



December 2, 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 Director's Review of PTAB Decisions**

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 requests for, and decisions on, Director's review of Patent Trial and Appeal Board (PTAB) decisions.

1. The PTO has recently implemented an interim Director's review process for reviewing PTAB decisions in AIA trials requested after the Supreme Court's decision in *Arthrex*,<sup>1</sup> (Director Review). Please provide a list, table, or report of all requests submitted for Director Review up to the date of this letter, including the PTAB proceeding number, the name of the entity requesting the review, the filing date of the request, the decision or disposition of the request (if made), and the date of that decision or disposition determination.
2. For each of the requests for Director Review identified under Request 1 above, please provide all documents, communications, notations, memoranda, approval forms, or signature slips evidencing (a) the related decision or disposition determination on the review (b) the identity of the person making the decision or disposition determination, and (c) the reasons or justifications for the decision or disposition determination.

Please provide the requested records in their native electronic form such as Excel, MS Word or PDF documents, 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

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<sup>1</sup> See [www.uspto.gov/patents/patent-trial-and-appeal-board/procedures/uspto-implementation-interim-director-review](https://www.uspto.gov/patents/patent-trial-and-appeal-board/procedures/uspto-implementation-interim-director-review).



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 <https://usinventor.org/ptab-foia-documents> 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>2</sup> a 501(c)(4) corporation.

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

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<sup>2</sup> 5 U.S.C. § 552(a)(4)(A)(iii); 37 C.F.R. § 102.11(k)(1).