

# NOTICE - SOME ITEMS SUPERSEDED OR OBSOLETE

Schedule Number: N1-241-09-001

Some items in this schedule are either obsolete or have been superseded by new NARA approved records schedules. This information is accurate as of: 3/25/2021

## **ACTIVE ITEMS**

These items, unless subsequently superseded, may be used by the agency to disposition records. It is the responsibility of the user to verify the items are still active.


All items are active in full except item a-1-2 which is partially superseded for records concerning 2017 and later agency budget submissions.

## **SUPERSEDED AND OBSOLETE ITEMS**

The remaining items on this schedule may no longer be used to disposition records. They are superseded, obsolete, filing instructions, non-records, or were lined off and not approved at the time of scheduling. References to more recent schedules are provided below as a courtesy. Some items listed here may have been previously annotated on the schedule itself.

DAA-GRS-2015-0006-0001 supersedes the portion of item a-1-2 that relates to records concerning agency 2017 budget submissions and forward only.

# NOTICE - SOME ITEMS SUPERSEDED OR OBSOLETE

<b>REQUEST FOR RECORDS DISPOSITION AUTHORITY</b>		JOB NUMBER <b>NI-241-09-1</b>	
To NATIONAL ARCHIVES & RECORDS ADMINISTRATION 8601 ADELPHI ROAD COLLEGE PARK, MD 20740-6001		Date received <b>8/7/09</b>	
1 FROM (Agency or establishment) United States Patent and Trademark Office (USPTO)		<b>NOTIFICATION TO AGENCY</b>	
		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request, including amendments, is approved except for items that may be marked "disposition not approved" or "withdrawn" in column 10	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 Program Administration Organization			
4 NAME OF PERSON WITH WHOM TO CONFER Susan K. Fawcett Records Officer		5 TELEPHONE NUMBER 571-272-2799	DATE <b>8 June 2011</b>
ARCHIVIST OF THE UNITED STATES 			
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 <u>19</u> 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 <b>August 5, 2009</b>		SIGNATURE OF AGENCY REPRESENTATIVE <b>Susan K. Fawcett</b>	
		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)
	U S Patent and Trademark Office  <b>Intellectual Property Administration</b>  These records are unique to the administration of agency intellectual property programs at the U S Patent and Trademark Office  a- Intellectual Property Program Administration b- Intellectual Property Legal Activities	see attached	

## **Intellectual Property (IP) Administration**

*August 5, 2009 (updates October 12 2010)*

*Records of the highest level of Intellectual Property policies and decisions Includes records of the agency head and those supporting offices that provide over-all agency management support*

*The U S. Patent and Trademark Office (USPTO) is responsible for the granting and issuing of patents and the registration of trademarks, and for disseminating to the public information with respect to patents and trademarks*

*The USPTO mission is to ensure that the United States Intellectual Property system contributes to a strong global economy, encourages investment in innovation, and fosters entrepreneurial spirit*

### **a - IP Program Administration**

### **b - IP Legal Activities**

**a - *IP Program Administration***

**a-1 - *Undersecretary and Director Actions***

- a-1-1** - Agency Director's Actions and Subject Files
- a-1-2** - Corporate Decisions
- a-1-3** - Agency Director's External Public Web Log (Blog)
- a-1-4** - Rule Reviews and Rulemaking

**a-2 - *National Medal of Technology and Innovation (NMTI)***

- a-2-1** - Successful Nomination Files
- a-2-2** - Minutes of NMTI Evaluation Committee
- a-2-3** - NMTI Program Subject Files
- a-2-4** - Unsuccessful Nomination Files

**a-3 - *Public Affairs***

- a-3-1** - Public Affairs - Agency Formal Public Communications
- a-3-2** - Public Media Materials
- a-3-3** - Program Administration Records of Sensitive Archival Nature
- a-3-4** - Public Affairs and Outreach Program Administrative Files

**a-4 - *Patent and Trademark Public Advisory Committees (PACs)***

- a-4-1** - Official Records of the Patent and Trademark PACs
- a-4-2** - Working Papers of the Patent and Trademark PACs
- a-4-3** - Reference Copies of Rulemaking Files of the Patent and Trademark PACs

**a-5 - *Long-Term IP Program Administrative***

- a-5-1** - IP Program Administrative Files

**a-6 - *Short-Term IP General Program Administration***

- a-6-1** - IP Program Office Discretionary Activity Records and Subject Files

**a-7 - *Agency Director's Internal Web Log (Blog)***

**b - IP Legal Activities**

**b-1 - Intellectual Property Legal Activity**

- b-1-1** - Agency Precedential Court Cases
- b-1-2** - Solicitor's Office Records Related to Non-Precedential Court Cases
- b-1-3** - Correspondence of the Office of the Solicitor and the General Counsel
- b-1-4** - Non-Administrative IP Law Internal Management, Program, and Subject Files

**b-2 - Patent Appeal, Interferences, and Trial Activity**

- b-2-1** - Patent Interference Cases - Open to the Public
- b-2-2** - Settlement Agreements
- b-2-3** - Patent Appeal Cases
- b-2-4** - Interference Proceedings Under DOE and NASA Acts
- b-2-5** - Patent Interference Cases - Closed to the Public
- b-2-6** - Patent Appeal and Interference Case Tracking
- b-2-7** - Administrative Reports of the BPAI
- b-2-8** - Recusal Statements of the BPAI
- b-2-9** - Non Case-Related Administrative Records of BPAI
- b-2-10** - Physical Exhibits

**b-3 - Trademark Trial and Appeal Activity**

- b-3-1** - Trademark Trial and Appeal Proceedings and Related Indexes
- b-3-2** - Trademark Trial and Appeal Administrative Files

**b-4 - Attorney and Agent Enrollment and Discipline**

- b-4-1** - Enrollment Examination
- b-4-2** - Enrollment and Discipline Application and Roster Maintenance Files
- b-4-3** - Subject Files Related To Enrollment and Discipline
- b-4-4** - Enrollment Examination Answer Sheets – Unsuccessful Applicants
- b-4-5** - Administrative Law Files, Office of Enrollment and Discipline Appeal Case Files
- b-4-6** - Enrollment Examination Answer Sheets – Successful Applicants
- b-4-7** - Enrollment and Discipline Roster of Attorney's and Agents Registered to Practice Before the USPTO
- b-4-8** - Director's OED Decision Files

**b-5 - Short-Term IP Legal Administration Activity**

- b-5-1** - Short-Term IP Legal Activity Administrative Functional and Procedural Records
- b-5-2** - Short-Term IP Legal Activity Office Operational Records

## **a - IP Program Administration**

### **a-1 - Undersecretary and Director Actions**

Policy development, direction and management of the primary USPTO program functions and services

#### **a-1-1 Agency Director's Actions and Subject Files**

Official records of the agency head and their deputy These document the implementation of the agency mission and function such as

- memoranda, reports, and briefings,
- delegations of authority and directives
- Management initiatives and reviews
- agency organization
- Mandated Strategic Plans
- Director's Calendars
- Subject files of the Undersecretary
- Final copies of speeches delivered by the Director , or on their behalf
- Briefing booklets and transcripts
- International intellectual property (IP) case files and IP legislative files

#### **RETENTION**

Permanent Transfer when 25 years old

#### **a-1-2 Corporate Decisions**

Official USPTO corporate-level decision records which are not specific to intellectual property law Includes final budget submissions, budget hearing books, Trilateral Statistical Report input from the USPTO, and Management Council records

#### **RETENTION.**

Permanent Transfer 10 years after close of file

#### **a-1-3 Agency Director's External Public Web Log (Blog)**

Outward facing Director's Blog and comments received, on such topics as patent examination process, agency goals, spending authority, and major public events

#### **RETENTION**

Permanent: Transfer when 5 years old

#### **a-1-4 Rule Reviews and Rulemaking**

Official files documenting the development, clearance, and processing of proposed and final rules for publication in the Federal Register and copies of responses after publication

#### **RETENTION**

Temporary Destroy 25 years after closure

**a-2 - *National Medal of Technology and Innovation (NMTI)***

These are formerly National Medal of Technology files/records from DOC and transferred to PTO in March of 2008

**a-2-1 Successful Nomination Files**

NMTI successful Nomination Files such as nomination forms, letters of recommendation, biographical information about the applicant (individual or team), description of the achievement, and other supporting documentation submitted on behalf of the nominee for the National Medal of Technology, which is the highest honor awarded by the President of the United States for technological innovation Arranged by year, there under by nominee

**RETENTION**

Permanent Cut off files annually, transfer to the National Archives and Records Administration 10 years after cutoff

**a-2-2 Minutes of the NMTI Evaluation Committee**

Minutes and related correspondence documenting the annual evaluation by committee of the nominations for the National Medal Arranged by year

**RETENTION**

Permanent Cut off files annually, transfer to the National Archives and Records Administration 10 years after cutoff

**a-2-3 NMTI Program Subject Files**

Letters, memorandums, reports, and other correspondence related to the activities and functions of the office Arranged by subject

**RETENTION**

Temporary Cut off files annually, destroy 5 years after cutoff

**a-2-4 Unsuccessful Nomination Files**

NMTI unsuccessful Nomination Files such as nomination forms, letters of recommendation, biographical information about the applicant (individual or team), description of the achievement, and other supporting documentation submitted on behalf of the nominee

**RETENTION**

Temporary Cut off files annually, destroy 3 years after cutoff

### **a-3 - Public Affairs**

Promotion and publication of USPTO activities, such as outreach, official notices and press releases.

