
10	Petition to the Director Under Trademark Rule 2.146 (Paper)	25	12	5	\$389.00	\$1945
10	Petition to the Director Under Trademark Rule 2.146 (TEAS Global)	20	600	200	\$389.00	\$77800
11	Due Diligence Petition Under Trademark Rule 2.66 (Paper)	25	2	.83	\$389.00	\$322.87
11	Due Diligence Petition Under Trademark Rule 2.66 (TEAS Global)	20	130	43.33	\$389.00	\$16855.37
12	Petition to Revive with Request to Delete Section 1(b) Basis or to Delete ITU Goods/Services After NOA (Paper)	30	1	.5	\$389.00	\$194.5
12	Petition to Revive with Request to Delete Section 1(b) Basis or to Delete ITU Goods/Services After NOA (TEAS Global)	30	25	12.5	\$389.00	\$4862.5
	<b>Total</b>	- - - -	<b>292,706</b>	<b>63,981</b>	- - - -	<b>0</b>

### 13. Total Annualized (Non-hour) Cost Burden

There are no capital start-up, maintenance, or record-keeping costs. There is, however, non-hour cost burden in the way of filing fees and postage costs.

Filing fees of \$37,705,600 are associated with this collection. Filing fees are based on per class filing of goods and services; therefore, the total filing fees can vary depending on the number of classes. The filing fees shown here are the minimum fees associated with this information collection.

Table 4 calculates the filing fees associated with this collection of information:

**Table 4: Filing Fees – Non-hour Cost Burden for Substantive Submissions Made During Prosecution of the Trademark Application**

	Item	Responses (yr) (a)	Filing fee* (\$) (b)	Total Non-Hour Cost Burden (yr) (a) x (b) (c)
1	Trademark/Service Mark Allegation of Use (Amendment to Allege Use/Statement of Use) (Paper)	1704	\$100.00	\$170,400.00
1	Trademark/Service Mark Allegation of Use (Amendment to Allege Use/Statement of Use) (TEAS)	80733	\$100.00	\$8,073,300.00
2	Request for Extension of Time to File a Statement of Use (Paper)	1819	\$150.00	\$272,850.00
2	Request for Extension of Time to File a Statement of Use (TEAS)	180047	\$150.00	\$27,007,050.00
3	Petition to Revive Abandoned Application – Failure to Respond Timely to Office Action (Paper)	348	\$100.00	\$34,800.00
3	Petition to Revive Abandoned Application – Failure to Respond Timely to Office Action (TEAS)	18548	\$100.00	\$1,854,800.00
4	Petition to Revive Abandoned Application – Failure to File Timely Statement of Use or Extension Request (Paper)	34	\$100.00	\$3,400.00
4	Petition to Revive Abandoned Application – Failure to File Timely Statement of Use or Extension Request (TEAS)	159	\$100.00	\$15,900.00
5	Request to Delete Section 1(b) Basis, Intent to Use (Paper)	26	\$0.00	\$0.00
5	Request to Delete Section 1(b) Basis, Intent to Use (TEAS)	1,300	\$0.00	\$0.00
6	Request for Express Abandonment (Withdrawal) of Application (Paper)	100	\$0.00	\$0.00
6	Request for Express Abandonment (Withdrawal) of Application (TEAS)	4900	\$0.00	\$0.00
7	Request to Divide Application (Paper)	39	\$100.00	\$3,900.00
7	Request to Divide Application (TEAS Global)	1922	\$100.00	\$192,200.00
8	Response to Intent-to-Use (ITU) Divisional Unit Office Action (Paper)	1	\$0.00	\$0.00
8	Response to Intent-to-Use (ITU) Divisional Unit Office Action (TEAS Global)	1	\$0.00	\$0.00
9	Response to Petition to Revive Deficiency Letter (Paper)	5	\$0.00	\$0.00
9	Response to Petition to Revive Deficiency Letter (TEAS Global)	250	\$0.00	\$0.00
10	Petition to the Director Under Trademark Rule 2.146 (Paper)	12	\$100.00	\$1,200.00
10	Petition to the Director Under Trademark Rule 2.146 (TEAS Global)	600	\$100.00	\$60,000.00
11	Due Diligence Petition Under Trademark Rule 2.66 (Paper)	2	\$100.00	\$200.00
11	Due Diligence Petition Under Trademark Rule 2.66 (TEAS Global)	130	\$100.00	\$13,000.00

