

| Item  | Estimated time for response | Estimated annual responses | Estimated annual burden hours |
|---|-----------------------------|----------------------------|-------------------------------|
| Request for Withdrawal as Attorney or Agent and Change of Correspondence Address (PTO/SB/83).     | 12 minutes .....            | 475                        | 95                            |
| Authorization to Act in a Representative Capacity (PTO/SB/84) .....                               | 3 minutes .....             | 800                        | 40                            |
| Petition Under 37 CFR 1.36(a) to Revoke Power of Attorney by Fewer than All the Applicants.       | 1 hour .....                | 2                          | 2                             |
| Petition to Waive 37 CFR 1.32(b)(4) and Grant Power of Attorney by Fewer than All the Applicants. | 1 hour .....                | 1                          | 1                             |
| Change of Correspondence Address for Application or Patent (PTO/SB/122/123).                      | 3 minutes .....             | 13,000                     | 650                           |
| Request for Customer Number Data Change (PTO/SB/125A/125B) .....                                  | 12 minutes .....            | 600                        | 120                           |
| Request for Customer Number (PTO/SB/125A/125B) .....  | 12 minutes .....            | 4,100                      | 820                           |
| Customer Number Upload Spreadsheet .....  | 1 hour and 30 minutes ..... | 3,000                      | 4,500                         |
| Total .....   | .....                       | 370,766                    | 23,668                        |

*Estimated Total Annual Non-hour Respondent Cost Burden: \$188,838.*

There are no maintenance costs associated with this information collection. However, this collection does have annual (non-hour) cost burden in the form of filing fees, recordkeeping costs, capital start-up costs, and postage costs.

The two petitions being added into this collection have associated filing fees. The filing fee for the Petition Under 37 CFR 1.36(a) to Revoke Power of Attorney by Fewer than All the Applicants is currently \$130 (37 CFR 1.17(h)). The USPTO has proposed to increase this fee to \$400 (37 CFR 1.17(f)) as discussed in the notice of proposed rulemaking entitled "Provisions for Persons Granted Limited Recognition to Prosecute Patent Applications and Other Miscellaneous Matters" (RIN 0651-AB85), published in the **Federal Register** on April 7, 2005. This proposed fee coincides with the \$400 fee (37 CFR 1.17(f)) for the Petition to Waive 37 CFR 1.32(b)(4) and Grant Power of Attorney by Fewer than All the Applicants. Using the \$400 fee for these petitions, the USPTO estimates that the total filing fees for this collection would be \$1,200 per year.

There are recordkeeping costs associated with submitting power of attorney forms electronically over the Internet using EFS. The USPTO recommends that customers print and retain a copy of the acknowledgment receipt that is displayed on the screen after a successful submission. The USPTO estimates that it will take 5 seconds (0.001 hours) to print a copy of the acknowledgment receipt and that approximately 2,488 power of attorney submissions per year will be completed via EFS, for a total of approximately 2 hours per year. The USPTO expects that these receipts will be printed by paraprofessionals at an estimated rate of

\$81 per hour, for a total recordkeeping cost of \$162 per year.

This collection has capital start-up costs associated with the Customer Number Upload Spreadsheet, which must be submitted to the USPTO on a diskette or CD. This process requires additional supplies, including blank diskettes or recordable CD media and padded envelopes for shipping. The USPTO estimates that the cost of these supplies will be approximately \$2 per submission, for a total capital start-up cost of \$6,000 per year.

The public may incur postage costs when submitting the information in this collection to the USPTO by mail. The USPTO estimates that the first-class postage cost for a mailed submission will be 49 cents for all items in this collection except for the electronic power of attorney submissions and the Customer Number Upload Spreadsheet. There is no postage cost for electronic power of attorney submissions. Due to the additional materials required for Customer Number Upload Spreadsheet submissions, including the diskette or CD and cover letter, the USPTO estimates that the average first-class postage cost for a spreadsheet submission will be 83 cents. The total postage cost for this collection is \$181,476 per year.

The total (non-hour) respondent cost burden for this collection in the form of filing fees, recordkeeping costs, capital start-up costs, and postage costs is estimated to be \$188,838 per year.

#### IV. Request for Comments

Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden (including hours and cost) of the proposed collection of information; (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.

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.

Dated: June 15, 2005.

**Susan K. Brown,**

*Records Officer, USPTO, Office of the Chief Information Officer, Office of Data Architecture and Services, Data Administration Division.*

[FR Doc. 05-12174 Filed 6-20-05; 8:45 am]

**BILLING CODE 3510-16-P**

## DEPARTMENT OF COMMERCE

### Patent and Trademark Office

#### Public Key Infrastructure (PKI) Certificate Action Form

**ACTION:** Proposed collection; comment request.

**SUMMARY:** The United States Patent and Trademark Office (USPTO), as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on the continuing information collection, as required by the Paperwork Reduction Act of 1995, Public Law 104-13 (44 U.S.C. 3506(c)(2)(A)).

