



# 2019-2020 TELEWORK ANNUAL REPORT

UNITED STATES  
PATENT AND TRADEMARK OFFICE





# TELEWORK ANNUAL REPORT

## 2020



### LETTER FROM THE UNDER SECRETARY OF COMMERCE FOR INTELLECTUAL PROPERTY AND DIRECTOR OF THE USPTO

The United States Patent and Trademark Office's (USPTO) top priority is maintaining the health and safety of our employees, contractors, and the American public, while providing high-quality services, programs, and resources. Through an efficient teleworking system and enhanced workforce flexibilities, we have persevered during this year's historic challenges and have kept America's engine of innovation moving forward.

Much of what we do at the USPTO relies on our information technology (IT) systems. The pandemic and resulting telework requirements have tested the limits of these systems, but after the intensive IT stabilization and modernization efforts of the past two years, the USPTO was well prepared to transition to a remote workforce in March.

During the transition, USPTO employees shifted seamlessly to mandatory telework and remained highly productive. Nine thousand patent examiners and trademark examining attorneys continued to examine patent and trademark applications and help Americans obtain important intellectual property protections. Additionally, the USPTO's Patent and Trademark Trial and Appeal Boards were among the first tribunals in the nation to conduct virtual hearings. These hearings allowed pending patent and trademark appeals to continue on schedule, with judges and parties participating exclusively by phone and video, and the public gaining access by phone.

To fully leverage our virtual collaboration tools, which include more than 13,000 secure Virtual Private Network (VPN) connections and over 1,200 secure video teleconferencing meetings every day, we undertook five system upgrades and configuration enhancements to our teleconferencing infrastructure.

This year, we also offered ongoing Excused Absence for Dependent Care (EADC) leave to help our employees balance their work and dependent care responsibilities during these unprecedented times. EADC leave was offered in addition to the USPTO's usual workplace flexibilities, which include telework, flexible work schedules, and leave share programs.

As we noted last year, fully modernizing the USPTO's technology systems to industry standards is a large-scale project that will require significant time and effort. We still have much work to do, and there will undoubtedly be hurdles along the way. Even so, our success in transitioning to an almost entirely remote workforce demonstrates that we have made remarkable progress in a short time.

Moving forward, the USPTO will remain committed to helping inventors, entrepreneurs, and the American public weather the current health crisis and hit the ground running once it passes. To do so, we will continue to improve the performance and reliability of our IT infrastructure and systems, which includes our robust teleworking capabilities.



Best wishes,

A handwritten signature in blue ink that reads "Andrei Iancu".

Andrei Iancu

*Under Secretary of Commerce for Intellectual Property and Director of the United States Patent and Trademark Office*



# Table of Contents

## 2020

<b>INTRODUCTION</b>	<b>4</b>
<b>MITIGATING THE CHALLENGE OF COVID-19</b>	<b>6</b>
Employee survey and results: mandatory telework	8
Survey observations	9
IT support	10
VPN utilization	11
<b>STATISTICS</b>	<b>12</b>
USPTO telework statistics	12
Telework growth	12
Environmental impact of telework	13
USPTO full-time teleworkers by state	14
Annual real estate cost avoidance due to full-time telework	15
Regional offices	16
<b>USPTO BUSINESS UNITS</b>	<b>18</b>
<b>2019</b>	
<b>STATISTICS</b>	<b>27</b>
USPTO telework statistics	27
Environmental impact of telework inclement weather—the impact of telework	27
<b>AN INTERVIEW WITH LAURA PETER</b>	<b>28</b>
<b>USPTO TELEWORK</b>	<b>30</b>
TEAPP	30
PaTH	30
TORCH	33
<b>FACTORS FOR TELEWORK SUCCESS</b>	<b>34</b>
Business imperative that aligns with agency mission	34
Top-down leadership support	34
Performance management	34
Technology	35
Training for teleworkers and managers	35
Not a one-size-fits-all model	35
Dedicated telework office and business unit telework coordinators	35
<b>TELEWORK CHAMPIONS</b>	<b>36</b>
An interview with Danette Campbell	38

## Introduction

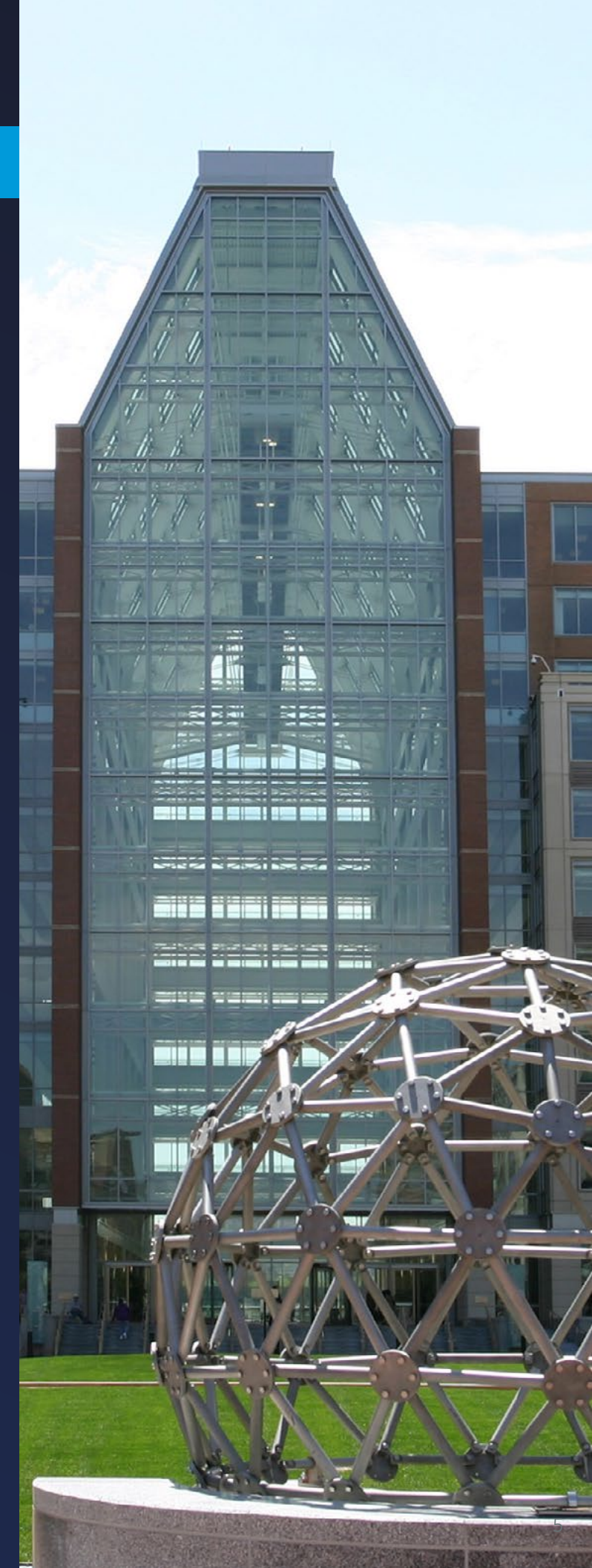
Telework at the USPTO is a corporate business strategy that supports mission achievement and goal fulfillment via a distributed workforce. This initiative started in 1997 with 18 Trademark examining attorneys who worked from home a few days per week and shared office space when they returned to the USPTO headquarters. In 2019, more than 11,000 employees agency-wide are teleworking between one and five days per week. Of these, more than 7,000 employees work from home four to five days per week and have completely relinquished an assigned workspace at a USPTO facility. Today, in response to the pandemic, virtually all of our employees telework full time, and USPTO operations have been able to continue without interruption. All of this was made possible by the agency's decades of leadership in telework.

The Telework Enhancement Act Pilot Program (TEAPP), the USPTO's most flexible teleworking program, allows certain eligible employees to reside anywhere in the United States and Puerto Rico and only requires them to return to a USPTO campus when directed by management. Rather than taking a "one-size-fits-all" approach, the USPTO has more than a dozen telework programs to address the specific needs of its business units and employees. All of these programs follow procedures set forth in a USPTO enterprise-wide Telework Policy and are overseen by an agency-wide telework office.

This year's Telework Annual Report combines the telework accomplishments of 2019 and 2020, provides a summary of the metrics used to benchmark our telework initiative, addresses the challenges that COVID-19 presented for the USPTO, and describes how those challenges were mitigated. This year's report also outlines the program components that have made our telework strategy a model for federal telework.

"Throughout the pandemic, the United States Patent and Trademark Office has continued to receive and examine patent and trademark applications uninterrupted and with unprecedented efficiency. And we have done so much more to support the creative community as they strive to overcome today's challenges."

*Remarks by Director Iancu at IP Week—Accelerating Innovation, Recovery, and Growth in the COVID-19 Era August 27, 2020*





# Mitigating the Challenge of COVID-19

Transitioning to a primarily virtual environment has been a seamless process for the USPTO. Prior to the pandemic, the USPTO had more than 88% of its entire employee base (11,185 employees) working from home between one and five days per week, with approximately 7,200 of these working from home full-time. On March 12, 2020, the USPTO communicated to the Silicon Valley Regional Office that all employees could telework, given the heightened precautions dictated by the local and national authorities for that region. On March 13, the USPTO announced that enhanced teleworking flexibilities would be available to all employees, including those who have a child in the household due to schools being closed. That same day, the USPTO deployed a mandatory training to approximately 1,600 agency employees who did not already have a telework agreement in place, ensuring that nearly all agency employees were telework-ready. On Monday, March 23, 2020, the USPTO announced that it would be operating under mandatory telework.