	Item	Responses (yr) (a)	Filing fee* (\$) (b)	Total Non- Hour Cost Burden (yr) (a) x (b) (c)
12	Petition to Revive With Request to Delete Section 1(b) Basis or to Delete ITU Goods/Services After NOA (Paper)	1	\$100.0 0	\$100.00
12	Petition to Revive With Request to Delete Section 1(b) Basis or to Delete ITU Goods/Services After NOA (TEAS Global)	25	\$100.0 0	\$2,500.00
	<b>Total</b>	<b>292,706</b>	- - - - -	<b>0</b>

Applicants and registrants incur postage costs when submitting information to the USPTO by mail through the United States Postal Service. The USPTO expects that the majority of submissions for these paper forms are made via first-class mail. First-class postage is 49 cents. Therefore, a total estimated mailing with 4,091 paper submissions is a cost of \$2,006 is incurred for this collection.

In sum, the total annual non-hour cost burden for this collection in the form of filing fees (\$37,705,600) and postage costs (\$2,006) amounts to \$37,707,606.

#### 14. Annual Cost to the Federal Government

The USPTO estimates that it takes a GS-7, step 5 employee between 11 and 14 minutes to process an allegation of use. The direct rate of pay for a GS-7, step 5 is \$23.15. When 30% is added to account for a fully loaded hourly rate (benefits and overhead), the cost per hour for a GS-7, step 5 is \$23.15 + \$6.95, for a rate of \$30.10.

The USPTO estimates that it takes a GS-11, step 5 employee between 6 and 11 minutes to process an extension request, between 6 and 11 minutes to process a request to delete a section 1(b) filing basis, between 3 and 9 minutes to process a petition to revive, between 24 and 30 minutes to process a response to an ITU Office action, and between 24 and 30 minutes to process a request to divide an application. The current hourly rate for a GS-11, step 5 is \$34.26. When 30% is added to account for a fully loaded hourly rate (benefits and overhead), the cost per hour for a GS-11, step 5 is \$34.26 + \$10.28, for a rate of \$44.54.

The USPTO estimates that it takes a GS-12, step 5 employee between 30 and 45 minutes to process a due diligence petition under Trademark Rule 2.66, between 15 and 18 minutes to process a petition to revive with request to delete a section 1(b) filing basis or to delete ITU goods/services after NOA, and between 15 and 18 minutes to process a response to a petition to revive deficiency letter. The current hourly rate for a GS-12, step 5 is \$41.07. When 30% is added to account for a fully loaded hourly rate (benefits and overhead), the cost per hour for a GS-12, step 5 is \$41.07 + \$12.32, for a rate of \$53.39.

The USPTO estimates that it takes a GS-13, step 5 employee between 2 and 6 minutes to process a request for express abandonment. The current hourly rate for a GS-13, step 5 is \$48.83. When 30% is added to account for a fully loaded hourly rate (benefits and overhead), the cost per hour for a GS-12, step 5 is \$48.83 + \$14.65, for a rate of \$63.48.

The USPTO estimates that it takes a GS-15, step 5 employee between 30 and 45 minutes to process a petition under Trademark Rule 2.146. The current hourly rate for a GS-15, step 5 is \$67.88. When 30% is added to account for a fully loaded hourly rate (benefits and overhead), the cost per hour for a GS-12, step 5 is \$67.88 + \$20.36, for a rate of \$88.24.

