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|---|---|--|--|
| REQUEST FOR RECORDS DISPOSITION AUTHORITY | | JOB NUMBER <i>71.241.04.2</i> | |
| TO: NATIONAL ARCHIVES & RECORDS ADMINISTRATION 8601 ADELPHI ROAD COLLEGE PARK, MD 20740-6001 | | Date received <i>9-7-2004</i> | |
| 1. FROM (Agency or establishment) United States Patent and Trademark Office (USPTO) | | NOTIFICATION TO AGENCY | |
| | | In accordance with the provisions of 44 U.S.C. 3303a, the disposition request, including amendments, is approved except for items that may be marked "disposition not approved" or "withdrawn" in column 10. | |
| 2. MAJOR SUBDIVISION Office of the Chief Information Officer | | | |
| 3. MINOR SUBDIVISION Architecture, Engineering and Technology Services, Office of Data Architecture and Services | | | |
| 4. NAME OF PERSON WITH WHOM TO CONFER Susan K. Brown Records Officer | 5. TELEPHONE NUMBER 703-308-7400 | DATE | ARCHIVIST OF THE UNITED STATES WITHDRAWN |
| 6. AGENCY CERTIFICATION I hereby certify that I am authorized to act for this agency in matters pertaining to the disposition of its records and that the records proposed for disposal on the attached ___ page(s) are not needed now for the business for this agency or will not be needed after the retention periods specified; and that written concurrence from the General Accounting Office, under the provisions of Title 8 of the GAO Manual for Guidance of Federal Agencies, <input checked="" type="checkbox"/> is not required <input type="checkbox"/> is attached; or <input type="checkbox"/> has been requested. | | | |
| DATE <i>Aug 26, 2004</i> | SIGNATURE OF AGENCY REPRESENTATIVE <i>Susan K Brown</i> | TITLE USPTO Records Officer | |
| 7. ITEM NO | 8. DESCRIPTION OF ITEM AND PROPOSED DISPOSITION | 9. GRS OR SUPERSEDED JOB CITATION | 10. ACTION TAKEN (NARA USE ONLY) |
| <i>1-31</i> | U.S. Patent and Trademark Office Program Administration Records These records consist of records that reflect the unique administrative aspects of the organization and the administrative functions of the U.S. Patent and Trademark Office. <i>cc Agency</i> | <i>see attached</i> | WITHDRAWN |

USPTO Program Administration Bucket

Descriptive Bands Document

This bucket contains series of records that reflect the unique administrative aspects of the organization and the administrative functioning of the U.S. Patent and Trademark Office.

The U.S. Patent and Trademark Office exists in order to "promote the progress of science and the useful arts by securing for limited times to inventors the exclusive right to their respective discoveries" (Article 1, Section 8 of the United States Constitution).

The USPTO mission is to ensure that the U.S. Intellectual Property system contributes to a strong global economy, encourages investment in innovation, and fosters entrepreneurial spirit. Intellectual Property is an invention or creation embodied in the form of a patent, trademark, trade secret, or copyright

The following series are records necessary to support the administration of the U.S. Patent and Trademark Office.

WITHDRAWN

Permanent Program Administration Bucket

Intellectual Property Activities:

1

Patent Appeals and Interferences

The Board of Patent Appeals and Interferences (BPAI) reviews, upon written appeal of an applicant, decisions of examiners regarding applications for patents and BPAI determination of the priority and patentability of invention in interferences. BPAI monitors proposed and declared Interference Cases; views Interference documents; records Interference cases filed for appeal with an outside court as well as the court's decisions; records BPAI Interference hearings and decisions on the Interference Cases; records incoming and outgoing correspondence; and generates management statistics and production reports. This series includes but is not limited the following interference related records: Form 850 and depositions; textual exhibits; testimony; briefs; decision, settlement agreements between parties; index with bibliographic information; and separate case files involving claims to patents that may have been developed under contract to other government agencies (i.e. NASA and OE Acts, etc).

An Interference is a proceeding instituted in the Patent and Trademark Office before the BPAI to determine any question of patentability and priority of invention between two or more parties claiming the same patentable invention. An interference may be declared between two or more pending applications naming different inventors when, in the opinion of an examiner, the applications contain claims for the same patentable invention. An interference may be declared between one or more pending applications and one or more unexpired patents naming different inventors when, in the opinion of an examiner, any application and any unexpired patent contain claims for the same patentable invention. Rules governing Ex parte appeals from adverse decisions by patent examiners in applications for patents and reexamination proceedings are found at 37 CFR §§ 1.191-1.198. The Manual of Patent Examining Procedure (MPEP) sets forth additional procedures for appellants and patent examiners to follow in Ex parte appeals in a reexamination proceeding. Rules governing appeals from adverse decisions by patent examiners in Inter parte reexamination proceedings are found at 37 CFR §§ 1.959-1.981. (source – USPTO intranet site, <http://ptoweb/ptointranet/ogc/bpai.htm>, accessed August 17, 2004 and the MPEP, Edition 8.2).