The agency was well positioned to undertake this transition, having upgraded the network bandwidth into the campus from 6GB to 10GB in January of 2020. On a daily basis, the Chief Information Officer Command Center issues a Virtual Private Network (VPN) Daily Users Report that addresses the number of employees who are accessing the USPTO VPN and teleworking on a daily basis. The most recent of these reports indicated an average of 95% of USPTO employees establishing a VPN connection daily. On an average day, 14,229 federal and contract resources connect into the campus from a remote location to perform their jobs. To facilitate remote interactions with our workforce, contractors, and the public, the agency makes extensive use of our collaboration tools by providing a secure video conferencing capability leveraging Cisco's Webex tools. The following table represents the average daily use of those tools both internally and externally.

In addition, since closing the physical buildings to the public on March 16, the USPTO has continued to hold Patent Trial and Appeal Board (PTAB) hearings with interested parties using these collaboration tools. One hundred and twenty-five PTAB hearings have been conducted virtually since the closure.

Transitioning to a fully remote workforce has not come without challenges. In order to make full use of USPTO collaboration tools, the agency has undertaken five upgrades and configuration enhancements to our Webex infrastructure to improve the performance and user experience during these sessions. In addition, we ensured that those employees and contractors who did not have dedicated office equipment at their new worksite got the equipment they needed to do their jobs at the same level of performance. The agency worked extremely rapidly to re-position available equipment in our warehouse inventory, or acquire the necessary hardware, to quickly allow new teleworkers to reconnect and begin functioning effectively. In the first weeks, agency teams prepped, planned, and staged the procurement and shipping of 2,000 monitors for patent and trademark examiners, and in a few days, procured and staged the shipping of 3,200 printers. Plans were quickly developed to deploy up to 500 SOHO routers to recently hired examiners to enhance user connectivity.

Additionally, since April 2020, the USPTO implemented a split tunneling policy for all video conferencing and webcast capabilities based on Department of Homeland Security Cybersecurity and Infrastructure Security Agency Trusted Internet Connections 3.0 Interim Telework Guidance. The traffic tunneling policy significantly increased our live webcast capacity to accommodate over 14,000 USPTO federal and contract resources with dramatically improved audio and video quality in virtual meetings while greatly reducing USPTO bandwidth usage. The video conferencing and webcast traffic was configured to bypass our virtual private network and rerouted directly to FedRAMP SaaS cloud service providers, thus producing bandwidth savings.

Other technical considerations during this transition included changes to our operational posture to ensure our examination and support systems remain fully functional. For instance, Data Center access has been strictly controlled and is currently limited to 12 key personnel. Access requests must provide a justification for mission criticality and receive management approval. Prior to entering into the secured areas, personnel must submit to a temperature check, answer a questionnaire, and obtain PPE, including masks and gloves. In addition, our Command Center has been able to monitor incident responses by leveraging remote operations (telework) to maintain maximum social distancing. Command Center personnel entering our facilities must submit to a temperature check, answer a questionnaire, and obtain a mask.

Other challenges that have been encountered, and overcome, include the ability to onboard mission-critical staff and to address expiring Homeland Security Presidential Directive-12, Personal Identity Directive (HSPD-12 PIV) cards used to authenticate users of the USPTO network in a workforce spread nationally. To address continuity and onboarding, the agency has leveraged reciprocity exceptions outlined in the Department of Commerce's HSPD-12 Credentialing Interim Guidance During Operational Impacts of COVID-19 to maintain the USPTO's security posture while ensuring the number of available Command Center resources are appropriately maintained. To avoid operational impacts due to expiring HSPD-12 PIV credentials, the agency proactively addressed expiring credentials to ensure that employees could continue to work without having to travel to the USPTO headquarters.

<b>Webex Meeting Summary Information for 2019</b>	<b>Average Number of EXTERNAL Webex Meetings</b>	<b>Average Number of INTERNAL Webex Meetings</b>
Average Number of Daily Meetings	14	503
Average Number of Minutes per Day	993	25,288
Average Number of Minutes per Meeting	71	50
Average Number of Attendees per Day	315	2,915
Average Number of Attendees per Meeting	23	6

<b>Webex Meeting Summary Information for 2020</b>	<b>Average Number of EXTERNAL Webex Meetings</b>	<b>Average Number of INTERNAL Webex Meetings</b>
Average Number of Daily Meetings	51	796
Average Number of Minutes per Day	4,081	45,653
Average Number of Minutes per Meeting	80	57
Average Number of Attendees per Day	892	4,462
Average Number of Attendees per Meeting	17	6



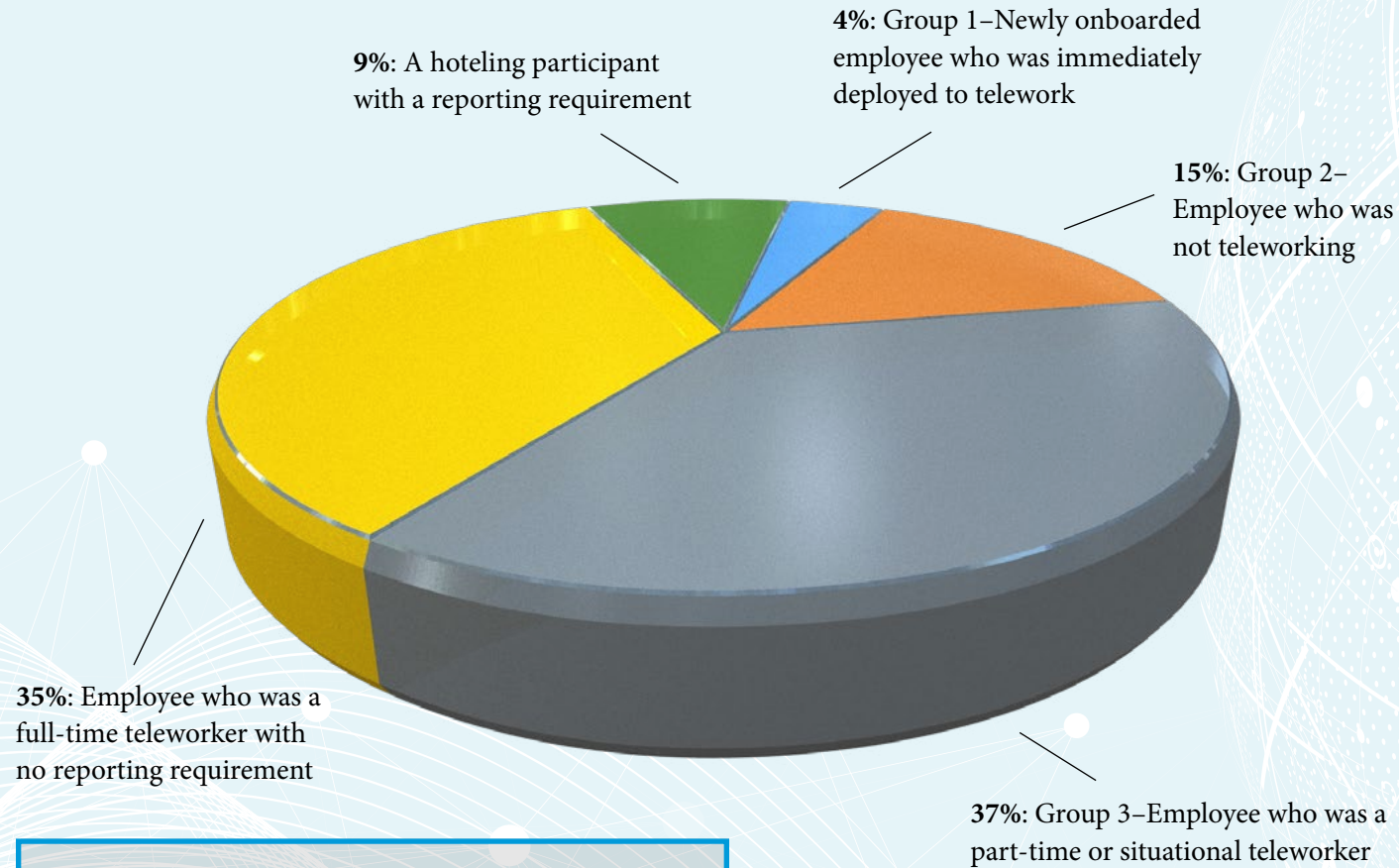
## EMPLOYEE SURVEY AND RESULTS: MANDATORY TELEWORK

To help evaluate employees' experience during mandatory telework and plan for their return to USPTO offices, we developed a short survey that was distributed to all USPTO employees. Recipients included employees who were newly onboarded, who had never teleworked, who were in a part-time telework program, who were in a hoteling program, and who were in a full-time telework program at the beginning of the period of mandatory telework.

