

Notice of Potential Erroneous Release of Patent Application Titles

On February 5, 2024, the United States Patent and Trademark Office (USPTO) replaced the Electronic Patent Assignment System and the Electronic Trademark Assignment System with Assignment Center.

Between February 5, 2024 and March 29, 2024, due to a computer programming error in Assignment Center, the USPTO inadvertently published non-public patent application titles and numbers that could be viewed during the recordation process by unauthorized individuals with access to registered Assignment Center accounts. The software error was first reproduced by the USPTO on March 28, 2024, and was corrected on March 29, 2024. Only application numbers and titles were disclosed; and it is important to note that the specifications, drawings, and claims were not part of the information made available and were not accessed. Moreover, no inventor or applicant information was identified in the release.

Impacted applicants were notified individually regarding the potential release of their titles and associated application numbers via the correspondence address listed in the application (see Manual of Patent Examining Procedure (9th Edition, Rev. 07.2022) § 601.03), beginning the week of April 27, 2024. We thoroughly reviewed all searches conducted in the Assignment Center between February 5, 2024 and March 29, 2024 to determine which patent application numbers required individual notifications. The results were cross-referenced with previously published patent application numbers to determine which non-public applications were potentially exposed. Notifications were made to all impacted applicants based on the results of this analysis. Although it is not possible to determine whether those application titles were viewed by the applicants themselves or by those individuals without the authority to see the information, the decision was made out of an abundance of caution to notify all impacted applicants of the possibility of their titles being accessed by unauthorized individuals.

Any improper access of the application information between the dates of February 5, 2024 and March 29, 2024, is not considered a publication of such applications under 35 U.S.C. 122(b). No rights in United States patents are threatened by this limited access to unpublished patent application information. While it is unlikely that the title could disclose the invention in a way that would constitute patent-defeating prior art in any jurisdiction, to the extent any issue is raised, the USPTO will assist applicants by confirming that the disclosure was erroneous and inadvertent.

The USPTO is committed to data security and are taking enhanced steps to prevent incidents such as this from happening again. The USPTO sincerely regrets this error and is instituting more testing controls, both manual and automated testing, to prevent similar processing errors in the future.

Inquiries regarding this matter may be directed to Mark Polutta, Senior Legal Advisor, at (571) 272-7709 or Andrew St.Clair, Legal Advisor, at (571) 270-0238, both of the Office of Patent Legal Administration or via email addressed to Patent.Practice@uspto.gov.

Date: 5/17/24

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Director of the United States Patent and Trademark Office