

# **GENERAL COUNSEL**

**And Reporting Offices:**

**GENERAL COUNSEL**

**OFFICE OF THE SOLICITOR**

**OFFICE OF GENERAL LAW**

**BOARD OF PATENT APPEALS AND INTERFERENCES**

**TRADEMARK TRIAL AND APPEAL BOARD**

**OFFICE OF ENROLLMENT AND DISCIPLINE**

# USPTO Comprehensive Records Schedule

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# USPTO Comprehensive Records Schedule

## GENERAL COUNSEL

### Record Series Detail

#### GENERAL COUNSEL

##### 1 Subject Files - Office of the General Counsel

Copies of documents on subjects of concern to the Office of the General Counsel. Arranged alphabetically, and used for general reference.

##### N1-241-96-1:13

Destroy when 2 years old, or when no longer needed, whichever is sooner.

#### OFFICE OF THE SOLICITOR

##### 2 Certified Copies of USPTO Records

Duplicate security copy of records that have been sent to regional courts to be used as testimony in patent and trademark disputes. Each copy carries an official USPTO seal and is tied by a blue ribbon to insure the integrity of the record.

##### N1-241-96-1:10

Destroy when 10 years old or no longer needed, whichever is sooner.

##### 3 Correspondence of the Office of the General Counsel

Record copy of correspondence and reply used to document the activities of the Office of the Solicitor.

##### N1-241-96-1:12

Break files by fiscal year. Transfer to Certified Records Center when 7 years old. Destroy when 20 years old.

##### 4 Court Cases

Court papers, correspondence, and briefs involving appeals of USPTO rejection of trademarks or patents. Used to prepare the USPTO's case in court. Includes drafts that were circulated or made available to other employees, and which add to the formulation and execution of basic policies, decisions, actions, or responsibilities:

- a. Cases selected by the Solicitor as being precedent setting or having historical or political significance. Prior to transferring Court Cases to the Certified Records Center, the Solicitor will select permanently valuable cases that have legal, political, or historical significance using the following guidelines:
  - 1) cases that set a precedent in patent or trademark law
  - 2) cases that changed USPTO examining or granting procedures
  - 3) all cases heard before the U.S. Supreme Court
  - 4) cases that involve the patenting of new electronic, biomedical, chemical, or genetic technologies that are widely held to be "landmark" decisions, and
  - 5) cases that involve significant issues relating to the appropriate protection of intellectual property
- b. Cases that do not meet the conditions of N1-241-96-1 #6 (Permanent).

##### N1-241-96-1:6

- a. Permanent. Break closed files at the end of each fiscal year and transfer to the Certified Records Center when 3 years old. Transfer to the National Archives when 30 years old.
- b. Break closed files at the end of each fiscal year and transfer to the Certified Records Center when 3 years old. Destroy when 30 years old.

##### 5 Disciplinary Files

Pleadings filed in disciplinary proceedings. Includes testimony, correspondence, complaint letters, investigation reports, administrative hearings records, final decisions, and supporting documentation. Used to discipline attorneys and agents practicing before the USPTO.

##### N1-241-96-1:8

Break closed files at the end of each fiscal year and transfer to the Certified Records Center. Destroy 50 years after closure.

**OFFICE OF THE SOLICITOR (Cont.)**

<b>6</b>	<b>Examiners Testimony</b> Copies of certified depositions of USPTO employees used as testimony in court cases. This file also contains background materials, drafts and notes.	<b>N1-241-97-1:9</b> Close files at the end of each calendar year and transfer to the Certified Records Center 3 years after closure. Destroy 30 years after closure.
<b>7</b>	<b>Index to Appeals Cases (of the General Counsel)</b> Card index used to identify patent and trademark appeals in the Federal Courts.	<b>N1-241-96-1:41</b> Destroy 30 years after date of appeal.
<b>8</b>	<b>Rule Review File</b> Rule changes, review notes, background materials, and other related papers used to check regulatory conflicts and appropriate legal language in agency rulemaking procedures.	<b>N1-241-96-1:11</b> Close files at the end of each calendar year and transfer to offsite storage 3 years after closure. Destroy 30 years after closure.
<b>9</b>	<b>Subject Files - Office of the Solicitor</b> Copies of documents on subjects of concern to the Office of the General Counsel. Arranged alphabetically, and used for general reference.	<b>N1-241-96-1:13</b> Destroy when 2 years old, or when no longer needed, whichever is sooner.
<b>10</b>	<b>Trademark Application Files</b> Application files from the Trademark Examining Attorney that were denied and then appealed. Used to defend the position of the USPTO in a court case. If the appellant prevails, application files are returned to the Trademark Examining Attorney. Otherwise, they remain at the Office of the General Counsel until it is determined that no further action will be taken.	<b>N1-241-96-1:7</b> Close files at the end of each fiscal year after a determination is made that no further action will be taken. Transfer to the Certified Records Center 3 years after closure. Destroy 10 years after closure.