In this survey, we asked employees to describe their experiences with training, equipment, technical support, communications, and working conditions during the period of mandatory telework. The survey also solicited

preferences for returning to the office and provided employees with the opportunity to share any personal challenges they experienced during the period of mandatory telework. All responses from the survey were confidential and were combined and analyzed in aggregated format only.

The survey ran from July 7 through midnight on July 13, 2020. 6,650 survey responses were received (67% of the agency).



## SURVEY OBSERVATIONS

### Groups 1 (New), 2 (Non-teleworkers), and 3 (Part-time teleworkers)

- Overall transition ratings were positive
- Effectiveness and work accomplished were rated higher for teleworking vs. office
- Group 2 and Technology Center (TC) non-manager ratings were somewhat lower
  - TC non-managers were evenly split on working from home or the office
  - Tech support was heavily utilized and received high levels of satisfaction
- More than 50% prefer indefinite teleworking or being in a full-time program rather than returning to the office
  - Only approximately 20% would prefer to return on a regularly scheduled basis
- Risk of exposure at the office is the greatest concern for returning (85%)

### All Employees

- 60% reported they had experienced some (38%), moderate (13%), or significant (9%) personal challenges
- Engagement scores were generally high, 70% - 87% positive





## FIRST-RATE INFORMATION TECHNOLOGY INFRASTRUCTURE SUPPORTS USPTO TELESWORKERS NATIONWIDE

Remember that old U.S. Post Office creed, “Neither snow nor rain nor heat nor gloom of night stays these couriers from the swift completion of their appointed rounds”?

That’s how we feel about our work at the USPTO. Granted, we’ve faced much worse in the past several months than just inclement weather. Even so, the USPTO’s more than 14,000 federal employees and contract resources have endured the historic challenges and, through an efficient teleworking system, have kept America’s engine of innovation moving forward.

Today, so much of what we do at the USPTO relies on our information technology (IT) systems. And there’s no doubt that the pandemic and the resulting stay-at-home orders have tested the limits of these systems. But, after the inten-

sive IT stabilization and modernization efforts of the past two years, the USPTO was well prepared when our physical offices closed in March.

We transitioned to a remote workforce with virtually no disruption, despite having an unprecedented number of employees accessing our IT systems from home. We now have, on average, more than 14,000 federal employees and contract resources establishing secure Virtual Private Network (VPN) connections to our campus every day. This is a 75% increase over our daily average prior to the pandemic.

We also now have over 1,200 virtual meetings each day using our secure video teleconferencing tools, connecting an average of 6,000 participants from among our

workforce, our contractors, and the public at large. Our teleconferencing systems allow employees to conduct a variety of meetings and applicant interviews, and even hold virtual hearings before the Patent and Trademark Trial and Appeal Boards. To fully leverage these collaboration tools, we undertook five system upgrades and configuration enhancements to our teleconferencing infrastructure.

In addition, we planned, staged, and executed the procurement and shipment of 2,000 monitors and 3,200 printers for teleworking employees in the first few weeks after the stay-at-home order was issued. We also deployed over 500 broadband routers to recently hired examiners to provide better connectivity to the USPTO systems.

As we noted last year, fully modernizing the USPTO’s technology systems to industry standards is a large-scale project that will require significant time and effort. Much work remains to be done, and there will undoubtedly be

hurdles along the way. Even so, our success in transitioning to almost an entirely remote workforce demonstrates that we’ve made remarkable progress in a short period of time.

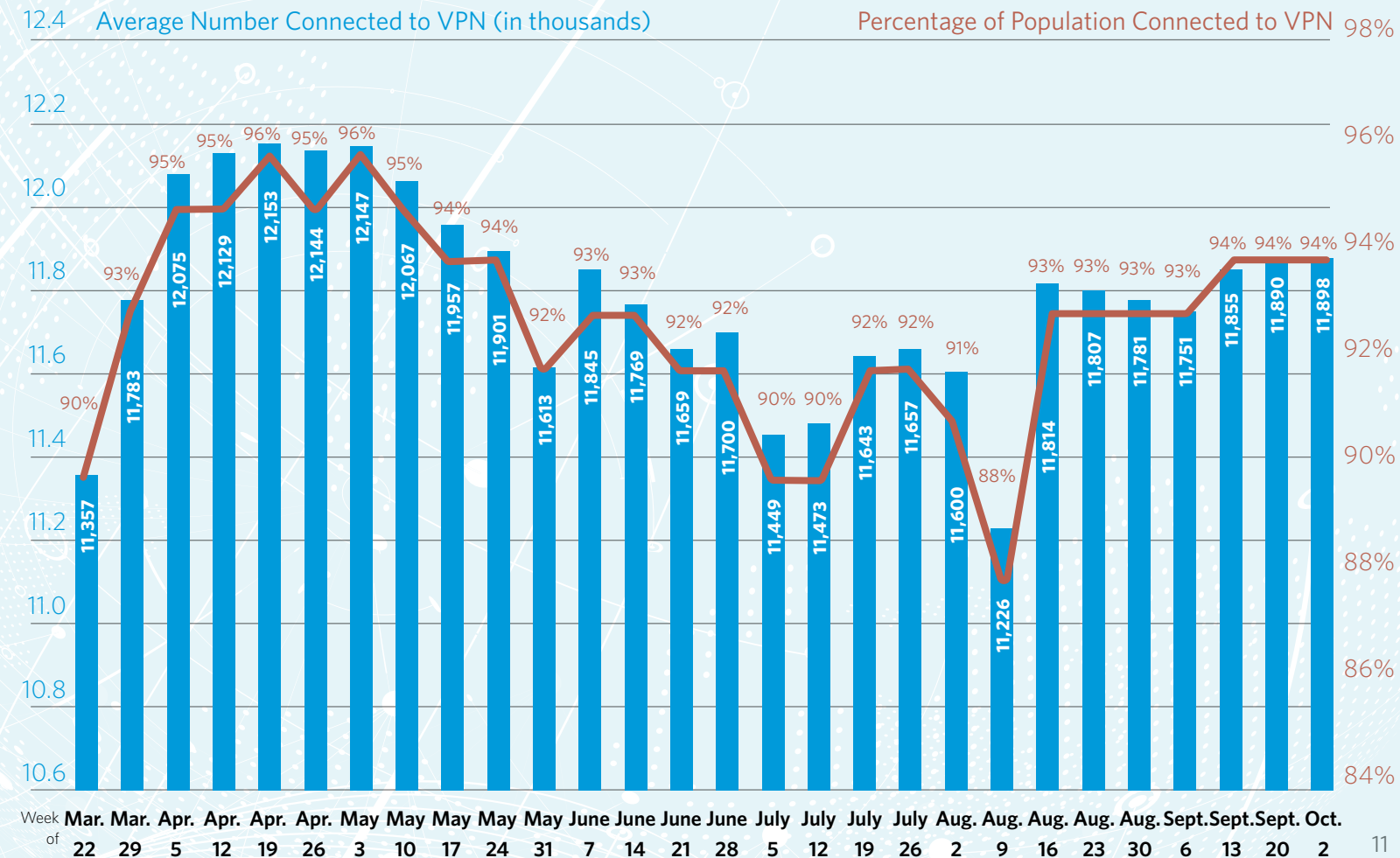
The USPTO remains committed to helping inventors and entrepreneurs weather this crisis and hit the ground running once it passes. And, in doing so, we will continue to enlist modern ways of doing business, including improving the performance and reliability of our IT infrastructure and other systems.

Our employees and our IT team continue to make us very proud. They work tirelessly to ensure that nothing stops our service to America’s innovators.



Left to right: Jamie Holcombe, Chief Information Officer for the USPTO, and Andrei Iancu, Under Secretary of Commerce for Intellectual Property and Director of the USPTO

