

**U.S. Department of Commerce
U.S. Patent and Trademark Office**



**Privacy Threshold Analysis
for the
Intellectual Property Leadership Management Support System
(IPLMSS)**

U.S. Department of Commerce Privacy Threshold Analysis

USPTO Intellectual Property Leadership Management Support System (IPLMSS)

Unique Project Identifier: PTOL-001-00

Introduction: This Privacy Threshold Analysis (PTA) is a questionnaire to assist with determining if a Privacy Impact Assessment (PIA) is necessary for this IT system. This PTA is primarily based from the Office of Management and Budget (OMB) privacy guidance and the Department of Commerce (DOC) IT security/privacy policy. If questions arise or further guidance is needed in order to complete this PTA, please contact your Bureau Chief Privacy Officer (BCPO).

Description of the information system: *Provide a brief description of the information system.*

The E-Government Act of 2002 defines "information system" by reference to the definition section of Title 44 of the United States Code. The following is a summary of the definition: "Information system" means a discrete set of information resources organized for the collection, processing, maintenance, use, sharing, dissemination, or disposition of information. See: 44 U.S.C. § 3502(8).

IPLMSS is a Major Application which facilitates grouping and management of 9 separate Automated Information Systems (AISs) boundaries that collectively support the United States Patent and Trademark Office's (USPTO) Director, Deputy Director, Office of the General Counsel (OGC), including OGC's components the Office of General Law (OGL), Office of the Solicitor, and Office of Enrollment and Discipline (OED), Trademark Trial and Appeal Board (TTAB), Patent Trial and Appeal Board (P-TACTS); Office of Patent Training (OPT); and Office of Policy and International Affairs (OPIA). The following AISs make up IPLMSS:

1. E-Discovery Software System (EDSS) – EDSS is a full-featured E-Discovery Commercial Off-The-Shelf (COTS) product used within the Office of the General Counsel (OGC). Attorneys and litigation support personnel employ the tool in a variety of legal cases to help cull and organize the larger amounts of Electronically Stored Information (ESI) that are common today. EDSS may incidentally collect, store, and disseminate PII and BII, including SSN, as part of attorney searching for information for litigation or other legal.
2. Electronic System for Trademark Trials and Appeals (ESTTA) – ESTTA provides an online interface for USPTO customers to submit forms to the Trademark Trial and Appeal Board (TTAB) electronically. Using a Web-based interface, ESTTA customers can complete and submit these trademark forms electronically over the internet. The TTAB application form is for general public, who can also be customers, to complete online and submit to the USPTO. The electronic submissions are then transferred to the Trademark Trial and Appeal Board Information System (TTABIS) for normal intake processing.

3. General Counsel Case Tracking System (GCCTS) – GCCTS is a legal practice management system used by the Solicitor’s Office for docketing cases and managing documents and contacts. The GCCTS is a COTS application which performs the following: case docketing, document management, document full text searching, ticklers, calendar scheduling, and contact management.
4. General Counsel Library System (GCLS) – GCLS is a COTS library management system used to manage library content for the Solicitor’s Office and the Office of Policy and International Affairs (OPIA). Its functions include creating, updating, and deleting catalog records, creating borrower records, and tracking books in the collection for ordering. GCLS manages the library catalogs and allows the librarians to create, edit, and delete catalog records, create borrower records, check out and check in library materials, track and query loan information, and keep track of the books for ordering (Serials Management). Users are able to search the catalogs using the Online Library Access Catalog interface.
5. Notice of Suit Processing System (NOSPS) – NOSPS is a custom developed application that allows the Solicitor’s Office to route electronic Notice of Suit documents to the respective Patent and Trademark electronic application files. The Notice of Suit documents are sent to the agency from U.S. District Courts where there is a proceeding involving a Patent or Trademark. When these notices are received, the NOSPS provides a Graphic User Interface (GUI) for data entry personnel to key in the Patent and Trademark numbers on the Notices. A copy of the Notice document is then routed in the respective electronic application files.
6. Office of Enrollment and Discipline Item Bank (OEDIB) – OEDIB is used by the Office of Enrollment and Discipline to develop and maintain assessments. The OEDIB web application provides the item maintenance, examination delivery, and reporting needs for the OED staff.
7. Office of the Enrollment and Discipline Information System (OEDIS) – OEDIS is an AIS that supports the Office of Enrollment and Discipline (OED) of the United States Patent and Trademark Office. It consists of two subsystems: OEDIS Core and OEDIS CI (Customer Interface). OEDIS Core is an Intranet Web application that is used by the OED to process patent practitioner registration, maintain the practitioner roster, and monitor practitioner disciplinary actions. OED receives an average of 72,000 pieces of paper per year, which include applications for registration, supporting documents that are part of the admission evaluation, and change of address forms.

OEDIS Core is used to input incoming correspondence and permit immediate online access for routing and reviewing. It allows OED to electronically track the status of applicants and practitioners.

OEDIS CI allows the public to browse and search the official roster of registered patent attorneys and agents on the Internet; enables patent attorneys and agents to update their contact information, submit requests to IED, and pay fees online. Applicants may apply

or reapply for admission to the Examination of Registration and pay application and examination fees online.

8. Trademark Trial and Appeal Board VUE (TTABVUE) – TTABVUE allows PTO and public users to view Trademark Trial and Appeals Board (TTAB) proceedings with scanned incoming filings from the Internet. It also allows the user to print, enlarge the incoming document to a readable size. It does not, however, allow the user to see the notes, attachments, and any confidential information in the document.
9. Trademark Trial and Appeal Board Information System (TTABIS) – TTABIS provides integrated information support to the Trademark Trial and Appeal Board (TTAB) of the USPTO in processing all Proceedings brought before the Board. The TTABIS enables the Board to generate actions, track the status of Proceedings, record data, and issue reports. The TTABIS also provide an interface with the Trademark Reporting and Monitoring System (TRAM), which tracks the physical location and status of trademark applications as they are processed within the organization, enabling TTABIS to support the customer service center in tracking and analyzing information and case requests from the public.

Address the following elements:

a) *Whether it is a general support system, major application, or other type of system*
IPLMSS is a Major Application.

b) *System location*

The IPLMSS resides at the USPTO facilities located in Alexandria, Virginia.

c) *Whether it is a standalone system or interconnects with other systems (identifying and describing any other systems to which it interconnects)*

IPLMSS is a Major Application that interconnects with the following separately accredited USPTO AISs:

Enterprise Software Services (ESS) is comprised of multiple on premise and in-the-cloud software services, which support the USPTO in carrying out its daily tasks.

Database Services (DBS) is an Application information system, and provides a Database infrastructure to support the mission of USPTO Database needs.

CIDM (AASS) Agency Administrative Support System - (AASS) consists of several

applications that provide consolidation of document imaging services, enables management and tracking of hardware/software assets, and enables Under Secretary of Commerce for Intellectual Property and USPTO Director to receive and respond to a wide range of official correspondences.

Service Oriented Infrastructure System (SOI) is a General Support System (GSS) (Infrastructure information system) that provides the underlying services which provide a mobile, feature-rich, and stable platform upon which USPTO applications can be deployed.

Enterprise Desktop Platform (EDP) is an infrastructure information system which provides a standard enterprise-wide environment that manages desktops and laptops providing United States Government Configuration Baseline (USGCB) compliant workstations.

Security and Compliance Services (SCS) SCS is a general support system that provides an integrated enterprise log management, event management, network behavior analysis, and reporting through the collection of events and network/application flow etc.

Enterprise Windows Services (EWS) is an Infrastructure information system, and provides a hosting platform for major applications that support various USPTO missions.

Enterprise UNIX Services (EUS) is an infrastructure operating system with a sole purpose of providing a UNIX base hosting platform to support other systems at USPTO.

Network and Security Infrastructure System (NSI) facilitates the communications, secure access, protective services, and network infrastructure support for all USPTO applications.

PALM (PCAPS-IP) PCAPS-IP Patent Capture and Application Processing System - Capture and Initial Processing (PCAPS-IP) is comprised of multiple Automated Information Systems (AIS) that perform specific functions, including submissions, categorization, metadata capture, and patent examiner assignment of patent applications.

PALM EXPO (PCAPS-ES) Patent Capture and Application Processing System - Examination Support (PCAPS-ES) the purpose of this system is to process, transmit and store data and images to support the data-capture and conversion requirements of the USPTO to support the USPTO patent application process.

TRAM (TPS-IS) Trademark Processing System - Internal Systems (TPS-IS) TRAM provides support to all facets of trademark operations. TRAM includes a database consisting of bibliographic text and prosecution history data. TRAM also supports trademark operations from receipt of new applications to the publication of the TMOG and post-registration

activities. The publicly-releasable PII collected by components of the Trademark Processing System-External Systems (TPS-ES) system is stored within TRAM.

TICRS (TPS-IS) Trademark Processing System - Internal Systems (TPS-IS) TICRS is designed to capture, store, retrieve, and print digital images of trademark application documents. Through USPTO's website, the general public is able to query the PDF document to determine active fastener insignias. It processes the PII data collected by TPS-ES as part of the trademark application process.

d) The purpose that the system is designed to serve

IPLMSS is a Major Application that manages the containerization of 9 separately bounded AISs that collectively support the United States Patent and Trademark Office's (USPTO) Director; Deputy Director; Office of the General Counsel (OGC), including OGC's components the Office of General Law (OGL), Office of the Solicitor, and Office of Enrollment and Discipline (OED); Trademark Trial and Appeal Enrollment and Discipline (OED); Trademark Trial and Appeal Board (TTAB); Patent Trial and Appeal Board (PTAB); Office of Patent Training (OPT); and Board (TTAB); Patent Trial and Appeal Board (P-TACTS); Office of Patent Training (OPT); and Office of Policy and International Affairs (OPIA).

e) The way the system operates to achieve the purpose

IPLMSS provides capabilities and functionalities to support attorneys, litigation support personnel, USPTO staff, and the general public. Attorneys and litigation support personnel use the system to cull and organize large amounts of electronically stored information (ESI) via a commercial off the shelf (COTS) software and manage cases, documents, contracts, and library content. Litigation support personnel and USPTO staff use the system to route electronic Notice of Suit (NOS) documents via a GUI interface for data entry, create assessments via a web interface, generate reports, and manage administrative documents. USPTO personnel and staff have authorized restricted access. The general public retrieve public releasable information via an online interface and submit trademark and registration forms electronically over the Internet or mail/fax for intake and processing.

f) A general description of the type of information collected, maintained, used, or disseminated by the system

IPLMSS is an application that containerizes 10 separately bounded Automated Information Systems (AIS) that supports USPTO internal and external users. IPLMSS gives them the capability to manage, search, and retrieve sensitive and non-sensitive information and documents from several business units like the Patent office, Trademark office, Office of

General Council, Office of Enrollment and Discipline and Office of Policy and International Affairs.

g) Identify individuals who have access to information on the system

Authorized and authenticated USPTO OGC personnel, OGC staff and TTAB and PTAB staff have controlled access, as appropriate, to EDSS, GCCTS, GCLS, OEDIB, OEDIS, and NOSPS internal features. The Department of Commerce (DOC) bureaus, other federal agencies, state/local and general public have general access to OEDIS (customer interface). System administrators have access to all IPLMSS application.

h) How information in the system is retrieved by the user

The general public may retrieve publicly available information by the OEDIS (customer interface), Mail/Fax or email. USPTO personnel and staff have authorized-restricted access.

i) How information is transmitted to and from the system

Information may be transmitted to/from IPLMSS online web portals, email, and mail/fax.

Questionnaire:

1. Status of the Information System

1a. What is the status of this information system?

- ☐ This is a new information system. *Continue to answer questions and complete certification.*
- ☐ This is an existing information system with changes that create new privacy risks. *Complete chart below, continue to answer questions, and complete certification.*

Changes That Create New Privacy Risks (CTCNPR)					
a. Conversions	<input type="checkbox"/>	d. Significant Merging	<input type="checkbox"/>	g. New Interagency Uses	<input type="checkbox"/>
b. Anonymous to Non-Anonymous	<input type="checkbox"/>	e. New Public Access	<input type="checkbox"/>	h. Internal Flow or Collection	<input type="checkbox"/>
c. Significant System Management Changes	<input type="checkbox"/>	f. Commercial Sources	<input type="checkbox"/>	i. Alteration in Character of Data	<input type="checkbox"/>
j. Other changes that create new privacy risks (specify):					

- ☐ This is an existing information system in which changes do not create new privacy risks, and there is not a SAOP approved Privacy Impact Assessment. *Continue to answer questions and complete certification.*

- ☒ This is an existing information system in which changes do not create new privacy risks, and there is a SAOP approved Privacy Impact Assessment. *Skip questions and complete certification.*

1b. Has an IT Compliance in Acquisitions Checklist been completed with the appropriate signatures?

- ☐ Yes. This is a new information system.
- ☐ Yes. This is an existing information system for which an amended contract is needed.
- ☐ No. The IT Compliance in Acquisitions Checklist is not required for the acquisition of equipment for specialized Research and Development or scientific purposes that are not a National Security System.
- ☒ No. This is not a new information system.

2. Is the IT system or its information used to support any activity which may raise privacy concerns?

NIST Special Publication 800-53 Revision 4, Appendix J, states "Organizations may also engage in activities that do not involve the collection and use of PII, but may nevertheless raise privacy concerns and associated risk. The privacy controls are equally applicable to those activities and can be used to analyze the privacy risk and mitigate such risk when necessary." Examples include, but are not limited to, audio recordings, video surveillance, building entry readers, and electronic purchase transactions.

- ☐ Yes. *(Check all that apply.)*

Activities			
Audio recordings	<input type="checkbox"/>	Building entry readers	<input type="checkbox"/>
Video surveillance	<input type="checkbox"/>	Electronic purchase transactions	<input type="checkbox"/>
Other(specify):			

- ☒ No.

3. Does the IT system collect, maintain, or disseminate business identifiable information (BII)?

As per DOC Privacy Policy: "For the purpose of this policy, business identifiable information consists of (a) information that is defined in the Freedom of Information Act (FOIA) as "trade secrets and commercial or financial information obtained from a person [that is] privileged or confidential." (5 U.S.C.552(b)(4)). This information is exempt from automatic release under the (b)(4) FOIA exemption. "Commercial" is not confined to records that reveal basic commercial operations" but includes any records [or information] in which the submitter has a commercial interest" and can include information submitted by a nonprofit entity, or (b) commercial or other information that, although it may not be exempt from release under FOIA, is exempt from disclosure by law (e.g., 13 U.S.C.)."

- ☒ Yes, the IT system collects, maintains, or disseminates BII.
- ☐ No, this IT system does not collect any BII.

4. Personally Identifiable Information (PII)

4a. Does the IT system collect, maintain, or disseminate PII?

As per OMB 17-12: "The term PII refers to information that can be used to distinguish or trace an individual's identity either alone or when combined with other information that is linked or linkable to a specific individual."

☒ Yes, the IT system collects, maintains, or disseminates PII about: *(Check all that apply.)*

- ☒ DOC employees
- ☒ Contractors working on behalf of DOC
- ☒ Other Federal Government personnel
- ☒ Members of the public

☐ No, this IT system does not collect any PII.

If the answer is "yes" to question 4a, please respond to the following questions.

4b. Does the IT system collect, maintain, or disseminate Social Security numbers (SSNs), including truncated form?

☒ Yes, the IT system collects, maintains, or disseminates SSNs, including truncated form.

Provide an explanation for the business need requiring the collection of SSNs, including truncated form.

EDSS: the SSN may be incidentally collected as a result from either e-Discovery, FOIA or Privacy Act search requests of agency records.

Provide the legal authority which permits the collection of SSNs, including truncated form.
5 USC 552, 5 USC 552a, and the Federal Rules of Civil Procedure

☐ No, the IT system does not collect, maintain, or disseminate SSNs, including truncated form.

4c. Does the IT system collect, maintain, or disseminate PII other than user ID?

☒ Yes, the IT system collects, maintains, or disseminates PII other than user ID.

- ☐ No, the user ID is the only PII collected, maintained, or disseminated by the IT system.

4d. Will the purpose for which the PII is collected, stored, used, processed, disclosed, or disseminated (context of use) cause the assignment of a higher PII confidentiality impact level?

Examples of context of use include, but are not limited to, law enforcement investigations, administration of benefits, contagious disease treatments, etc.

- ☒ Yes, the context of use will cause the assignment of a higher PII confidentiality impact level.
- ☐ No, the context of use will not cause the assignment of a higher PII confidentiality impact level.

If any of the answers to questions 2, 3, 4b, 4c, and/or 4d are “Yes,” a Privacy Impact Assessment (PIA) must be completed for the IT system. This PTA and the SAOP approved PIA must be a part of the IT system’s Assessment and Authorization Package.

CERTIFICATION

☒ The criteria implied by one or more of the questions above **apply** to the Intellectual Property Leadership Management Support System (IPLMSS) and as a consequence of this applicability, a PIA will be performed and documented for this IT system.

☐ The criteria implied by the questions above **do not apply** to the Intellectual Property Leadership Management Support System (IPLMSS) and as a consequence of this non-applicability, a PIA for this IT system is not necessary.

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