



The Slandala Company

203 North Lee Street  
Falls Church, Virginia 22046

27 November 2023

United States Patent and Trademark Office  
Policy Management Authority  
Madison West (MDW)  
600 Dulany Street  
Alexandria, Virginia 22314

Subject: Compliance Audit for United States Patent and Trademark Office Public Key Infrastructure 2023

A compliance audit of The United States Patent and Trademark Office Public Key Infrastructure was conducted by Mr. James Jung of The Slandala Company. USPTO operates a Public Key Infrastructure (PKI) whose hierarchy is cross certified with the Federal Bridge PKI and issuing Personal Identity Verification (PIV) cards. The audit was conducted to verify that the USPTO PKI is operating in accordance with the security practices and procedures described by the following documents:

- Certification Practices Statement for the United States Patent and Trademark Office, July 14 2023, Version 4.3,
- Certificate Policy for the United States Patent and Trademark Office, July 14, 2023 Version 4.2,
- X.509 Certificate Policy for the U.S. Federal PKI Common Policy Framework, Version 2.5, July 6, 2023.

USPTO operates the following Certification Authority (CA):

- CN = USPTO\_INTR\_CA1, CN = AIA, CN = Public Key Services, CN = Services, CN = Configuration, DC = uspto, DC = gov
  - Subject Key Identifier= 8d474ad15e45eae2f515847214f12ebca7aa15f

The compliance audit evaluated the certificate authority, registration authority functions, repositories, certificate status servers, identity management systems (IDMS) and ancillaries associated with the CA. As part of the audit, findings from the previous year were reviewed, and have been corrected. The Memorandum of Agreement between the United States Federal Public Key Infrastructure (PKI) Policy Authority (Federal PKI Policy Authority) and USPTO, was also reviewed for compliance.

The compliance audit was performed via interviews, documentation reviews and site visits performed during October 2023. An on-site review of the RA in Alexandria Virginia was performed. This audit covers the following period.

- Audit Period Start: 15 September 2022
- Audit Period Finish: 15 October 2023

The compliance audit was performed using a requirements decomposition methodology and was initiated by first performing a direct CP-to-CPS traceability analysis. CPS practices found to not comply with or address the requirements of the applicable policies are categorized as Disparate.

- Disparate – CPS practices found to not comply or address the requirements of the applicable policies.

The CPS was then reviewed and decomposed into requirements, and the requirements were then evaluated to determine the general methodology for their evaluation and the activities that should be taken by the auditor to fulfill the audit of that requirement. Findings and data are recorded during these activities, and are categorized as follows:

- Complies – operations comply with the practices documented in the CPS,
- Discrepancy – operations do not comply with the practices documented in the CPS,
- Recommendation - operations comply with the practices documented in the CPS; however, improvements to the implementation could be considered.

The audit was performed by Mr. James Jung of The Slandala Company. Mr. James Jung and The Slandala Company meet the Federal PKI Compliance Auditor requirements for qualifications and independence. Mr. Jung has performed audits of PKI systems since 2002 and has more than 35 years' experience in the design, implementation and certification of information assurance systems. He is certified by the International Information Systems Security Certification Consortium (ISC)<sup>2</sup> as a Certified Information Systems Security Professional (CISSP); is certified by the Information Systems Audit and Control Association (ISACA) as a Certified Information Systems Auditor (CISA) and GIAC Security Essentials (GSEC) certified by the SANS Institute. He has designed, installed or operated PKI systems for the Department of State, the Department of Energy, the Department of Treasury, the Federal Bureau of Investigation, the Department of Homeland Security, the United States Patent and Trademark Office (USPTO) and other agencies and commercial companies. He has provided PKI audit and compliance support for the Department of State, the Department of Labor, the Department of Commerce (DoC) and has been the lead auditor for the Department of Defense Certification Authorities. Since 2010, Mr. Jung has been performing the audit for the Federal PKI Trust Infrastructure, including the Federal Bridge and Common CAs.

Mr. Jung has not held an operational role or a trusted role in the USPTO PKI operations, nor has he had any responsibility for writing the "*Certification Practices Statement for the United States Patent and Trademark Office.*" Mr. Jung and The Slandala Company are independent of the USPTO PKI and the RA operations and management.

Information from the following documents was used as part of the compliance audit:

- Certification Practices Statement for the United States Patent and Trademark Office, July 14, 2023, Version 4.3,

- Certificate Policy for the United States Patent and Trademark Office, July 14, 2023 Version 4.2,
- X.509 Certificate Policy for the U.S. Federal PKI Common Policy Framework, Version 2.5, July 6, 2023.
- Memorandum of Agreement between The United States Federal Public Key Infrastructure Policy Authority and the United States Patent and Trademark Office, signed 2021
- Monthly IPKI Audit Procedure
- HSPD-12 Card Termination SOP
- CA Key Update on USPTO\_INTR\_CA1 Certificate Authority (CA) September 30, 2023
- Information System Contingency Plan (ISCP), Version 4.8, 10 August 2022
- United States Patent and Trademark Office Personal Identification Verification (PIV) Credential/Card Issuance Acknowledgement Form
- PKI Monthly Audit Log Examination Report, October 25, 2023

A direct CP-to-CPS traceability analysis evaluated the following Certificate Practices Statements:

- *Certification Practices Statement for the United States Patent and Trademark Office, July 14, 2023, Version 4.3*

for compliance with the following policies:

- *X.509 Certificate Policy for the U.S. Federal PKI Common Policy Framework, Version 2.5, July 6, 2023,*
- *Certificate Policy for the United States Patent and Trademark Office, July 14, 2023, Version 4.2.*

Thirty two disparate items were identified,

PKI operations were evaluated for conformance to the “*Certification Practices Statement for the United States Patent and Trademark Office, June 03, 2022, Version 4.2.*” Six requirements were found to not comply. Two items were mitigated during the audit.

11/27/2023

 X *James Jung*  
The Slandala Company

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James Jung  
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