### VPN UTILIZATION DURING MANDATORY TELEWORK (FEDERAL EMPLOYEES ONLY)



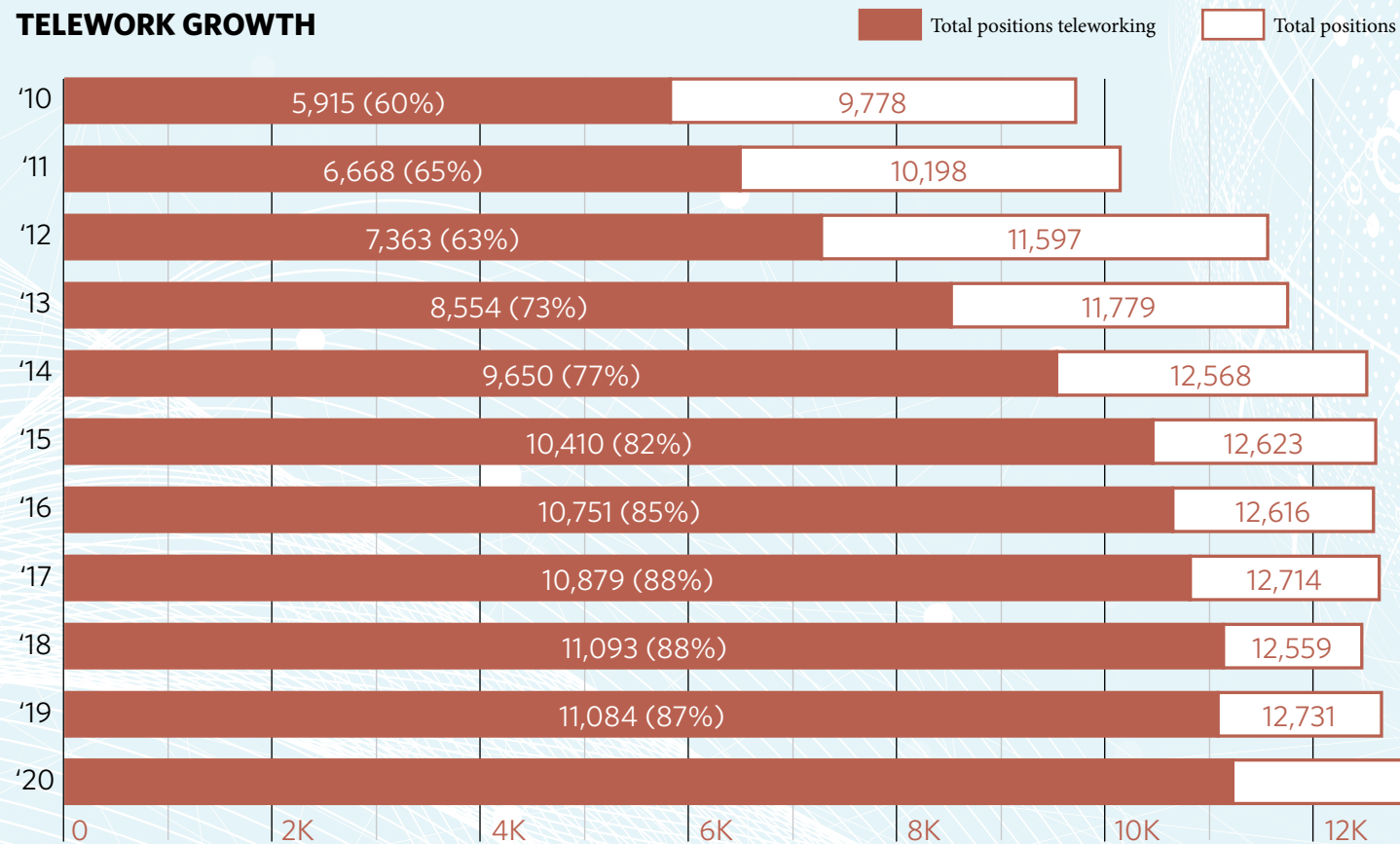


# Statistics

## FY 2020 USPTO TELEWORK STATISTICS

Number of teleworkers at the USPTO	11,177
Number of eligible positions at the USPTO	12,227
Percentage of positions at the USPTO that are eligible	94.51%
Percentage of positions at the USPTO that are teleworking (agency-wide)	86.40%
Total number of Patents teleworkers	8,750
Percentage of eligible patent positions that are teleworking	90.63%
Total number of Trademarks teleworkers	855
Percentage of eligible trademark positions that are teleworking	98.39%
Number of patent positions teleworking four or five days per week	6,454
Number of trademark positions teleworking four or five days per week	593
Number of TEAPP participants	2,995

## TELEWORK GROWTH



## FY 2020 ENVIRONMENTAL IMPACT OF TELEWORK\*

(based on the number of USPTO federal employees enrolled in a formal telework program pre-pandemic)

### 7,324 teleworkers working from home four to five days per week:

- Avoid driving 81,323,865 miles each year
- Collectively save \$6,817,651 in gas each year
- Collectively reduce emissions by 42,695 tons each year

### 3,853 teleworkers working from home one to three days per week\*\*:

- Avoid driving 19,014,555 miles each year
- Collectively save \$1,594,054 in gas each year
- Collectively reduce emissions by 9,983 tons each year

\* In the Washington, D.C., metropolitan area

\*\* Includes Patents Telework Program, 10 hours per bi-week

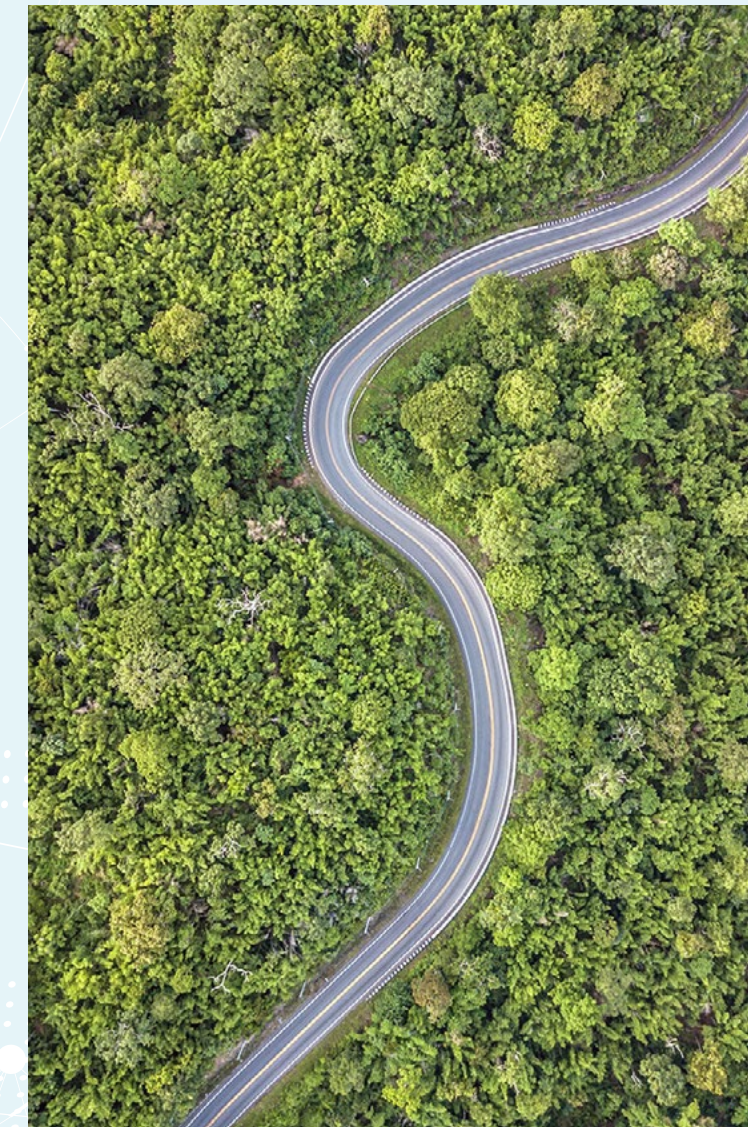
## FY 2020 ENVIRONMENTAL IMPACT OF PANDEMIC TELEWORK\*

(based on the number of USPTO federal employees teleworking since the onset of the pandemic)

### 12,937 teleworkers working from home four to five days per week:

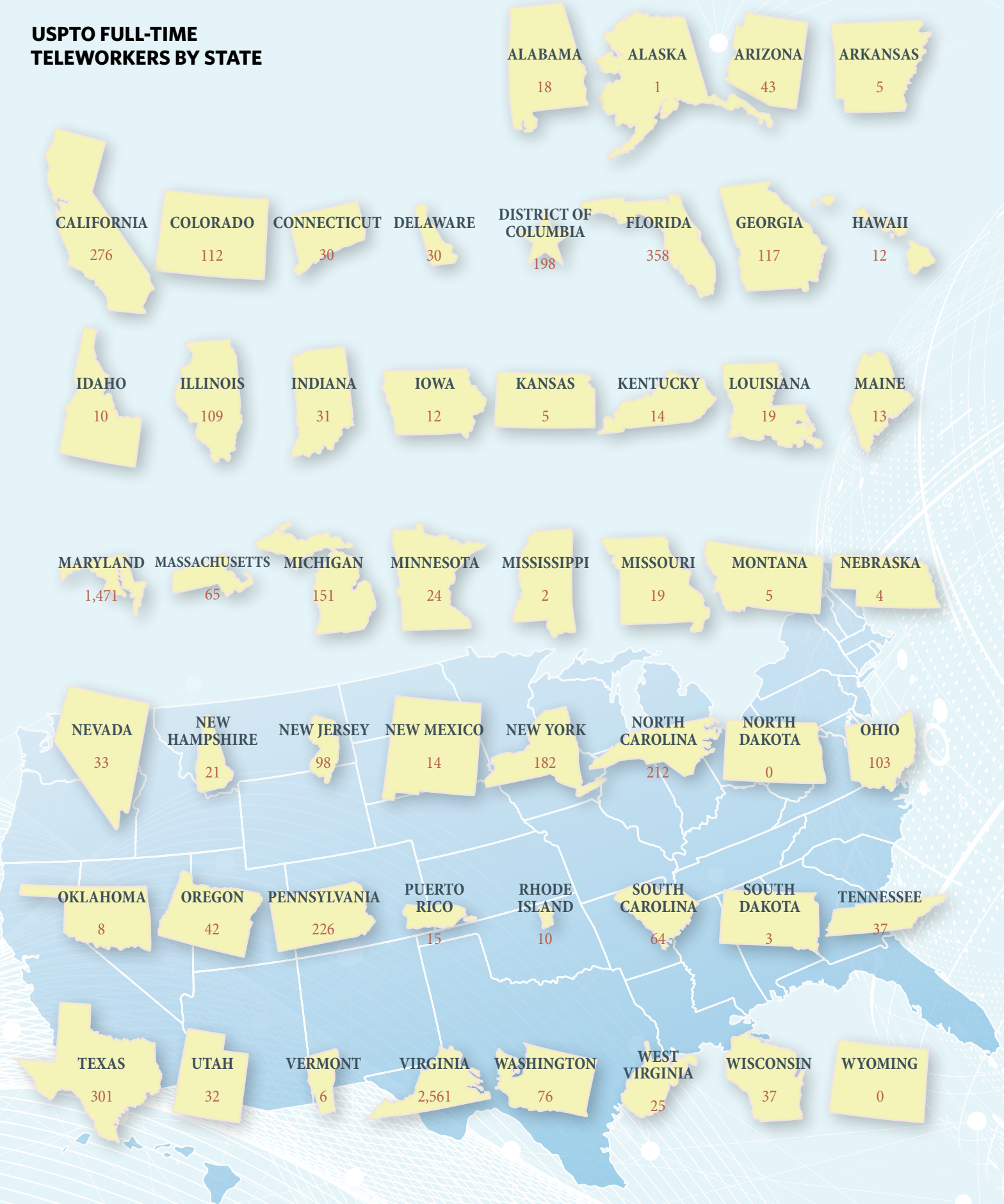
- Avoid driving 143,649,214 miles each year
- Collectively save \$12,042,592 in gas each year
- Collectively reduces emissions by 75,416 tons each year