Table 5 calculates the processing hours and costs of this information collection to the Federal Government:

**Table 5: Burden Hour/Burden Cost to the Federal Government for Substantive Submissions Made During Prosecution of the Trademark Application**

	Item	Minutes (a)	Responses (yr) (b)	Burden (hrs/yr) (c) (a) x (b)	Rate (\$/hr) (d)	Total Cost (\$/hr) (e) (c) x (d)
1	Trademark/Service Mark Allegation of Use (Amendment to Allege Use/Statement of Use) (Paper)	25	1704	710	\$30.10	\$21371
1	Trademark/Service Mark Allegation of Use (Amendment to Allege Use/Statement of Use) (TEAS)	20	80733	26911	\$30.10	\$810021.1
2	Request for Extension of Time to File a Statement of Use (Paper)	12	1819	363.8	\$44.54	\$16203.652
2	Request for Extension of Time to File a Statement of Use (TEAS)	10	180047	30007.83	\$44.54	\$1336548.748
3	Petition to Revive Abandoned Application – Failure to Respond Timely to Office Action (Paper)	20	348	116	\$44.54	\$5166.64
3	Petition to Revive Abandoned Application – Failure to Respond Timely to Office Action (TEAS)	15	18548	4637	\$44.54	\$206531.98
4	Petition to Revive Abandoned Application – Failure to File Timely Statement of Use or Extension Request (Paper)	15	34	8.5	\$44.54	\$378.59
4	Petition to Revive Abandoned Application – Failure to File Timely Statement of Use or Extension Request (TEAS)	12	159	31.8	\$44.54	\$1416.372
5	Request to Delete Section 1(b) Basis, Intent to Use (Paper)	10	26	4.33	\$44.54	\$192.8582
5	Request to Delete Section 1(b) Basis, Intent to Use (TEAS)	5	1,300	108.33	\$44.54	\$4825.0182
6	Request for Express Abandonment (Withdrawal) of Application (Paper)	10	100	16.67	\$63.48	\$1058.2116
6	Request for Express Abandonment (Withdrawal) of Application (TEAS)	5	4900	408.33	\$63.48	\$25920.7884

	Item	Minutes (a)	Responses (yr) (b)	Burden (hrs/yr) (c) (a) x (b)	Rate (\$/hr) (d)	Total Cost (\$/hr) (e) (c) x (d)
7	Request to Divide Application (Paper)	15	39	9.75	\$44.5 4	\$434.265
7	Request to Divide Application (TEAS Global)	10	1922	320.33	\$44.5 4	\$14267.4982
8	Response to Intent-to-Use (ITU) Divisional Unit Office Action (Paper)	30	1	.5	\$44.5 4	\$22.27
8	Response to Intent-to-Use (ITU) Divisional Unit Office Action (TEAS Global)	30	1	.5	\$44.5 4	\$22.27
9	Response to Petition to Revive Deficiency Letter (Paper)	20	5	1.67	\$53.3 9	\$89.1613
9	Response to Petition to Revive Deficiency Letter (TEAS Global)	15	250	62.5	\$53.3 9	\$3336.875
10	Petition to the Director Under Trademark Rule 2.146 (Paper)	25	12	5	\$88.2 4	\$441.2
10	Petition to the Director Under Trademark Rule 2.146 (TEAS Global)	20	600	200	\$88.2 4	\$17648
11	Due Diligence Petition Under Trademark Rule 2.66 (Paper)	25	2	.83	\$53.3 9	\$44.3137
11	Due Diligence Petition Under Trademark Rule 2.66 (TEAS Global)	20	130	43.33	\$53.3 9	\$2313.3887
12	Petition to Revive with Request to Delete Section 1(b) Basis or to Delete ITU Goods/Services After NOA (Paper)	30	1	.5	\$53.3 9	\$26.695
12	Petition to Revive with Request to Delete Section 1(b) Basis or to Delete ITU Goods/Services After NOA (TEAS Global)	30	25	12.5	\$53.3 9	\$667.375
	<b>Total</b>	- - - - -	<b>292,706</b>	<b>63,981</b>	- - - - -	<b>02,468,948.2 7</b>

## 15. Reason for Change in Burden

### Summary of Changes Since the Previous Renewal

This information collection was approved by OMB in 2011 with a total of 289,521 responses and 48,471 burden hours per year. With this renewal, the USPTO estimates that the responses will be 292,706 and the burden hours 63,981, which is an increase of 3,185 responses and 15,510 burden hours from the currently approved burden for this collection.

