

Statement of Work		
COTR	Task Title	Task Manager
Tom King 305-8999	Freedom Of Information Act ( FOIA )	Ronald Lyon 308-5179

## 1. BACKGROUND

The Office of the Solicitor processes FOIA requests for the Patent & Trademark Office (PTO). FOIA provides access to records of agencies of the Executive Branch of the Federal Government. It also provides determination of certain exceptions to the release of records, known as FOIA exemptions. In the last five years, FOIA requests to the PTO have doubled in number. The majority of the requests are for copies of the PTO contracts or other documents related to the administration of the contracts.

In 1996, Congress amended the FOIA statute to require agencies to create an electronic reading room for records that “have become or are likely to become the subject of subsequent requests for substantially the same record” (5 U.S.C. § 552(a)(2)(D), as amended by Electronic Freedom of Information Act Amendments of 1996, 5 U.S.C.A. § 552(a)(2)(D)(West Sup. 1997)). The statutory purpose of placing such records in electronic reading rooms is to divert some potential FOIA requests for previously - released records (H.R. Rep No. 104-795, at 21 (1996)).

The Amendment also requires making all final agency decisions entered after November 1996 available in the electronic reading room (5 U.S.C. § 552(a)(2) effective November 1, 1997). For the PTO these final decisions include Attorney and Agent enrollment and discipline decisions from the Commissioner and the Office of Enrollment and Discipline, decisions regarding patents, trademarks, and petitions to the PTO.

## 2. STATEMENT OF WORK

Several offices within the PTO produce these documents. They are written decisions in cases that have appeared before official PTO boards. Each of the documents has multiple pages and some have graphical designs associated with them. Current FOIA requirements stipulate that these decisions and graphical designs must be posted to the PTO’s Internet site. Offices of origin include the Office of the Assistant Commissioner for Patents, the Office of the Assistant Commissioner for Trademarks, the Board of Patent Appeals and Interferences, the Trademark Trial and Appeal Board, the Office of Enrollment and Discipline, and the Office of the Solicitor. The following steps illustrate the relative complexity of this task.

1. All documents in the paper backlog are to be scanned, either as paper copies or as images taken from Microsoft Word documents.

2. The documents that are posted must be indexed so that they can be retrieved by someone properly identifying them by prompted address or by engaging a URL. The indexing process already exists and is in use at the PTO.
3. The scanned or electronic documents must be converted to PDF format using a licensed Adobe Acrobat commercial software package.
4. An index document must be created with HTML links to the documents listed in the index. This inventory of indices dates to November 1996. This document will be created using a licensed software package called Front Page.
5. The finished documents with the index links are then transferred into an appropriate directory on the WEBMIRR1 server.
6. The PTO Web personnel are notified by E-mail so that the documents can be posted on the Internet as FOIA disclosures.

### **3. GOVERNMENT FURNISHED MATERIAL**

The PTO will provide access to software, hardware, office space, and PTOnet connections required to perform this task. The government shall also provide the specific direction regarding documents to be posted, indexing scheme, and index data for each document to the contractor employee assigned to carry out this task.

### **4. LEVEL OF EFFORT**

The contractor shall be on site four (4) consecutive hours of each working day. A time sheet shall be maintained whereby the FOIA contractor will record the time spent on the job by signing in and out of the office. If there is more than one arrival and departure during the course of one day, all arrivals and departures shall be recorded on the time sheet. The PTO will be billed according to the hours worked as recorded on this time sheet and validated by the signature of the FOIA contractor and the Task Order Manager. Work will be in response to the volume of new documents that must be posted to the web site and specific quality control steps performed at each of the scanning, indexing and posting phases. The Contractor is responsible to the PTO task manager for ensuring all work is performed within three working days of the time each decision is made available for scanning. Special exceptions may be made for particular decisions and especially large batches or batches that become large when combined with other batches in the work queue. The PTO task manager will provide such direction and oversight as is necessary to ensure that the task is properly accomplished.

### **5. PLACE OF PERFORMANCE**

Work will be performed at the PTO facility.

### **6. SCHEDULE OF DELIVERABLES**

The person assigned to perform these tasks will provide a report each Friday to the PTO task manager and COTR regarding the number of documents collect, the number of

documents scanned and the number of new documents made available to the public by means of the USPTO Web site. This weekly accounting must be submitted electronically.

**7. APPLICATION FOR INFORMATION SYSTEMS LIFE CYCLE MANAGEMENT (AIS-LCM)**

AIS-LCM is inappropriate for this task. This task is strictly an operating business function to achieve compliance to the Electronic Freedom of Information Act Amendments of 1996.