RETENTION:

Permanent-Transfer 40 years after close of file

RECORDS INCLUDED:

| | |
|-------------------------------------|------------------|
| Interference Case Files | N1-241-96-5 #11a |
| Index of Patent Interferences | N1-241-96-5 #12 |
| Interference Settlement Agreements | N1-241-96-5 #14 |
| Proceedings Under DOE and NASA Acts | N1-241-96-5 #15a |

WITHDRAWN

Trademark Trial and Appeal Board Proceedings and Agency Solicitor Court Cases

The Trademark Trial and Appeal Board (TTAB) is an administrative tribunal empowered to determine the right to register a trademark, and the subsequent validity of a trademark. The TTAB adjudicates the rights of parties in specific types of proceedings such as oppositions, cancellations, interferences, concurrent use, appeals from refusals by the Office to register a mark, and extensions of time to file a proceeding. In addition, the TTAB receives other related documents and phone inquiries resulting in a high volume of paper and data exchange. The TTABIS consists of data capture, workflow, and reporting modules which provide the TTTAB staff with automated support to accomplish TTAB functions.

This item includes Records related the Trademark Trial and Appeal Board (TTAB) hearings and decisions on adversary proceedings involving oppositions to the registration of trademarks, petitions to cancel trademark registrations, and proceedings involving applications for concurrent use registrations of trademarks, and TTAB decision appeals taken from the Trademark examining attorneys' refusals to allow registration of trademarks. This band also includes Office of the Solicitor records related to USPTO court cases that have significant, legal, political, or historical significance. (source – USPTO intranet site, <http://ptoweb/ptointranet/ogc/ttab.htm>, accessed August 18, 2004 and the TAB Manual of Procedure, Third Edition).

RETENTION:
Permanent-Transfer 30 years after close of file

| | |
|----------------------------|-----------------|
| RECORDS INCLUDED: | |
| Opposition Proceedings | N1-241-96-5 #1a |
| Cancellation Proceedings | N1-241-96-5 #2a |
| Concurrent Use Proceedings | N1-241-96-5 #3 |
| Court Cases | N1-241-96-1 #6a |

WITHDRAWN

3

Public Affairs - Agency Formal Public Communications

This item consists of records related to major exhibits developed by the USPTO, record copies of USPTO news releases, and official copies of each publication that contributes to the public understanding of USPTO's missions and functions. This series includes but is not limited to exhibit correspondence, photographs, reports, and related materials developed by the USPTO (i.e. 175th anniversary exhibit).

RETENTION:

Permanent-Transfer when 30 years old

RECORDS INCLUDED:

Exhibit Files

N1-241-96-1 #19

Publications Files

N1-241-96-1 #21

News Release Files

N1-241-96-1 #23

WITHDRAWN

International Intellectual Property Activities Case Files

This item consists of records related to international intellectual property (IP) activities case files as well as proposed IP legislative files. The series includes but is not limited to the following documentation related USPTO participation in international IP rights and domestic legislative activities: correspondence; notes; informational packets; international meeting record, IP protection and enforcement activity records; drafts of legislation; reports to committees to introduce legislation; comments on legislative proposals; analysis, and testimony.

The series includes records documenting USPTO participation in multilateral and bilateral agreements to streamline the IP system and protections and shape new legislation. The USPTO must consult with, and receive the support of, other IP offices in structuring new bilateral and multilateral initiatives and agreements and promoting harmonization to strengthen the rights of American IP holders. The USPTO also proposes legislative and regulatory changes to current patent and trademark laws.

(see http://www.uspto.gov/web/offices/com/annual/2003/0403_manage_chalng.html).

RETENTION:

Permanent-Transfer 25 years after close of file

RECORDS INCLUDED:

| | |
|---|-----------------|
| Proposed Intellectual Property Legislation Files | N1-241-96-6 #37 |
| International Intellectual Property Activities Case Files | N1-241-96-6 #38 |

WITHDRAWN

5

Agency's Director Actions

This item consists of official records of the head of the USPTO Undersecretary of Commerce for Intellectual Property/Director of the USPTO and Deputy Director covering efforts to implement the USPTO's mission and functions. They may include but are not limited to Director's/Deputy Director's correspondence, memoranda, reports, and briefings related to USPTO's budget formulation, delegations of authority, examiner education funding, GAO and Inspector General reports, international interactions with specific countries and international organizations, labor management relations, legal materials (i.e., cases, opinions, rulings, proposed rulings, rule packages), copies of legislation and hearings, management initiatives and reviews, organization and reorganization matters, personnel, procurement, Director's Calendars, and related subjects.