The USPTO estimates that the total annual (non-hour) cost burden will increase by \$426,837 for this renewal, from \$37,280,769 currently reported on the OMB inventory to the present \$37,707,606 per year.

## Change in Respondent Cost Burden

In 2011, the estimated hourly rate for attorneys was \$325. Using that rate, the reported burden hours yielded a respondent cost burden of \$15,753,075. This renewal reports an estimated hourly rate of \$389 for a respondent cost burden of \$24,888,609, an increase of \$9,135,534. This increase is due to an increase in the estimated hourly rate for attorneys and an increase in total burden hours from 48,741 to 63,981.

## Changes in Response and Burden Hours

The increase in burden hours for this renewal is due to a revised number of responses and time estimates as an administrative adjustment, as follows:

- The USPTO estimates that the number of TEAS Trademark/Service Mark Allegations of Use (Amendments to Allege Use/Statements of Use) submitted per year will increase by 7,208 responses, from 73,525 to 80,733. The hour burden will increase from 18,381 to 26,911. **Therefore, this submission shows a burden increase of 7,208 responses and 8,530 hours as an administrative adjustment.**
- The USPTO estimates that the number of paper Trademark/Service Mark Allegations of Use (Amendments to Allege Use/Statements of Use) submitted per year will decrease by 2,657 responses, from 4,361 to 1,704. The hours burden will decrease from 1,439 hours to 710 hours. **Therefore, this submission shows a burden decrease of 2,657 responses and 729 hours as an administrative adjustment.**
- The USPTO estimates that the number of TEAS Requests for Extension of Time to File a Statement of Use submitted per year will increase by 3,332 responses, from 176,715 to 180,047. The hour burden will increase from 22,973 hours to 30,007 hours. **Therefore, this submission shows a burden increase of 3,332 responses and 7,035 hours as an administrative adjustment.**
- The USPTO estimates that the number of paper Requests for Extension of Time to File a Statement of Use submitted per year will decrease by 2,712 responses, from 4,531 to 1,819. The hour burden will increase from 770 hours to 364 hours. **Therefore, this submission shows a burden decrease of 2,712 responses and 406 hours as an administrative adjustment.**
- The USPTO estimates that the number of TEAS Petitions to Revive Abandoned Applications – Failure to Respond Timely to an Office Action submitted per year will increase by 3,152 responses, from 15,396 to 18,548. The burden hours will increase from 3,079 to 4,637. **Therefore, this submission shows a burden increase of 3,152 responses and 1,558 hours as an administrative adjustment.**