**OFFICE OF GENERAL LAW**

<b>11</b>	<b>Arbitration Case Files</b> Correspondence, memoranda, reports, and other records relating to the relationship between management and employee unions or other groups. Includes NTEU 243, NTEU 245, POPA cases)	<b>GRS 1, 28b</b> Destroy 5 years after resolution of case
<b>12</b>	<b>Copies of EEO Complaint Case Files</b> Duplicate case files or documents pertaining to case files retained in Official Discrimination Complaint Case Files	<b>GRS 1, 25b</b> Destroy 1 year after resolution of case

**OFFICE OF GENERAL LAW (Cont.)****13 Freedom of Information Act Files**

Files created in response to requests for information under the Freedom of Information Act consisting of the original request, a copy of the reply, and all related supporting files which may include official file copy of requested record or copy:

- a. Correspondence and supporting documents (EXCLUDING the official file copy of the records requested if filed herein).
  - 1) Granting access to all the requested records.
  - 2) Responding to requests for non-existent records; to requesters who provide inadequate descriptions, and to those who fail to pay agency reproduction fees. (a) Request not appealed. (b) Request appealed.
  - 3) Denying access to all or part of the records requested.
    - (a) Request not appealed.
    - (b) Request appealed.
- b. Official file copy of requested records.

**14 Merit System Protection Board Case Files**

Records relating to the promotion of an individual that document qualification standards, evaluation methods, selection procedures, and evaluations of candidates.

**15 OCR (Office of Civil Rights) Files**

Originating agency's file containing complaints with related correspondence, reports, exhibits, withdrawal notices, copies of decisions, records of hearings and meetings, and other records as described in 29 CFR 1613.222. Cases resolved within the agency, by Equal Employment Opportunity Commission, or by a U.S. Court.

**16 Other Litigation Cases**

ULP, FLRA, FSIP, Grievances, Labor Bargaining/Mediation/Negotiation, District/Circuit Court, Civil Action -Correspondence, forms, and background papers relating to cases

**18 Routine Administrative Law Files, Copies of External Actions of Referral and Review**

Copies of correspondence from the Department of Commerce IG regarding requests to the USPTO for an investigation and documents related to the investigation and any reports furnished to the Department of Commerce IG. Also, copies of review notes, background and other clearance materials for proposed and final rules, not held in the office of record of the rule. (NOTE: originals maintain the original record copy of IG correspondence)

**17 Routine Administrative Law Files, Copies of External Actions of Referral and Review**

Copies of correspondence from the Department of Commerce IG regarding requests to the USPTO for an investigation and documents related to the investigation and any reports furnished to the Department of Commerce IG. Also, copies of review notes, background and other clearance materials for proposed and final rules, not held in the office of record of the rule. (NOTE: originals maintain the original record copy of IG correspondence)

**GRS 14, 11**

- a. 1) Destroy 2 years after date of reply.
  - 2) (a) Destroy 2 years after date of reply. (b) Destroy as authorized under GRS 14 (12).
  - 3) (a) Destroy 6 years after date of reply. (b) Destroy as authorized under GRS 14 (12).
- b. Dispose of in accordance with approved agency disposition instruction for the related records, or with the related FOIA request, whichever is later.

**GRS 1, 32**

Destroy after OPM audit or 2 years after the personnel action is completed, whichever is sooner.

**GRS 1, 25a**

Destroy 4 years after resolution of case.

**GRS1, 28b**

Destroy 5 years after resolution of case.

**N1-241-05-01:2b**

Temporary: destroy 1 year after action (receipt, publication, final review).

**N1-241-05-01:2b**

Temporary: destroy 1 year after action (receipt, publication, final review).

**OFFICE OF GENERAL LAW (Cont.)**

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| 21 | <b>Routine Administrative Law Files, Internal Management</b><br>Files created and maintained by individual attorneys in the course of their daily work or to complete assignments. Includes reference materials and duplicated official correspondence located in other files; also includes documentation of review of policies, procedures and activities of USPTO offices. Includes attorney working files and legal advice files. | <b>N1-241-05-01:2a</b><br>Temporary: Destroy when no longer needed. |
| 20 | <b>Routine Administrative Law Files, Internal Management</b><br>Files created and maintained by individual attorneys in the course of their daily work or to complete assignments. These files consist of reference materials and duplicated of official correspondence located in other files  | <b>N1-241-05-01:2a</b><br>Temporary: Destroy when no longer needed. |
| 19 | <b>Routine Administrative Law Files, Internal Management</b><br>Files created and maintained by individual attorneys in the Office of General Law in the course of their daily work or to complete assignments. Includes reference materials and duplicated official correspondence located in other files; also includes documentation of review of policies, procedures and activities of USPTO offices.                            | <b>N1-241-05-01:2a</b><br>Temporary: Destroy when no longer needed. |

