



NATIONAL ARCHIVES *and* RECORDS ADMINISTRATION
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July 26, 2018

Mr. David Chiles
Acting Chief Information Officer and
Senior Agency Official for Records Management
U.S. Patent and Trademark Office
Department of Commerce
P.O. Box 1450
Alexandria, VA 22313
david.chiles@uspto.gov

Dear Mr. Chiles:

We were recently made aware of utility patent drawings that are offered for sale on eBay. They were discovered on eBay by a National Archives and Records Administration (NARA) employee who referred the information to the NARA Inspector General staff who, in turn, alerted my staff about the issue. Here is the link to the drawings in question:

<https://www.ebay.com/itm/L-Carrier-Thrashing-Machine-Tooth-Original-Patent-Jan-17-1882-Original-Drawing/232771098354?hash=item36323d16f2:g:E4QAAOSwDZ1a~FKu>

Upon receiving this information, we contacted NARA's cartographic office Branch Chief, Pete Brauer, and after conducting research, he verified that the patent numbers within these drawings are not among our holdings and that the characteristics of the documents lead him to believe that they are original patent drawings that likely should have already been accessioned to the National Archives.

We respectfully request that you conduct an investigation into this matter and send us a report of your findings in the next 60 days. For more information on how to report the unlawful or accidental removal of records from your legal custody, please see 36 CFR, Part 1230:

<https://www.ecfr.gov/cgi-bin/text-idx?SID=2cb32d56fb6af59e4b4ee022f092b321&mc=true&node=pt36.3.1230&rgn=div5>

If you have follow up questions about this matter, please contact Kate Flaherty, Supervisor, at (301) 837-1706, or by email to kate.flaherty@nara.gov.

Sincerely,

A handwritten signature in blue ink that reads "Laurence v. Brewer". The signature is written in a cursive, flowing style.

LAURENCE BREWER
Chief Records Officer
for the U.S. Government

cc:
Marcie Lovett
USPTO Records Officer (Acting)
marcie.lovett@uspto.gov

Kate Flaherty
Supervisor, ACR3



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September 27, 2018

Mr. David Chiles
Acting Chief Information Officer and
Senior Agency Official for Records Management
U.S. Patent and Trademark Office
Department of Commerce
P.O. Box 1450
Alexandria, VA 22313

Dear Mr Chiles:

Thank you for the information presented by the U.S. Patent and Trademark Office (USPTO) Records Management Division during the meeting of September 10, 2018. In the presentation, the USPTO confirmed that the three utility patent drawings dating from 1882 recently offered for sale on eBay were original patent documents that belonged to a series of records (Original Patent Drawings, 1870-1911) transferred for storage to the Federal Records Center (FRC) in Alexandria, Virginia in 1955 and that USPTO authorized the Washington National Records Center (WNRC) in Suitland, Maryland to destroy those records in 2000.

In addition, the National Archives and Records Administration (NARA) has confirmed that the WNRC shipped these records to a facility in Philadelphia for destruction in 2001 and at that time the records were eligible for destruction per their valid temporary disposition authority. The majority of these records were still in existence when they were returned to WNRC and shortly thereafter transferred to the cartographic holdings at the National Archives facility in College Park, Maryland in 2004 where they remain today. After arrival at College Park, the records were rescheduled as permanent and legally accessioned into the holdings of the National Archives on September 21, 2004.

Even though the series of records to which the three drawings for sale on eBay belong was in the legal custody of the USPTO up until it was sent for destruction in 2001, they were in the physical custody of a NARA FRC from 1955 until 2001 and since 2004 in the physical and legal custody of the National Archives.

Since, NARA has had physical custody of this series of records from 1955 to 2001 and 2004 to present and the USPTO is not responsible for the time period it was out of federal custody between 2001 and 2004, NARA has determined the USPTO is not required to submit a report as originally requested on July 26, 2018. Accordingly, NARA considers this matter closed. If you have any questions, please contact Scott Jobson, Senior Records Analyst, at (301) 837-2977 or by email at scott.jobson@nara.gov.

Sincerely,

A handwritten signature in blue ink that reads "Laurence R. Brewer". The signature is written in a cursive style with a large initial 'L'.

LAURENCE BREWER
Chief Records Officer
for the U.S. Government

cc:
Marcie Lovett
USPTO Records Officer (Acting)