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

Privacy Threshold Analysis
for the
Patent Exam Center (PEC)

U.S. Department of Commerce Privacy Threshold Analysis

USPTO Patent Exam Center (PEC)

Unique Project Identifier: PPL-PEC-01-00

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

Patent Exam Center (PEC) is a read-only, custom developed, cloud-based software application provided by the USPTO to allow the patent examiners to search publicly available U.S. patent documents in the USPTO databases. The PEC application is deployed in Amazon Web Services (AWS). PEC receives and transmits information over HTTPS with Patent Search Artificial Intelligence (PSAI) and Docket Application Viewer (DAV). PEC shares information with Official Correspondence (OC). For authentication purposes PEC pull information over HTTPS. PEC will provide examiners with all the data and functionality required to complete their examining work as well as new search features that enhance current capabilities that are provided by the on-prem version of this PE2E Search.

Address the following elements:

a) *Whether it is a general support system, major application, or other type of system*
Patent Exam Center (PEC) is a major application.

b) *System location*

USPTO Amazon Web Services (AWS) US East/West, in Virginia.

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

PEC interconnects with:

- **USPTO Amazon Cloud Services (UACS):** The UACS Infrastructure-as-a-Service (IaaS) platform used to support USPTO Application Information Systems (AIS) hosted in the Amazon Web Services (AWS) East/West environment. UACS leverages AWS Infrastructure-as-a-Service (IaaS) mode that enables on-demand Internet access to a shared pool of configurable computing resources including servers, storage, network infrastructure, and other web-based services.

- **Patent End to End (PE2E):** The goal of PE2E is to make the interaction of USPTO's users as simple and efficient as possible in order to accomplish user goals. PE2E is a single web-based examination tool providing users with a unified and robust set of tools.

- **Docket Application Viewer (DAV):** Provides the Patent Examiners with tools to facilitate the examination of cases and help store, track, and receive case-based knowledge and state information as the examiner accumulates it.

- **Patent Search Artificial Intelligence (PSAI):** The platform used to provide Patent End-to-End (PE2E) Search process with AI capabilities allowing Patent Examiners to perform searches faster, identify more relevant search results, and in a high-compute and secure cloud environment hosted in Google Cloud Platform (GCP).

- **Official Correspondence (OC):** Provides the document authoring and workflow management components.

- **OKTA:** Provides user authentication for PEC.

d) The purpose that the system is designed to serve

PEC is the internal USPTO patent search system used to find and access the patent or application text and image data. Examiners use PEC to complete their examination search duties.

e) *The way the system operates to achieve the purpose*

PEC is a patent search system for patent examiners to use which is deployed and operating in the cloud.

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

PEC collects, maintains, and disseminates existing USPTO patent application image data. The system creates a collection of search image data, then, the retrieved image data is used in new patent determinations. Basic biographical information is used for work purposes, like patent examiner's user ID, email address, office phone number and office location are used for processing and display purposes only. The unpublished patent ID's are used to query the database for existing patents.

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

The individuals who have access to PEC information are internal USPTO Patent Examiners and USPTO PEC system administrators and developers.

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

USPTO patent examiners use their GFE to log-in to PEC using OKTA for authentication, and can view published patent applications information.

i) How information is transmitted to and from the system

Information is transmitted between the PEC system and the Patent Examiners of the system via HTTPS protocol (HTTP w/ TLS encryption) using certificates.

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	☐	d. Significant Merging	☐	g. New Interagency Uses	☐
b. Anonymous to Non-Anonymous	☐	e. New Public Access	☐	h. Internal Flow or Collection	☐
c. Significant System Management Changes	☐	f. Commercial Sources	☐	i. Alteration in Character of Data	☐
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	☐	Building entry readers	☐
Video surveillance	☐	Electronic purchase transactions	☐
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.
Provide the legal authority which permits the collection of SSNs, including truncated form.

☒ 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 Patent Exam Center (PEC) 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 Patent Exam Center (PEC) and as a consequence of this non-applicability, a PIA for this IT system is not necessary.

System Owner Name: Elizabeth Quast Office: Office of Patent Automation Phone: (571) 272-2246 Email: Elizabeth.Quast@uspto.gov Signature: Users, Quast, Elizabeth A. Digitally signed by Users, Quast, Elizabeth A. Date: 2023.01.31 09:28:52 -05'00' Date signed: _____	**Chief Information Security Officer** Name: Don Watson Office: Office of the Chief Information Officer (OCIO) Phone: (571) 272-8130 Email: Don.Watson@uspto.gov Signature: Users, Watson, Don Digitally signed by Users, Watson, Don Date: 2023.02.24 15:00:11 -05'00' Date signed: _____
Privacy Act Officer Name: Kyu Lee Office: Office of General Law (O/GL) Phone: (571) 272-6421 Email: Kyu.Lee@uspto.gov Signature: Users, Lee, Kyu S. Digitally signed by Users, Lee, Kyu S. Date: 2023.02.22 19:15:03 -05'00' Date signed: _____	**Bureau Chief Privacy Officer and Co-Authorizing Official** Name: Henry J. Holcombe Office: Office of the Chief Information Officer (OCIO) Phone: (571) 272-9400 Email: Jamie.Holcombe@uspto.gov Signature: Users, Holcombe, Henry Digitally signed by Users, Holcombe, Henry Date: 2023.02.24 16:21:59 -05'00' Date signed: _____
Co-Authorizing Official Name: Vaishali Udupa Office: Office of the Commissioner for Patents Phone: (571) 272-8800 Email: Vaishali.Udupa@uspto.gov Signature: Users, Seidel, Richard Digitally signed by Users, Seidel, Richard Date: 2023.02.28 17:22:38 -05'00' Date signed: _____	