\* In the Washington, D.C., metropolitan area

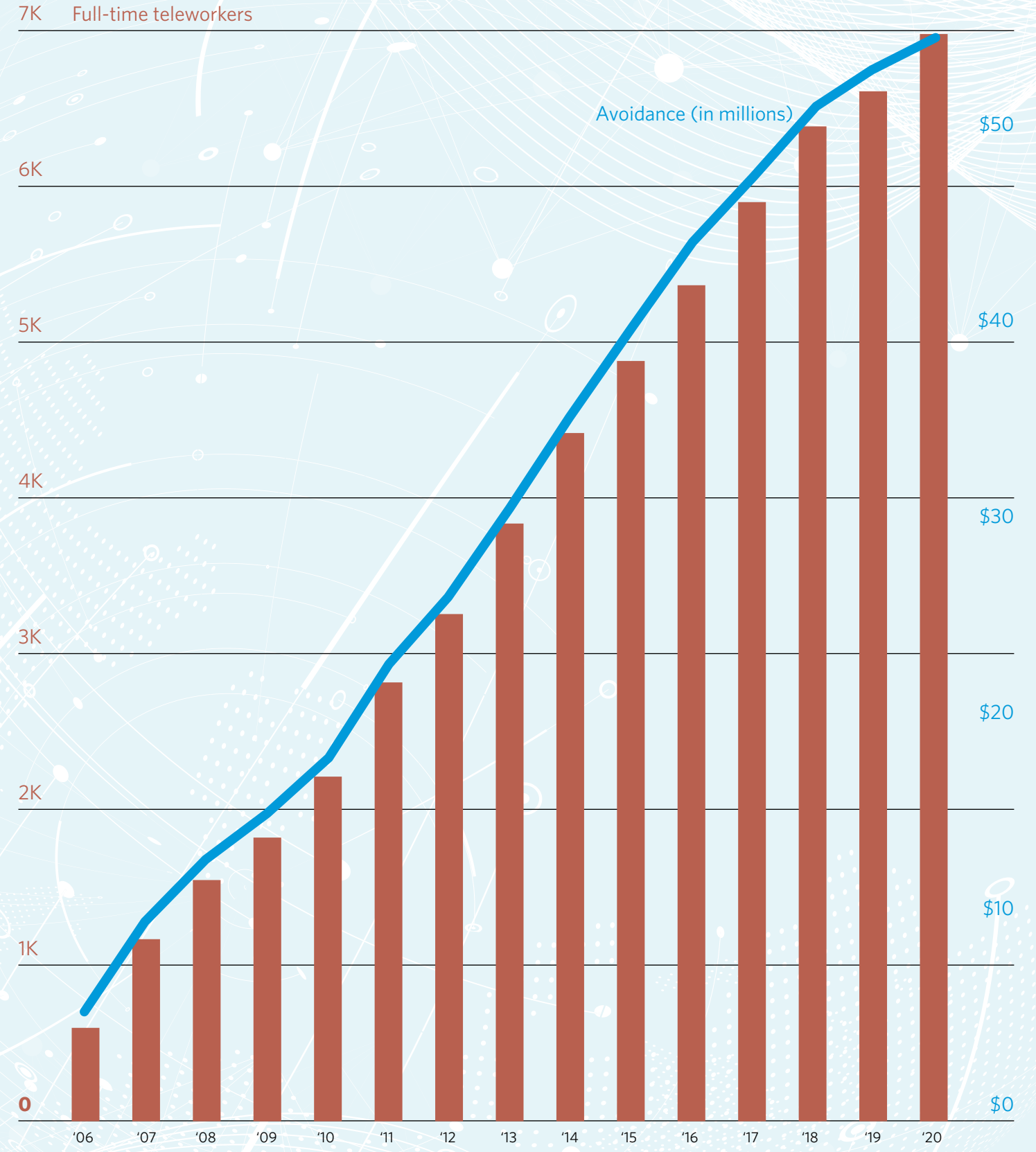




**USPTO FULL-TIME TELEWORKERS BY STATE**



**ANNUAL REAL ESTATE COST AVOIDANCE DUE TO FULL-TIME TELEWORK**







## REGIONAL OFFICES

The USPTO operates from its headquarters in Alexandria, Virginia, and four regional offices. This gives inventors, entrepreneurs, and small businesses the added benefit of a USPTO presence in every continental U.S. time zone. Staff in these offices work closely with intellectual property services, startups, and job-growth accelerators in their regions. They also collaborate with local science, technology, engineering, and mathematics (STEM) organizations.

The America Invents Act of 2011 granted the USPTO the ability to establish at least three regional offices. The first of the new offices, the Elijah J. McCoy Midwest Regional Office in Detroit, opened in 2012. Our Rocky Mountain Regional Office in Denver opened in 2014. Our Silicon Valley Regional Office opened in San Jose in October 2015. Our Texas Regional Office opened in Dallas in November 2015.

Our goal is to promote innovation and stimulate the economy by connecting entrepreneurs to government resources; supporting students and teachers through our STEM education programs, including professional development for teachers; gathering feedback from regional stakeholders; and recruiting diverse talent from each region.

### Texas Regional Office

Serving Alabama, Arkansas, Louisiana, Mississippi, New Mexico, Oklahoma, Tennessee, and Texas. The office is located in the Terminal Annex Federal Building in downtown Dallas, Texas.

### Rocky Mountain Regional Office

Serving Colorado, Idaho, Kansas, Montana, Nebraska, North Dakota, South Dakota, Utah, and Wyoming. The office is located in the Byron G. Rogers Federal Building in downtown Denver, Colorado.

### Elijah J. McCoy Midwest Regional Office

Serving Illinois, Indiana, Iowa, Kentucky, Michigan, Minnesota, Missouri, Ohio, and Wisconsin. The office is located in the Stroh Building in Detroit, Michigan.