RETENTION:

Permanent-Transfer when 25 years old

RECORDS INCLUDED:

Director's Files

N1-241-96-1 #1

Deputy Director's Files

N1-241-96-1 #40

Director's Calendars

N1-241-96-1 #5a

WITHDRAWN

6

Speeches

This item includes all speeches related to the USPTO's missions, functions, activities, and given by the USPTO Director, Deputy Director, and heads of the major USPTO business areas.

RETENTION:

Permanent-Transfer when 25 years old

RECORDS INCLUDED:

Speech Files

N1-241-96-1 #4

BPAI Speeches

N1-241-97-1 #6

WITHDRAWN

7

Corporate Budget Decisions

This series includes all official USPTO budget planning and evaluation related to final budget submissions, budget hearing books and background material, USPTO organizational changes, Trilateral Statistical Report input from the USPTO, and Carlyle move and space consolidation budget files.

RETENTION:

Permanent-Transfer 10 years after close of file/when 10 years old

RECORDS INCLUDED:

| | |
|---|------------------|
| USPTO Organizational Records | N1-241-95-1 #41 |
| Budget Hearing Books and Background Records | N1-241-95-1 #50a |
| Trilateral Statistical File | N1-241-95-1 #31a |
| Final Budget Submissions | N1-241-95-1 #49 |
| Carlyle Move/Space Consolidation Budget Files | N1-241-xx |

WITHDRAWN

8

Public Media Materials

Biographical sketches and photos of high-level USPTO officials, nontextual audiovisual files with historical value, USPTO posters and graphic arts created to document USPTO public affairs programs and events.

RETENTION:

Permanent-Transfer 10 years after close of file/when 10 years old

RECORDS INCLUDED:

Biographical Sketches and Portraits

N1-241-96-1 #26

Audiovisual Files - NONTEXTUAL MEDIA

N1-241-96-1 #27

Posters

N1-241-96-1 #43

WITHDRAWN

Program Administration Records of Sensitive Archival Nature

This item includes public affairs photographs and negatives not mentioned in other series but have special archival needs per 36 CFR1228.184. These include portraits of key United States Patent and Trademark Office officials and senior executives, exhibit photographs, and other photographs documenting USPTO programs and public affairs services. NOTE: This item does not include Newsletter photographs, and other photographs used in internal USPTO announcements or bulletins, routine retirement or award photographs, and photographs of social events that do not relate to agency-wide activities or mission).

RETENTION:

Permanent-Transfer 3 years after close of file

RECORDS INCLUDED:

Photographs and Negatives

N1-241-96-1 #20

WITHDRAWN

10

Program Administration Records that are transferred when no longer needed

This item includes the record copy of examinations given to new registrants applying to practice before the USPTO as well as the index of TTAB cases. The TTAB case file index is used to track and find information about TTAB cases and includes information such as proceeding number, parties, date filed, date instituted, answer filed, notice of default, default judgment, parties, consent judgment, motion for summary judgment action, action on motion, decision on merits, petition for reconsideration, action on petition, appeal Court of Customs and Patent Appeal, civil action, decision, and final termination.

RETENTION:

Permanent-Transfer when no longer needed

RECORDS INCLUDED:

Enrollment Examination
TTAB Case Index

N1-241-96-1 #29

N1-241-97-1 #7

WITHDRAWN

Temporary Program Administration Bucket

Intellectual Property Administration Support Activities:

11

Enrollment and Discipline: Registered Attorneys and Agents, Case Folders

Application folders of attorneys or agents registered to practice before the USPTO. Includes requests to change address or name, and related data, and copies of certificates of good standing.

RETENTION:

Temporary-Destroy when 60 years old

RECORDS INCLUDED:

Case Folders of Registered Attorneys and Agents

N1-241-01-8 #1a

Case Folders of Registered Attorneys and Agents

N1-241-01-8 #1b

WITHDRAWN

12

Disciplinary Files

Correspondence, complaint letters, investigation reports, administrative hearing records, final decisions, and supporting documentation on complaints about an attorney or agent registered to practice or an applicant for registration before the USPTO. Used as support for disciplinary proceedings.

