

## Guidelines for Computer Outage Downtime

The following guidelines are provided to Patents supervisors and examiners in the event of computer problems or outages. Supervisors should look at each individual examiner's circumstances related to the computer problem or outage before granting or denying other time. It is noted that Docket Management (DM) is outside of the purview of this document.

### GENERAL

In the event that the Office experiences an outage of an examiner's work station, individual automated tools (e.g. PE2E DAV, IFW, EAST/WEST, etc.), or a full-scale USPTO system outage, examiners should work on other activities not affected by the outage (see Computer Downtime Guidance on Automation Alternatives), and if no other work is available the supervisor should assign duties that do not require using tools affected by the outage. Requests for non-production time will normally not be granted for service disruptions of short duration of power at the alternate work site or with the employee's Internet Service Provider (ISP). Supervisors should remind examiners in their art units that they must consult with a supervisor or designee prior to claiming other time for computer problems or outages, when practicable. In order to be granted other time for computer problems or outages, an examiner must consult with a supervisor **prior** to claiming other time via WebTA, where practicable. As appropriate, the supervisor will grant reasonable other time to the examiner in a timely manner.

These guidelines and procedures apply to all patent examiners, regardless of duty station. It is the expectation that by following the universal procedures, as detailed below, and in the Computer Downtime Guidance on Automation Alternatives document, all reasonable other time requests will be granted by the supervisor. If the examiner feels that reasonable other time has not been granted by the supervisor, the examiner may contact the TC Director. Requests for and approval of other time in these situations should occur as early as possible in the pay period so that the employee's WebTA can be validated and certified timely. Furthermore, these guidelines supersede PHP guidelines (Patent Hoteling Program, 07/08/05) with regard to computer downtime (i.e. non-examining or other time).

The procedure applies to all USPTO outage scenarios, individual or a full-scale system outage, as outlined in the Computer Downtime Guidance on Automation Alternatives. The examiner should follow the steps below in order to receive other time:

1. Contact the OCIO Service Desk - Examiners experiencing computer related issues (IT issues), should follow the steps of contacting the Service Desk, via phone at 2-9000 or e-mail [servicedesk@uspto.gov](mailto:servicedesk@uspto.gov) or **S9000 form**, report the problem and obtain a ticket number. If the examiner is unable to obtain a ticket number proceed to step 2.
2. Consult the supervisor or designee of the IT issue in a timely manner of current steps taken to work around the outage (see Computer Downtime Guidance on Automation Alternatives for Patent Examiners). Supervisors can provide information to employees on available alternative work that can be performed. If the supervisor or designee is not available, the examiner leaves a voicemail or e-mail message to the supervisor stating the IT issue that they are experiencing and current steps being taken to work around the issue, in a timely manner.
3. Communicate to the supervisor the duration of the IT issue and work with supervisor to determine appropriate other time to be granted. The supervisor will work in a timely manner to grant and notify the examiner of other time granted as appropriate.
4. Record in Remarks section of WebTA the outage experienced along with the ticket number provided by the Service Desk (e.g. INC000001536827 - Hard Drive Crash – 2 hours).

In the instance of a full-scale USPTO system outage, follow guidance issued by Patents Management.

## **POST-OUTAGE**

Requests for other time should be handled on a case-by-case basis in view of the specific facts of the individual situation. The following are examples of factors that a supervisor will consider in determining if other time is appropriate:

- Did the examiner contact the Service desk and was a ticket/reference number generated? (In order to assess severity of the problem and/or time spent).
- What applications or systems were not available?
- How long were the applications or systems down?
  - Did the examiner lose any work that had to be recreated? Has the examiner provided serial numbers and a description of the work that had to be recreated, to allow the supervisor to determine if the amount of time claimed is reasonable? Note that time to create work is only appropriately granted AFTER the IT issue is resolved and the examiner is able to utilize the tools needed to recreate lost work.
  - Did the examiner have other work to do (i.e. IFW Backup tool, classification, PCTs, attend or complete online training, rearrange work to use a tool that is currently operational, etc.) during the outage?
  - Did the examiner inform his/her supervisor of the computer outage in a timely manner, in order that the supervisor could assign other work if available?
  - Did the supervisor temporarily assign another computer workstation?
  - Was the examiner able to work as usual, but experiencing slowness that impacted efficiency?