**DATES:** Written comments must be submitted on or before August 22, 2005.

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

- E-mail: [Susan.Brown@uspto.gov](mailto:Susan.Brown@uspto.gov). Include "0651-0045 comment" in the subject line of the message.

- Fax: 571-273-0112, marked to the attention of Susan Brown.
- Mail: Susan K. Brown, Records Officer, Office of the Chief Information Officer, Office of Data Architecture and Services, Data Administration Division, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450.

**FOR FURTHER INFORMATION CONTACT:**

Requests for additional information should be directed to Chris Rutherford, Information Technology Security Program Office, U.S. Patent and Trademark Office, Madison Building West—Room 5A19, 600 Dulany Street, Alexandria, VA 22314; by telephone at 571-272-5357; or by e-mail at [Chris.Rutherford@uspto.gov](mailto:Chris.Rutherford@uspto.gov).

**SUPPLEMENTARY INFORMATION:****I. Abstract**

The Government Paperwork Elimination Act (GPEA) directs federal agencies to implement electronic commerce systems that enable the collection and dissemination of information while also ensuring the security and validity of the information that is transmitted. In support of the GPEA and its own electronic filing initiatives, the United States Patent and Trademark Office (USPTO) uses Public Key Infrastructure (PKI) technology to support electronic commerce between the USPTO and its customers. PKI is a set of hardware, software, policies, and procedures that provide several important security services for the electronic business activities of the USPTO, including protecting the confidentiality of unpublished patent applications in accordance with 35 U.S.C. 122 and international patent applications in accordance with Article 30 of the Patent Cooperation Treaty.

In order to provide the necessary security for its electronic commerce systems, the USPTO uses PKI technology to protect the integrity and confidentiality of information submitted to the USPTO. PKI employs public and private encryption keys to authenticate the customer's identity and support secure electronic communication between the customer and the USPTO.

Customers may submit a request to the USPTO for a digital certificate, which enables the customer to create the encryption keys necessary for electronic identity verification and secure transactions with the USPTO. This digital certificate is required in order to access secure online systems that are provided by the USPTO for transactions such as electronic filing of patent applications and accessing confidential information about unpublished patent applications.

This information collection includes the Certificate Action Form (PTO-2042), which is available for download from the USPTO Web site. This form is used by the public to request a new digital certificate, the revocation of a current certificate, or the recovery of a lost or corrupted certificate. Customers may also change the name listed on the certificate or associate the certificate with one or more previously assigned Customer Numbers. A certificate request must include a notarized signature in order to verify the identity of the applicant. The Certificate Action Form also has an accompanying subscriber agreement to ensure that customers understand their obligations regarding the use of the digital certificates and cryptographic software.

The USPTO has revised the Certificate Action Form to accommodate its use by limited recognition practitioners who have been granted status to act as representatives in specific patent applications. The revised form allows customers to identify themselves as limited recognition practitioners when requesting a digital certificate. The USPTO is also upgrading its PKI software, which will enable customers to recover their own lost certificates instantly over the Internet without having to contact support staff at the USPTO Electronic Business Center. When generating a new certificate, the customer will have the option of providing additional information for a set of security questions and answers that will be invoked as part of the online verification process in the event the customer uses the certificate self-

recovery feature. The electronic Certificate Self-Recovery Form is being added to this collection.

**II. Method of Collection**

The Certificate Action Form may be mailed or hand delivered to the USPTO. The Certificate Self-Recovery Form is submitted electronically over the Internet.

**III. Data**

OMB Number: 0651-0045.

Form Number(s): PTO-2042.

Type of Review: Revision of a currently approved collection.

Affected Public: Individuals or households; businesses or other for-profits; not-for-profit institutions; farms; the Federal Government; and state, local or tribal governments.

Estimated Number of Respondents: 4,126 responses per year.

Estimated Time Per Response: The USPTO estimates that it will take the public approximately 30 minutes (0.5 hours) to read the instructions and subscriber agreement, gather the necessary information, prepare the Certificate Action Form (PTO-2042), and submit the completed request. The USPTO estimates that it will take the public approximately 25 minutes (0.42 hours) to complete and electronically submit the information required for Certificate Self-Recovery.

Estimated Total Annual Respondent Burden Hours: 1,898 hours per year.

