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United States Patent and Trademark Office
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Alexandria, VA 22313-1450
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UNITED STATES PATENT AND TRADEMARK OFFICE

OFFICE OF THE GENERAL COUNSEL

March 19, 2021

VIA E-MAIL

Re: *Freedom of Information Act (FOIA) Request No. F-21-00058*

The United States Patent and Trademark Office (USPTO) FOIA Office has received your e-mail dated January 11, 2021 requesting a copy of the following documents pursuant to the provisions of the Freedom of Information Act, 5 U.S.C. § 552:

1. Records describing the number of appeals of a Secrecy Order under 37 CFR 5.5 and MPEP 120.
2. Records describing the number of current Secrecy Orders in each Category of Secrecy Order: Type I, Type II, and Type III.
3. Records with the statistics of the ages of existing Secrecy Orders (i.e, by year the Secrecy Order was imposed/issued).

The USPTO identified records that are responsive to your request. A copy of this material is enclosed. There are no records for Secrecy Order Activity Final Report: Cumulative data on the number of active secrecy orders of each type. The information provided is a report for 2020 showing the number of new secrecy orders of each type imposed each year for the last 5 years.

You may contact the FOIA Public Liaison at 571-272-9585 for any further assistance and to discuss any aspect of your request. Additionally, you may contact the Office of Government Information Services (OGIS) at the National Archives and Records Administration to inquire about the FOIA mediation services they offer. The contact information for OGIS is as follows: Office of Government Information Services, National Archives and Records Administration, 8601 Adelphi Road-OGIS, College Park, Maryland 20740-6001, e-mail at ogis@nara.gov; telephone at 202-741-5770; toll free at 1-877-684-6448; or facsimile at 202-741-5769.

You have the right to appeal this initial decision to the Deputy General Counsel, United States Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450. An appeal must be received within 90 calendar days from the date of this letter. See 37

C.F.R. § 102.10(a). The appeal must be in writing. You must include a copy of your original request, this letter, and a statement of the reasons why the information should be made available and why this initial denial is in error. Both the letter and the envelope must be clearly marked "Freedom of Information Appeal."

Sincerely,

Dorothy G. Campbell

Dorothy G. Campbell
USPTO FOIA Officer
Office of General Law

Number of Current Secrecy Orders by Age

Note: This data is approximate. It is derived from electronic records in the Patent Application Location Monitoring system (PALM), which was implemented in the mid-1970s. The total number of active Secrecy Orders shown here differs from the total in the annual Secrecy Order Activity Report, because of incomplete or inaccurate conversion of physical records.

Year Secrecy Order Imposed:	Number of Current Secrecy Orders:	Year Secrecy Order Imposed:	Number of Current Secrecy Orders:	Year Secrecy Order Imposed:	Number of Current Secrecy Orders:
1942	1	1975	18	1999	47
1943	1	1978	1	2000	61
1947	3	1979	1	2001	67
1948	7	1980	2	2002	108
1949	12	1981	235	2003	80
1950	18	1982	916	2004	94
1951	8	1983	184	2005	82
1952	10	1984	111	2006	97
1953	10	1985	79	2007	90
1954	3	1986	170	2008	75
1955	9	1987	145	2009	82
1956	1	1988	448	2010	98
1957	2	1989	598	2011	124
1958	1	1990	301	2012	100
1961	2	1991	277	2013	125
1964	1	1992	153	2014	106
1966	1	1993	163	2015	107
1967	4	1994	92	2016	118
1971	2	1995	95	2017	114
1972	6	1996	74	2018	120
1973	2	1997	73	2019	53
1974	1	1998	67	2020	66
				Total	6322

Summary of Number of Petitions to Rescind (37 CFR 5.4) or Modify (37 CFR 5.5) Secrecy Orders

2000-2020

Year	Number of Petitions Received- 37 CFR 5.4 and 5.5
2000	6
2001	10
2002	18
2003	6
2004	14
2005	5
2006	6
2007	12
2008	5
2009	1
2010	12
2011	28
2012	3
2013	14
2014	19
2015	2
2016	11
2017	8
2018	3
2019	2
2020	1
Grand Total	186

Secrecy Order Activity Final Report - 2020

ACTIVITY	FY15		FY16		FY17		FY18		FY19		FY20	
New Secrecy Orders	95		121		132		85		88		45	
SO Rescinds processed	36		20		28		77		2		8	
Total SO's in effect, end of period	5579		5680		5784		5792		5878		5915	
Sponsoring Agencies for new SO's												
Foreign Origin	10	10.5%	4	3.3%	17	12.9%	0	0.0%	0	0.0%	0	0.0%
ARMY	5	5.3%	32	26.4%	19	14.4%	14	16.5%	21	23.9%	2	4.4%
NAVY	30	31.6%	41	33.9%	49	37.1%	40	47.1%	55	62.5%	33	73.3%
AF	45	47.4%	29	24.0%	33	25.0%	31	36.5%	10	11.4%	4	8.9%
DOE	0	0.0%	3	2.5%	7	5.3%	0	0.0%	1	1.1%	6	13.3%
NSA	4	4.2%	1	0.8%	2	1.5%	0	0.0%	0	0.0%	0	0.0%
DTSA	0	0.0%	8	6.6%	2	1.5%	0	0.0%	1	1.1%	0	0.0%
NASA, DARPA	1	1.1%	3	2.5%	3	2.3%	0	0.0%	0	0.0%	0	0.0%
New DOD SO's imposed by Type												
DOD Type 1 (export control)	33	34.7%	48	39.7%	47	35.6%	27	31.8%	36	40.9%	34	75.6%
DOD Type 2 (classified/classifiable)	34	35.8%	1	0.8%	23	17.4%	19	22.4%	3	3.4%	1	2.2%
DOD Type 2 (foreign PSA)	9	9.5%	4	3.3%	17	12.9%	0	0.0%	10	11.4%	0	0.0%
DOD Type 3	19	20.0%	62	51.2%	38	28.8%	39	45.9%	38	43.2%	4	8.9%
New Non-DOD SO's imposed (DOE, NSA)	0	0.0%	6	5.0%	7	5.3%	0	0.0%	1	1.1%	6	13.3%
<u>John Doe SO's</u>	<u>15</u>		<u>49</u>		<u>39</u>		<u>43</u>		<u>48</u>		<u>21</u>	