



February 10, 2016

Ms. Patricia Capers
Department of Commerce
US Patent and Trademark Office
MDW 5B79
P.O. Box 1450
Alexandria, VA 22313

Dear Ms. Capers:

We are writing to you regarding a potential unauthorized disposition of United States Patent and Trademark Office (USPTO) records that occurred sometime before November of 2015. Mitchell Yockelson, an Investigative Archivist on the National Archives and Records Administration (NARA) Archival Recovery Team, was in contact with your office on November 3, 2015, to follow up on a conversation he had with Paul Cymrot, owner of Riverby Books in Washington, DC. Mr. Cymrot informed Mr. Yockelson that he had recently purchased a large collection of patent application files from someone who he believed currently or formerly worked for USPTO.

Upon hearing of this allegation, Kate Flaherty, the Supervisor for Appraisal Team 3 in the Office of the Chief Records Officer, sent an email to you on November 5, 2015, advising you to look into the matter and follow the steps outlined in 36 CFR 1230. We are very concerned that an unauthorized disposition of federal records may have occurred and that additional records may be at risk.

In accordance with 36 CFR 1230.16(b), NARA is requesting that USPTO investigate this allegation and provide us with a response within 30 days of this letter. If USPTO determines that an unauthorized disposition has occurred, please submit a report to NARA as described in 36 CFR 1230.14.

NATIONAL ARCHIVES *and*
RECORDS ADMINISTRATION

8601 ADELPHI ROAD
COLLEGE PARK, MD 20740-6001

www.archives.gov

Sincerely,

A handwritten signature in cursive script, appearing to read "Laurence A. Brewer".

LAURENCE BREWER
Acting Chief Records Officer
for the U.S. Government



NATIONAL ARCHIVES *and* RECORDS ADMINISTRATION
8601 ADELPHI ROAD COLLEGE PARK, MD 20740-6001
www.archives.gov

Sent Via Email. No Hard Copy to Follow.

February 12, 2019

Ms. Marcie Lovett
Department of Commerce
US Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Ms. Lovett:

The National Archives and Records Administration (NARA) has completed its research and review of information related to the potential unauthorized disposition of United States Patent and Trademark Office (USPTO) records that initiated from information provided by the owner of a Washington, DC bookstore who had purchased a large collection of patent documents. NARA has been in contact with the USPTO about this matter since November 2015 and formally requested that you investigate the allegation in accordance with 36 CFR 1230.16(b) on February 10, 2016 (see enclosed).

NARA has determined that the documents in question were Examiner's Search Files, maintained by the Patent Examining Group, used for reference by examiners and that they were disposed of from the USPTO's former facility in Crystal City, Virginia between 2001 and 2004. The files were disposed of because the USPTO had transitioned to electronic information collections and databases and in preparation for moving to a new facility in Alexandria, Virginia. During this time, a large number of these files were taken from recycling bins or were about to be put into recycling bins.

At the time, these files were appraised as non-record material as specified on Job No. N1-241-96-003, Item 87 that was approved on March 24, 1997 and could be destroyed when no longer needed for current agency business. This affirmed the designation of these files as non-record material as specified on Job No. NC1-241-76-001, item 132 that was approved on April 12, 1976.

As this was non-record material, it was not subject to the requirements for the disposal of temporary records currently specified in 36 CFR 1226.24.

NARA considers this matter closed. If you have any questions, please contact Scott Jobson, Senior Records Analyst, at (301) 837-2977 or by email at scott.jobson@nara.gov.

Sincerely,

LAURENCE BREWER

Chief Records Officer
for the U.S. Government

Enclosure:

2016-02-10_USPTO_UD-2016-0005_Open Letter_1301-1b