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Via Email Raul.Tamayo@uspto.gov

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Re: 0651-0031 comment, Information Collection for Control Number 0651-0032, *Initial Patent Applications*, 60-day notice at 89 Fed. Reg. 5500 (Jan. 29, 2024)

Dear Mr. Tamayo:

I write to comment on three aspects of this 60-day notice.

I. The recent decommissioning of the PTO's stable software in favor of poorly-designed, not-yet-ready new software adds about $300 million per year in burden

For nearly two decades, the United States Patent and Trademark Office (PTO) has provided a portal through which patent applicants can upload papers to update processing of their patent applications, most of which are covered by this ICR. Those older systems were called "Private PAIR" and "EFS-Web." In the summer of 2023, the PTO announced that it would decommission its time-tested, reliable software systems and would instead force the public to use its new system, Patent Center.

For years, the public has warned the PTO that Patent Center is incomplete and extraordinarily buggy, and that it is not ready to be the PTO's primary interface to the public. In 2022, the Commerce Inspector General investigated and found that the PTO's software development processes were inadequate, leading to poor quality and a project that was 6X over budget (with ***$600 million*** in overruns).[1] In June 2023, AIPLA (the American Intellectual Property Law Association, the largest professional organization in the field) told the PTO in no uncertain terms that Patent Center was not ready.

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[1] OIG report OIG-22-026-A, *USPTO Needs to Improve Its Cost Estimating, Scheduling, and Agile Practices to Timely Retire Legacy Systems* (Jul. 20, 2022) https://www.oig.doc.gov/Pages/USPTO-Needs-to-Improve-Its-Cost-Estimating,-Scheduling,-and-Agile-Practices-to-Timely-Retire-Legacy-Systems.aspx

Several letters were provided to the PTO throughout 2023. As the deadline approached and it became clear that the PTO was set to disregard the known level of software defects and consequent cost to the public, letters to OMB and the Inspector General in the Department of Commerce explained the problems with Patent Center. These letters explained that delaying decommissioning the old reliable software would be low cost for the PTO and would avoid nine-figure costs for the public. Some of those letters are at:

- A list of bugs is at https://patentcenter-tickets.oppedahl.com, and a list of requests (many of which request restoration of features of the older system that are unimplemented in the new system) is at https://patentcenter-tickets.oppedahl.com/patentcenter-feature-requests
- An Oct. 9, 2023 letter of 137 Intellectual Property Professionals to OIRA (available at https://ssrn.com/abstract=4597405) The attachments to this letter include a report of a survey by AIPLA (the American Intellectual Property Law Association, the largest professional association of the relevant public) of its members, in which only about 11% of survey respondents were "comfortable" with decommissioning the old system, and 89% were "not comfortable." The survey requested free text comments; those comments are attached as well. "The entire PTO IT operation has dissolved into a puddle of amateurism, incompetence, and unreliability. Many of the fundamental design decisions were wrong from the get-go." "Everything [is an issue/shortcoming]. Sincerely, everything. Its known issues are offensive. Its resolution to known issues is offensive." "[Patent Center] cannot accurately calculate fees." "There are many bugs and reliability issues with PatentCenter." The PTO dismissed the public's assessment as "perception," "nice to haves," or "training problems." The PTO did not explain how erroneous results and failure to calculate fees could possibly be "perception," "nice to have," or "training problems."
- An October 16, 2023 letter to the Inspector General for the Department of Commerce (available at https://ssrn.com/abstract=4604104) explains many of the software engineering process defects that are readily inferred by an outside observer.
- A November 1, 2023 letter (available at https://ssrn.com/abstract=4620375) explained new bugs that had arisen in the previous week, and attached two letters, one from AIPLA (the largest professional organization) and the National Association of Patent Practitioners (NAPP), the third-largest professional organization.

The problem with the PTO's software processes, and the effect on burden is obvious. The remedy is less clear because the old software is decommissioned, and, presumably, not revivable.