- The USPTO estimates that the number of paper Petitions to Revive Abandoned Applications – Failure to Respond Timely to an Office Action submitted per year will decrease by 462 responses, from 810 to 348. The burden hours will decrease from 203 hours to 116 hours. **Therefore, this submission shows a burden decrease of 462 responses and 87 hours as an administrative adjustment.**
- The USPTO estimates that the number of TEAS Petitions to Revive Abandoned Applications – Failure to File Timely Statements of Use or Extension Requests submitted per year will decrease by 651 responses, from 810 to 159. The burden hours will decrease from 138 hours to 32 hours. **Therefore, this submission shows a burden decrease of 651 responses and 106 hours as an administrative adjustment.**
- The USPTO estimates that the number of paper Petitions to Revive Abandoned Applications – Failure to File Timely Statements of Use or Extension Requests submitted per year will decrease by 9 responses, from 43 to 34. The hour burden will decrease from 9 hours to 8.5 hours. **Therefore, this submission shows a burden decrease of 9 responses and 0.5 hours as an administrative adjustment.**
- The USPTO estimates that the number of TEAS Requests to Delete Section 1(b) Basis, Intent to Use submitted per year will decrease by 80 responses, from 1,380 to 1,300. The burden hours will decrease from 110 hours to 108 hours. **Therefore, this submission shows a burden decrease of 80 responses and 2 hours as an administrative adjustment.**
- The USPTO estimates that the number of paper Requests to Delete Section 1(b) Basis, Intent to Use submitted per year will decrease by 38 responses, from 64 to 26. The hour burden will also decrease from 12 hours to 4 hours. **Therefore, this submission shows a burden decrease of 38 responses and 8 hours as an administrative adjustment.**
- The USPTO estimates that the number of TEAS Requests for Express Abandonment (Withdrawal) of Application submitted per year will decrease by 648 responses, from 5,548 to 4,900. The hour burden decreased from 444 hours to 408 hours. **Therefore, this submission shows a burden decrease of 648 responses and 36 hours as an administrative adjustment.**
- The USPTO estimates that the number of paper Requests for Express Abandonment (Withdrawal) of Application submitted per year will decrease by 177 responses, from 277 to 100. The hour burden will decrease from 47 hours to 17 hours. **Therefore, this submission shows a burden decrease of 177 responses and 30 hours as an administrative adjustment.**

- The USPTO estimates that number of TEAS Requests to Divide submitted per year will decrease by 3,289 responses; from 5,211 to 1,922 responses per year. The hourly burden will also decrease from 677 hours to 250 hours. **Therefore, this submission shows a total burden decrease of 3,289 responses and 427 hours an administrative adjustment.**
- The USPTO estimates that the number of paper Requests to Divide submitted per year will decrease by 222 responses, from 261 to 39. The hour burden will decrease from 44 hours to 9.75 hours. **Therefore, this submission shows a burden decrease of 222 responses and 34.25 hours as an administrative adjustment.**
- The USPTO estimates that the number of TEAS Requests for the Response to Intent-to-Use (ITU) Divisional Unit Office Action submitted per year will decrease by 1 response, from 2 to 1 response. The hourly burden will decrease from 1 hour to 0.5 hours. **Therefore, this submission shows a total burden decrease of 1 response and 0.5 hours as an administrative adjustment.**
- The USPTO estimates that TEAS Response to Petition to Revive Deficiency Letter submitted per year will increase by 150 responses, from 100 to 250 responses. The hour burden will increase from 20 hours to 63 hours. **Therefore, this submission shows a total burden increase of 150 responses and 43 hours as an administrative adjustment.**
- The USPTO estimates that paper requests for the Response to Petition to Revive Deficiency Letter submitted per year will remain unchanged at 5. However an adjustment to the estimated time this form requires, from 15 minutes to 20 minutes, results in a gain of 1 burden hour. **Therefore, this submission shows a total burden increase of 1 hour as an administrative adjustment.**
- The USPTO estimates that TEAS requests for the Petition to the Director Under Trademark Rule 2.146 in the TEAS Global format submitted per year will increase by 290, from 310 to 600 responses. . An adjustment to the estimated time this form requires, from 15 minutes to 20 minutes, adds burden for each response, resulting in 122 additional hours of burden; 78 hours rising to 200 hours. **Therefore, this submission shows a total burden increase of 290 responses and 122 burden hours as an administrative adjustment.**
- The USPTO estimates that paper requests for the Petition to the Director Under Trademark Rule 2.146 submitted per year will decrease by 4, from 16 to 12 responses. An adjustment to the estimated time this form requires, from 20 minutes to 25 minutes, adds burden for each response, resulting in no net change in the hour burden. **Therefore, this submission shows a total**