#### **a-3-1 Public Affairs - Agency Formal Public Communications**

Official copy of all news releases and agency formal public communications and announcements not found elsewhere in the schedule

##### **RETENTION**

Permanent: Transfer when 30 years old

#### **a-3-2 Public Media Materials**

Biographical sketches and photos of high-level USPTO officials; documentation of USPTO public affairs programs and events Includes transcripts of speeches of non-Director high-level USPTO Officials Video documentation of programs and events is in various technical formats

##### **RETENTION**

Permanent Transfer 5 years after close of file

#### **a-3-3 Program Administration Records of Sensitive Archival Nature**

This item includes public affairs photographs (analog and digital) 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

#### **a-3-4 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 outreach Articles submitted for clearance and published in magazines, journals, and other information media Includes related background materials

##### **RETENTION**

Temporary Destroy when 10 years old



**a-4 – Patent and Trademark Public Advisory Committees (PACs)**

Public Advisory Committees provide independent IP program advice directly to the USPTO Undersecretary/Director on issues that impinge on the grant and maintenance of IP rights of various IP stakeholders. They were created by statute in the American Inventors Protection Act of 1999 (Public Law 106-113) to advise the Undersecretary of Commerce for Intellectual Property and the Director of the USPTO on the management of the patent and trademark operations. The PACs consist of U.S. Citizens chosen to represent the interests of the diverse users of the USPTO.

**a-4-1 Official Records of the Patent and Trademark PACs**

Includes official committee meeting files consisting of but not limited to agendas, committee correspondence, minutes, final reports, official speeches, lectures and briefings, meeting transcripts, records documenting the committee accomplishments

**RETENTION**

Permanent Transfer to NARA 15 years after close of file

**a-4-2 Working Papers of the Patent and Trademark PACs**

Working files consisting of general letters and memorandum, forms, reports, and other materials related to administrative functions of the Committees

**RETENTION**

Temporary Destroy When 3 years old

**a-4-3 Reference Copies of Rulemaking Files of the Patent and Trademark PACs**

Copies of rule changes, review notes, background materials, and other related papers regarding regulatory conflicts and appropriate legal language in rulemaking procedures (NOTE: Originals are provided to the Office of General Counsel – See Rule Reviews)

**RETENTION**

Temporary Transfer original files to Office of General Counsel Destroy reference copies when no longer needed by the PACs

**a-5 - Long-Term IP Program Administrative**

Records of various administrative activities which support the efforts of the Intellectual Property program administration needed for longer-term use

**a-5-1 IP Program Administrative Files**

Temporary long-term administrative records which reflect retentions of the General Records Schedule in intent but are unique to the USPTO. Includes files that contain program records of an administrative support nature and which are common to USPTO offices. These may include actionable matters of an internal administrative nature, be applied by an office that receives and takes action on documents submitted by other offices, and include the following

- record copies of controlled correspondence files
- working papers
- internal administrative committee files
- USPTO external presentations, includes invitation, itineraries (non-Director)
- budget formulation background
- final reports and data of international exchanges (i.e. Trilateral Patent Data Exchange Program)
- stock images for publications
- supporting data such as text, charts, and graphs captured in published reports
- internal program newsletters

**RETENTION:**

Temporary Destroy when 5 years old

**a-6 - *Short-Term IP General Program Administration***

Records of various administrative activities which support the efforts of the Intellectual Property program administration and are not needed for long-term use. These include working papers, Public Affairs reports, program research background files, copies of controlled correspondence files; internal speaker's files, which support the efforts of daily administrative efforts for managing the high level offices of the USPTO which do not have a direct bearing on a transaction, intermediate drafts of documents and worksheets that do not represent significant basic steps in the preparation of final drafts, letters or memoranda of transmittal and acknowledgment, routing slips, and extra copies of documents.

**a-6-1 IP Program Office Discretionary Activity Records and Subject Files**

Temporary short-term administrative records which reflect retentions of the General Records Schedule in intent but are unique to the USPTO. Includes the following:

- duplicate copies of controlled correspondence files
- working papers
- internal team and committee files
- internal low and mid-level employee files (includes invitation, itineraries)
- materials included in reports for budget background text, tables, graphics

**RETENTION:**

Temporary Destroy in 180 days or when no longer needed for agency business

**a-7 –*Agency Director's Internal Web Log (Blog) and Comments Received***

Internal-facing Director's Blog and comments received from agency employees, on such topics as celebration of milestones and notes of encouragement, legislation and activities impacting USPTO workforce, and agency goals. May include copies of the external blog entries.

**RETENTION**

Temporary Destroy when 2 years old

## **b - IP Legal Activities**

### **b-1 - Intellectual Property Legal Activity**

These are records of activities for Intellectual Property-related litigation and judicial activities Included are. legal review of agency decisions, defense of USPTO decisions in court and administrative tribunals, and regulation of persons practicing before the USPTO

The **General Counsel** is responsible for overall management of the division and acts as the Under Secretary and Director's principal legal advisor in assuring the provision of legal advice and representation for the agency. 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

The **Office of the Solicitor** serves as legal counsel to the USPTO on intellectual property (IP) law matters. The Solicitor's Office also works in collaboration with the Department of Commerce on interagency IP law matters.

The **Board of Patent Appeals and Interferences (BPAI)**, in accordance with 35 U S C § 6(b), " . shall, on written appeal of an applicant, review adverse decisions of examiners upon applications for patents and shall determine priority and patentability of invention in interferences "

The **Trademark Trial and Appeal Board (TTAB)** hears and decides adversary proceedings involving oppositions to the registration of trademarks, petitions to cancel trademark registrations, proceedings involving applications for concurrent use registrations of trademarks The Board also decides appeals taken from the trademark examining attorneys' refusals to allow registration of trademarks

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 a practitioner's registration examination to determine if applicants for registration have the necessary knowledge of patent law and practice to provide valuable service for applicants In addition, OED maintains a public roster of attorneys and agents recognized to practice before the Office in patent cases, and investigates grievances alleging unethical conduct by registered practitioners

**b-1-1 Agency Precedential Court Cases**

These are records related to intellectual property (IP) litigation with legal, political, and/or historical significance of permanent value. These records consist of the following types of records:

- USPTO litigation files for cases designated by a U.S. Court as binding precedent in patent and trademark law,
- USPTO litigation files for cases that changed USPTO examining or granting procedures,
- USPTO litigation files for cases in which a decision on the merits has issued from the U.S. Supreme Court, and
- USPTO litigation files for cases concerning the patenting of landmark technologies

These USPTO litigation files may consist of the following materials that are used to prepare the USPTO's case in court: copies of certified depositions of USPTO employees used as testimony, background materials such as notes for testimony, court papers, correspondence with opposing counsel or other federal agencies concerning the case, and briefs and legal memoranda in appeals from decisions of the USPTO Director and the USPTO's administrative boards concerning trademark or patent rights.

**RETENTION**

Permanent. Transfer to the National Archives when 30 years old.

**b-1-2 Solicitor's Office Records Related to Non-Precedential Court Cases**

These are records related to IP litigation that is non-precedential and include - USPTO litigation files for cases not designated by a U S Court as binding precedent in patent and trademark law,

- USPTO litigation files for cases that have little or no impact on USPTO examining or granting procedures,
- USPTO litigation files for petitions for *certiorari* to the U S Supreme Court in which the USPTO or Department of Commerce is not a party,
- USPTO litigation files related to proceedings to discipline attorneys and/or agents practicing before the USPTO, and
- USPTO litigation files for cases that have been considered not permanently valuable (those without legal, political and/or historical significance that are used to prepare the USPTO's case in court)

These USPTO litigation files may include copies of certified depositions of USPTO employees used as testimony in court cases including such items as background materials, drafts and notes for testimony, indices used to identify patent and trademark appeals in the Federal Courts, court papers, correspondence, and briefs and legal memoranda in appeals from decisions of the USPTO Director and the USPTO's administrative boards concerning trademark or patent rights

**RETENTION:**

Temporary Destroy 30 years after date of appeal/closure

**b-1-3 Correspondence of the Office of the Solicitor and the General Counsel**

Includes a record copy of correspondence, historical memoranda and subject files prepared by the Office of the Solicitor for use by the General Counsel of the USPTO, other offices within the USPTO, the Department of Commerce or other agencies within the Federal Government to formulate the Government's position in IP litigation or to develop USPTO examining and granting procedures

**RETENTION**

Temporary Destroy when 10 years old

**b-1-4 Non-Administrative IP Law Internal Management, Program, and Subject Files**

Files created and maintained by individual attorneys acting in non-administrative IP legal capacity in the course of their daily work or to complete assignments Includes reference materials and duplicated official correspondence located in other files, and documentation of review of legal activities of USPTO offices Includes attorney working files and legal advice files

