



VIA ELECTRONIC MAIL FOIARequests@uspto.gov; efoia@uspto.gov

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

Re: US Inventor Freedom of Information Act Request on PTAB Operations

Dear FOIA Officer:

US Inventor, a not-for-profit § 501(c)(4) corporation, hereby requests under the Freedom of Information Act (FOIA), 5 U.S.C. § 552 and 37 C.F.R. § 102.4, the following records from the U.S. Patent & Trademark Office (PTO):

1. Under the U.S. Office of Personnel Management (OPM) Performance Appraisal Regulations, 5 C.F.R. § 430.206, all Patent Trial and Appeal Board (PTAB) employees, including each Administrative Patent Judge (APJ) must be presented with, and bound by, a Performance Appraisal Plan (PAP) for each year. Please provide copies of the PAPs for each PTAB APJ employment grade including Chief APJs for fiscal years 2013, 2016, and 2019. This request includes, without limitation, appraisal forms and bonus calculation guidance for all APJ employment grades, and all documents submitted to OPM in order to approve said PAPs including under § 430.209(a).
2. Please provide copies of all documents and guidance documents concerning APJ production expectancies, work product quotas, or docket management goals for all PTAB APJ employment grades in effect as of this request.
3. Please provide copies of any and all employment agreements (collective bargaining or group contracts) between the government and any organization, union, or association representing PTAB APJs. This request is limited to such agreement(s) and any amendments and attachments thereto that are in force as of this request.
4. Please provide copies of all BPAI's or PTAB's Standard Operating Procedures (SOP) 1, 5, 6, 7, 8, and 9 in effect in 2011, 2014, and 2019. If any of these SOPs is not in effect today, please provide documents reflecting termination or expiration of that SOP.

For avoidance of doubt, all documents sought under Requests 1 through 4 above include documents pertaining to ex parte appeals, interferences, and AIA trials.

Please provide the requested material above in its native electronic form such as Excel, MS Word or PDF documents, preferably by email to rlinventor@protonmail.com.

Definitions

“Records” are defined at 44 U.S.C. § 3301, and per 5 U.S.C. § 552(f)(2), include “any information that would be an agency record subject to the requirements of [FOIA] when maintained by an agency in any format, including an electronic format.” The terms “and” and “or” shall be construed both conjunctively and disjunctively.

US INVENTOR

Innovators, Inventors, Dreamers, and Builders

Public Interest Fee Waiver

Because records requested herein were identified explicitly and may be readily located without undue search burden, US Inventor anticipates that under 37 C.F.R. § 102.11(d)(4), no fees should be assessed. However, in the event that the PTO intends to assess fees for this request, US Inventor requests a public interest fee waiver because the requested records directly concern and bear upon the government's operations and activities, will be highly informative to the general public regarding the PTO's policies, including on matters directly affecting thousands of patent holders and applicants.

Upon receipt, we will make these records or their analysis publically available on our website at www.usinventor.org for use by journalists, scholars, students, and interested members of the public at no charge, and use the information in reports, newsletters (www.usinventor.org/subscribe), and other public disseminations to advance our educational mission. Therefore, disclosure of the requested information "is in the public interest because it is likely to contribute significantly to public understanding of the operations or activities of the government and is not primarily in the commercial interest of the requester,"¹ a 501(c)(4) corporation.

U.S. Inventor prefers to receive the documents by email, at rlinventor@protonmail.com or some other electronic form that preserves all document integrity.

We may be reached at the address below, if you have any questions.

Respectfully submitted,



US INVENTOR

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¹ 5 U.S.C. § 552(a)(4)(A)(iii); 37 C.F.R. § 102.11(k)(1).