RETENTION:

Temporary-Destroy 50 years after close of file

RECORDS INCLUDED:

| | |
|---|------------------|
| Closed Complaint Files - Disciplinary Proceeding is Initiated | N1-241-96-1 #36a |
| Disciplinary Files | N1-241-96-1 #8 |

WITHDRAWN

13

Proceedings and Cases (not resulting in a hearing)

Complaint letters, related correspondence, and supporting documentation on complaints about an attorney or agent registered to practice or an applicant for registration before the USPTO. Often subdivided into either routine or significant proceedings and cases.

RETENTION:

Temporary-Destroy 40 years after close of file

RECORDS INCLUDED:

Interference Case Files

N1-241-96-5 #11b

Proceedings (Patent) Under DOE and NASA Acts

N1-241-96-5 #15b

WITHDRAWN

Appeal Case Index and Court Cases of the Solicitor

Legal materials associated with Solicitor court cases that have been considered non-permanently valuable or have only short-term administrative values. Includes Copies of certified depositions of USPTO employees used as testimony in court cases; the background materials, drafts and notes for this testimony; indices used to identify patent and trademark appeals in the Federal Courts, and the Solicitor's non-permanently valuable cases. These non-permanently valuable cases are those without legal, political or historical significance. These include court papers, correspondence, and briefs involving appeals of USPTO rejection of trademarks or patents. Used to prepare the USPTO's case in court. Includes drafts that were circulated or made available to other employees, and which add to the formulation and execution of basic policies, decisions, actions, or responsibilities.

RETENTION:

Temporary-Destroy 30 years after date of appeal/closure

RECORDS INCLUDED:

| | |
|---|-----------------|
| Index to Appeals Cases (of the General Counsel) | N1-241-96-1 #41 |
| Court Cases (of the General Counsel) | N1-241-96-1 #6b |
| Examiners Testimony | N1-241-97-1 #9 |

WITHDRAWN

Enrollment and Discipline: Files of Unsuccessful Applicants and Inactive Registrants

Materials of concern associated with applicants and registrants that are unsuccessful or inactive

Records of unsuccessful applications for enrollment include correspondence, application, transcripts, and related records. Used to process requests for refunds and to document completed actions if the applicant continues at a later time. Also used to document reasons for denial, which are referred to when applicants reapply after satisfying deficiencies. Includes materials for those approved to take exams and those not approved to take exams.

Records of inactive registrants include revised data sheets and correspondence submitted by registrants and the original data sheet, along with copies of certificates of good standing and undertaking.

RETENTION:

Temporary-Destroy when 30 years old

RECORDS INCLUDED:

Data Sheet Files

N1-241-01-8 #3b

Unsuccessful Applications

N1-241-01-8 #4

WITHDRAWN

TTAB Opposition Proceedings (not resulting in a hearing) and OED Complaint Files (not resulting in a Proceeding) & Cancellation Proceedings

A Trademark Trial and Appeal Board opposition proceeding is a proceeding in which one party is seeking to prevent registration of another party's trademark. Under the law, if a party believes that he will be damaged by the registration of a mark, he can file an opposition. For more information, see the Trademark Trial and Appeal Board Manual of Procedure TBMP Section. 102.02. Records of such that do not result in hearings are temporary.

These include actions of offices under the General Counsel, specific to the patent and trademark operations, that do not result in proceedings.

Closed Cancellation Files that do not result in a board decision, motion of summary judgment or a motion to dismiss are considered temporary. Cancellation Files include correspondence and other papers related to a petition to cancel a trademark registration including the petition for cancellation, answer to the petition, requests to extend time to take some action, trial orders, notices of reliance, testimony, exhibits, motions, all outgoing actions taken by the Board in response to incoming requests, requests for oral hearings, the decision of the TTAB, the appeal to court and the decision of the court. Used to judge the merits of a petition to cancel a registered trademark. After final resolution, this file is used for public reference.

Complaint letters, related correspondence, and supporting documentation on complaints about an attorney or agent registered to practice or an applicant for registration before the USPTO; includes both routine cases where no formal warning is issued; and significant cases where a formal warning is issued but when no disciplinary proceeding is initiated.

RETENTION:

Temporary-Destroy 30 years after closure

WITHDRAWN

RECORDS INCLUDED:

| | |
|--|-----------------|
| Closed Complaint Files - No Disciplinary Proceeding is Initiated | N1-241-01-8 #2a |
| Closed Complaint Files - No Disciplinary Proceeding is Initiated | N1-241-01-8 #2b |
| Opposition Proceedings | N1-241-96-5 #1b |
| Cancellation Proceedings | N1-241-96-5 #2b |

17

Rule Reviews

Rule changes, review notes, background materials, and other related papers used to check regulatory conflicts and appropriate legal language in agency rulemaking procedures.

RETENTION:

Temporary-Destroy 25 to 30 years after closure

RECORDS INCLUDED:

Rule Review File

N1-241-96-1 #11

Proposed Patent Laws and Rules

N1-241-96-5 #20a

WITHDRAWN

Mandated Strategic Plans & Performance Files (under GPRA and CFOA)

Includes agency strategic plans and performance files required of the agency under legislation for Government Performance Results Act and the Chief Finance Officers Act. These materials satisfy requirements of the Acts, with such products as annual financial reports and 5-year strategic plans submitted to the Department of Commerce and the Executive Office of the President.

RETENTION:

Temporary-Destroy 25 years after closure; close when superseded by a new plan or when plan has ended

RECORDS INCLUDED:

| | |
|--|-----------------|
| Strategic Plans and Operational Plans Working Papers | N1-241-95-1 #44 |
| USPTO Program Performance Files | N1-241-95-1 #30 |

WITHDRAWN

19

Correspondence of the Office of the Solicitor and the General Counsel of the USPTO

Record copy of correspondence and reply used to document the activities of USPTO
General Counsel and Solicitor.

RETENTION:

Temporary-Destroy when 20 years old

RECORDS INCLUDED:

Correspondence of the Office of the General Counsel N1-241-96-1 #12

WITHDRAWN

Subject Files of the OED and BPAI

Incoming and outgoing correspondence, memorandums, annual and other periodic reports, and other records that relate to management and administration of the Board of Patent Appeals and Interferences, or agency-wide administration associated with the core responsibilities of the BPAI. These include records of public matters that do not pertain to a specific case, or which cannot be filed in interference or appeal case files. Records include but are not limited to correspondence, reports, delegations of authority, regulations, directives, long-range USPTO proposals and studies, personnel and staffing records, and similar materials.

Correspondence and reports related to office of Enrollment and Discipline activities which result in attorney registration and discipline. Records include correspondence with outside groups, dissemination of program information, the development and assessment of programs, and other correspondence related to the mission of the Office of Enrollment and Discipline.

RETENTION:

Temporary-Destroy when 15 years old

RECORDS INCLUDED:

| | |
|--|-----------------|
| Program Subject Files of the Office of Enrollment and Discipline | N1-241-96-1 #38 |
| BPAI Correspondence Subject Files | N1-241-96-5 #23 |

WITHDRAWN

21

Certified Copies of USPTO Records

Duplicate security copy of records that have been sent to regional courts to be used as testimony in patent and trademark disputes.

RETENTION:

Temporary-Destroy when 10 years old or no longer needed whichever is sooner

RECORDS INCLUDED:

Certified Copies of USPTO Records

N1-241-96-1 #10

WITHDRAWN

22

Notices of BPAI Decisions

Records of the selection of certain decisions of the Board of Patent Appeals and Interferences for publication. Decisions are normally confidential, however, some are selected because of their importance to patent law, and published with consent of the parties concerned.

RETENTION:

Temporary-Destroy when 10 years old

RECORDS INCLUDED:

Notices of Decisions

N1-241-96-5 #26

WITHDRAWN

Trademark Application Files (in use for a court case)

Materials used for Trademark Trial and Appeal Board actions; specifically for supporting the defense of the USPTO position on an appeal and those related to opposition filings.

Item includes files from the Trademark Examining Attorney that were denied and then appealed. Used to defend the position of the USPTO in a court case. If the appellant prevails, files are returned to the Trademark Examining Attorney. Otherwise, they remain at the Office of the General Counsel until it is determined that no further action will be taken.

Item also includes correspondence and other papers relating to extensions to a time to file an opposition. Oppositions may be filed by persons who believe they would be damaged by the registration of a mark upon the principal register.

RETENTION:

Temporary-Destroy 10 years after closure

RECORDS INCLUDED:

Trademark Application Files
Extensions of Time To Oppose

N1-241-96-1 #7
N1-241-xx

WITHDRAWN

Public Affairs and Outreach Program Administrative Files

Core project administration of public affairs projects.

Files containing record copy of correspondence, reports, background papers used for projects, and general materials used as a resource for the office. Also, outreach files relating to USPTO's interest in the promotion and development of creativity and higher order thinking skills such as Project X/L or similar projects. Conferences related to these outreach programs bring together regional teachers and experts with the goal of providing information, teaching methods, and curriculum materials to students.

Articles submitted for clearance and published in magazines, journals, and other information media. Includes related background materials. Articles support public awareness and promote the public affairs of the agency programs bring together regional teachers and experts with the goal of providing information, teaching methods, and curriculum materials to students.

Articles submitted for clearance and printed in magazines, journals, and other information media. Includes related background materials. Articles support public awareness and promote the public affairs of the agency.

RETENTION:

Temporary-Destroy 20 years after closure

RECORDS INCLUDED:

Educational Outreach Program Files
Public Affairs Subject Files

N1-241-96-1 #24a
N1-241-96-1 #25

RETENTION:

Temporary-Destroy when 10 years old

RECORDS INCLUDED:

Educational Outreach Program Files
Articles Files

N1-241-96-1 #24b
N1-241-97-1 #4

WITHDRAWN

Statistics of the Trilateral Program

The Trilateral Offices consist of the European Patent Office, the Japanese Patent Office, and the U.S. Patent and Trademark Office. They have been "cooperating for the administration of their patent functions in order to gain possible mutual benefits since 1983. One of the activities in the Trilateral Cooperation is to exchange information and views regarding patent administration in general, patent documentation and classification, automation programs and patent examination practice." (source: trilateral website)

Statistical files include files of source documentation supporting text, tables, charts, and graphs provided by the USPTO for inclusion in the Trilateral Statistical Report. USPTO data is combined with similar data provided by the European Patent Organization (EPO) and the Japanese Patent Office (JPO). Responsibility for the report's compilation year rotates annually among the patent offices.

Records of the data exchange program include source data reviewed and formatted by the USPTO under the data exchange program between European Patent Office, Japanese Patent Office and the USPTO. Data is published annually on a revolving basis by the three members.

RETENTION:

Temporary-Destroy when 5 years old (break at end of each calendar year/or after publication)

RECORDS INCLUDED:

Trilateral Statistical File

NI-241-95-1 #31b

Trilateral Patent Data Exchange Program

NI-241-95-1 #48a

WITHDRAWN

26

Administrative Reports

Reports utilized by the Board of Patent Appeals and Interferences (BPAI); to include routine office administration reports, Chairman's Monthly Report, revenue reports, and summary reports from USPTO tracking systems.

RETENTION:

Temporary-Destroy 5 years after closure; close at end of each Congress

RECORDS INCLUDED:

BPAI Administrative Reports

N1-241-96-5 #22

WITHDRAWN

BPAI Case Tracking

The Board's two main responsibilities include: (1) the review of ex parte appeals from adverse decisions of examiners in those situations where a written appeal is taken by a dissatisfied patent applicant and (2) the review of interferences to "determine priority" (that is, decide who is the first inventor) whenever an applicant claims the same patentable invention which is already claimed by another applicant or patentee. Each appeal and interference is heard by a merits panel of at least three members of the Board.

Documents supporting the tracking of appeals cases on patent applications. Tracks case status, panel assignments and decisions, and statistical reports. provides the means to create decision correspondence for each case.

RETENTION:

Temporary-Destroy 5 years after the case is closed

RECORDS INCLUDED:

Appeals Case Tracking Documents

N1-241-96-5 #7

Appeals Case Tracking and Assignment Records

Revised N1-241-96-5 #7

WITHDRAWN

BPAI Appeals Decision File Copies

The Board's two main responsibilities include: (1) the review of ex parte appeals from adverse decisions of examiners in those situations where a written appeal is taken by a dissatisfied patent applicant and (2) the review of interferences to "determine priority" (that is, decide who is the first inventor) whenever an applicant claims the same patentable invention which is already claimed by another applicant or patentee. Each appeal and interference is heard by a merits panel of at least three members of the Board.

RETENTION:

Temporary-Destroy when 5 years old

RECORDS INCLUDED:

BPAI Appeals Decision Files (non-record copy)

N1-241-96-5 #8b

WITHDRAWN

Short-Term Program Administration and Public Programs Records (2-5 years)

Short-term correspondence files, working papers, speech files, committee files, statements pertaining to the administration of the USPTO. Destroy when 2-5 years old.

RETENTION:

Temporary-Destroy when 5 years old or when no longer needed

RECORDS INCLUDED:

| | |
|-----------------------|-----------------|
| Speech Files | N1-241-96-1 #39 |
| Oversight Report File | N1-241-96-7 #77 |

RETENTION:

Temporary-Destroy when 5 years old

RECORDS INCLUDED:

| | |
|------------------------------------|------------------|
| Proposed Patent Laws and Rules | N1-241-96-5 #20b |
| Reengineering Team Working Papers | N1-241-95-1 #45 |
| Controlled Correspondence Files | N1-241-96-1 #2a |
| Index to Controlled Correspondence | N1-241-96-1 #3 |

RETENTION:

Temporary-Destroy when 3 years old

RECORDS INCLUDED:

| | |
|---|------------------|
| Committees and Conference Files | GRS 16, 8b |
| Trilateral Patent Data Exchange Program | N1-241-95-1 #48b |
| Speaker's Files | N1-241-97-1 #1 |

RETENTION:

Temporary-Destroy when 2 years after superseded

RECORDS INCLUDED:

| | |
|--|-----------------|
| BPAI Function Statements and Administrative Procedures | N1-241-96-5 #28 |
|--|-----------------|

RETENTION:

Temporary-Destroy when 2 years old

RECORDS INCLUDED:

| | |
|--|-----------------|
| Copies of Director's Controlled Correspondence Files | N1-241-95-1 #6 |
| Controlled Correspondence Files | N1-241-96-1 #28 |
| Controlled Correspondence Files | N1-241-96-1 #2b |

WITHDRAWN

30

Specific Event Date Driven Records:

Records that are associated with specific actions as noted below. Destroy according to specified event date.

30a

Appeal-Driven

Records that are destroyed when a given Trademark appeal-based event determines their disposal. Currently includes correspondence and other papers a part of Ex Parte Appeal Proceedings.

RETENTION:

Temporary-Destroy 2 years after appeal is abandoned

RECORDS INCLUDED:

Ex Parte Appeal Proceedings (Abandoned Appeals) N1-241-96-5 #4

30b

Budget-Driven

Records that are destroyed when a given budget-based event determines their disposal.

RETENTION:

Temporary-Destroy three years after the close of the fiscal year of the budget

RECORDS INCLUDED:

Budget Hearing Books and Background Records N1-241-95-1 #50b

30c

Case-Driven

Records that are destroyed when a given TTAB case-based event determines their disposal.

RETENTION:

Temporary-Destroy when superseded or 5 years after member leaves Board of Patent Appeals and Interferences

RECORDS INCLUDED:

Recusal Statements of the BPAI N1-241-96-5 #27
Proceedings (TTAB) Correspondence - Privileged N1-241-01-02 #1
Exhibits Filed with Testimony (TTAB) N1-241-96-5 #5

RETENTION:

Temporary-Delete records 3 years after case terminated

RECORDS INCLUDED:

WITHDRAWN

Index to Patent Interference

N1-241-96-5 #17

30d

Enrollment and Registration-Driven

Records that are destroyed when a given Enrollment and Registration-based event determines their disposal.

RETENTION:

Temporary-Destroy 10 years after death of registrant

RECORDS INCLUDED:

Data Sheet Files

N1-241-01-8 #3a

RETENTION:

Temporary-Destroy when 3 months old or after appeals process has expired

RECORDS INCLUDED:

Enrollment Examinations Completed by Applicants

N1-241-96-1 #30b

30e

Examination Driven

Tests and results of examinations to determine if applicants for registration have the necessary knowledge of patent law and practice to assist applicants for patents.

Records are destroyed when a given Examination-based event determines their disposal.

RETENTION:

Temporary-Destroy after grades are registered

RECORDS INCLUDED:

Patent Manager Candidate Certification Examination

N1-241-xx

Enrollment Examinations Completed by Applicants

N1-241-96-1 #30a

Patent Manager Candidate Certification Examination Results

N1-241-xx

Certification Examination (Patents) Review Sessions Materials

N1-241-xx

Certification Examination (Patents)

N1-241-xx

WITHDRAWN

30f

Interference-Driven

Whenever an application is made for a patent which, in the opinion of the Director, would interfere with any pending application, or with any unexpired patent, an interference may be declared and the Director shall give notice of such declaration to the applicants, or applicant and patentee, as the case may be. The Board of Patent

Appeals and Interferences shall determine questions of priority of the inventions and may determine questions of patentability. Any final decision, if adverse to the claim of an applicant, shall constitute the final refusal by the Patent and Trademark Office of the claims involved, and the Director may issue a patent to the applicant who is adjudged the prior inventor. A final judgment adverse to a patentee from which no appeal or other review has been or can be taken or had shall constitute cancellation of the claims involved in the patent, and notice of such cancellation shall be endorsed on copies of the patent distributed after such cancellation by the Patent and Trademark Office.

An interference is a proceeding, conducted before the Board of Patent Appeals and Interferences (Board), to determine priority of invention between a pending application and one or more pending applications and/or one or more unexpired patents. Jurisdiction to decide an interference is granted by 35 U.S.C. 135(a), which also grants the Board discretion to determine questions of patentability in the proceeding.

Records are destroyed when a given Interference-based event determines their disposal.

