



VIA ELECTRONIC MAIL FOIARequests@uspto.gov; efoia@uspto.gov Sent October 8, 2020

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. Documents sufficient to identify the person (either by role, title, or name) who heads the office responsible for the duties of the PTO under 44 U.S.C. § 3506(a)(3), for fiscal years 2013, 2016, 2018, 2019, and 2020.
2. Documents sufficient to identify the “measurable organization and individual goals in key operational areas as delineated in an annual performance plan” of 35 U.S.C. § 3(b)(2)(B) for the Commissioner for Patents, the Commissioner for Trademarks, the Deputy Commissioner for Patent Examination Policy, the Patent Trial and Appeal Board (“PTAB”) Chief Judge, Deputy Chief Judge, Vice Chief Judge, General Counsel, and Chief Information Officer, for fiscal years 2013, 2016, 2017, 2018, 2019, and 2020. This request is directed to only the criteria and scoring methods and any explanations thereof, not to the particular scores attained by individuals.
3. Any annual performance appraisal plan, Classification and Performance Management Record, Executive Performance Agreement, or the like, for the Commissioner for Patents, the Commissioner for Trademarks, the Deputy Commissioner for Patent Examination Policy, General Counsel, and Chief Information Officer for fiscal years 2013, 2016, 2017, 2018, 2019, and 2020.
4. All “PAP Support Documents” detailing AIA Trial crediting, and documents describing crediting of “decisional units” for AIA trials, for all PTAB employees for fiscal years 2013, 2016, 2018, 2019, and 2020.
5. The Board of Patent Appeals and Interferences’ or Patent Trial and Appeal Board’s Standard Operating Procedures (SOP) 5 and 6. For any SOP that is not in effect today, please provide the last or most recent version that was in effect, and documents reflecting withdrawal, termination, or expiration of that SOP.



Please provide the requested material 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.

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 and trademark 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.

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

US INVENTOR

Innovators, Inventors, Dreamers, and Builders

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,

A handwritten signature in blue ink, appearing to read "Randy Landreneau", with a long horizontal flourish extending to the right.

US INVENTOR

Randy Landreneau
President
P.O. Box 2273
Clearwater, FL 33757

rlinventor@protonmail.com
727-744-3748