For more guidance or questions on computer problems or outages, consult with your Supervisor or designee.

Please send questions and feedback regarding the Computer Outage Downtime Policy or this Guidance to [Computer Downtime Feedback Form](#). This is to be used for questions regarding the policy and NOT to be used for requesting IT support or other time. This mailbox will be available until January 1, 2019.

Types of Outages	Examples	Web TA PPA Code
Time to recreate lost work (Catastrophic Failure)	Recreating office actions, searches, etc. due to computer system failures – NOT FOR USE DURING OUTAGES.	PNCSPA-0000-090180
Computer System Outage	Failure of USPTO provided equipment, computer system, or USPTO computer application.	ANTIME-0000-A00131
Power Outage	Power is interrupted or fails Campus-wide, building- wide, or building floor.	ANTIME-0000-A00131

## **COMPUTER DOWNTIME GUIDANCE ON AUTOMATION ALTERNATIVES**

This guidance is provided to supplement the "Guidelines for Computer Outage Downtime." The procedures explained below apply to all USPTO outage scenarios (e.g. individual USPTO system or USPTO equipment or full-scale USPTO). In the event of a full-scale USPTO system outage, also follow any guidance issued by Patents Management. These procedures should be followed in order for an examiner's request to be considered and approved for other time or administrative leave. Information on all available tools can be found on the [Patents home page](#).

Examiners experiencing computer related issues should contact the OCIO Service Desk, via phone at 2-9000 or e-mail [servicedesk@uspto.gov](mailto:servicedesk@uspto.gov) or [S9000 form](#), to report the problem and obtain a ticket number in addition to contacting their supervisors. In order to be granted other time for computer problems or outages and if time permits, an examiner must consult his/her supervisor or designee **prior** to claiming other time via WebTA, when practicable. It is noted that Docket Management (DM) is outside of the purview of this document.

Examiners can both take preventative actions to minimize the impact and find alternative ways to accomplish their tasks in the event of a system outage. The examiner must alert the supervisor or designee of the problem in a timely manner. The supervisor or designee, if needed, will assist in steps to work around the outage. Once all reasonable steps are exhausted the examiner should further communicate to the supervisor the duration of the outage, the steps taken to work around the outage, and then work with the supervisor to determine appropriate other time to be granted. The supervisor will work in a timely manner to grant and notify the examiner of the amount of other time granted as appropriate. Some examples of preventive measures and steps to take in working around the outage include, but are not limited to:

### **Prevention**

1. Log off or restart your computer workstation periodically (OCIO recommends at a minimum weekly).
2. Clear Google Chrome browser cache.
  - a. On your browser toolbar, click More located top right of toolbar - **More Tools - Clear Browsing Data**.
  - b. In the "Clear browsing data" box, click the checkboxes for **Cookies and other site data** and **Cached images and files**.
  - c. Use the menu at the top to select the amount of data that you want to delete. Choose **beginning of time** to delete everything. **Note:** This option does not appear on all devices.
  - d. Click **Clear browsing data**
3. Save a PDF of the applications on your docket (PALM report DM 3105) to your local computer.
4. Save a PDF of the application(s) or parts of applications you are working on to your local computer. [PE2E-DAV Create PDF Files QRG](#)

5. Enable the AutoSave feature in Microsoft Word and set the time setting to a shorter duration. With OACS or OC open on your desktop, click the File tab > Options > Save, then place a check in the box labeled Save Auto Recover information every XX Minutes.

- a. Access OC Blank Correspondence (BC) 'checkpoints.' In addition to the OC working copy, whenever the BC document is saved and Closed, a 'checkpoint' version is created in a separate directory (Documents/OC/Checkpoints). Unlike the working copies, these Checkpoint files do not get overwritten by subsequent updates. A new one (with a different timestamp) is created whenever the document is saved and closed, and will remain as 'backup' copies of action's contents.

