



August 4, 2009

MEMORANDUM FOR: John J. Doll
Acting Under Secretary of Commerce
for Intellectual Property and
Acting Director of the United States Patent
and Trademark Office

FROM:


Allen Crawley
Assistant Inspector General
for Systems Acquisition and IT Security

SUBJECT: FISMA Evaluation of USPTO's Patent Cooperation Treaty
Search Recordation System (PTOC-018-00)

In a March 26, 2009, memorandum, we informed you of our intent to evaluate the certification and accreditation (C&A) of the Reed Technology and Information Service Patent Data Capture System (PTOC-013-00). In our initial review, we found indications that this system's C&A received additional management attention in anticipation of an OIG evaluation (but well before we had selected the system for review); therefore it may not be representative of USPTO's process for contractor systems.

We also learned that USPTO and its contractor are in the process of re-certifying and accrediting the system. The resulting package of information would not likely be available in time for us to complete our review and meet our FY 2009 reporting requirements under FISMA.

Because of these two issues, we have chosen to forego our evaluation of PTOC-013-00 and instead evaluate the C&A of USPTO's Patent Cooperation Treaty Search Recordation System (PTOC-018-00).

Our objectives, as before, are to determine whether (1) implemented controls adequately protect the system and its information, (2) continuous monitoring is keeping the authorizing official sufficiently informed about the operational status and effectiveness of security controls, and (3) the C&A process produced sufficient information about remaining system vulnerabilities to enable the authorizing official to make credible, risk-based accreditation decisions.

We have discussed these issues with USPTO's director of organizational policy and governance, and he has waived holding another entrance conference given our objectives are unchanged. USPTO has already provided us with the C&A package for PTOC-018-00 and our initial evaluation is underway.

If you have any questions about this review, please contact me at (202) 482-1855.

cc: John B. Owens III, chief information officer, USPTO
Welton Lloyd, USPTO audit liaison