

Notice of Possible Inadvertent Access to PTAB decisions on Non-Published Patent Applications in Ex Parte Appeals

A software coding error in the USPTO's Patent Trial and Appeal Board (PTAB) e-FOIA system inadvertently permitted possible access under limited circumstances to unpublished PTAB decisions involving non-published patent applications in ex-parte appeals. After being informed of the vulnerability, the USPTO took immediate steps to fix the problem and identify and address its root cause. Furthermore, the USPTO has put additional measures in place to prevent reoccurrence of this issue.

Applicants who would like to know whether their unpublished PTAB decision was possibly accessible due to this vulnerability may send an email to PTAB_Assistance@uspto.gov with any specific questions about their unpublished PTAB decisions.