### Silicon Valley Regional Office

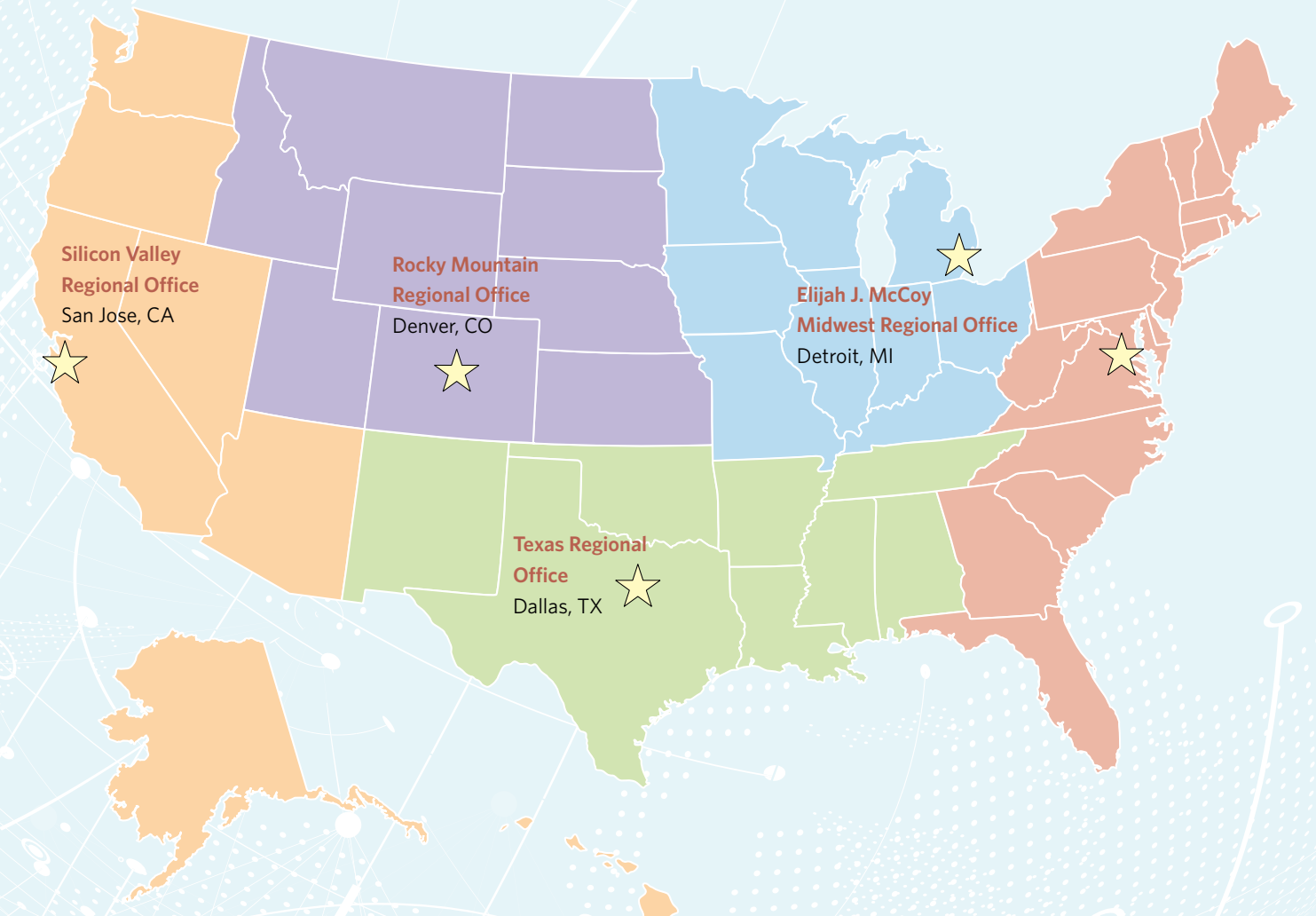
Serving Alaska, Arizona, California, Hawaii, Nevada, Oregon, and Washington. This office is located in the Wing Building of San Jose City Hall in San Jose, California.

Each regional office has a specific geographic area that it serves. These geographic areas are broken down by the states in each region. Not only do the regional offices help support the public in their individual areas, but they are also a resource for the teleworkers in their regions. For example, when a full-time teleworker's HSPD-12 PIV card, used to log in to the USPTO systems, is about to expire, he or she can go to the nearest regional office to

renew instead of traveling to the Alexandria headquarters. The following chart shows the total number of teleworkers in each region and is broken down by the total number of full-time teleworkers, TEAPP participants, 50 mile program participants, full-time teleworkers with a reporting requirement, and part-time teleworkers.

## NUMBER OF TELEWORKERS IN EACH USPTO REGIONAL OFFICE'S AREA OF RESPONSIBILITY

	All full-time teleworkers	TEAPP	50 miles	Full-time teleworkers w/ reporting requirements	Part-time teleworkers
Detroit	474	391	69	14	36
Dallas	378	309	59	10	54
Denver	162	120	36	6	48
San Jose	413	378	31	4	46





# USPTO Business Units: Meeting Pandemic Challenges

## PATENTS

At the onset of the pandemic, Patents had nearly 6,500 employees teleworking four to five days per week, leaving approximately 3,600 who needed to transition to full-time telework. In order to facilitate the transition and the balance of work responsibilities and caregiving duties at home, Patents provided:

- Additional work schedule flexibilities to employees by expanding the time band of working hours available to 4:30 a.m. to 11:59 p.m., including allowing employees to work on both weekends of a pay period
- The removal of the 16-hour cap on earning compensatory time on a weekend
- 8 hours of non-production time per pay period during the initial closure period to assist employees in adjusting to the full-time telework environment
- Up to 20 hours of EADC leave per bi-week to employees to fulfill certain dependent care responsibilities
- Up to 80 hours of paid sick leave under the Emergency Paid Sick Leave Act
- The ability for employees to remove office peripherals for work use in their home office
- Additional telework equipment to ensure employees could effectively work remotely:
  - In the first month of mandatory telework, Patents deployed 1,174 monitors and 1,931 printers to employees;
  - A total of 3,200 monitors and 2,153 printers have been deployed.
- Office supplies by expanding the toner and paper program to include all Patents employees with USPTO equipment
- The ability for employees to use secure WiFi connections to connect to USPTO networks

In addition to sharing information with employees via email and virtual meetings, Patents also created a Patents Mandatory/Maximum Telework Resource SharePoint site that provided a central location for information related to mandatory/maximum telework and COVID-19. This site provided timely updates to this information and enabled employees to access this information quickly and efficiently. The Patents Telework Resources webpage, which is linked to the Patents Mandatory/Maximum Telework Resource SharePoint site, was updated to provide additional training and reference

information for employees, particularly those new to telework. Patents also created a new email address, “PatentTeleworkquestions,” specifically to field and respond to employee questions on teleworking, equipment, and network access.

In order to maintain operations in support of the agency’s mission, Patents continued to increase the examining staff during mandatory telework. Patents converted its recruiting efforts, onboarding process, and initial training program to a virtual environment. Since June 2020, Patents has held five virtual Entrance on Duty events and brought on 589 new examiners.

Employees and managers across the Patents business unit have found creative ways to continue many social, outreach, and engagement activities in a virtual environment. Some examples of these activities include:

- Virtual Commissioner Town Halls with Patents employees; 23 meetings for employees and managers across the business unit were held to facilitate open discussions
- Virtual Stakeholder Partnership events
- Virtual social events including coffee breaks, lunchtime concerts, a summer picnic, online happy hours, and a Halloween costume party

Despite the challenges presented by the COVID-19 pandemic and transition into a full-time telework environment, Patents employees were able to maintain “business as usual” and met or exceeded pendency goals for both FY 19 and FY 20. Patents has demonstrated that optimal operations in a totally virtual environment can be maintained. Patents’ experiences and successes during the pandemic will guide decisions as we plan for the future and create and expand telework opportunities for all Patents employees.

To address the widespread concerns affecting Patents stakeholders as a result of the COVID-19 pandemic, Patents also provided a number of measures, including:

- COVID-19 Patent Prioritized Examination Pilot Program, under which the USPTO grants requests for prioritized examination to patent applicants that qualify for small or micro entity status and claim certain technology related to COVID-19 without payment of the typical fees associated with non-pilot prioritized examination
- The Deferred-fee Provisional Patent Application Pilot Program, under which applicants who agree that the

technical subject matter disclosed in their provisional applications will be available to the public on the USPTO’s website may defer payment of the provisional application filing fee until the filing of a corresponding, non-provisional application

- Waiving petition fees in certain situations for customers impacted by COVID-19
- Deadline extensions under the Coronavirus Aid, Relief, and Economic Security (CARES) Act:
  - Extending the time to file certain patent-related documents and to pay certain required fees
  - Extending the time period for petitioning for certain rights of priority or benefit in a patent application while waiving the associated petition fee
- Allowing electronic filing of plant patent application filings
- Allowing electronic filing of patent term extension applications

## TRADEMARKS

### Meeting Trademarks Challenges

Telework is a critical component of the USPTO’s continuity of operations. In FY 2020, it was apparent just how important telework is to the agency’s readiness, flexibility, and culture. When the USPTO implemented mandatory telework due to COVID-19, Trademarks seamlessly transitioned its new employees and those new to telework. Trademarks allowed employees to remove their office peripherals to help establish their new “home offices.” Employees were permitted to use secure WiFi connections and to connect their personal monitors and printers to their laptops. Trademarks also deployed SOHO routers to new teleworkers to avoid connectivity issues. To insure that all employees had the equipment they needed to perform their jobs, Trademarks provided additional monitors, printers, and headsets to employees upon request.

Trademarks acknowledged that employees were balancing both their work responsibilities and caregiving duties at home. To support this effort, Trademarks expanded working hours for production employees on an Increased Flexitime Program (IFP) schedule to 4:30 a.m. to 11:59 p.m., Monday through Friday, and permitted employees on an IFP schedule to work on both weekend days in a calendar week instead of one. Trademarks also permitted up to 20 hours of leave and up to 80 hours of paid sick leave under the Emergency Paid Sick Leave Act.

Trademarks had the additional challenge of onboarding a class of 25 new examining attorneys that started two weeks before the mandatory telework directive. Trademarks was able to pivot from the traditional in-person training format that had been previously used to a virtual training program by being resourceful regarding equipment, being flexible with the training schedule, and increasing the opportunities for class engagement.

### Communication, Collaboration, and Employee Engagement

Trademarks continued to adapt to working under mandatory telework by providing additional support to its employees in several ways.

With all of its employees working from home, Trademarks was able to use a variety of communication and engagement tools to stay connected to its staff. The quarterly electronic employee magazine TMPeople published a special issue focused on how employees were working and supporting each other. The Commissioner’s office continued to send out the monthly newsletters called Madison Messages. Trademarks created a Mandatory Resource intranet page that provided timely updates and guidance to employees about COVID-19. The Trademark Work at Home Share-Point page was updated to include additional training materials for new teleworkers.