**RETENTION:**

Temporary. Destroy when no longer needed

## **b-2 - Patent Appeal, Interference, and Trial Activity**

Records concerning judicial activities involving patent appeals and interferences include the following reviewing *ex parte* appeals from adverse decisions of examiners on applications for patents, reviewing appeals from adverse decisions of examiners in *ex parte* and *inter parte* reexamination proceedings, and determining priority and patentability of invention in interferences

### **b-2-1 Patent Interference Cases - Open to the Public**

Depositions, testimony, briefs, decisions and other documents related to the interference case, including non-physical exhibits. These Interference Case files are open to the public because at least one patent or at least one published application is involved in the interference

#### **RETENTION**

**Permanent** Transfer to National Archives 40 years after close of case

### **b-2-2 Settlement Agreements**

Settlement Agreements between parties Filed by interference number but maintained separately from the Interference Case File at the request of parties in order to maintain privacy Not for Public Access Restricted access only for other government agencies

#### **RETENTION**

**Permanent** Transfer to National Archives 40 years after close of case

### **b-2-3 Patent Appeal Cases**

Decisions made by the Board in appeals, Petitions to the Director which result from requests related to superintending the functions of the BPAI, and petitions under 35 USC 135(c)

#### **RETENTION**

**Permanent** Decision and appeal case documentation goes into the Patent Case File, see Patent Case File for specific retention

### **b-2-4 Interference Proceedings under DOE and NASA Acts**

Separate series of case files relating to the Department of Energy and NASA claims to patents that may have been developed under contract of these entities Not for Public Access Restricted access only for other government agencies Files are few in number, with one or two cases per year.

#### **RETENTION**

**Permanent** Transfer to National Archives when 40 years old

### **b-2-5 Patent Interference Cases - Closed to the Public**

Depositions, testimony, briefs, decisions and other documents related to the interference case, including non-physical exhibits These Interference Case files are closed to the public because not one patent or not one published application is involved in the interference

#### **RETENTION**

**Temporary.** Destroy 40 years after close of case

**b-2-6 Patent Appeal and Interference Case Tracking**

Consists of administrative records that track workflow actions and business process of appeals and interference activities, includes information such as case status, disposition of the case, dockets, production reports for the administrative patent judge, incoming and outgoing correspondence tracking. Currently BPAI uses the ACTS (Adjudicated Case Tracking System) as the core tracking systems for these cases

RETENTION:

**Temporary** Destroy 5 years after close of case

**b-2-7 Administrative Reports of the BPAI**

Reports of Board activities and status, such as backlog reports, dockets, fee income, process productivity and staffing, production reports, and reversals. Includes but is not limited to reports to the Patent Commissioner on major decisions

RETENTION:

**Temporary** Destroy 5 years after the end of the fiscal year for which the report was prepared

**b-2-8 Recusal Statements of the BPAI**

Statements by members of the Board recusing themselves from cases in which a particular company or law firm has an interest

RETENTION

**Temporary**. Destroy when superseded or destroy 2 years after member leaves Board

**b-2-9 Non Case-Related Administrative Records for BPAI**

Administrative records needed for various non case-specific administrative purposes. Includes: petitions regarding Board procedural issues, rulemaking comments and reviews (where BPAI is not office of record), predecessor operating procedures and former directives, hearing calendars, copies of notices of decision, subject files, annual reports on management of the Board, correspondence, delegations of authority, function statements, organizational charts

RETENTION

**Temporary** Destroy when 2 years old

**b-2-10 Physical Exhibits**

Physical (Court) exhibits for interference proceedings. Received infrequently

RETENTION:

**Temporary** Offer to interference party after the case is terminated. Destroy unwanted exhibits



### **b-3 - Trademark Trial and Appeal Activity**

These files include records of review for adverse decisions from trademark examining attorneys refusing to allow trademark registrations, reviews and decisions on adversary proceedings by parties opposing or seeking to cancel trademark registrations, and conduct trial proceedings involving applications for concurrent use registrations of trademarks

#### **b-3-1 Trademark Trial and Appeal Proceedings and Related Indexes**

Case files of Board hearings and decisions on adversary proceedings involving the following

- oppositions to the registration of trademarks,
- petitions to cancel trademark registrations,
- proceedings involving applications for concurrent use registrations of trademarks, and
- *ex parte* board decision appeals taken from the Trademark examining attorneys' refusals to allow registration of a trademark and publication in the *Official Gazette*

These include the following common proceeding records 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, board decisions, appeals to the court, and decision of the courts

#### **RETENTION**

**Permanent** Transfer 5 years after close of case

#### **b-3-2 Trademark Trial and Appeal Administrative Files**

Short-term temporary non-case administrative records which track trademark trial and appeal proceeding workflow Includes but is not limited to the following proceedings' correspondence; automatically generated letters, queue files to employees for action, productivity and tracking reports, reference reports, system generated workflow reports, decision assignment logs, hearing calendars, data and image files May include proceeding correspondence privileged and filed with proceeding testimony and physical exhibits

#### **RETENTION**

**Temporary** Delete/return when case is terminated or when no longer needed, whichever is first

**b-4 - *Attorney and Agent Enrollment and Discipline Activity***

Involves USPTO legal and administrative activity necessary for the enrollment and discipline of attorneys and practitioners

**b-4-1 Enrollment Examination**

Record copy of examinations given to new registrants applying to practice before the USPTO

**RETENTION**

Permanent: Transfer directly to NARA when 10 years old

#### **b-4-2 Enrollment and Discipline Application and Roster Maintenance Files**

Application folders of attorneys or agents registered to practice before the USPTO and related files Includes the following

- application case files of Attorneys or Agents registered to practice before the USPTO,
- new registrant files,
- chronological updates to registered Attorney and Agents case Files,
- unsuccessful enrollment applications, - moral character investigation files,
- complaint files,
- grievance files,
- reinstatement correspondence,
- applications with supporting documentation and OED responses to same;
- requests to change address or name, and related data,
- certificates of good standing, and addenda to case files,
- data sheet files consisting of records of new registrants, correspondence, updates and revisions to practitioner status, certificates of good standing, undertakings, and like documentation that is used as the official file of registrations,
- chronological files consisting of updates to practitioner case folders, consisting of documentation regarding address changes, status changes, name changes, and related matters,
- documentation used to process unsuccessful enrollment applications,
- requests for refunds and to document completed actions if the applicant continues at a later time,
- reasons for denial referred to when applicants reapply after satisfying deficiencies, records of current registrations of deceased registrants filed alphabetically by deceased registrant name, revised data sheets and correspondence;
- copies of certificates of good standing and undertaking,
- moral character reviews where indicated for applicants, grievance letters and significant complaints documentation of current practitioners, investigation records as appropriate,
- administrative hearing records;
- pleadings filed in disciplinary proceedings, testimony, and final decisions,
- supporting documentation about an attorney or agent registered to practice or an applicant for registration before the USPTO

#### **RETENTION**

Temporary Destroy 60 years after close of entire registrant file

#### **b-4-3 Subject Files Related To Enrollment and Discipline**

Correspondence and reports related to enrollment and discipline activities resulting in attorney registration and discipline Includes correspondence with outside groups, dissemination of program information, the development and assessment of programs and other correspondence related to the enrollment and discipline mission

#### **RETENTION**

Temporary Destroy when 15 years old

**b-4-4 Enrollment Examination Answer Sheets – Unsuccessful Applicants**

Test results of enrollment examinations for unsuccessful applicants Examination answers determine that applicants for registration failed to have the necessary knowledge of patent law and practice to assist applicants for patents

**RETENTION**

Temporary Destroy when 3 months old or after appeals process has expired, whichever is later

**b-4-5 Administrative Law Files, Office of Enrollment and Discipline Appeal Case Files**

Records from the Administrative Law Office pertaining to appeal cases unique to USPTO Enrollment and Discipline program Necessary for unique administrative law activity not covered by the GRS

**RETENTION**

Temporary Destroy 5 years after final decision

**b-4-6 Enrollment Examination Answer Sheets – Successful Applicants**

Test results of enrollment examinations for successful applicants Examination answers determine that applicants for registration failed have the necessary knowledge of patent law and practice to assist applicants for patents

**RETENTION**

Temporary Destroy after grades are registered

**b-4-7 Enrollment and Discipline Roster of Attorney's and Agents Registered to Practice Before the USPTO**

Lists of practicing attorneys and agents registered for USPTO practice and in good standing Also includes 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 superseded

**b-4-8 Director's OED Decision Files**

Reference copies of non-interlocutory decisions issued by the Commissioner for examination regrades, denials of entry, Office of Enrollment and Discipline (OED) disciplinary hearings or decisions, determinations of technical and scientific qualifications, and to practice before the USPTO Used by OED staff for reference purposes

**RETENTION**

Temporary. Destroy when no longer needed for current USPTO business

**b-5 - *Short-Term IP Legal Administration Activity***

Records of various IP legal administrative activities such as general correspondence files, working papers, committee files, and statements supporting the IP legal activities of the USPTO