**BOARD OF PATENT APPEALS AND INTERFERENCES**

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| 22 | <b>Appeals Case Tracking System (ACTS) - ELECTRONIC</b><br>Database producing reports for Administrative Patent Judges (APJ). Types of reports include monthly, docket, production, and oldest unheard cases. Majority of data updated from the PALM system. Includes some of the information contained in the Index of Appellants Card File and the Appellant Tracking and Assignment Card File, both of which have been superseded by ACTS. Index of Appellants Cards are arranged by appellant name and group number; cards were not converted to ACTS. Appellant Tracking and Assignment Cards is an Acme Visible Record System with printed paper stapled to each card. Used to assign judges to appeals cases. Last record dated 1994; not converted to ACTS:<br><br>a. Electronic data<br>b. Index of Appellants Card Files. | <b>N1-241-96-5:7</b><br>a. Destroy or delete 5 years after the case is closed.<br>b. Destroy 5 years after the case is closed.                            |
| 23 | <b>BPAI Administrative Reports</b><br>Routine administrative reports such as activity and status reports, backlog reports, Chairman's Monthly Report, Docket Report, Fee Income Reports, PALM Reports, Process Productivity and Staffing Reports, Production Reports, Reversal Reports, and other reports from USPTO automated tracking and control systems that are used to report of summarize information needed for BPAI administrative purposes.   | <b>N1-241-96-5:22</b><br>Close inactive files at the end of each fiscal year and transfer to the Certified Records Center. Destroy 5 years after closure. |
| 24 | <b>BPAI Appeals Decision Files</b><br>Decisions made by Board of Patent Appeals and Interferences in Ex Parte appeals. Files include copies of decisions filed by month/year:<br>a. Record copy<br>b. BPAI copy.  | <b>N1-241-96-5:8</b><br>a. Filed in patent application files.<br>b. Break files by fiscal year. Destroy when 5 years old.                                 |

**BOARD OF PATENT APPEALS AND INTERFERENCES (Cont.)**

<b>25</b>	<b>BPAI Correspondence Subject Files</b>	<b>N1-241-96-5:23</b>
	BPAI incoming and outgoing correspondence, memorandums, annual and other periodic reports, and other records that relate to agency-wide or office-wide management and administration, and with public matters that do not pertain to a specific case, or which cannot be filed in interference or appeal case files. Records include but are not limited to correspondence, reports, delegations of authority, regulations, directives, long range USPTO proposals and studies, personnel and staffing records, and similar materials.	Close inactive files at the end of each fiscal year and transfer to the Certified Records Center when 5 years after closure. Destroy 15 years after closure.
<b>26</b>	<b>BPAI Document Copies</b>	<b>Nonrecord</b>
	Backup copies of documents filed in patent application files or in the Interference File used to obviate the need to recall files from examining groups or from the USPTO repository. Included are Director's Petitions, petitions to make special: reinstatement of appeals, requests for reconsideration, decisions vacated, withdrawal of attorney, intention to withdraw exhibit, chairman or chief judge's decisions, decisions on priority, decisions on access or withdrawal of attorneys, decisions on petitions, and other copies.	Destroy when 3 years old or when no longer needed for reference, whichever is later.
<b>27</b>	<b>BPAI Function Statements and Administrative Procedures</b>	<b>N1-241-96-5:28</b>
	Organization statements and charts documenting the essential organization, staffing, and procedures of the office.	Destroy 2 years after superseded.
<b>28</b>	<b>BPAI Speeches</b>	<b>N1-241-97-1:6</b>
	Speeches delivered by members of the BPAI on the process and procedures of the Board and related activities of the USPTO. Includes speech clearances.	Permanent. Transfer to Certified Records Center when 10 years old. Transfer to NARA when 25 years old.
<b>29</b>	<b>Chief Judge's Subject Files</b>	<b>Nonrecord</b>
	Subject files on topics for reference, including copies of regulations, directives, long range USPTO proposals, studies, reports, and other documents EXCLUDING record copies of documents provided for elsewhere in this schedule.	Destroy when superseded or when no longer needed.
<b>30</b>	<b>Committees and Conference Files</b>	<b>GRS 16, 8</b>
	Advisory Committee on Patent Reform, Committee on Enrollment, Commissioner's Ad Hoc Committee, Court of Appeals Federal Circuit (CAFC) Judicial Conference, CAFC Judicial Planning Committee, Markush Practice Committee, and records of participation on other committees or conferences by BPAI staff:	a. Destroy 2 years after termination of committee.
	a. Records relating to establishment, organization, membership, and policy of internal committees.	b. (1) & (2) Destroy when 3 years old.
	b. Records created by committees:	c. Destroy 5 years after termination of committee.
	1) Agenda, minutes, final reports, and related records documenting the accomplishments of official boards and committees. EXCLUDING those maintained by the sponsor or Secretariat.	
	2) All other committee records.	
	c. Records maintained by Agency Committee Management Offices for committees established under the Federal Advisory Committees Act including copies of charters, membership lists, agendas, policy statements, and materials required to be available for public information.	

