



UNITED STATES DEPARTMENT OF COMMERCE
Chief Information Officer
Washington, D.C. 20230

MEMORANDUM FOR: Lisa Lawn
CUI Representative
U.S. Patent and Trademark Office

FROM: Brian Epley
Chief Information Officer and
Senior Agency Official for Controlled Unclassified Information

SUBJECT: U.S. Patent and Trademark Office Controlled Unclassified
Information Marking Waiver Request for Patent Filings Under 32
C.F.R. § 2002.38(a)

I have consulted with the National Archives and Records Administration (NARA) Information Security Oversight Office (ISOO) and your request for a renewed limited Controlled Unclassified Information (CUI) marking waiver for patent filings under 32 C.F.R. § 2002.38(a) has been **approved**.

This limited CUI marking waiver is **approved** for a period of **two years**, effective **August 22, 2025**, through **August 22, 2027**, and is only valid while the CUI remains within agency control. The waiver is granted in accordance with 32 C.F.R. § 2002.38(a) and (d), CUI Notice 2020-06: *Limited Marking Waiver Best Practices to Alert Users of CUI*, and the Department of Commerce CUI Guidelines, Section 17, *Marking CUI*.

Although evidentiary patent records will not be marked as CUI while within the Department pursuant to this waiver, USPTO is able to protect them from unauthorized disclosure in accordance with 35 U.S.C. 122 through its proprietary system, "Patent Center."

Conditions:

- The waiver is only applicable while the CUI remains under agency control.
- USPTO must **post the approved waiver online** and **reference it in the CUI Annual Report to NARA**, which will be submitted by the DOC CUI Program Office.
- The waiver must be reassessed prior to expiration if continued use is desired.

Please direct any questions about this waiver to the DOC CUI Program Manager, Sean Flowers at (771) 216-4573, SFlowers@doc.gov, and/or CUI@doc.gov.

cc: DOC CUI Program Team