- Burden estimates should be incremented appropriately. In earlier letters, the public estimated costs of the PTO's software bugs at $150 million to $450 million per year. The midrange estimate of $300 million should be booked. That will probably decline over three years or so as the PTO fixes its bugs, so a fair estimate is $300 million for 2024, $200 million for 2025, and $100 million for 2026. Perhaps that amount should be split, and half booked to 0651-0031 Patent Processing, and half to 0651-0032 Initial Patent Applications

- OIRA should exercise its authority under 44 U.S.C. § 3504(a)(1)(B)(vi) to assist the PTO in ensuring that its use of information technology is appropriate. That likely includes:
    - Personnel adjustments. At a minimum, the person in charge of ensuring the quality and reliability of the PTO's software should be removed from that role. Likewise, the Commissioner for Patents, whom we perceive as the most aggressive champion for the hasty transition and most dismissive of public concerns, should be removed from any responsibility overseeing the PTO's software systems. I received reports from multiple people who talked to her, and several of them independently used the word "bully." A good listener she isn't. From what a number of us can tell as outsiders, these two individuals appear starkly ignorant of reliable software engineering practice, starkly ignorant of software reliability measurement techniques, and starkly resistant to the public's concern for reliability of the PTO's computer systems. Until they are removed, it seems unlikely that the PTO will match its software engineering processes to the requirements of the Paperwork Reduction Act.
    - The PTO should be directed to explain why it continued on a path of demonstrated unreliability after receiving numerous and unambiguous public comments, why it promoted self-interest over the cost-benefit balancing and public interest considerations of the Paperwork Reduction Act, and how the PTO is changing its software development processes so bugs get fixed, and display of overtly hostile attitude toward the public interest will not recur.

The PTO may respond that "our measurements indicate that it isn't so bad." That tells more about the PTO's measurement protocols than about the quality of the PTO's software. On the attorney email lists, months after the cut-over, a sizeable fraction of all the emails request help finding work-arounds for the bugs in the PTO's Patent Center software. To be sure, over time, these messages diminish. But this is not because Patent Center is fixed; it is because users stop using the aspects of the system they know not to trust. But that doesn't alter the fundamental fact: the PTO's unreliable software imposes genuine costs, and those costs should be booked as burden.

II. The ICR neglects to book burden for responses under 37 C.F.R. §§ 1.111, 1.112, and 1.116, and declarations/affidavits under § 1.130-132

This ICR overlooks two large categories of burden:

- Replies to Office Action, under 37 C.F.R. §§ 1.111, 1.112, and 1.116
- Declarations and affidavits under 37 C.F.R. §§ 1.130 to 1.132

I estimate that the PTO collects about 700,000 to 1 million replies under §§ 1.130, 1.131, and 1.132 per year, at about 9 hours each. I estimate about 75,000 annual responses under

§§ 1.130, 1.131, and 1.132, also at about 9 hours each.[2] The PTO will have more accurate data to estimate number of responses. Burden should be booked.

A. Background

After an applicant files a patent application, the PTO sends rejection letters, formally known as "Office Actions" under 35 U.S.C. § 131 and 37 C.F.R. § 1.110 and 1.113. An applicant is obligated to reply. 37 C.F.R. §§ 1.111, 1.112, and 1.116. In some cases, a reply may be accompanied by a declaration or affidavit under 37 C.F.R. §§ 1.130 to 1.132 to provide rebuttal evidence.

The PTO frames most of its requests for information using "form paragraphs," which are standardized and identical requirements for information reporting that the PTO gives its examiners to ensure they deliver consistent statements of bases for rejection.[3] Depending on the nature of the examiner's request for information reporting, the applicant responds under 37 C.F.R. §§ 1.111, 1.112, 1.116, 1.130, 1.131, and/or 1.132 as applicable. Though applicants' responses will vary, the statutory and regulatory requirements for information reporting, and the form paragraphs by which examiners raise them, are identical.

Importantly, the PTO almost never asks direct *questions*. Almost always, the PTO states only that a patent application is *rejected*, using the form paragraphs. It is entirely up to the applicant to decide how to report information that responds to the form paragraph.

B. 37 C.F.R. §§ 1.111, 1.112, 1.116, 1.130, 1.131, and 1.132 collect "information"

These classes of submissions to the PTO meet the statutory definition of "collection of information:"

> (3) the term "collection of information"—
>
> (A) means the obtaining, causing to be obtained, soliciting, or requiring the disclosure to third parties or the public, of facts or opinions by or for an agency, regardless of form or format, calling for either—
>
> (i) answers to identical questions posed to, or identical reporting or recordkeeping requirements imposed on, ten or more persons …

37 C.F.R. § 1320.3(c)(4)(i) defines "identical reporting … requirements imposed on ten or more persons:

> (i) Any recordkeeping, reporting, or disclosure requirement contained in a rule of general applicability is deemed to involve ten or more persons.