In an effort to promote health and wellness, managers and employees were encouraged to avail themselves of the USPTO’s health and safety resources. Trademarks provided a well-attended Stress Management webinar for employees. Managers and supervisors had office chats, lunches, and happy hours to keep employees engaged. In addition, recognizing that many employees had children at home, Trademarks had a Trademark Kids at Work event to educate employees’ children about trademarks. There were several employee-led initiatives as well, including a “Let’s Get Together” weekly virtual conference series.

At the beginning of FY 2020, 85% of Trademarks employees were teleworking one or more days per week. At the end of FY 2020, an additional 5% of Trademarks employees were deployed to a permanent telework program, and all the rest participated in “ad hoc” situational telework.

### Help for Trademark Owners

In addition to addressing the needs of its employees, Trademarks also worked with applicants by developing the



Trademark Prioritized Examination Program. For trademark applications related to COVID-19 medical products and services, the USPTO accepted petitions to expedite initial examination. If the petition was granted, examination was accelerated by two months.

Once businesses began to reopen, some stakeholders needed special assistance. Many individual filers and small businesses were unable to meet statutory deadlines due to pandemic-related reasons. Under the CARES Act, Trademarks waived petition fees for applicants filing petitions for the revival of applications that were abandoned due to the COVID-19 outbreak.

## PATENT TRIAL AND APPEAL BOARD (PTAB)

### A Seamless Transition to All-Virtual Hearings

As the COVID-19 pandemic began in the United States in early March, the PTAB held its first all-virtual hearing, seamlessly adjusting to the new format and showcasing yet another example of the PTAB's state-of-the-art efforts to support America's "innovation agency."

In the nine months since this transition, the PTAB has held 1,042 virtual hearings. Despite the sudden switch in format, PTAB work has continued unabated.

Hearing Type	No. of virtual hearings (March 13-December 16)
Appeal	644
Reexam	16
AIA trials	382

Past innovations made this transition possible. For example, the PTAB has long permitted counsel to appear remotely in ex parte appeals to save travel-related costs and time for applicants. Likewise, up to two of the three judges assigned



Remote PTAB hearing on July 27, 2020.

to any PTAB proceeding (ex parte appeal or AIA trial) have appeared remotely, supporting the USPTO's well-known hoteling programing, in which judges and examiners are recruited throughout the United States and permitted to work outside the Washington, D.C., metro area. And just this year, the PTAB allowed parties in all proceedings to request to appear from a USPTO regional office.

Still, transitioning *all* PTAB hearings to a complete virtual environment required the PTAB and its support staff to work efficiently and creatively as they addressed everything from court reporting to virtual public access.

We continue our work to improve the user experience and welcome any suggestions parties and practitioners might have. Please send us a note at [PTABhearings@uspto.gov](mailto:PTABhearings@uspto.gov). We also realize that for many practitioners, appearing remotely is a new experience that poses some challenges. To that end, we have identified some [best practices](#) that we share with counsel in advance.

On a related note, the USPTO launched the [Legal Experience and Advancement Program](#) (LEAP) during this time of remote hearings, and it has shown tremendous interest so far. LEAP fosters the development of the next generation of patent practitioners by creating opportunities for them to gain skills and experience in oral arguments before the PTAB.

Finally, with the expansion of remote hearings, we are able to offer stakeholders the opportunity to listen to hearings remotely. For more information, please visit the [PTAB page of the USPTO website](#) for schedules and further instructions.

The USPTO's top priority is to maintain the health and safety of our employees, contractors, and the American public, while continuing to provide valuable services, programs, and resources at the highest level. The option to appear remotely before the PTAB is one of the many ways we have met, and will continue to meet, the needs and priorities of those who appear before the Board.

### TRADEMARK TRIAL AND APPEAL BOARD (TTAB)

In FY 2020, the TTAB faced the challenges occasioned by the COVID-19 pandemic head on by quickly transitioning to 100% telework with no drop in production. The TTAB quickly pivoted from largely in-person hearings to solely virtual hearings, conducting nearly 30 hearings virtually from March through September 2020. There was minimal lag in

transitioning from an in-person environment to all-virtual hearings, and stakeholder outreach continued with little to no interruption under our "new normal." Multiple TTAB employees participated in various virtual events. Of particular note, the TTAB heard case arguments in conjunction with a USPTO Dallas Regional Office "Trademark Day" program that attracted hundreds of virtual participants.

In FY 2020, the TTAB was committed to staying connected collegially and professionally. Judge panels with certain types of contested motions continued via Webex, as did meetings with interlocutory attorneys on cases with certain types of contested motions. Paralegals also met virtually to share updates on procedural changes that would keep everyone informed. The TTAB administrative team worked with all branches of the TTAB to procure and test the equipment that would be deployed to business unit members who needed it.

To meet the challenges of the mandatory telework environment, the TTAB modified its training programs for new employees and detailees. New paralegal hires trained 100% virtually, and internal cross-training continued online. Spring and summer externs worked exclusively from a safe and secure USPTO virtual workspace. Additionally, two new Administrative Trademark Judges and three Interlocutory Attorneys joined the TTAB a month before the transition to full-time telework. Four of the five were external hires and had no experience with the USPTO telework program. Because of the "new normal," we had to adapt a new onboarding and training process for the new hires.

To assist in facilitating exclusively online meetings, a former member of the Conference Services team helped provide a Webex account with enhanced features, such as white boards and breakout rooms. The TTAB incorporated these enhanced features into its virtual meetings and trainings with staff to promote transparent communication, and to strengthen engagement and connection to the team.

In April 2020, the TTAB conducted an all-employee meeting to share TTAB People Survey Results and CARES Act Updates. In June 2020, the TTAB's Board Operations division participated in a "Board Operations Division Brainstorming (Virtual) Meeting," in conjunction with the Human Resources Enterprise Training Division, to host a team-building activity. The Office of Human Resources also conducted a brainstorming/employee feedback session. This event also included a team recognition segment and a discussion of Board Operations' 2020 survey results.

Additionally, the TTAB hosted several activities for all TTAB employees during mandatory telework to maintain an engaged workforce. Activities included learning how to use the expanded features of Webex, an "introduce your pet" event, and an employee recognition ceremony to highlight recent accomplishments. Internal cross-team training continues, and newsletter-style emails are periodically sent. The TTAB also shared daily email messages called the "TTAB Tip of the Day." These tips were related to a lesson learned, a special talent, or ways to survive the extra time at home. Through each story, TTAB employees learned more about each other and felt a sense of connection during the physical separation.

While the pandemic presented a significant change in the way the TTAB does business, the TTAB showed resiliency in meeting the challenges, thus reinforcing its motto, "We may have our trials, but our work is appealing."

### OFFICE OF THE GENERAL COUNSEL (OGC)

OGC had a seamless transition to full-time telework, as the majority of its employees were already on a part-time telework schedule (maximum of two days per week). For those who were not telework-ready or eligible at the time that mandatory telework was instituted, OGC immediately transitioned those employees without any interruption to its day-to-day operational support.

OGC contacted its external customers (courts, opposing counsel, etc.) to discuss the transition from in-person appearances and document filings to utilizing a virtual platform. Thus far, the transition has been very successful, but on-campus employee support is still required for document processing and trial preparation.

Each office within OGC organized monthly staff meetings, as well as smaller informal meetings ("virtual water cooler chats," "coffee breaks," etc.) to keep employees connected and aware of agency updates and developments.

### OFFICE OF THE CHIEF FINANCIAL OFFICER (OCFO)

The CFO recognizes the value of conducting OCFO meetings virtually, including the ability to share, in real time, data and other materials. He says, "Being able to immediately share data with a Director or Business Unit Head has been extremely helpful and efficient. Additionally, the OCFO team has expanded its use of existing technology resulting in more effective collaboration. We look forward to embracing the lessons we learned during the pandemic when we return to the brick-and-mortar workplace."



These lessons learned include having face-to-face interactions via Webex and helping employees to feel connected to one another and their supervisors, using video during meetings, and encouraging participation and engagement. OCFO also found that employees are as productive virtually as they are when they are in the office. Additionally, without the challenge of a daily commute, OCFO has experienced higher productivity, greater collaboration, and more frequent communication.

By publishing an OCFO weekly newsletter and a quarterly Office of Financial Management Systems newsletter; having virtual coffee breaks and lunches, OCFO All Hands meetings, and staff meetings; using Microsoft Teams; and conducting one-on-one meetings with employees, OCFO has kept its staff engaged and connected. To help maintain the connection and have some fun, OCFO participated in virtual book clubs, happy hours, and a Halloween party; held virtual games to promote team building; and celebrated the end of the fiscal year with an escape room virtual party.

### **OFFICE OF POLICY AND INTERNATIONAL AFFAIRS (OPIA)**

At the onset of the pandemic, 77% of OPIA staff were telework participants equipped for and accustomed to working from home. OPIA leadership moved quickly and successfully to ensure that 100% of staff were prepared to transition to a mandatory telework environment by scheduling training, securing signed agreements, and issuing standard equipment to non-teleworking employees.