**b-5-1 Short-Term IP Legal Activity Administrative Functional and Procedural Records**

Administrative missions, function statements and procedures of IP legal offices and activities

**RETENTION**

Temporary Destroy 2 years after statements and procedures superseded

**b-5-2 Short-Term IP Legal Activity Office Operational Records**

Records deemed unique to the USPTO, but having short-term general administrative value that does not warrant long-term retention to the office These records include production reports, case logs, data on all cases ready for a decision, log of public requests for files, reference reports, tracking of reports, index of appeals proceedings and their location and bibliographic information, copies of reports to the Director, copies of trend analysis and long-term planning reports, input forms used to track and update patent and trademark data, and copies of review comments for proposed other than that in the office of record for the regulation, and administrative subject files

**RETENTION:**

Temporary Destroy when 2 years old

Intellectual Property (IP) Administration							
SF115 Item	subBucket and Description	Main Retention	New Retention Period	Current Citation	Current SeriesTitle	Current Office of Record	AIS
<b>1.a</b>	<b>IP Program Administration</b>						
<b>1.a.1</b>	<b>Undersecretary and Director Actions</b>						
	Policy development, direction and management of the primary USPTO program functions and services Includes controls and oversights, regulatory development, legislative and international relations activities that effectively implement, grant, maintain, and promote the U S IP system and IP rights						
<b>1.a.1.1</b>	<b>Agency Director's Actions and Subject Files</b>						
	Official records of the agency head and their deputy These document the implementation of the agency mission and function such as  <ul style="list-style-type: none"> <li>- memoranda, reports, and briefings,</li> <li>- delegations of authority and directives</li> <li>- Management initiatives and reviews</li> <li>- agency organization</li> <li>- Mandated Strategic Plans</li> <li>- Director's Calendars</li> <li>- Subject files of the Undersecretary</li> <li>- Final copies of speeches delivered by the Director , or on their behalf</li> <li>- Briefing booklets and transcripts</li> <li>- International intellectual property (IP) case files and IP legislative files</li> </ul>						
		<b>Permanent</b>	Permanent-Transfer when 25 years old	N1-241-95-1 44	Strategic Plans and Operational Plans Working Papers	Office of Corporate Planning	
		<b>Permanent</b>	Permanent-Transfer when 25 years old	N1-241-96-1 1a	Director's Files	UNDER SECRETARY OF COMMERCE FOR INTELLECTUAL PROPERTY AND DIRECTOR OF THE USPTO	
		<b>Permanent</b>	Permanent-Transfer when 25 years old	N1-241-96-1 4	Speech Files	UNDER SECRETARY OF COMMERCE FOR INTELLECTUAL PROPERTY AND DIRECTOR OF THE USPTO	

SF115 Item	subBucket and Description	Main Retention	New Retention Period	Current Citation	Current SeriesTitle	Current Office of Record	AIS
		<b>Permanent</b>	Permanent-Transfer when 25 years old	N1-241-96-1 40	Deputy Director's Files	Deputy Under Secretary of Commerce for Intellectual Property and Deputy Director of the USPTO	
		<b>Permanent</b>	Permanent-Transfer when 25 years old	N1-241-96-1 5a	Director's Calendars	UNDER SECRETARY OF COMMERCE FOR INTELLECTUAL PROPERTY AND DIRECTOR OF THE USPTO	
		<b>Permanent</b>	Permanent-Transfer when 25 years old	N1-241-96-6 37	Proposed Intellectual Property Legislation Files	DEPUTY ADMINISTRATOR FOR EXTERNAL AFFAIRS	OLIADS
		<b>Permanent</b>	Permanent-Transfer when 25 years old	N1-241-96-6 38	International Intellectual Property Activities Case Files	Office of International Relations	OLIADS
		<b>Permanent</b>	Permanent-Transfer when 25 years old	N1-241-97-1 6	BPAI Speeches	BOARD OF PATENT APPEALS AND INTERFERENCES	
		<b>Permanent</b>	Permanent-Transfer when 25 years old	N1-241-95-1 41	USPTO Organizational Records	Office of Corporate Planning	
		<b>Permanent</b>	Permanent-Transfer when 25 years old	N1-241-95-1 30	USPTO Program Performance Files	Office of Corporate Planning	
<b>1.a.1.2</b>	<b>Corporate Decisions</b>						
	Official USPTO corporate-level decision records which are not specific to intellectual property law Includes final budget submissions, budget hearing books, Trilateral Statistical Report input from the USPTO, and Management Council records						
		<b>Permanent</b>	Permanent Transfer 10 years after close of file	New Record Series	Management Council Decisions	GENERAL COUNSEL	

SF115 Item	subBucket and Description	Main Retention	New Retention Period	Current Citation	Current SeriesTitle	Current Office of Record	AIS
		<b>Permanent</b>	Permanent Transfer 10 years after close of file	N1-241-95-1 31a	Trilateral Statistical File	Office of Corporate Planning	
		<b>Permanent</b>	Permanent Transfer 10 years after close of file	N1-241-95-1 49	Final Budget Submissions	Office of Corporate Planning	
		<b>Permanent</b>	Permanent Transfer 10 years after close of file	N1-241-95-1 50a	Budget Hearing Books and Background Records	Office of Corporate Planning	
<b>.1.3</b>	<b>Agency Director's External Public Web Log (Blog)</b>						
	Outward facing Director's Blog and comments received, on such topics as patent examination process, agency goals, spending authority, and major public events						
		<b>Permanent</b>	Permanent Transfer when 5 yaers old	New Record Series	N/A	N/A	
<b>1.a.1.4</b>	<b>Rule Reviews and Rulemaking</b>						
	Official files documenting the development, clearance, and processing of proposed and final rules for publication in the Federal Register and copies of responses after publication						
		<b>Temporary</b>	Temporary Destroy 25 years after closure	N1-241-96-1 11	Rule Review File	OFFICE OF GENERAL LAW	
<b>1.a.2</b>	<b>National Medal of Technology and Innovation (NMTI)</b>						
	These are formerly National Medal of Technology files/records from DOC and transferred to PTO in March of 2008						
<b>.2.1</b>	<b>Successful Nomination Files</b>						
	NMTI successful Nomination Files such as nomination forms, letters of recommendation, biographical information about the applicant (individual or team), description of the achievement, and other supporting documentation submitted on behalf of the nominee for the National Medal of Technology, which is the highest honor awarded by the President of the United States for technological innovation Arranged by year, there under by nominee						
		<b>Permanent</b>	Permanent Cut off files annually, transfer to the National Archives and Records Administration 10 years after cutoff	N1-040-01-1 6a (Transferred series from Dept of Commerce)	National Medal of Technology and Innovation Nominations Records (Successful)	UNDER SECRETARY OF COMMERCE FOR INTELLECTUAL PROPERTY AND DIRECTOR OF THE USPTO	



SF115 Item	subBucket and Description	Main Retention	New Retention Period	Current Citation	Current SeriesTitle	Current Office of Record	AIS
<b>1.a.2.2</b>	<b>Minutes of the NMTI Evaluation Committee</b>						
	Minutes and related correspondence documenting the annual evaluation by committee of the nominations for the National Medal Arranged by year						
		<b>Permanent</b>	Permanent Cut off files annually, transfer to the National Archives and Records Administration 10 years after cutoff	N1-040-01-1 6b (Transferred series from Dept of Commerce)	Minutes of the National Medal of Technology Evaluation Committee	UNDER SECRETARY OF COMMERCE FOR INTELLECTUAL PROPERTY AND DIRECTOR OF THE USPTO	
<b>1.a.2.3</b>	<b>NMTI Program Subject Files</b>						
	Letters, memorandums, reports, and other correspondence related to the activities and functions of the office Arranged by subject						
		<b>Temporary</b>	Temporary Cut off files annually, destroy 5 years after cutoff	N1-040-01-1 8 (Transferred series from Dept of Commerce)	National Medal of Technology Program Subject Files	UNDER SECRETARY OF COMMERCE FOR INTELLECTUAL PROPERTY AND DIRECTOR OF THE USPTO	
<b>1.a.2.4</b>	<b>Unsuccessful Nomination Files</b>						
	NMTI unsuccessful Nomination Files such as nomination forms, letters of recommendation, biographical information about the applicant (individual or team), description of the achievement, and other supporting documentation submitted on behalf of the nominee						
		<b>Temporary</b>	Temporary Cut off files annually, destroy 3 years after cutoff	N1-040-01-1 6b (Transferred series from Dept of Commerce)	National Medal of Technology and Innovation Nominations Records (Unsuccessful)	UNDER SECRETARY OF COMMERCE FOR INTELLECTUAL PROPERTY AND DIRECTOR OF THE USPTO	
<b>1.a.3</b>	<b>Public Affairs</b>						
	Promotion and publication of USPTO activities, such as outreach, official notices and press releases						
<b>1.a.3.1</b>	<b>Public Affairs - Agency Formal Public Communications</b>						
	Official copy of all news releases and agency formal public communications and announcements not found elsewhere in the schedule						
		<b>Permanent</b>	Permanent Transfer when 30 years old	N1-241-96-1 21	Publications Files	Office of Public Affairs	

