



April 6, 2021

VIA ELECTRONIC MAIL [FOIARequests@uspto.gov](mailto:FOIARequests@uspto.gov); [efoia@uspto.gov](mailto: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 PTO submissions to the U.S. Office of Personnel Management**

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) regarding submissions to the U.S. Office of Personnel Management (OPM):

1. Under 5 CFR § 451.106(b), when the PTO recommends a bonus award that “would grant more than \$10,000 to an individual employee, the agency shall submit the recommendation to OPM for approval.” Please provide copies of all communications, documents, and records the PTO submitted to OPM pursuant to 5 CFR § 451.106(b) recommending awards for any of the fiscal years 2012-2020 inclusive, to any PTO employee working for the Patent Trial and Appeal Board. This request also covers any records the PTO submitted to OPM in support of such requests for approval, including those requested by OPM per 5 CFR § 451.106(h).
2. Please provide copies of all communications, documents, records, and approvals that the PTO received from OPM in response to, and with respect to PTO’s requests identified in Request 1 above.

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](mailto: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

# US INVENTOR

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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](http://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](http://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,"<sup>1</sup> a 501(c)(4) corporation.

U.S. Inventor prefers to receive the documents by email, at [rlinventor@protonmail.com](mailto: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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<sup>1</sup> 5 U.S.C. § 552(a)(4)(A)(iii); 37 C.F.R. § 102.11(k)(1).