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February 2, 2017

### VIA E-MAIL (FOIAREQUESTS@USPTO.GOV)

USPTO FOIA Officer  
United States Patent and Trademark Office  
PO Box 1450  
Alexandria, VA 22313-1450

*Re: American Center for Equitable Treatment, Inc.'s Freedom of Information Act Request*

Dear FOIA Officer:

On behalf of our client, the American Center for Equitable Treatment, Inc., a 501(c)(3) corporation, and as required by the Freedom of Information Act (FOIA), 5 U.S.C. § 552 and 37 C.F.R. § 102.4, please provide me with the following records.

1. All records referencing or concerning the SUPPORTING STATEMENT filed by the United States Patent and Trademark Office (PTO) with the Office of Management and Budget (OMB) under the Paperwork Reduction Act (PRA) in Patent Processing (Updating), OMB Control No. 0651-0031, ICR Reference No. 201301-0651-002. Relevant records include but are not limited to:

(a) All drafts, revisions and versions of the Supporting Statement.

(b) All estimates of paperwork burden and their derivation pursuant to 5 CFR § 1320.8(a)(4), including underlying assumptions and data used for the derivation and estimates; tabulations, mathematical models, calculations, analysis, computer spreadsheets in their native form and in their entirety (with all cells accessible) including embedded cell relationships, cell-reference links, and embedded equations.

(c) All records, guidance, or manuals describing any of the items listed in paragraphs (a) and (b) above, including any communications and material provided to or by consultants to the PTO.

2. All records referencing or concerning OMB review of ICR Reference No. 201301-0651-002 not otherwise included in Request #1 above.
3. All records referencing or concerning OMB review of PTO information collection in Patent Processing (Updating), OMB Control No. 0651-0031 dated June 1, 2016, or later. This includes:
  - (a) All PTO requests for and OMB grants of time-extensions of an existing clearance, including requests for extensions and grants of extensions issued electronically and/or automatically, whether temporary, emergency, or otherwise; and
  - (b) All OMB notices of action and records, which establish that a valid OMB control number was in effect on every date from July 31, 2016 through today's date.
4. All draft or final OMB implementing guidance for OMB review of agency information collection under the Paperwork Reduction Act of 1995 (Pub. L. 104-13) on May 22, 1995, including guidance concerning agency requests for and/or OMB grants of extensions issued electronically and/or automatically, whether temporary, emergency, or otherwise.

“Records” are defined at 44 U.S.C. § 3301, and per 5 U.S.C. § 552(f)(2) include “any information that would be an agency record subject to the requirements of [FOIA] when maintained by an agency in any format, including an electronic format.” To be clear, our request also includes metadata as well as records that may have been created, handled, transmitted, or found on private, nongovernmental email accounts.

The terms “and” and “or” shall be construed both conjunctively and disjunctively.

Relevant search terms include: “0651-0031”, “30-Day Notice”, “60-Day Notice”, “applicant or patent owner”, “Notice of Action”, “burden”, “control number”, “exemption”, “ICR” or “information collection request”, “information collection” or “collection of information”, “PRA” or “Paperwork Reduction Act”, “paperwork burden”, “patent application”, “patent prosecution”, “supporting statement”, “Terms of Clearance”, “Office of Information and Regulatory Affairs”, “OIRA”, “OMB”, “Implementing Guidance”, “Bahr”, “Fawcett”, “Tamayo”, “Fraser”, “Neyland”, “Hunt”, “Mancini”, “Shelanski”, “Katzen”, “Arbuckle”, “MacRae”, and “Hill.” For avoidance of doubt, because the records sought span years for which the PTO generated and retained paper documents, the PTO may not limit its search to computer records but must also search its relevant paper files.

To the extent that records responsive to this request were already produced in response to FOIA Request F-16-00215, please kindly identify those records but do not produce them again.

On behalf of our client, we request a public interest fee waiver because the requested records directly concern and bear upon the regularity of the government's operations and activities, will be highly informative to the general public regarding the PTO's policies and execution of its statutory obligations to minimize regulatory burden on the public, and contribute

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significantly to public understanding of interagency process. Upon receipt, our client will make these records publically available on its website for use by journalists, scholars, students, and interested members of the public at no charge and use the information in reports, newsletters, and other public disseminations to advance its educational mission.

Nevertheless, without waiving our client's right to appeal a fee waiver denial, we hereby authorize you to supply records responsive to this request without informing me of cost if the fees do not exceed \$500.00, which we agree to pay. Please be sure to contact me if the fees will exceed that amount and to arrange for record delivery.

Sincerely,

Andrew M. Grossman  
*Counsel to American Center for Equitable  
Treatment, Inc.*