SF115 Item	subBucket and Description	Main Retention	New Retention Period	Current Citation	Current SeriesTitle	Current Office of Record	AIS
		<b>Permanent</b>	Permanent Transfer when 30 years old	N1-241-96-1 23	News Release Files	Office of Public Affairs	
<b>1.a.3.2</b>	<b>Public Media Materials</b>						
	Biographical sketches and photos of high-level USPTO officials, documentation of USPTO public affairs programs and events Includes transcripts of non-Director high-level USPTO Officials						
		<b>Permanent</b>	Permanent Transfer 5 years after close of file	N1-241-96-1 19	Exhibit Files	Office of Public Affairs	
		<b>Permanent</b>	Permanent Transfer 5 years after close of file	N1-241-96-1 26	Biographical Sketches and Portraits	Office of Public Affairs	
		<b>Permanent</b>	Permanent Transfer 5 years after close of file	N1-241-96-1 27a	Audiovisual Files - NONTEXTUAL MEDIA	Office of Public Affairs	
		<b>Permanent</b>	Permanent Transfer 5 years after close of file	N1-241-96-1 43	Posters	Office of Public Affairs	
		<b>Permanent</b>	Permanent Transfer 5 years after close of file	N1-241-97-1 4	Articles Files	Office of Public Affairs	
		<b>Permanent</b>	Permanent Transfer 5 years after close of file	New Record Series	Non-Director High-Level Speeches	GENERAL COUNSEL	
<b>1.a.3.3</b>	<b>Program Administration Records of Sensitive Archival Nature</b>						
	This item includes public affairs photographs (analog and digital) 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)						
		<b>Permanent</b>	Permanent Transfer 3 years after close of file	N1-241-96-1 20b	Photographs and Negatives	Office of Public Affairs	

SF115 Item	subBucket and Description	Main Retention	New Retention Period	Current Citation	Current SeriesTitle	Current Office of Record	AIS
<b>1.a.3.4</b>	<b>Public Affairs and Outreach Program Administrative Files</b>						
	Core project administration of public affairs projects Files containing record copy of correspondence, reports, background papers						
		<b>Temporary</b>	Temporary Destroy when 10 years old	N1-241-96-1 24a,b	Educational Outreach Program Files	Office of Public Affairs	
		<b>Temporary</b>	Temporary Destroy when 10 years old	N1-241-96-1 25	Public Affairs Subject Files	Office of Public Affairs	
<b>1.a.4</b>	<b>Patent and Trademark Public Advisory Committees (PACs)</b>						
	Public Advisory Committees provide independent IP program advice directly to the USPTO Undersecretary/Director on issues that impinge on the grant and maintenance of IP rights of various IP stakeholders They were created by statute in the American Inventors Protection Act of 1999 (Public Law 106-113) to advise the Undersecretary of Commerce for Intellectual Property and the Director of the USPTO on the management of the patent and trademark operations The PACs consist of US Citizens chosen to represent the interests of the diverse users of the USPTO						
<b>1.a.4.1</b>	<b>Official Records of the Patent and Trademark PACs</b>						
	Includes official committee meeting files consisting of but not limited to agendas, committee correspondence, minutes, final reports, official speeches, lectures and briefings, meeting transcripts, records documenting the committee accomplishments						
		<b>Permanent</b>	Permanent Transfer to NARA 15 years after close of file	N1-241-01-3a	Records of the Public Advisory Committees	Patent Public Advisory Committee	
<b>1.a.4.2</b>	<b>Working Papers of the Patent and Trademark PACs</b>						
	Working files consisting of general letters and memorandum, forms, reports, and other materials related to administrative functions of the Committees						
		<b>Temporary</b>	Temporary Destroy When 3 years old	N1-241-01-3b	Records of the Public Advisory Committees	Patent Public Advisory Committee	
<b>1.a.4.3</b>	<b>Reference Copies of Rulemaking Files of the Patent and Trademark PACs</b>						
	Copies of rule changes, review notes, background materials, and other related papers regarding regulatory conflicts and appropriate legal language in rulemaking procedures (NOTE Originals are provided to the Office of General Counsel – See Rule Reviews)						

SF115 Item	subBucket and Description	Main Retention	New Retention Period	Current Citation	Current SeriesTitle	Current Office of Record	AIS
		<b>Temporary</b>	Temporary Transfer original files to Office of General Counsel Destroy reference copies when no longer needed by the PACs	New Record Series	Reference Copies of Rulemaking Files of the Patent and Trademark PACs	GENERAL COUNSEL	
<b>1.a.5</b>	<b>Long-Term IP Program Administrative</b>						
	Records of various administrative activities which support the efforts of the Intellectual Property program administration needed for longer-term use						
<b>1.a.5.1</b>	<b>IP Program Administrative Files</b>						
	Temporary long-term administrative records which reflect retentions of the General Records Schedule in intent but are unique to the USPTO Includes files that contain program records of an administrative support nature and which are common to USPTO offices These may include actionable matters of an internal administrative nature, be applied by an office that receives and takes action on documents submitted by other offices, and include the following						
		<b>Temporary</b>	Temporary Destroy when 5 years old	N1-241-95-1 31b	Trilateral Statistical File	Office of Corporate Planning	
		<b>Temporary</b>	Temporary Destroy when 5 years old	N1-241-95-1 45	Reengineering Team Working Papers	Office of Corporate Planning	
		<b>Temporary</b>	Temporary Destroy when 5 years old	N1-241-95-1 48a	Trilateral Patent Data Exchange Program	Office of Corporate Planning	
		<b>Temporary</b>	Temporary Destroy when 5 years old	N1-241-96-7 77	Oversight Report File	Search and Information Resources Administration	
<b>1.a.6</b>	<b>Short-Term IP General Program Administration</b>						

SF115 Item	subBucket and Description	Main Retention	New Retention Period	Current Citation	Current SeriesTitle	Current Office of Record	AIS
	Records of various administrative activities which support the efforts of the Intellectual Property program administration and are not needed for long-term use These include working papers, Public Affairs reports, program research background files, copies of controlled correspondence files, internal speaker's files, which support the efforts of daily administrative efforts for managing the high level offices of the USPTO which do not have a direct bearing on a transaction, intermediate drafts of documents and worksheets that do not represent significant basic steps in the preparation of final drafts, letters or memoranda of transmittal and acknowledgment, routing slips, and extra copies of documents						
1.a.6.1	<b>IP Program Office Discretionary Activity Records and Subject Files</b>						
	Temporary short-term administrative records which reflect retentions of the General Records Schedule in intent but are unique to the USPTO Includes the following						
		<b>Temporary</b>	Temporary Destroy when 2 years old	N1-241-96-1 2a,b	Controlled Correspondence Files	Office of Corporate Planning	EDMS
		<b>Temporary</b>	Temporary Destroy when 2 years old	N1-241-96-1 3	Index to Controlled Correspondence	UNDER SECRETARY OF COMMERCE FOR INTELLECTUAL PROPERTY AND DIRECTOR OF THE USPTO	EDMS
		<b>Temporary</b>	Temporary Destroy when 2 years old	N1-241-96-1 39	Speech Files	OFFICE OF ENROLLMENT AND DISCIPLINE	
		<b>Temporary</b>	Temporary Destroy when 2 years old	N1-241-95-1 48b	Trilateral Patent Data Exchange Program	Office of Corporate Planning	
		<b>Temporary</b>	Temporary Destroy when 2 years old	N1-241-97-1 1	Speaker's Files	UNDER SECRETARY OF COMMERCE FOR INTELLECTUAL PROPERTY AND DIRECTOR OF THE USPTO	
		<b>Temporary</b>	Temporary Destroy when 2 years old	N1-241-96-1 28	Controlled Correspondence Files	Office of Public Affairs	

SF115 Item	subBucket and Description	Main Retention	New Retention Period	Current Citation	Current SeriesTitle	Current Office of Record	AIS
		<b>Temporary</b>	Temporary Destroy when 2 years old	N1-241-96-1 1b	Director's Files	UNDER SECRETARY OF COMMERCE FOR INTELLECTUAL PROPERTY AND DIRECTOR OF THE USPTO	
		<b>Temporary</b>	Temporary Destroy when 2 years old	New Record Series	Low/Mid-Level Official Presentation/Speech Files	GENERAL COUNSEL	
		<b>Temporary</b>	Temporary Destroy when 2 years old	New Record Series	Management Council Calendars	GENERAL COUNSEL	
<b>1.a.7</b>	<b>Agency Director's Internal Web Log (Blog)</b>						
	Internal-facing Director's Blog and comments received from agency employees, on such topics as celebration of milestones and notes of encouragement, legislation and activities impacting USPTO workforce, and agency goals May include copies of the external blog entries						
		<b>Temporary</b>	Temporary Destroy when 2	New Record Series	N/A	N/A	
<b>1.b</b>	<b>IP Legal Activities</b>						
<b>1.b.1</b>	<b>Intellectual Property Legal Activity</b>						
	<p>These are records of activities for Intellectual Property-related litigation and judicial activities Included are legal review of agency decisions, defense of USPTO decisions in court and administrative tribunals, and regulation of persons practicing before the USPTO</p> <p>The General Counsel is responsible for overall management of the division and acts as the Under Secretary and Director's principal legal advisor in assuring the provision of legal advice and representation for the agency 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</p> <p>The Office of the Solicitor serves as legal counsel to the USPTO on intellectual property (IP) law matters The Solicitor's Office also works in collaboration with the Department of Commerce on interagency IP law matters</p> <p>The Board of Patent Appeals and Interferences (BPAI), in accordance with 35 U S C § 6(b), " shall, on written appeal of an applicant, review adverse decisions of examiners upon applications for patents and shall determine priority and patentability of invention in interferences "</p> <p>The Trademark Trial and Appeal Board (TTAB) hears and decides adversary proceedings involving oppositions to the registration of trademarks, petitions to cancel trademark registrations, proceedings involving applications for concurrent use registrations of trademarks The Board also decides appeals taken from the trademark examining attorneys' refusals to allow registration of trademarks</p>						