Estimated Total Annual Respondent Cost Burden: \$197,392 per year. For this information collection, the USPTO expects that 70% of the submissions will be prepared by paraprofessionals, 15% by attorneys, and 15% by independent inventors. Using those proportions and the estimated rates of \$81 per hour for paraprofessionals, \$286 per hour for associate attorneys in private firms, and \$30 per hour for independent inventors, the USPTO estimates that the average hourly rate for all respondents will be approximately \$104 per hour. Therefore, the estimated total respondent cost burden for this collection will be \$197,392 per year.

| Item  | Estimated time for response (minutes) | Estimated annual responses | Estimated annual burden hours |
|---|---------------------------------------|----------------------------|-------------------------------|
| Certificate Action Form (including Subscriber Agreement) (PTO-2042) ..... | 30                                    | 2,063                      | 1,032                         |
| Certificate Self-Recovery Form .....                                      | 25                                    | 2,063                      | 866                           |
| Total .....   | .....                                 | 4,126                      | 1,898                         |

Estimated Total Annual Non-hour Respondent Cost Burden: \$4,889. There

are no capital start-up costs, maintenance costs, or filing fees

associated with this information collection. Authorized users may

download the necessary cryptographic software from the USPTO at no cost. However, this collection does have annual (non-hour) cost burden in the form of recordkeeping costs and postage costs associated with the Certificate Action Form (PTO-2042).

This collection has recordkeeping costs due to the notarization requirement for authenticating the customer's signature on the Certificate Action Form. The USPTO estimates that the average fee for having a signature notarized is \$2 and that 2,063 signed Certificate Action Forms will be submitted annually, for a total recordkeeping cost of \$4,126 per year.

This collection also has postage costs for submitting the Certificate Action Form to the USPTO by mail. The Certificate Action Form cannot be submitted electronically because it requires an original notarized signature as verification of the customer's identity. The USPTO estimates that the first-class postage cost for a mailed Certificate Action Form will be 37 cents and that it will receive 2,063 Certificate Action Forms annually, for a total postage cost of \$763 per year.

The total (non-hour) respondent cost burden for this collection in the form of recordkeeping costs and postage costs is estimated to be \$4,889 per year.

#### IV. Request for Comments

Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden (including hours and cost) of the proposed collection of information; (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.

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.

Dated: June 15, 2005.

**Susan K. Brown,**

*Records Officer, USPTO, Office of the Chief Information Officer, Office of Data Architecture and Services, Data Administration Division.*

[FR Doc. 05-12189 Filed 6-20-05; 8:45 am]

**BILLING CODE 3510-16-P**

## COMMODITY FUTURES TRADING COMMISSION

### Agency Information Collection Activities: Notification of Pending Legal Proceedings

**AGENCY:** Commodity Futures Trading Commission.

**ACTION:** Notice.

**SUMMARY:** The Commodity Futures Trading Commission (CFTC) is announcing an opportunity for public comment on the proposed collection of certain information by the agency. Under the Paperwork Reduction Act of 1995 (PRA), 44 U.S.C. 3501 *et seq.*, Federal agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension of an existing collection of information, and to allow 60 days for public comment in response to the notice. This notice solicits comments on the rule requiring notification of pending legal proceedings pursuant to 17 C.F.R. 1.60.

**DATES:** Comments must be submitted on or before August 22, 2005.

**ADDRESSES:** Comments may be mailed to Gail B. Scott, Office of the General Counsel, U.S. Commodity Futures Trading Commission, 1155 21st Street, NW., Washington, DC 20581

**FOR FURTHER INFORMATION CONTACT:** Gail B. Scott, (202) 418-5139; FAX: (202) 418-5524; e-mail: [gscott@cftc.gov](mailto:gscott@cftc.gov).

**SUPPLEMENTARY INFORMATION:** Under the PRA, Federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. "Collection of information" is defined in 44 U.S.C. 3502(3) and 5 C.F.R. 1320.3(c) and includes agency requests or requirements that members of the public submit reports, keep records, or provide information to a third party. Section 3506(c)(2)(A) of the PRA, 44 U.S.C. 3506(c)(2)(A), requires Federal agencies to provide a 60-day notice in the **Federal Register** concerning each proposed collection of information,

including each proposed extension of an existing collection of information, before submitting the collection to OMB for approval. To comply with this requirement, the CFTC is publishing notice of the proposed collection of information listed below.

With respect to the following collection of information, the CFTC invites comments on:

- Whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information will have a practical use;
- The accuracy of the Commission's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- Ways to enhance the quality, usefulness, and clarity of the information to be collected; and
- Ways to minimize the burden of collection of information on those who are to respond, including through the use of appropriate automated electronic, mechanical, or other technological collection techniques or other forms of information technology; *e.g.*, permitting electronic submission of responses.

### Notification of Pending Legal Proceedings Pursuant to 17 C.F.R. 1.60, OMB Control Number 3038-0033—Extension

The rule is designed to assist the Commission in monitoring legal proceedings involving the responsibilities imposed on contract markets and their officials and futures commission merchants and their principals by the Commodity Exchange Act, or otherwise.

The rules require futures commission merchants and introducing brokers: (1) To provide their customers with standard risk disclosure statements concerning the risk of trading commodity interests; and (2) to retain all promotional material and the source of authority for information contained therein. The purpose of these rules is to ensure that customers are advised of the risks of trading commodity interests and to avoid fraud and misrepresentation. This information collection contains the recordkeeping and reporting requirements needed to ensure regulatory compliance with Commission rules relating to this issue.

The Commission estimates the burden of this collection of information as follows: