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