SF115 Item	subBucket and Description	Main Retention	New Retention Period	Current Citation	Current SeriesTitle	Current Office of Record	AIS
<b>1.b.1.1</b>	<b>Agency Precedential Court Cases</b>						
	<p>These are records related to intellectual property (IP) litigation with legal, political, and/or historical significance of permanent value These records consist of the following types of records</p> <ul style="list-style-type: none"> <li>- USPTO litigation files for cases designated by a U S Court as binding precedent in patent and trademark law,</li> <li>- USPTO litigation files for cases that changed USPTO examining or granting procedures,</li> <li>- USPTO litigation files for cases in which a decision on the merits has issued from the U S Supreme Court, and</li> <li>- USPTO litigation files for cases concerning the patenting of landmark technologies</li> </ul> <p>These USPTO litigation files may consist of the following materials that are used to prepare the USPTO's case in court copies of certified depositions of USPTO employees used as testimony, background materials such as notes for testimony, court papers, correspondence with opposing counsel or other federal agencies concerning the case, and briefs and legal memoranda in appeals from decisions of the USPTO Director and the USPTO's administrative boards concerning trademark or patent rights</p>						
		<b>Permanent</b>	Permanent Transfer to the National Archives when 30 years old	N1-241-96-1 6a	Court Cases	OFFICE OF THE SOLICITOR	
		<b>Permanent</b>	Permanent Transfer to the National Archives when 30 years old	New Record Series	Trademark Appeals Files	OFFICE OF THE SOLICITOR	
		<b>Permanent</b>	Permanent Transfer to the National Archives when 30 years old	N1-241-96-1 7	Trademark Appeals Files	OFFICE OF THE SOLICITOR	
		<b>Permanent</b>	Permanent Transfer to the National Archives when 30 years old	New Record Series	Index to Appeals Case	GENERAL COUNSEL	

SF115 Item	subBucket and Description	Main Retention	New Retention Period	Current Citation	Current SeriesTitle	Current Office of Record	AIS
		<b>Permanent</b>	Permanent Transfer to the National Archives when 30 years old	New Record Series	Employee (Examiner's) Testimony	GENERAL COUNSEL	
<b>1.b.1.2</b>	<b>Solicitor's Office Records Related to Non-Precedential Court Cases</b>						
	<p>These are records related to IP litigation that is non-precedential and include - USPTO litigation files for cases not designated by a U S Court as binding precedent in patent and trademark law,</p> <p>- USPTO litigation files for cases that have little or no impact on USPTO examining or granting procedures,</p>						
	<p>These USPTO litigation files may include copies of certified depositions of USPTO employees used as testimony in court cases including such items as background materials, drafts and notes for testimony, indices used to identify patent and trademark appeals in the Federal Courts, court papers, correspondence, and briefs and legal memoranda in appeals from decisions of the USPTO Director and the USPTO's administrative boards concerning trademark or patent rights</p>						
		<b>Temporary</b>	Temporary Destroy 30 years after date of appeal/closure	N1-241-96-1 41	Index to Appeals Cases (of the General Counsel)	OFFICE OF THE SOLICITOR	
		<b>Temporary</b>	Temporary Destroy 30 years after date of appeal/closure	N1-241-96-1 6b	Court Cases	OFFICE OF THE SOLICITOR	
		<b>Temporary</b>	Temporary Destroy 30 years after date of appeal/closure	N1-241-97-1 9	Examiners Testimony	OFFICE OF THE SOLICITOR	
		<b>Temporary</b>	Temporary Destroy 30 years after date of appeal/closure	N1-241-96-5 20a	Proposed Patent Laws and Rules	BOARD OF PATENT APPEALS AND INTERFERENCES	
<b>1.b.1.3</b>	<b>Correspondence of the Office of the Solicitor and the General Counsel</b>						



SF115 Item	subBucket and Description	Main Retention	New Retention Period	Current Citation	Current SeriesTitle	Current Office of Record	AIS
	Includes a record copy of correspondence, historical memoranda and subject files prepared by the Office of the Solicitor for use by the						
		<b>Temporary</b>	Temporary Destroy when 10 years old	N1-241-96-1 12	Correspondence of the Office of the General Counsel	OFFICE OF THE SOLICITOR	
<b>1.b.1.4</b>	<b>Non-Administrative IP Law Internal Management, Program, and Subject Files</b>						
	Files created and maintained by individual attorneys acting in non-administrative IP legal capacity in the course of their daily work or to complete assignments Includes reference materials and duplicated official correspondence located in other files, and documentation of review of legal activities of USPTO offices Includes attorney working files and legal advice files						
		<b>Temporary</b>	Temporary Destroy when no longer needed	N1-241-96-5 20b	Proposed Patent Laws and Rules	BOARD OF PATENT APPEALS AND INTERFERENCES	
		<b>Temporary</b>	Temporary Destroy when no longer needed	N1-241-96-1 13	Subject Files - Office of the General Counsel	GENERAL COUNSEL	
<b>1.b.2</b>	<b>Patent Appeal, Interference, and Trial Activity</b>						
	Records concerning judicial activities involving patent appeals and interferences include the following reviewing ex parte appeals from adverse decisions of examiners on applications for patents, reviewing appeals from adverse decisions of examiners in ex parte and inter parte reexamination proceedings, and determining priority and patentability of invention in interferences						
<b>1.b.2.1</b>	<b>Patent Interference Cases - Open to the Public</b>						
	Depositions, testimony, briefs, decisions and other documents related to the interference case, including non-physical exhibits These Interference Case files are open to the public because at least one patent or at least one published application is involved in the interference						
		<b>Permanent</b>	Permanent Transfer to National Archives 40 years after close of case	N1-241-96-5 11a	Interference Case Files	BOARD OF PATENT APPEALS AND INTERFERENCES	

SF115 Item	subBucket and Description	Main Retention	New Retention Period	Current Citation	Current SeriesTitle	Current Office of Record	AIS
		<b>Permanent</b>	Permanent Transfer to National Archives 40 years after close of case	N1-241-96-5 11b	Interference Case Files	BOARD OF PATENT APPEALS AND INTERFERENCES	
		<b>Permanent</b>	Permanent Transfer to National Archives 40 years after close of case	N1-241-96-5 12b	Index to Patent Interferences	BOARD OF PATENT APPEALS AND INTERFERENCES	
		<b>Permanent</b>	Permanent Transfer to National Archives 40 years after close of case	N1-241-96-5 16a	Interference Exhibits	BOARD OF PATENT APPEALS AND INTERFERENCES	
<b>1.b.2.2</b>	<b>Settlement Agreements</b>						
	Settlement Agreements between parties Filed by interference number but maintained separately from the Interference Case File at the request of parties in order to maintain privacy Not for Public Access Restricted access only for other government agencies						
		<b>Permanent</b>	Permanent Transfer to National Archives 40 years after close of case	N1-241-96-5 14	Interference Settlement Agreements	BOARD OF PATENT APPEALS AND INTERFERENCES	
<b>1.b.2.3</b>	<b>Patent Appeal Cases</b>						
	Decisions made by the Board in appeals, Petitions to the Director which result from requests related to superintending the functions of the BPAI, and petitions under 35 USC 135(c)						
		<b>Permanent</b>	Permanent Decision and appeal case documentation goes into the Patent Case File, see Patent Case File for specific retention	N1-241-96-5 10a	Ex Parte Petitions to the Director	BOARD OF PATENT APPEALS AND INTERFERENCES	

SF115 Item	subBucket and Description	Main Retention	New Retention Period	Current Citation	Current SeriesTitle	Current Office of Record	AIS
		<b>Permanent</b>	Permanent Decision and appeal case documentation goes into the Patent Case File, see Patent Case File for specific retention	N1-241-96-5 8a	BPAI Appeals Decision Files	BOARD OF PATENT APPEALS AND INTERFERENCES	
<b>1.b.2.4</b>	<b>Interference Proceedings under DOE and NASA Acts</b>						
	Separate series of case files relating to the Department of Energy and NASA claims to patents that may have been developed under contract of these entities Not for Public Access Restricted access only for other government agencies Files are few in number, with one or two cases per year						
		<b>Permanent</b>	Permanent Transfer to National Archives when 40 years old	N1-241-96-5 15a,b	Proceedings Under DOE and NASA Acts	BOARD OF PATENT APPEALS AND INTERFERENCES	
		<b>Permanent</b>	Permanent Transfer to National Archives when 40 years old	N1-241-96-5 12a	Index to Patent Interferences	BOARD OF PATENT APPEALS AND INTERFERENCES	
<b>1.b.2.5</b>	<b>Patent Interference Cases - Closed to the Public</b>						
	Depositions, testimony, briefs, decisions and other documents related to the interference case, including non-physical exhibits These						
		<b>Temporary</b>	Temporary Destroy 40 years after close of case				
<b>1.b.2.6</b>	<b>Patent Appeal and Interference Case Tracking</b>						
	Consists of administrative records that track workflow actions and business process of appeals and interference activities, includes information such as case status, disposition of the case, dockets, production reports for the administrative patent judge, incoming and outgoing correspondence tracking Currently BPAI uses the ACTS (Adjudicated Case Tracking System) as the core tracking systems						

SF115 Item	subBucket and Description	Main Retention	New Retention Period	Current Citation	Current SeriesTitle	Current Office of Record	AIS
		<b>Temporary</b>	Temporary Destroy 5 years after close of case	N1-241-96-5 7a	Appeals Case Tracking System (ACTS) - ELECTRONIC	BOARD OF PATENT APPEALS AND INTERFERENCES	ACTS
		<b>Temporary</b>	Temporary Destroy 5 years after close of case	N1-241-96-5 7b	Appeals Case Tracking System (ACTS) - ELECTRONIC	BOARD OF PATENT APPEALS AND INTERFERENCES	ACTS
		<b>Temporary</b>	Temporary Destroy 5 years after close of case	N1-241-96-5 17b	Index to Patent Interference Exhibits	BOARD OF PATENT APPEALS AND INTERFERENCES	ACTS
<b>1.b.2.7</b>	<b>Administrative Reports of the BPAI</b>						
	Reports of Board activities and status, such as backlog reports, dockets, fee income, process productivity and staffing, production reports, and reversals Includes but is not limited to reports to the Patent Commissioner on major decisions						
		<b>Temporary</b>	Temporary Destroy 5 years after the end of the fiscal year for which the report was prepared	N1-241-96-5 22	BPAI Administrative Reports	BOARD OF PATENT APPEALS AND INTERFERENCES	
<b>1.b.2.8</b>	<b>Recusal Statements of the BPAI</b>						
	Statements by members of the Board recusing themselves from cases in which a particular company or law firm has an interest						
		<b>Temporary</b>	Temporary Destroy when superseded or destroy 2 years after member leaves Board	New Record Series	Recusal Statements of the BPAI	GENERAL COUNSEL	
<b>1.b.2.9</b>	<b>Non Case-Related Administrative Records for BPAI</b>						

SF115 Item	subBucket and Description	Main Retention	New Retention Period	Current Citation	Current SeriesTitle	Current Office of Record	AIS
	Administrative records needed for various non case-specific administrative purposes Includes petitions regarding Board procedural issues, rulemaking comments and reviews (where BPAI is not office of record), predecessor operating procedures and former directives, hearing calendars, copies of notices of decision, subject files, annual reports on management of the Board, correspondence, delegations of authority, function statements, organizational charts						
		<b>Temporary</b>	Temporary Destroy when 2 years old	N1-241-96-5 23	BPAI Correspondence Subject Files	BOARD OF PATENT APPEALS AND INTERFERENCES	
		<b>Temporary</b>	Temporary Destroy when 2 years old	N1-241-96-5 28	BPAI Function Statements and Administrative Procedures	BOARD OF PATENT APPEALS AND INTERFERENCES	
		<b>Temporary</b>	Temporary Destroy when 2 years old	N1-241-96-5 10b	Ex Parte Petitions to the Director	BOARD OF PATENT APPEALS AND INTERFERENCES	
<b>1.b.2.10</b>	<b>Physical Exhibits</b>						
	Physical exhibits for interference proceedings Received infrequently						
		<b>Temporary</b>	Temporary Offer to interference party after the case is terminated Destroy unwanted exhibits	N1-241-96-5 16b	Interference Exhibits	BOARD OF PATENT APPEALS AND INTERFERENCES	
<b>1.b.3</b>	<b>Trademark Trial and Appeal Activity</b>						
	These files include records of review for adverse decisions from trademark examining attorneys refusing to allow trademark registrations, reviews and decisions on adversary proceedings by parties opposing or seeking to cancel trademark registrations, and conduct trial proceedings involving applications for concurrent use registrations of trademarks						
<b>1.b.3.1</b>	<b>Trademark Trial and Appeal Proceedings and Related Indexes</b>						
	<p>Case files of Board hearings and decisions on adversary proceedings involving the following</p> <ul style="list-style-type: none"> <li>-oppositions to the registration of trademarks,</li> <li>-petitions to cancel trademark registrations,</li> <li>-proceedings involving applications for concurrent use registrations of trademarks, and</li> <li>-ex parte board decision appeals taken from the Trademark examining attorneys' refusals to allow registration of a trademark and publication in the Official Gazette</li> </ul>						

SF115 Item	subBucket and Description	Main Retention	New Retention Period	Current Citation	Current SeriesTitle	Current Office of Record	AIS
		<b>Permanent</b>	Permanent Transfer 5 years after close of case	N1-241-96-5 1a	Opposition Files	TRADEMARK TRIAL AND APPEAL BOARD	TTABIS
		<b>Permanent</b>	Permanent Transfer 5 years after close of case	N1-241-96-5 2a	Cancellation Files	TRADEMARK TRIAL AND APPEAL BOARD	TTABIS
		<b>Permanent</b>	Permanent Transfer 5 years after close of case	N1-241-96-5 3	Concurrent Use Proceedings	TRADEMARK TRIAL AND APPEAL BOARD	TTABIS
		<b>Permanent</b>	Permanent Transfer 5 years after close of case	N1-241-96-5 2a,b	Cancellation Files	TRADEMARK TRIAL AND APPEAL BOARD	TTABIS
		<b>Permanent</b>	Permanent Transfer 5 years after close of case	N1-241-96-5 4b	Ex Parte Appeal Proceedings (Abandoned Appeals)	TRADEMARK TRIAL AND APPEAL BOARD	TTABIS
		<b>Permanent</b>	Permanent Transfer 5 years after close of case	N1-241-97-1 7	TTAB Case Index	TRADEMARK TRIAL AND APPEAL BOARD	TTABIS
<b>1 b.3.2</b>	<b>Trademark Trial and Appeal Administrative Files</b>						
	Short-term temporary non-case administrative records which track trademark trial and appeal proceeding workflow Includes but is not limited to the following proceedings' correspondence, automatically generated letters, queue files to employees for action, productivity and tracking reports, reference reports, system generated workflow reports, decision assignment logs, hearing calendars, data and image files May include proceeding correspondence privileged and filed with proceeding testimony and physical exhibits						
		<b>Temporary</b>	Temporary Delete/return when case is terminated or when no longer needed whichever is first	N1-241-01-02 1c2	Trademark Trial and Appeal Board Information System (TTABIS)	TRADEMARK TRIAL AND APPEAL BOARD	TTABIS

SF115 Item	subBucket and Description	Main Retention	New Retention Period	Current Citation	Current SeriesTitle	Current Office of Record	AIS
		<b>Temporary</b>	Temporary Delete/return when case is terminated or when no longer needed whichever is first	N1-241-01-02 1d	Trademark Trial and Appeal Board Information System (TTABIS)	TRADEMARK TRIAL AND APPEAL BOARD	TTABIS
		<b>Temporary</b>	Temporary Delete/return when case is terminated or when no longer needed whichever is first	N1-241-01-02 1e	Trademark Trial and Appeal Board Information System (TTABIS)	TRADEMARK TRIAL AND APPEAL BOARD	TTABIS
		<b>Temporary</b>	Temporary Delete/return when case is terminated or when no longer needed whichever is first	N1-241-96-5 5	Exhibits Filed with Testimony (TTAB)	TRADEMARK TRIAL AND APPEAL BOARD	TTABIS
<b>1.b.4</b>	<b>Attorney and Agent Enrollment and Discipline Activity</b>						
	Involves USPTO legal and administrative activity necessary for the enrollment and discipline of attorneys and practitioners						
<b>1.b.4.1</b>	<b>Enrollment Examination</b>						
	Record copy of examinations given to new registrants applying to practice before the USPTO						
		<b>Permanent</b>	Permanent Transfer directly to NARA when 10 years old	N1-241-96-1 29	Enrollment Examination	OFFICE OF ENROLLMENT AND DISCIPLINE	
<b>1.b.4.2</b>	<b>Enrollment and Discipline Application and Roster Maintenance Files</b>						

SF115 Item	subBucket and Description	Main Retention	New Retention Period	Current Citation	Current SeriesTitle	Current Office of Record	AIS
	Application folders of attorneys or agents registered to practice before the USPTO and related files Includes the following <ul style="list-style-type: none"> <li>- application case files of Attorneys or Agents registered to practice before the USPTO,</li> <li>- new registrant files,</li> <li>- chronological updates to registered Attorney and Agents case Files,</li> <li>- unsuccessful enrollment applications, - moral character investigation files,</li> <li>- complaint files,</li> </ul>						
		<b>Temporary</b>	Temporary Destroy 60 years after close of entire registrant file	N1-241-01-8 1a	Case Folders of Registered Attorneys and Agents	OFFICE OF ENROLLMENT AND DISCIPLINE	
		<b>Temporary</b>	Temporary Destroy 60 years after close of entire registrant file	N1-241-01-8 1b	Case Folders of Registered Attorneys and Agents	OFFICE OF ENROLLMENT AND DISCIPLINE	
		<b>Temporary</b>	Temporary Destroy 60 years after close of entire registrant file	N1-241-96-1 36a ✓	Closed Complaint Files - Disciplinary Proceeding is Initiated	OFFICE OF ENROLLMENT AND DISCIPLINE	
		<b>Temporary</b>	Temporary Destroy 60 years after close of entire registrant file	N1-241-96-1 8 ✓	Disciplinary Files	OFFICE OF THE SOLICITOR	
		<b>Temporary</b>	Temporary Destroy 60 years after close of entire registrant file	N1-241-01-8 2a	Closed Complaint Files - No Disciplinary Proceeding is Initiated	OFFICE OF ENROLLMENT AND DISCIPLINE	
		<b>Temporary</b>	Temporary Destroy 60 years after close of entire registrant file	N1-241-01-8 2b	Closed Complaint Files - No Disciplinary Proceeding is Initiated	OFFICE OF ENROLLMENT AND DISCIPLINE	



SF115 Item	subBucket and Description	Main Retention	New Retention Period	Current Citation	Current SeriesTitle	Current Office of Record	AIS
		<b>Temporary</b>	Temporary Destroy 60 years after close of entire registrant file	N1-241-01-8 3b	Data Sheet Files	OFFICE OF ENROLLMENT AND DISCIPLINE	
		<b>Temporary</b>	Temporary Destroy 60 years after close of entire registrant file	N1-241-01-8 4a	Unsuccessful Applications	OFFICE OF ENROLLMENT AND DISCIPLINE	
		<b>Temporary</b>	Temporary Destroy 60 years after close of entire registrant file	N1-241-01-8 4b	Unsuccessful Applications	OFFICE OF ENROLLMENT AND DISCIPLINE	
		<b>Temporary</b>	Temporary Destroy 60 years after close of entire registrant file	N1-241-96-1 37 ✓	Reinstatement Correspondence	OFFICE OF ENROLLMENT AND DISCIPLINE	
		<b>Temporary</b>	Temporary Destroy 60 years after close of entire registrant file	N1-241-01-8 3a	Data Sheet Files	OFFICE OF ENROLLMENT AND DISCIPLINE	
		<b>Temporary</b>	Temporary Destroy 60 years after close of entire registrant file	N1-241-01-8 1c	Case Folders of Registered Attorneys and Agents	OFFICE OF ENROLLMENT AND DISCIPLINE	
		<b>Temporary</b>	Temporary Destroy 60 years after close of entire registrant file	N1-241-96-1.36b /	Closed Complaint Files - Disciplinary Proceeding is Initiated	OFFICE OF ENROLLMENT AND DISCIPLINE	
		<b>Temporary</b>	Temporary Destroy 60 years after close of entire registrant file	N1-241-96-1 36c /	Closed Complaint Files - Disciplinary Proceeding is Initiated	OFFICE OF ENROLLMENT AND DISCIPLINE	

SF115 Item	subBucket and Description	Main Retention	New Retention Period	Current Citation	Current SeriesTitle	Current Office of Record	AIS
		<b>Temporary</b>	Temporary Destroy 60 years after close of	N1-241-97-1 3	OED-Complaint Tracking	OFFICE OF ENROLLMENT AND DISCIPLINE	
<b>1.b.4.3</b>	<b>Subject Files Related To Enrollment and Discipline</b>						
	Correspondence and reports related to enrollment and discipline activities resulting in attorney registration and discipline Includes						
		<b>Temporary</b>	Temporary Destroy when 15 years old	N1-241-96-1 38	Program Subject Files of the Office of Enrollment and Discipline	OFFICE OF ENROLLMENT AND DISCIPLINE	
<b>1.b.4.4</b>	<b>Enrollment Examination Answer Sheets – Unsuccessful Applicants</b>						
	Test results of enrollment examinations for unsuccessful applicants Examination answers determine that applicants for registration						
		<b>Temporary</b>	Temporary Destroy when 3 months old or after appeals process has expired, whichever is later	N1-241-96-1 30b	Enrollment Examinations Completed by Applicants	OFFICE OF ENROLLMENT AND DISCIPLINE	
<b>1.b.4.5</b>	<b>Administrative Law Files, Office of Enrollment and Discipline Appeal Case Files</b>						
	Records from the Administrative Law Office pertaining to appeal cases unique to USPTO Enrollment and Discipline program						
		<b>Temporary</b>	Temporary Destroy 5 years after final decision				
<b>1.b.4.6</b>	<b>Enrollment Examination Answer Sheets – Successful Applicants</b>						
	Test results of enrollment examinations for successful applicants Examination answers determine that applicants for registration failed						
		<b>Temporary</b>	Temporary Destroy after grades are registered	N1-241-96-1.30a	Enrollment Examinations Completed by Applicants	OFFICE OF ENROLLMENT AND DISCIPLINE	
<b>1.b.4.7</b>	<b>Enrollment and Discipline Roster of Attorney's and Agents Registered to Practice Before the USPTO</b>						

SF115 Item	subBucket and Description	Main Retention	New Retention Period	Current Citation	Current SeriesTitle	Current Office of Record	AIS
	Lists of practicing attorneys and agents registered for USPTO practice and in good standing Also includes ledgers containing registration numbers of those attorneys and agents from 1897 to the present time, and records of complaints against those attorneys and agents						
		<b>Temporary</b>	Temporary Destroy when superseded	N1-241-96-1 31	Registration Ledgers	OFFICE OF ENROLLMENT AND DISCIPLINE	OEDIS
		<b>Temporary</b>	Temporary Destroy when superseded	N1-241-96-1 33a	Roster Attorneys and Agents Registered to Practice Before the USPTO	OFFICE OF ENROLLMENT AND DISCIPLINE	OEDIS
		<b>Temporary</b>	Temporary Destroy when superseded	N1-241-96-1 33b	Roster Attorneys and Agents Registered to Practice Before	OFFICE OF ENROLLMENT AND DISCIPLINE	OEDIS
<b>1.b.4.8</b>	<b>Director's OED Decision Files</b>						
	Reference copies of non-interlocutory decisions issued by the Commissioner for examination regrades, denials of entry, Office of Enrollment and Discipline (OED) disciplinary hearings or decisions, determinations of technical and scientific qualifications, and to practice before the USPTO Used by OED staff for reference purposes						
		<b>Temporary</b>	Temporary Destroy when no longer needed for current USPTO business	N1-241-96-1 42	Director's Decision Files	OFFICE OF ENROLLMENT AND DISCIPLINE	
<b>1.b.5</b>	<b>Short-Term IP Legal Administration Activity</b>						
	Records of various IP legal administrative activities such as general correspondence files, working papers, committee files, and statements supporting the IP legal activities of the USPTO						
<b>1.b.5.1</b>	<b>Short-Term IP Legal Activity Administrative Functional Statements and Procedural Records</b>						
	Administrative missions, function statements and procedures of IP legal offices and activities						

SF115 Item	subBucket and Description	Main Retention	New Retention Period	Current Citation	Current SeriesTitle	Current Office of Record	AIS
		<b>Temporary</b>	Temporary Destroy 2 years after statements and procedures superseded	New Record Series	Short-Term IP Legal Activity Administrative Functional Statements and Procedural Records	GENERAL COUNSEL	
1.b.5.2	<b>Short-Term IP Legal Activity Office Operational Records</b>						
	Records deemed unique to the USPTO, but having short-term general administrative value that does not warrant long-term retention to the office These records include production reports, case logs, data on all cases ready for a decision, log of public requests for files, reference reports, tracking of reports, index of appeals proceedings and their location and bibliographic information, copies of reports to the Director, copies of trend analysis and long-term planning reports, input forms used to track and update patent and trademark data, and copies of review comments for proposed other than that in the office of record for the regulation, and administrative subject files						
		<b>Temporary</b>	Temporary Destroy when 2 years old	New Record Series	Short-Term IP Legal Activity Office Discretionary and Operational Records	GENERAL COUNSEL	
		<b>Temporary</b>	Temporary Destroy when 2 years old	N1-241-96-1 2c	Controlled Correspondence Files - Duplicates	UNDER SECRETARY OF COMMERCE FOR INTELLECTUAL PROPERTY AND DIRECTOR OF THE USPTO	