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[2] AIPLA publishes a statistical survey of costs for replies to Office Action. *Report of the Economic Survey*, https://www.aipla.org/detail/journal-issue/2023-report-of-the-economic-survey The AIPLA survey subdivides into several dozen categories, so assembling an average is not possible from the data provided. Nonetheless, taking client, attorney, and paralegal time all together, the average time per response seems to be about 9 hours.

[3] Most of these form paragraphs are cataloged in Chapters 700 and 800 of the *Manual of Patent Examining Procedure*, The entire MPEP is at https://www.uspto.gov/web/offices/pac/mpep/index.html

37 C.F.R. §§ 1.111, 1.112, 1.116, 1.130, 1.131, and 1.132 are "rules of general applicability." The statutory requirements for patentability and the PTO's form paragraphs are "identical reporting … requirements imposed."

It is irrelevant that §§ 1.111, 1.112, 1.116, 1.130, 1.131, and 1.132 amendments and responses are not "identical" for each respondent. First, the statute says "identical reporting … *requirements* imposed," not identical *responses*. If the rule governed identical *responses*, then initial patent applications, EPA air pollution permits, FDA New Drug Applications, and FDA Abbreviated New Drug Applications, and many tax filings would not be "identical" and would not be covered. But they are. Responses under §§ 1.111, 1.112, 1.116, 1.130, 1.131, and 1.132 are no more unique than initial patent applications or FDA New Drug Applications, so it makes no logical sense to exempt the former but cover the latter.

37 C.F.R. § 1320.3(h) defines the following exemptions:

> … "Information" does not generally include items in the following categories; however, OMB may determine that any specific item constitutes "information":
>
> (1) Affidavits, oaths, affirmations, certifications, receipts, changes of address, consents, or acknowledgments; provided that they entail no burden other than that necessary to identify the respondent, the date, the respondent's address, and the nature of the instrument (by contrast, a certification would likely involve the collection of "information" if an agency conducted or sponsored it as a substitute for a collection of information to collect evidence of, or to monitor, compliance with regulatory standards, because such a certification would generally entail burden in addition to that necessary to identify the respondent, the date, the respondent's address, and the nature of the instrument);
>
> (2) Samples of products or of any other physical objects;
>
> (3) Facts or opinions obtained through direct observation by an employee or agent of the sponsoring agency or through nonstandardized oral communication in connection with such direct observations;
>
> (4) Facts or opinions submitted in response to general solicitations of comments from the public, published in the Federal Register or other publications, regardless of the form or format thereof, provided that no person is required to supply specific information pertaining to the commenter, other than that necessary for self-identification, as a condition of the agency's full consideration of the comment;
>
> (5) Facts or opinions obtained initially or in follow-on requests, from individuals (including individuals in control groups) under treatment or clinical examination in connection with research on or prophylaxis to prevent a clinical disorder, direct treatment of that disorder, or the interpretation of biological analyses of body fluids, tissues, or other specimens, or the identification or classification of such specimens;
>
> (6) A request for facts or opinions addressed to a single person;
>
> (7) Examinations designed to test the aptitude, abilities, or knowledge of the persons tested and the collection of information for identification or classification in connection with such examinations;
>
> (8) Facts or opinions obtained or solicited at or in connection with public hearings or meetings;

> (9) Facts or opinions obtained or solicited through nonstandardized follow-up questions designed to clarify responses to approved collections of information; and
>
> (10) Like items so designated by OMB.

Of these 10 exemptions, only (h)(1), (h)(6), (h)(9), and (h)(10) are remotely plausible candidates. Subsections II.C to II.F explain why each is inapplicable.

C. Submissions under §§ 1.111, 1.112, 1.116, 1.130, 1.131, and 1.132 are not exempted as § 1320.3(h)(1) "affidavits, oaths…" and the like

This category is directed to signature blocks, change of address filings, and similar submissions. This category of items includes a broad array of submissions ("affidavits, oaths, affirmations, certifications, receipts, changes of address, consents, or acknowledgments"), but limited to only those that "entail no burden other than that necessary to identify the respondent, the date, the respondent's address, and the nature of the instrument." §§ 1.130, 1.131, and 1.132 declarations and affidavits require more than that, and are therefore not exempt.

The text of § 1320.3(h)(1) includes a parenthetical carve-in, any instance in which an "agency conducted or sponsored it as a substitute for a collection of information to collect evidence of, or to monitor, compliance with regulatory standards." Because §§ 1.111, 1.112, 1.116, 1.130, 1.131, and 1.132 are all collected to ensure "compliance with regulatory standards," they are not exempt.

D. Submissions under §§ 1.111, 1.112, 1.116, 1.130, 1.131, and 1.132 are not exempted as § 1320.3(h)(6) "requests to a single person"

§ 1320.3(h)(6) exempts "request[s] for facts or opinions addressed to a single person." Functionally identical requests made to more than one person cannot qualify. For the same reasons discussed in § II.B above, information collection requests contained in rules of general applicability cannot be requests to a single person; if they did, the exemption would swallow virtually all of 5 C.F.R. §§ 1320.11 and 1320.12.

E. Submissions under §§ 1.111, 1.112, 1.116, 1.130, 1.131, and 1.132 are not exempted as § 1320.3(h)(9) "facts or opinions .. to clarify"

§ 1320.3(h)(6) exempts "[f]acts or opinions obtained or solicited through nonstandardized follow-up questions designed to clarify responses to approved collections of information." That is, §§ 1.111, 1.112, 1.116 submissions may be exempt if they are (1) responses to questions posed by the USPTO, (2) the question posed by the USPTO must be nonstandardized, (3) the purpose of the response to a nonstandardized question must be to "clarify" a prior response to a collection of information, and (4) the prior collection of information must have been approved by OMB. All four conditions must simultaneously apply.

1. To be exempt, a response must be to a question posed by the USPTO

The vast majority of responses under §§ 1.111, 1.112, 1.116, 1.130, 1.131, and 1.132 respond to examiners' form paragraph "reporting requirements." It is *extremely* rare for an

examiner to ask a "question" that demands an answer. At most the USPTO sends a notice of rejection, and leaves it to the applicant to formulate the best form for response.

Another typical case is an amendment filed by the applicant in response to new information or analysis from a source other than the examiner. There is no "question" here, either.

2. To be exempt, a response must be to a nonstandardized question posed by the USPTO

The vast majority of responses under §§ 1.111, 1.112, 1.116, 1.130, 1.131, and 1.132 respond to examiners' standardized form paragraph "reporting requirements." It is *extremely* rare for an examiner to pose a "nonstandardized question."

3. To be exempt, a response to a nonstandardized question must be for the purpose of clarifying a response to a prior collection of information

Of the subset of responses under §§ 1.111, 1.112, 1.116, 1.130, 1.131, and 1.132 that are responses to USPTO "questions," only those that "clarify" responses to previously submitted information could be exempt under § 1320.3(h)(9). If the submission has any other purpose besides "clarifying" a prior response, such as to require the submission or disclosure of additional information, it is not exempt. This happens, but it is *extremely* rare.

4. To be exempt, a response to a nonstandardized question intended to clarify a response, the prior collection of information must have been approved by OMB

Finally, a submission under §§ 1.111, 1.112, 1.116, 1.130, 1.131, and 1.132 can only be exempt if it seeks *clarification* of a previous submission in a prior collection of information, and the prior collection was an approved collection. If the prior collection of information was not approved, then responses to follow-up inquires, even if narrowly tailored to seek clarification, cannot be eligible for this exemption.

In the rare case where an examiner rejects a filing under §§ 1.111, 1.112, 1.116, 1.130, 1.131, and 1.132 and demands a replacement (typically via Form PTOL-324, a Notice of Non-Compliant Amendment), that replacement could be exempt. Because the PTO's compensation scheme for examiners disincentivizes this, it almost never happens. And this certainly is not a carveout for the (estimated) 700,000 to 1 million replies under §§ 1.111, 1.112, 1.116, 1.130, 1.131, and 1.132 that the PTO receives annually.

F. §1320.3(h)(10) does not apply

If there is any sense in which §§ 1.111, 1.112, 1.116, 1.130, 1.131, and 1.132 are "like" other items in §§ 1320.3(h)(1)-(9), it is not apparent.

G. Conclusion: except in rare circumstances, responses under §§ 1.111, 1.112, 1.116, 1.130, 1.131, and 1.132 are not exempt under 5 C.F.R. § 1320.3(h)

Only four of the ten exemptions listed in 5 C.F.R. § 1320.3(h) have been examined closely, but the other six clearly do not apply.

Of the four potentially applicable exemptions, only (h)(9) could ever apply. There is no objection to exempting the rare case where an examiner requires a replacement Reply.

III. A nine-figure bootleg by guidance: a purportedly "minor" change in guidance for 0651-0032

In March 2023, the PTO issued an amendment to the PTO's most significant guidance document, that, in addition to systematically violating procedural requirements of the PRA, imposes paperwork burden exceeding the threshold in Executive Order 12866 § 3(f)(1) for an economically significant rule. This guidance change will raise tens of millions of dollars in fees for the PTO, but at a burden of several hundreds of millions of dollars per year for inventors, and about the same magnitude of costs on competitors who will have much more confusing patent landscapes to navigate. This guidance change is similar in effect to a regulation that was submitted to OMB as a "Change Worksheet"[4] that was later withdrawn at the direction of OMB. It is also remarkably similar to another guidance change that was quashed in February 2009, and almost identical to a guidance change attempted in 2010.[5] Having tried and repeatedly failed to obtain above-board approval, the PTO now publishes the guidance and asks OMB to "catch me if you can."

This information collection is a pure money grab by the PTO to raise fee collections. There is no public interest that supports what the PTO attempts here, and indeed several blog posts explain how it is *contrary* to the public interest.[6]

When a patent application claims two "independent and distinct" inventions (for example, a chemical compound, and a new synthesis process whose first known use is to form that compound), statute gives the PTO the authority to require "division" or "restriction" to only one of the inventions; the applicant must file a second patent application to the other invention. 35 U.S.C. § 121. For decades,[7] the PTO has had an extensive guidance document, the *Manual of Patent Examining Procedure*, Chapter 800, that explained detailed criteria for various specific kinds of inventions, specifying when they may be divided from each other and when not. For example, "process of making and product made" or "product and process of using," etc.—how different do these inventions have to be in order to be divided? When does it make sense to split two separate inventions into two separate patents, and when does it make sense to keep them together? These criteria were remarkably stable from the mid-1950s until about 2006.

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[4] https://www.reginfo.gov/public/do/PRAViewDocument?ref_nbr=200703-0651-001

[5] A former OMB economic staffer, Dr. Richard Belzer, wrote a comment letter which is at https://www.uspto.gov/sites/default/files/patents/law/comments/belzer13aug2010.pdf It remains applicable, nearly word-for-word, today.

[6] Julie Burke, PhD, *Recent MPEP Changes Complicate the Sticky Wicket of Restriction Thickets*, https://ipwatchdog.com/2023/03/14/recent-mpep-changes-complicate-sticky-wicket-restriction-thickets/id=157729 (March 14, 2023). Dr. Burke previously was a quality analyst at the PTO.

[7] https://www.uspto.gov/web/offices/pac/mpep/old/index.htm

In 1999 and 2011, Congress tried to make the PTO more "like a business," with more control over its fees. Since 2006, the PTO has attempted to change the rules for "restriction requirements" multiple times. Each of these changes is motivated solely at supplementing PTO's budget. (Senior PTO career staff, in turn, have compensation systems that reflect the PTO's financial performance. 35 U.S.C. § 3(b)(2)(B).) Each change reduces the amount of examination effort per patent application, and forces applicants to file follow-on applications and pay additional fees. Under the radar, the PTO has made a number of small changes purely by changing guidance, with neither APA rulemaking nor PRA compliance.

This time, the PTO is attempting a *very* large change, at nine-figure cost to the public (if the quantity of patent protection is maintained *ceteris paribus*).

First, the PTO's fees escalate with the number of claims. Under this revised guidance, however, the PTO would take away the examination and benefit for which the applicant paid these additional fees.

Second, the statute only authorizes the PTO to restrict between inventions that are "independent and distinct." From the 1950s until now, the PTO's guidance has only allowed restriction where the two inventions are genuinely substantially different. In contrast, this new guidance allows examiners to restrict based on technicalities that have no relationship to substantive differences between the two inventions. Under the new guidance, inventions that are legally distinct, but that stem from the same inventive concept and are closely-related technologically (for example, a computer program stored in memory, and the method performed by the program as it executes), can now be divided because of that purely legal difference.