RETENTION:

Temporary-File in the Interference File at the termination of the Interference

RECORDS INCLUDED:

Interference Exhibits

N1-241-96-5 #16

WITHDRAWN

31

Office Discretionary – Short-term

Records deemed unique to the USPTO but having general administrative values that do not warrant long-term retention to the office. Destroy when 2 years old or when no longer needed

31a

Logs, Reports and Tracking

Within TTAB, includes production reports, logs of completed Inter Parte cases and data on all cases ready for a decision, log of public requests for TTAB files, reference reports, reports tracking and location and bibliographic information for proceedings of the TTAB.

Weekly, monthly and quarterly reports related to public affairs activities prepared for the Department of Commerce.

BPAI Report to the Director, trend analysis and long-term planning reports, and input forms used to track and update data in the Patent Application Tracking System.

RETENTION:

Temporary-Destroy or delete when 2 years old or 2 years after the date of the latest entry, whichever is applicable

RECORDS INCLUDED:

| | |
|--------------------------------|-----------|
| Decision Assignment Log (TTAB) | GRS 23, 8 |
| Attorney Motions Log | GRS 23, 8 |
| TTAB File Request Log | GRS 23, 8 |

RETENTION:

Temporary-Destroy when 6 months old

RECORDS INCLUDED:

| | |
|-----------------------|----------------|
| Public Affairs Report | N1-241-97-1 #5 |
|-----------------------|----------------|

RETENTION:

Temporary-Destroy after the information has been converted to an electronic medium and verified, or when no longer needed to support the reconstruction of or serve as the backup to the master file, whichever is later.

RECORDS INCLUDED:

| | |
|--|-----------------|
| Input Records Tracking | GRS 20, 2.a. |
| Reference Reports | N1-241-01-02 #1 |
| Reports - Tracking | N1-241-01-02 #1 |
| Reports - Production | N1-241-01-02 #1 |
| Corporate Data - Trend Analysis and Long-Term Planning | N1-241-95-1 #39 |

WITHDRAWN

31b

OED Rosters, Ledgers, Complaint Tracking

The Office of Enrollment and Discipline (OED) is responsible for registering practitioners (patent attorneys and agents) to practice before the USPTO in patent cases. OED also develops and administers a practitioner's registration examination twice a year to determine if applicants for registration have the necessary knowledge of patent law and practice to assist applicants for patents. In addition, OED maintains a public roster of attorneys and agents recognized to practice before the Office in patent cases and investigates complaints alleging unethical conduct by registered practitioners.

Includes lists of attorneys and agents registered for USPTO practice, ledgers containing registration numbers of those attorneys and agents from 1897 to the present time, and records of complaints against those attorneys and agents.

RETENTION:

Temporary-Destroy when no longer needed for current USPTO business

RECORDS INCLUDED:

| | |
|---|------------------|
| Registration Ledgers | N1-241-96-1 #31 |
| Roster Attorneys and Agents Registered to Practice Before the USPTO | N1-241-96-1 #33a |
| Roster Attorneys and Agents Registered to Practice Before the USPTO | N1-241-96-1 #33b |
| OED-Complaint Tracking | N1-241-97-1 #3 |
| Patent Manager Candidate Certification Examination Results Notifications | N1-241-xx |

31c

General Counsel Subject Files

The General Counsel is concerned with legal review of agency decisions, defense of agency decisions in court and administrative tribunals, internal agency legal advice, and regulation of persons practicing before the USPTO.

The General Counsel has also been delegated authority to hear appeals from decisions in enrollment and discipline matters, and to determine whether special circumstances exist pursuant to 35 U.S.C. § 122 for releasing information concerning patent applications.

Includes correspondence and reference files of interest to the Office of General Counsel.

WITHDRAWN

RETENTION:

Temporary-Destroy when 2 years old or when no longer needed, whichever is sooner

RECORDS INCLUDED:

Subject File

N1-241-96-1 #13

31d

Correspondence and Calendar Duplicated copies

Unofficial copies of Director's appointments, and copies of congressional correspondence related to constituent concerns.

RETENTION:

Temporary-Delete when no longer necessary for agency business

RECORDS INCLUDED:

Director's Calendars - Copies

N1-241-96-1 #5b

Congressional Liaison File - Copies

N1-241-96-6 #1

31e

Photographs and Negatives (other than official permanent copies)

Portraits of USPTO executives, photographs documenting public affairs services, USPTO programs or internal social events. Includes one negative and one captioned print.

RETENTION:

Temporary-Destroy when no longer needed for current agency business

RECORDS INCLUDED:

Photographs and Negatives (non-permanent)

N1-241-96-1 #20

WITHDRAWN