**BOARD OF PATENT APPEALS AND INTERFERENCES (Cont.)**

<b>31 Ex Parte Petitions to the Director</b>	Petitions to the Director, resulting from requests related to superintending the functions of the BPAI and petitions under 35 U.S.C. 135(c) [See MPEP 1002.02(f) 4 and 5].	<b>N1-241-96-5:10</b> Filed in Patent Application File.
<b>32 FOIA Requested Records</b>	Official file copy of requested records when not retained with other documents in the Office of the General Counsel.	<b>GRS 14, 11b</b> Dispose of in accordance with approved agency disposition instruction for the related records, or with the related FOIA request, whichever is later.
<b>33 Hearing Calendars</b>	Schedule of hearings before the Board. Used to determine when cases are scheduled and which judges have been assigned to hear the cases.	<b>GRS 23, 5b</b> Destroy or delete when no longer needed for convenience of business.
<b>34 Index to Patent Interference</b>	Electronic index (under development).	<b>N1-241-96-5:17</b> Delete record 3 years after case terminated.
<b>35 Index to Patent Interferences</b>	Tracking index by interference number. Each 5"x 8" card contains the following entries: Interference Record; Title; Interference number; DIV (group number); and Statements Due. The last entry is a handwritten list of documents submitted by parties to the interference with dates of submission. Additional cards are affixed to the original if entries exceed available space. Card files begin with interference number 90,000 up to current cases. (103,544, Dec. 1994.) Information in these cards was previously recorded in ledgers. Ledger vols. 68, no. 66,665 to vol. 92, no. 89,999 are in current use for reference. These indexes are to be replaced by an electronic tracking system in 1996: a. Card files, ledgers, and bound registers b. Electronic tracking data.	<b>N1-241-96-5:12</b> a. Permanent. Transfer to the National Archives when the Patent Interference Case Files are transferred to the National Archives. b. Disposition not authorized. Submit an SF-115 to request an approved disposition.
<b>36 Input Records Tracking</b>	Input forms designed solely to create, update, or modify data in the Patent Application tracking system. Used by administrators to enter legal documents' mailing dates and by the docket staff to enter receipt and return of Patent Application Files, Patent Registration Files, and Interference Files.	<b>GRS 20, 2a</b> Destroy after the information has been converted to an electronic medium and verified, or when no longer needed to support the reconstruction of, or serve as the backup to, the master file, whichever is later.
<b>37 Interference Case Files</b>	Form 850 and depositions, textual exhibits, testimony, briefs, decisions, and other documents related to the interference case are maintained in expansion folders and filed by interference number:  a. Cases that are heard by the Board b. Cases that are terminated before a hearing.	<b>N1-241-96-5:11</b> a. Permanent. Close files at the end of each fiscal year when the interference case is terminated and transfer to Certified Records Center 5 years after closure. Transfer to the National Archives 40 years after closure. b. Close files at the end of each fiscal year when the interference case is terminated and transfer to Certified Records Center 5 years after closure. Destroy 40 years after closure.

**BOARD OF PATENT APPEALS AND INTERFERENCES (Cont.)**

<b>38 Interference Exhibits</b>	Interference exhibits held for court hearings to prevent alteration or tampering: a. Paper records b. Physical exhibits.	<b>N1-241-96-5:16</b>	a. File in Interference File at termination of Interference. b. Offer to interference party after case is terminated. Destroy unwanted exhibits.
<b>39 Interference 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.	<b>N1-241-96-5:14</b>	Permanent. Close files at the end of each fiscal year and transfer to Certified Records Center 10 years after closure. Transfer to the National Archives 40 years after closure.
<b>40 Library Materials</b>	Decisions of the Commissioner of Patents, 1884-present; United States Patents Quarterly; Report of the Commissioner of Patents; Journal of the Patent Society/Patent Office Society Journal; United States Patent and Trademark Office Gazette; Decisions of the Court of Appeals for the Federal Circuit; dictionaries; pharmaceutical technical references; chemical technical references; legal references; mechanical references; texts; commercial databases such as Lexis; and other reference tools used by the office.	<b>Nonrecord</b>	Destroy when superseded or when no longer needed.
<b>41 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 to these entities. Files are few in number, one or two cases per year: a. Cases that are heard by the Board b. Cases that are terminated before a Board hearing.	<b>N1-241-96-5:15</b>	a. Permanent. Close files at the end of each fiscal year when the interference case is terminated and transfer to FRC 5 years after closure. Transfer to the National Archives 40 years after closure.  b. Close files at the end of each fiscal year when the interference case is terminated and transfer to FRC 5 years after closure. Destroy 40 years after closure.
<b>42 Proposed Patent Laws and Rules</b>	Files documenting the development, clearance and processing of proposed and final rules for publication in the Federal Register and copies of responses after publication: a. When BPAI is the office of record b. Office copies of BPAI comments and reviews submitted to the USPTO office of record for that regulation.	<b>N1-241-96-5:20</b>	a. Close completed proposals at the end of each fiscal year and transfer to Certified Records Center when 10 years old. Destroy when 25 years old. b. Destroy when 5 years old.
<b>43 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>N1-241-96-5:27</b>	Destroy when superseded or destroy 5 years after member leaves board.
<b>44 Report to the Commissioner of Patents</b>	BPAI Report to the Director contains information on major decisions and statistics. It is published in the Annual Report of the Commissioner of Patents.	<b>N1-241-96-5:21</b>	Destroy office copy after published version is received and verified.

**BOARD OF PATENT APPEALS AND INTERFERENCES (Cont.)**

- |           |   |  |
|-----------|---|--|
| <b>45</b> | <b>USPTO Non-Core Products and Publications (Extra Copies)</b><br>The USPTO disseminates extra copies of information to the public, some of which it also uses for internal functions. Information is published for public awareness and understanding of the USPTO functions and processes. These non-core USPTO products and publications include, but are not limited to the following: published statistical information regarding patents, fact sheets and similar publications produced for the public regarding general information concerning patents, basic facts about registering a Trademark, photocomposition reports, notices of decisions of patent appeals, roster of attorneys/agents registered to practice before the USPTO, Trademark Trial and Appeal Board Manual, Trademark Acceptable Identification of Goods and Services Manual, and copy of USPTO materials for sale.  | <b>N1-241-05-02:3 (Previously N1-241-96-5:26)</b><br>Temporary: Destroy 2 years after superseded.            |
| <b>46</b> | <b>USPTO Non-Core Products and Publications (Extra Copies)</b><br>The USPTO disseminates extra copies of information to the public, some of which it also uses for internal functions. Information is published for public awareness and understanding of the USPTO functions and processes. These non-core USPTO products and publications include, but are not limited to the following: published statistical information regarding patents, fact sheets and similar publications produced for the public regarding general information concerning patents, basic facts about registering a Trademark, photocomposition reports, notices of decisions of patent appeals, roster of attorneys/agents registered to practice before the USPTO, Trademark Trial and Appeal Board Manual, Trademark Acceptable Identification of Goods and Services Manual, and copy of USPTO materials for sale.  | <b>N1-241-05-02:3</b><br>Temporary: Destroy 2 years after superseded.  |
| <b>49</b> | <b>USPTO Non-Core Products and Publications (NARA Copy)</b><br>The USPTO disseminates extra copies of information to the public, some of which it also uses for internal functions. One copy of each is transferred to NARA. Information also is published for public awareness and understanding of the USPTO functions and processes. These non-core official record copy products and publications include, but are not limited to the following: Patent and Trademark Assignments and related indexes, published statistical information regarding patents, fact sheets and similar publications produced for the public regarding general information concerning patents, basic facts about registering a Trademark, photocomposition reports, notices of decisions of patent appeals, roster of attorneys/agents registered to practice before the USPTO, Trademark Trial and Appeal Board Manual, Trademark Acceptable Identification of Goods and Services Manual, and copy of USPTO materials for sale . | <b>N1-241-05-02:1d (Previously N1-241-96-5:26)</b><br>Permanent: Transfer one copy to NARA after superseded. |
| <b>47</b> | <b>USPTO Non-Core Products and Publications (NARA Copy)</b><br>The USPTO disseminates extra copies of information to the public, some of which it also uses for internal functions. One copy of each is transferred to NARA. Information also is published for public awareness and understanding of the USPTO functions and processes. These non-core official record copy products and publications include, but are not limited to the following: Patent and Trademark Assignments and related indexes, published statistical information regarding patents, fact sheets and similar publications produced for the public regarding general information concerning patents, basic facts about registering a Trademark, photocomposition reports, notices of decisions of patent appeals, roster of attorneys/agents registered to practice before the USPTO, Trademark Trial and Appeal Board Manual, Trademark Acceptable Identification of Goods and Services Manual, and copy of USPTO materials for sale . | <b>N1-241-05-02:1d</b><br>Permanent: Transfer one copy to NARA after superseded.                             |

**BOARD OF PATENT APPEALS AND INTERFERENCES (Cont.)****48 USPTO Non-Core Products and Publications (NARA Copy)**

The USPTO disseminates extra copies of information to the public, some of which it also uses for internal functions. One copy of each is transferred to NARA. Information also is published for public awareness and understanding of the USPTO functions and processes. These non-core official record copy products and publications include, but are not limited to the following: Patent and Trademark Assignments and related indexes, published statistical information regarding patents, fact sheets and similar publications produced for the public regarding general information concerning patents, basic facts about registering a Trademark, photocomposition reports, notices of decisions of patent appeals, roster of attorneys/agents registered to practice before the USPTO, Trademark Trial and Appeal Board Manual, Trademark Acceptable Identification of Goods and Services Manual, and copy of USPTO materials for sale .

**N1-241-05-02:1d**

Permanent: Transfer one copy to NARA after superseded.

**TRADEMARK TRIAL AND APPEAL BOARD****50 Attorney Motions Log**

Log of completed Inter Parte cases used to compile the monthly report of cases completed.

**GRS 23, 8**

Destroy or delete when 2 years old, or 2 years after the date of the latest entry, whichever is applicable.

**51 Board Hearing Calendars**

Schedule of hearings before the Board. Used to determine when cases are scheduled and which judges have been assigned to hear the case.

**GRS 23, 5b**

Destroy or delete when no longer needed for convenience of reference.

**52 Cancellation Files**

Correspondence and other papers related to a petition to cancel a trademark registration including the petition for cancellation, answer to the petition, 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, the decision of the TTAB, the appeal to court and the decision of the court. Filed by case number. Used to judge the merits of a petition to cancel a registered trademark. After final resolution, this file is used for public reference:

- a. Closed Cancellation Files that result in a Board Decision, Motion of Summary Judgement, or a motion to dismiss
- b. All other Closed Cancellation Files.

**N1-241-96-5:2**

- a. Permanent. Close files at the end of each fiscal year and transfer to the Certified Records Center 3 years after closure. Transfer to the National Archives 30 years after closure.
- b. Close files at the end of each fiscal year and transfer to the Certified Records Center 3 years after closure. Destroy 30 years after closure.

**53 Concurrent Use Proceedings**

Correspondence and other papers related to an application to register a mark which is being used by another in a different geographical area of the United States. The applicant names said party(ies) as an exception to exclusive use of the mark and names the territory in which the concurrent use applicant is using the mark. These papers include the response to the concurrent use, 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, the decision of the TTAB, the appeal to court and the decision of the court. Filed by case number. Used to judge the merits for concurrent use of a registered trademark. After final resolution, this file is used as public reference.

**N1-241-96-5:3**

Permanent. Close files at the end of each fiscal year and transfer to the Certified Records Center 3 years after closure. Transfer to the National Archives 30 years after closure.

**TRADEMARK TRIAL AND APPEAL BOARD (Cont.)****54 Decision Assignment Log (TTAB)**

All cases that are ready for a decision are logged for the TTAB. The log contains the case number, hearing date, TTAB decision date assigned, and date decision was sent to participants.

**GRS 23, 8**

Destroy or delete when 2 years old, or 2 years after the date of the latest entry, whichever is applicable.

**55 Ex Parte Appeal Proceedings (Abandoned Appeals)**

Correspondence and other papers relating to an application for trademark registration in which the trademark examining attorney will not allow the publication of the trademark in the Official Gazette. An appeal of this decision is made to the TTAB. This file can contain notice of appeal, appeal brief, requests to extend time to file the appeal brief or to take some action, requests to suspend, amendments, requests for reconsideration, requests for jurisdiction, the examining attorney's brief, reply brief, request for oral hearing, all outgoing actions taken by the Board in response to an incoming paper, the decision of the TTAB, the appeal to court, and the decision of the court. Filed by case number. This schedule applies only to files that are abandoned.

**N1-241-96-5:4**

Destroy 2 years after appeal is abandoned.

**56 Exhibits Filed with Testimony (TTAB)**

Exhibits used to present cases before the TTAB. Filed by terminal digits of the case number.

**N1-241-96-5:5**

Return to the originator after the expiration of the limit of appeal.

**57 Opposition Files**

Correspondence and other papers pertaining to the opposition to a trademark application for registration, including opposition complaint, answer to complaint, 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, the decision of the TTAB, the appeal to court and the decision of the court. Filed by case number. Used to judge the merits of an opposition to a trademark application. After final resolution, this file is used for public reference:

- a. Closed Opposition Files that result in a Board Decision, Motion of Summary Judgement, or a motion to dismiss
- b. All other Closed Opposition Files.

**N1-241-96-5:1**

- a. Permanent. Close files at the end of each fiscal year and transfer to the Certified Records Center 3 years after closure. Transfer to the National Archives 30 years after closure.
- b. Close files at the end of each fiscal year and transfer to the Certified Records Center 3 years after closure. Destroy 30 years after closure.

**TRADEMARK TRIAL AND APPEAL BOARD (Cont.)****58 Trademark Trial and Appeal Board Information System (TTABIS)**

The Trademark Trial and Appeal Board (TTAB) is an administrative tribunal empowered to determine the right to register, and the subsequent validity of a trademark. The TTAB adjudicates the rights of parties in specific types of proceedings such as oppositions, cancellations, interferences, concurrent use, appeals from refusals by the Office to register a mark and extensions of time to file a proceeding. In addition, the TTAB receives other related documents and phone inquiries resulting in a high volume of paper and data exchange. The TTABIS consists of data capture, workflow, and reporting modules which provide automated support to accomplish TTAB functions. A related automated information system, BISX, is used to query TTAB and Trademark data:

- a. System software and updates
- b. Life Cycle Management Documentation
- c. Inputs (paper source):
  - 1) Proceeding correspondence that is not privileged (paper)
  - 2) Proceeding correspondence that is privileged (paper), filed under seal pursuant to a protective order (see 37 CFR 2.27).
- d. Outputs (paper or electronic):
  - 1) Automatically generated letters
  - 2) Productivity and tracking Reports
  - 3) Reference reports
  - 4) System Reports (electronic): System generated workflow reports.
- e. Master data files (electronic):
  - 1) Data files
  - 2) Image format files.
- f. Backups
- g. Electronic Mail and Word Processing System Copies:
  - 1) Copies that have no further administrative value after the recordkeeping copy is made. Include copies maintained by individuals in personal files, personal electronic mail directories, or other personal directories on hard disk or network drives, and copies on shared network drives that are used only to produce recordkeeping copy.
  - 2) Copies used for dissemination, revision, or updating that are maintained in addition to the recordkeeping copy.

**59 TTAB Case Index**

Index on 4X6 cards listing TTAB proceeding number, parties, date filed, date instituted, answer filed, notice of default, default judgment, parties, consent judgment, motion for summary judgment action, action on motion, decision on merits, petition for reconsideration, action on petition, appeal Court of Customs and Patent Appeal, civil action, decision, and final termination. Used to track and find information about TTAB cases. Replaced by the Trademark Reporting And Monitoring System II (TRAM II).

**60 TTAB File Request Log**

Log of public requests for TTAB files. Files are made available to the public within 24 hours.

**N1-241-01-02:1**

- a. See GRS 24, 3b(1)
- b. See GRS 24, 3b(1)
- c. Inputs:
  - 1) Permanent. Cut off when the case is terminated. Transfer paper to NARA 30 years after cut-off. Follow disposition instructions for related records [N1-241-96-5:1-3].
  - 2) Temporary. Return to creator upon termination of case.
- d. Outputs (paper or electronic):
  - 1) Temporary. Destroy when the case is terminated.
  - 2) Automatically updated. Destroy or delete at next update cycle.
  - 3) Destroy or delete when no longer needed for reference.
  - 4) Destroy or delete at next update cycle.
- e. Master data files (electronic):
  - 1) Temporary. Maintained with the Trademark Reporting and Monitoring System (TRAM). Follow disposition instructions found in CRS Section 6, Series 33 [N1-241-96-5:64, b].
  - 2) Temporary. Verify according to established standards. Delete after the case is terminated.
- f. See GRS 24, 4a(1)
- g. Electronic Mail and Word Processing System Copies:
  - 1) Destroy/delete after the recordkeeping copy has been produced.
  - 2) Destroy/delete when dissemination, revision or updating is completed.

**N1-241-97-1:7**

Permanent. Transfer to the National Archives when no longer needed for reference.

**GRS 23, 8**

Destroy or delete when 2 years old, or 2 years after the date of the latest entry, whichever is applicable.

## OFFICE OF ENROLLMENT AND DISCIPLINE

### 61 Case Folders of Registered Attorneys and Agents

Application folders of attorneys or agents registered to practice before the USPTO. Filed in alphabetical order by registrant name. Includes requests to change address or name, and related data, and copies of certificates of good standing:

- a. Case folders
- b. Addenda to case folders stored at the Certified Records Center
- c. Microfilm copy of case folders
- d. Electronic Mail and Word Processing System Copies:
  - 1) Copies that have no further administrative value after the recordkeeping copy is made. Include copies maintained by individuals in personal files, personal electronic mail directories, or other personal directories on hard disk or network drives, and copies on shared network drives that are used only to produce recordkeeping copy.
  - 2) Copies used for dissemination, revision, or updating that are maintained in addition to the recordkeeping copy.

### 62 Closed Complaint Files - Disciplinary Proceeding is Initiated

Correspondence, complaint letters, investigation reports, administrative hearing records, final decisions, and supporting documentation on complaints about an attorney or agent registered to practice or an applicant for registration before the USPTO. Filed alphabetically by registrant name. Used as support for disciplinary proceeding:

- a. Paper Records
- b. Microfilm
- c. Electronic

### 63 Closed Complaint Files - No Disciplinary Proceeding is Initiated

Complaint letters, related correspondence, and supporting documentation on complaints about an attorney or agent registered to practice or an applicant for registration before the USPTO. Filed alphabetically by registrant name:

- a. Routine cases where no formal warning is issued
- b. Significant cases where a formal warning is issued
- c. Electronic Mail and Word Processing System Copies:
  - 1) Copies that have no further administrative value after the recordkeeping copy is made. Include copies maintained by individuals in personal files, personal electronic mail directories, or other personal directories on hard disk or network drives, and copies on shared network drives that are used only to produce recordkeeping copy.
  - 2) Copies used for dissemination, revision, or updating that are maintained in addition to the recordkeeping copy.

### N1-241-01-8:1

- a. Break files in 6-month increments and retire to Certified Records Center. Destroy when 60 years old.
- b. Retire to the Certified Records Center in 1 cu. ft. increments. Destroy when 60 years old.
- c. Destroy when no longer needed for reference.
- d. Electronic Mail and Word Processing System Copies:
  - 1) Destroy/delete after the recordkeeping copy has been produced
  - 2) Destroy/delete when dissemination, revision, or updating is complete.

### N1-241-96-1:36

- a. Close file on completion of USPTO investigation. Transfer to Certified Records Center 2 years after closure. Destroy 50 years after closure.
- b. Destroy when no longer needed for reference.
- c. Destroy when no longer needed for reference.

### N1-241-01-8:2

- a. Close file on completion of USPTO investigation. Retire to Certified Records Center 5 years after closure or death, whichever is first. Destroy 30 years after closure.
- b. Close file on completion of USPTO investigation. Retire to Certified Records Center 10 years after closure or death, whichever is first. Destroy 30 years after closure.
- c. Electronic Mail and Word Processing System Copies:
  - 1) Destroy/delete after the recordkeeping copy has been produced.
  - 2) Destroy/delete when dissemination, revision, or updating is complete.

**OFFICE OF ENROLLMENT AND DISCIPLINE (Cont.)****64 Data Sheet Files**

Record of current registrations filed alphabetically by registrant name. Revised data sheets and correspondence submitted by registrants are attached to original sheet, along with copies of certificates of good standing and undertaking. Used as the official file of current registrations:

- a. Data sheets of deceased registrants
- b. Data sheets of inactive registrants
- c. Electronic Mail and Word Processing System Copies:
  - 1) Copies that have no further administrative value after the recordkeeping copy is made. Include copies maintained by individuals in personal files, personal electronic mail directories, or other personal directories on hard disk or network drives, and copies on shared network drives that are used only to produce recordkeeping copy.
  - 2) Copies used for dissemination, revision, or updating that are maintained in addition to the recordkeeping copy.

NOTE: Includes reinstatement correspondence previously under N1-241-96-1 #37

**65 Director's 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.

**66 Enrollment Examination**

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

**67 Enrollment Examinations Completed by Applicants**

Examinations completed by registrants applying to practice before the USPTO:

- a. Successful candidates
- b. Unsuccessful candidates.

**68 OED-Complaint Tracking**

Significant complaints against attorneys and agents. Includes name, date of charge, nature of the complaint, summary of disposition, and status codes.

**69 Program Subject Files of the Office of Enrollment and Discipline**

Correspondence and reports related to office activities which result in attorney registration and discipline. Records include correspondence with outside groups, dissemination of program information, the development and assessment of programs, and other correspondence related to the mission of the Office.

**N1-241-01-8:3**

- a. Retire to Certified Records Center 1 year after death of registrant. Destroy 10 years after death of registrant.
- b. Retire to Certified Records Center 10 years after inactive status. Destroy 30 years after being placed in inactive status.
- c. Electronic Mail and Word Processing System Copies:
  - 1) Destroy/delete after the recordkeeping copy has been produced.
  - 2) Destroy/delete when dissemination, revision, or updating is complete.

**N1-241-96-1:42**

Destroy when no longer needed for current USPTO business.

**N1-241-96-1:29**

Permanent. Transfer when no longer needed for USPTO business.

**N1-241-96-1:30**

- a. Destroy after grades are registered.
- b. Destroy when 3 months old or after appeals process has expired, whichever is later.

**N1-241-97-1:3**

Delete records when no longer needed for current agency business.

**N1-241-96-1:38**

Break files by fiscal year. Transfer to Certified Records Center when 7 years old. Destroy when 15 years old.

**OFFICE OF ENROLLMENT AND DISCIPLINE (Cont.)**

<b>70</b>	<b>Registration Ledgers</b> Ledgers used to record registration number issued to attorneys and agents registered to practice before the USPTO. Records date from registration number 1, in 1897 to present. Registrants previous to this date were not issued a number.	<b>N1-241-96-1:31</b> Destroy when no longer needed for current USPTO business.
<b>71</b>	<b>Reinstatement Correspondence</b> Correspondence and supporting records relating to appeals for reinstatement as a registered attorney or agent following disciplinary action.	<b>N1-241-96-1:37</b> Close files after decision on reinstatement is completed. Break closed files by fiscal year. Transfer to Certified Records Center when 5 years old. Destroy when 20 years old.
<b>72</b>	<b>Roster Attorneys and Agents Registered to Practice Before the USPTO</b> Includes practicing attorneys and agents in good standing. Published and revised annually based on information received from registrants. a. Record copy b. Other copies	<b>N1-241-96-1:33</b> a. Destroy when no longer needed for current USPTO business. b. Destroy or delete when superseded or no longer needed for reference.
<b>73</b>	<b>Speech Files</b> Speeches delivered to outside groups in order to promote the activities of the USPTO and of the Office of Enrollment and Discipline.	<b>N1-241-96-1:39</b> Destroy when 5 years old or when no longer needed.
<b>74</b>	<b>Unsuccessful Applications</b> Includes correspondence, application, transcripts, and related records. Used to process requests for refunds and to document completed actions if the applicant continues at a later time. Also used to document reasons for denial, which are referred to when applicants reapply after satisfying deficiencies:  a. Approved to take exam b. Not approved to take exam c. Electronic Mail and Word Processing System Copies: 1) Copies that have no further administrative value after the recordkeeping copy is made. Include copies maintained by individuals in personal files, personal electronic mail directories, or other personal directories on hard disk or network drives, and copies on shared network drives that are used only to produce recordkeeping copy. 2) Copies used for dissemination, revision, or updating that are maintained in addition to the recordkeeping copy.	<b>N1-241-01-8:4</b> a. Retire to FRC 1 year after last activity. Destroy when 30 years old. b. Retire to FRC when 1 year after last activity. Destroy when 30 years old. c. Electronic Mail and Word Processing System Copies: 1) Destroy/delete after the recordkeeping copy has been produced. 2) Destroy/delete when dissemination, revision, or updating is complete.
<b>75</b>	<b>USPTO Non-Core Products and Publications (Extra Copies)</b> The USPTO disseminates extra copies of information to the public, some of which it also uses for internal functions. Information is published for public awareness and understanding of the USPTO functions and processes. These non-core USPTO products and publications include, but are not limited to the following: published statistical information regarding patents, fact sheets and similar publications produced for the public regarding general information concerning patents, basic facts about registering a Trademark, photocomposition reports, notices of decisions of patent appeals, roster of attorneys/agents registered to practice before the USPTO, Trademark Trial and Appeal Board Manual, Trademark Acceptable Identification of Goods and Services Manual, and copy of USPTO materials for sale.	<b>N1-241-05-02:3</b> Temporary: Destroy 2 years after superseded.

**OFFICE OF ENROLLMENT AND DISCIPLINE (Cont.)**

**76 USPTO Non-Core Products and Publications (NARA Copy)**

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**N1-241-05-02:1d**

Permanent: Transfer one copy to NARA after superseded.

Flexible Schedule Update for OCIO Records

<b>NEW CITATION</b>	<b>OLD CITATION</b>
N1-241-05-02:3	N1-241-96-5:26
N1-241-05-02:1d	N1-241-96-5:26