A recent blog article[8] explains how this harms the public: the new guidance will lead to "patent thickets," multiple patents that are very close to each other but that differ slightly from each other. Patent thickets are *much* harder for a prospective competitor to analyze, to evaluate freedom to operate around a patent portfolio. These separate patents cannot use the simplification and organization techniques that are used to confine complexity within a single patent, which leads to additional burden for the applicant, and additional costs for competitors.

Further, the same statute that gives the PTO the power to divide applications has a *quid pro quo*: when the PTO divides an application, that division waives the requirement for co-ownership of closely-related patents. The new guidance will allow the multiple daughter patents to be owned by different entities, who can then act independently, such as by suing the same target for infringement of multiple patents by multiple plaintiffs. This kind of abuse of the patent system has been a concern of both Congress and the Executive branch—but the PTO now encourages the practice because it is in the financial interest of the PTO as an agency, and of senior career staff personally, to set rules that are contrary to the public interest.

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[8] Burke, *Recent MPEP Changes*, note 6, *supra*.

Third, the PTO disseminated this new guidance internally in July 2022,[9] yet only published it in the Federal Register on March 3, 2023.[10] But the PTO informs the public that it will be applying this new guidance retroactively.[11] Agencies do not have retroactive rulemaking authority unless Congress explicitly delegates such authority, *Bowen v. Georgetown University Hosp.*, 488 U.S. 204, 208–09 (1988), and the PTO has no such delegation.

This guidance change will raise many tens of millions of dollars in fees for the PTO, but at a burden of several hundreds of millions of dollars per year for the public. The issues here are very similar to RIN 0651-AC00 in 2007. The public comments are at https://www.uspto.gov/patents/laws/comments-public/comments-july-2007-examination-patent-applications-0 and were nearly 100% negative, and are largely applicable here. In 2007, the PTO attempted to sneak this past OMB in a change worksheet, https://www.reginfo.gov/public/do/PRAViewDocument?ref_nbr=200703-0651-001 In 2008, OMB "directed" the PTO to self-rescind this information collection and worksheet, ICR 200707-0651-005, https://www.reginfo.gov/public/do/DownloadDocument?objectID=4405504. The excess burden arises under both 0651-0031 in additional responses directly to the new restriction requirements, and under 0651-0032 for additional new applications filed.

In short, this is a classic case of unintended consequences that arise when an agency amends a significant guidance document in self-interest, without observing the procedures of the *Good Guidance Bulletin*, Executive Order 12866, and the Paperwork Reduction Act.

At the very least, for both control number 0651-0032 and control number 0651-0031, OMB should inform the PTO that its authority to enforce guidance is limited to MPEP Chapter 800 as it stood before June 2022.[12] The PTO should be reminded that: (a) it does not have authority to change the rules without adhering to the APA and PRA, (b) it does not have authority to change rules retroactively, (c) it may not impose burden on the public without the notice-and-comment required by 44 U.S.C. § 3506(c)(2)(A), 5 C.F.R. § 1320.5(a), § 1320.8(d)(1) and § 1320.10(a), and (d) the PTO may not amend a significant guidance document without observing the *Good Guidance Bulletin*.[13]

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[9] In March 2023, Dr. Burke phoned the PTO's Office of Patent Legal Administration, and was informed "The MPEP revisions published in February 2023 have a revision indicator of [R-07.2022], meaning that they reflect USPTO patent practice and relevant case law as of July 31, 2022." Burke, *Recent MPEP Changes*, note 6, *supra*.

[10] *Manual of Patent Examining Procedure, Ninth Edition, Revision of July 2022*, 88 Fed. Reg. 13437 (Mar. 3, 2023).

[11] Dr. Burke's report of personal conversation, note 9, *supra*.

[12] By all rights, clearance should be limited to Chapter 800 as it stood in 2006. For dozens of small changes incrementally implemented since then, the PTO has effectively ignored the PRA.

[13] Like dozens of others, this action also meets the definition of an economically significant regulation under Executive Order 12866 §3(f)(1). Neither information collection we discuss in this letter complied with EO 12866.

IV. Conclusion

ICRs for control numbers 0651-0031 should be amended as outlined here, and the PTO should review its software engineering and information collection procedures to ensure that costs are not so readily shifted to the public in the future.

Very truly yours,