

Notice of potential exposure of protected patent application information through Patent Center

On August 1, 2024, a stakeholder notified the USPTO that certain protected information within Patent Center was potentially accessible to the public, through certain search functions on the Assignments page. That same day, the assignments functionality within Patent Center was disabled to prevent any further potential exposure.

By August 2, 2024, upon further investigation, USPTO began the process to notify potentially impacted applicants, stakeholders, and the public. The USPTO determined the cause of this issue was an isolated computer configuration error that impacted unpublished applications that had a recorded assignment between December 2, 2017, and August 1, 2024.

Specifically, the potentially exposed information from unpublished applications that had an assignment action included:

- Title of the application
- Application number (the two-digit series code plus the six-digit serial number)
- Application owner name
- Application filing date
- Name of the inventor and names of any joint inventors

Specifications (including claims and drawings) were not exposed.

Due to the nature and location of the data, and based on the evidence available, we believe the actual impact to applicants to be minimal. Of all the potentially exposed applications, we have verified evidence of only one instance of unauthorized viewing - which was from the individual who reported the issue to the USPTO in good faith.

Out of an abundance of caution, the USPTO has created a FAQs page to provide additional information and address issues as they arise, which can be found here <https://www.uspto.gov/about-us/news-updates/potential-exposure-protected-patent-application-information-through-patent>.

Any improper access of the application information between the dates of December 2, 2017, and August 1, 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 No rights in United States patents are threatened by this limited access to unpublished patent application information.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.

Public assignments information continues to be available in the Assignments Search web application. All other systems within Patent Center were not impacted by this error and are operational.

We are continuing to work through a comprehensive process of tracing and pressure testing our systems as we work to modernize our IT infrastructure.

We thank you for your time and attention to this matter.

Please direct inquiries on this matter to Mark Polutta, Senior Legal Advisor, at (571) 272-7709, Kristie Mahone, Senior Legal Advisor, at (571) 272-9016, or Andrew St.Clair, Legal Advisor, at (571) 270-0238, of the Office of Patent Legal Administration or via email addressed to Patent.Practice@uspto.gov.

Date: 08/15/24



Jamie Holcombe
Chief Information Officer