**burden decrease of 4 responses and no change in the burden hours as an administrative adjustment.**

- The USPTO estimates that TEAS requests for the Due Diligence Petition Under Trademark Rule 2.66 in the TEAS Global format submitted per year will decrease by 10 responses, from 140 to 130 responses. However, the hour burden is estimated to rise as the time needed to complete the form has been adjusted from 15 minutes to 20 minutes. This results in a net increase of 8 burden hours, 35 hours to 43 hours. **Therefore, this submission shows a decrease of 10 responses and an increase of 8 burden hours, both due to administrative adjustments.**
- The USPTO estimates that paper requests for the Due Diligence Petition Under Trademark Rule 2.66 submitted per year will decrease by 5 responses, from 7 to 2 responses. The burden hours will also decrease, but only by 1 hour, as the time estimated to complete the form has been adjusted up from 20 minutes to 25 minutes. **Therefore, this submission shows a total burden decrease of 5 responses and 1 burden hour due to an administrative adjustment.**
- The USPTO estimates that TEAS requests for the Petition to Revive with Request to Delete Section 1(b) Basis or to Delete ITU Goods/Services After NOA in the TEAS Global format submitted per year will increase by 23 responses, 2 to 25 responses. The hour burden will also increase by 12 hours, from 1 hour to 13 hours. **Therefore, this submission shows a total increase of 23 responses and 12 hours due to an administrative adjustment.**
- The USPTO estimates that the number of Petitions to Revive with Request to Delete Section 1(b) Basis or to Delete ITU Goods/Services After NOA in the paper format submitted per year will remain unchanged at 1 response. **Therefore, this submission shows no change in burden.**

This submission adds a total of 3,185 responses to the collection, as a result of administrative adjustments from revising the expected number of submissions. A total of 15,510 burden hours have been added to this collection as a result of administrative adjustments. The increase in burden hours is due to a combination of the revised number of submissions and an increase in estimated time to complete certain forms. **This results in a total net burden increase of 3,185 responses and 15,510 hours as an administrative adjustment.**

#### Changes in Annualized (Non-hour) Costs

For this renewal, the USPTO estimates that the total annual (non-hour) costs will increase by \$426,837, from \$37,280,769 currently reported on the OMB inventory to the present \$37,707,606. This submission does not include any change to the fee structure for this collection. The increase is due to adjustments in expected numbers of responses and an adjustment for increased postage costs. **Therefore, this collection has an increase in annual (non-hour) cost burden of \$426,837.**

## **16. Project Schedule**

There is no plan to publish this information for statistical use.

## **17. Display of Expiration Date of OMB Approval**

The forms in this information collection will display the OMB Control Number and the date on which OMB's approval of this information collection expires.

## **18. Exception to the Certificate Statement**

This collection of information does not include any exceptions to the certificate statement.

## **B. COLLECTIONS OF INFORMATION EMPLOYING STATISTICAL METHODS**

This collection of information does not employ statistical methods.

### **References**

- A. USPTO Information Quality Guidelines
- B. TEAS Trademark/Service Mark Allegation of Use (Amendment to Allege Use/Statement of Use) (Form 1553)
- C. TEAS Request for Request for Extension of Time to File a Statement of Use (Form 1581)
- D. TEAS Petition to Revive Abandoned Application – Failure to Respond Timely to Office Action (Form 2194)
- E. Petition to Revive Abandoned Application – Failure to File Timely Statement of Use or Extension Request (Form 2195)
- F. TEAS Request to Delete Section 1(b) Basis, Intent to Use (Form 2200)
- G. TEAS Request for Express Abandonment (Withdrawal) of Application (Form 2202)
- H. Request to Divide Application (TEAS Global)
- I. Response to Intent-to-Use (ITU) Divisional Unit Office Action (TEAS Global)
- J. Response to Petition to Revive Deficiency Letter (TEAS Global)
- K. Petition to the Director Under Trademark Rule 2.146 (TEAS Global)
- L. Due Diligence Under Trademark Rule 1.66 (TEAS Global)
- M. Petition to Revive with Request to Delete Section 1(b) Basis or to Delete ITU Goods/Services After NOA (TEAS Global)