6. Enable the AutoSave feature in EAST and set the time setting to a shorter duration. With EAST open on your desktop, select Tools > Options > Files, then place a check in the box labeled AutoSave every XX Minutes.

7. Avoid concurrently running more applications than you need to be efficient and save work regularly. It is recommended to close applications that are not currently in use.

### **Response (Steps to work around the outage)**

1. For all scenarios examiners can perform duties, if assigned and/or authorized, such as classification, transfer inquiries, interviews, pre-authorized, or supervisor approved training, review office actions of examiners they may be training, provide assistance to other examiners, or set up and participate in appeals conference.
  - a. Complete pre-authorized or supervisor approved on-line training at [Commerce Learning Center](#).
2. When software systems (OACS/OC, EAST/WEST, DAV) are down try using other systems that may be operational (i.e. OACS/OC is down use EAST/WEST to search an application or use Microsoft Word to compose office actions). If the Internet is an appropriate search tool for your application, then search the Internet, including the resources outlined on the [USPTO's external searching site](#). Examiners should be aware of the restrictions regarding the specificity of searches on the Internet for unpublished applications. See MPEP section **904.02(c)** for the policy regarding using the Internet to perform prior art searches.
3. Further alternative tools that you may be able to use include but are not limited to:
  - a. Search

- i. **USPTO Patent Full-Text and Image Database (PatFT)**
  - ii. **USPTO Patent Application Full-Text and Image Database (AppFT)**
  - iii. **Common Citation Document (CCD)**
  - iv. **International Patent Office databases**
  - v. **European Patent Office (EPO) esp@cenet**
  - vi. **World Intellectual Property Organization (WIPO) PATENTSCOPE**
  - vii. **Published Sequences at the Publication Site for Issued and Published Sequences (PSIPS)**
  - viii. **Patent Assignment Search**
  - ix. Internet based services for searching patent data also exist, such as: Google Patents ([patents.google.com](https://patents.google.com)) and IP.Com (<https://iq.ip.com/discover>)
- b. Viewing Examiner Docket
  - i. **[Docket Application Viewer \(DAV\)](#)**
  - ii. **[PALM Docket View](#)**
  - iii. **[Docket Manager Planner](#)**
  - iv. **[Examiner Dashboard](#)**
  - v. PALM 3105 Docket Report
- c. Viewing Applications
  - i. **[Docket Application Viewer \(DAV\)](#)**
  - ii. **[Image File Wrapper \(IFW\)](#)**
  - iii. **[File Inspection Utility](#)**
  - iv. **[Public PAIR](#)**
  - v. IFW Backup
- d. Writing Office Actions
  - i. OACS/OC
  - ii. Word
  - iii. Notepad

4. When there is a VPN or remote access outages:

- a. Retry the Smartcard/PIV/Security Badge. If unable to access please refer to **HSPD enforcement Scenarios**.
- b. Verify personal Internet access via your own Internet Service Provider connection.

- c. If you are still unable to connect to system use Public PAIR (if you have Internet access) or working folders (official or self-generated) to read and prepare applications for examination.
5. When there is a USPTO Outage/On Campus USPTO Network Connectivity/Individual ISP outage, examiners can use working folders (official or self-generated) to read and/or prepare applications for examination. If the Universal Laptop is operational, but experiencing connectivity issues, Microsoft Word can be used to start drafting portions of an Office Action as appropriate.
6. When there is a laptop replacement for a TEAPP employee, that does not include agency wide replacement of laptop or equipment:
  1. The employee may request:
    - a. Catastrophic time for lost work and
    - b. Other Time for replacement event up to 4 hours unless delivery is delayed based on circumstances outside of the examiner's control.
  2. Management would expect, if practicable:
    - a. Employee to flex a reasonable amount of time to minimize other time.
    - b. Employee to work on tasks not requiring a USPTO laptop (e.g. Take training from Learning Center, watch technology specific videos or read technical literature).
    - c. Continue to keep supervisor apprised of the situation.