OPIA expanded its use of agency-provided collaboration tools and quickly adapted to holding its meetings in fully virtual formats. In addition, the Office of the Chief Information Officer facilitated OPIA staff members' occasional needs to participate in meetings via Zoom (which could not be installed on USPTO-provided laptops) by providing temporary Chromebook loans, making it possible to engage with international counterparts and stakeholders who were also navigating remote workplace challenges. With increased use of HD webcams inviting new audiences into employees homes, our Global Intellectual Property Academy team was inspired to design and lead online training sessions providing guidance on the use of virtual backgrounds, optimal lighting, and audio tools to help increase employees' confidence in putting their best face forward in virtual meeting environments for both internal and outward facing audiences.

As we continued to work from home, creative ways to engage and connect emerged. On the weeks between OPIA's biweekly staff meetings, a shorter and more informal meeting was scheduled to provide an open forum for questions on any topic facing our business unit and agency. Many employees have found it helpful to plan small-group "virtual watercooler chats" via Webex during off-peak hours as a way to replicate the casual hallway conversations they missed, including a Gardening Club that became an outlet for veteran gardeners to connect and guide colleagues getting started with their 2020 victory gardens. A summer food drive provided a welcome opportunity for people to see colleagues in a limited capacity, while participating in a helpful team-building event for the local community. We continue to support these connections to help remind our staff that regardless of where in the world we may work from, we continue to work together as a diverse and versatile team.

All of this has enabled us to fulfill our mission, notwithstanding the dramatically changed circumstances. To point to just one example, we are particularly proud that in the all-virtual environment in which we operate, we created Patents 4 Partnerships, an online platform that brings together those who have technologies they wish to make available for licensing with those who have an interest in and ability to commercialize the technologies. The initial release of the platform is focused on technologies related to the prevention, diagnosis, and treatment of COVID-19.

### **OFFICE OF THE UNDER SECRETARY (OUS)**

On March 23, 2020, the Office of the Under Secretary and Director transitioned from a primarily on-site work environment (with situational telework agreements), to mandatory full-time telework status in response to the COVID-19 pandemic. This enterprise effort was intended to ensure business continuity of operations and to protect and maintain the health of USPTO employees and stakeholders. During this transition to a full-time telework environment, the Executive Staff of the OUS remained fully engaged and responsive without delay or connectivity challenges.

Along with the OUS, the Executive Staff in our four regional offices also transitioned to mandatory telework. This transition created new challenges for our regional offices, as they closed their physical locations to the public and to employees, while striving to maintain a vigorous stakeholder outreach program that was formerly conducted almost exclusively in person. Thanks to the USPTO's

telework program, the regional offices were able to adapt current technologies, such as Voice over Internet Protocol (VoIP), to conduct virtual stakeholder outreach. As a result of their efforts, our regional offices were able to collect valuable, timely information from stakeholders that was used to help craft the USPTO's COVID-19 response policies, thereby furthering the agency's mission.

Together, the OUS remains resolute in promoting effective communication through collaboration to support the USPTO's core mission of expanding innovation in America.

### **OFFICE OF THE CHIEF ADMINISTRATIVE OFFICER (OCAO)**

#### **Office of Human Resources (OHR)**

In March 2020 when the COVID-19 pandemic struck the United States, the USPTO's OHR quickly pivoted to a completely virtual work environment, having 99% of its staff teleworking full-time at day one and 100% within the next bi-week. OHR, known for its outstanding customer service, creative ways of doing business, and ability to deliver results, was now facing the challenge of no face-to-face interaction with programs that had required in-person contact in the past. OHR's primary concerns were its people, the necessary resources for them to perform their jobs, and their ability to carry out the mission of the USPTO.

Immediately, OHR leadership set up regular check-in meetings with each other to discuss the staff, their health concerns, what equipment and resources they needed, and the programs that would need to be canceled or altered. Noting that the staff felt disconnected, an all-virtual All Hands meeting was scheduled that focused on caring for each other and being resilient. An interactive activity to enhance the use of web tools was conducted during this meeting and was deemed a major success.

OHR leadership also reached out to each OHR staff member personally to check on his or her well-being, a practice they plan to continue as a best practice in the future.

At the core of OHR operations are the New Employee Orientations, Enterprise-wide Training, Leadership Forum, Career Awards Ceremony, End of Year Performance Close Out, and retirements. Even with the challenging times presented by the pandemic, these programs exceeded expectations for transitioning to an all-telework environment, and no USPTO OHR program was delayed or canceled. This

was accomplished by maximizing already existing tools, developing innovative and creative ideas, and regularly checking on and supporting each other.

The first USPTO all-virtual Leadership Forum evidences one example of how OHR continued business in a mandatory telework environment. This all-virtual event was held for over 1,300 executives, supervisors, managers, and other selected invitees. The 2020 Leadership Forum focused on themes of managing change with agility, mindfulness, and engagement, and provided practical knowledge in an environment that combined learning with collaboration to ensure that leaders have the tools they need to lead the USPTO most effectively. From August 3 through August 6, 2020, the Forum featured 84 hours of learning across four keynotes and 52 breakout sessions. This resulted in over 19,000 session completions for over 1,300 participants and addressed all 10 USPTO Ideal Leader Profile Qualities. Twenty-three facilitators and 46 volunteers helped the event run smoothly. This collaborative effort included the Office of Equal Employment Opportunity and Diversity, Conference Services, and the Office of the Chief Information Officer, in addition to the executive planning committee and USPTO facilitators.

Additionally, despite many unknowns, OHR successfully carried out other all-virtual events, such as the Career Awards Ceremony, recognizing over 400 recipients; the End of Year Performance Close Out for nearly 13,000 employees; and the processing of over 200 virtual retirements.

#### **Office of Administrative Services (OAS)**

OAS plans and administers a variety of facilities, security, safety, and administrative support programs responsive to the needs of the USPTO workforce. The goal of OAS is to provide an environment that maximizes USPTO employees' ability to perform their missions by delivering these services in a way that is customer driven, achieves the best value for our clients, and enhances the agency's assets.

At the onset of the pandemic, OAS seamlessly transitioned staff from part-time telework to predominantly full-time telework in a matter of days while ensuring business continuity for every business unit at the USPTO. We adjusted program schedules to accommodate all stakeholders while delivering exceptional customer service and helping our employees adapt to a "new normal."



OAS leadership was keenly aware of the need to keep both managers and non-managers regularly apprised of agency status and other pertinent information during the pandemic. This was accomplished by conducting daily check-ins and weekly meetings using agency collaboration tools. Regularly scheduled virtual meetings provided managerial insight into employees' immediate concerns, and allowed them to address various questions about their safety and health during the pandemic.

While the pandemic has presented challenges on many levels, the OAS team found that it could maintain exceptional levels of customer service in a predominantly remote working environment. Regular and recurring communication among the OAS team members is key to successful operations, regardless of the location of our OAS staff. Maintaining flexibility is helpful in achieving mission accomplishment, and soliciting and incorporating customer input is invaluable for meeting OAS goals.

### **OFFICE OF THE CHIEF COMMUNICATIONS OFFICER (OCCO)**

OCCO is responsible for all public affairs and communication, invention education, and public outreach activities, including national-level partnerships with outside organizations. OCCO plans and manages nationwide information and marketing campaigns about USPTO programs and initiatives, for audiences including news media, employees, the IP community, inventors and entrepreneurs, the general public, and students and educators.

While OCCO had already expanded telework options for its employees in FY 2020, the office quickly transitioned to a fully remote workforce with virtually no disruption and worked tirelessly to keep employees, inventors, and entrepreneurs informed of the latest operational and procedural notices regarding COVID-19.

Transitioning from limited, episodic (situational) telework to routine telework for eligible positions was a major step forward for OCCO. Building off this momentum, OCCO took full advantage of the virtual environment and video teleconferencing tools for daily operations, media interviews, and a variety of external outreach events like Invention-Con, speaking events for the Director and Deputy Director, and a USPTO Speaker Series "fireside chat" between the Director and former NFL quarterback Steve Young. In addition to maintaining detail opportunities outside the immediate Alexandria, Virginia, campus, transitioning to a fully virtual

environment also allowed OCCO to onboard new employees without the immediate need for relocation.

### **OFFICE OF EQUAL OPPORTUNITY AND DIVERSITY (OEEOD)**

The USPTO Diversity Program, administered by the OEEOD, took an outsized role in the agency's efforts to keep the workforce engaged after the mandatory work-from-home order was issued in March 2020. Whereas previously the majority of the program's work took place in person on the Alexandria campus, the Diversity Program leveraged the agency's telework capabilities, using Webex conferencing software, to host a variety of virtual events and activities. Community Day 2020, historically a one-day, annual, in-person event attended by hundreds of employees, including residents of the City of Alexandria, was conducted for the first time exclusively online in July, with more than 8,000 employees participating in the streamed broadcasting of remarks, exhibit booths, scavenger hunts, coffee chats, games, and more. Moreover, the Diversity Program continued sponsoring, co-sponsoring, and facilitating special events virtually, commemorating National Women's History Month; Asian/Pacific American Heritage Month; Jewish American Heritage Month; Caribbean American Heritage Month; Lesbian, Gay, Bisexual, Transgender, and Queer Pride Month; Juneteenth; National Hispanic Heritage Month; National Disability Employment Awareness Month; and National Native American Heritage Month since March. All planning, coordination, and execution of those events, including networking gatherings, welcome wagon socials, and flagship events with keynote speakers, were conducted remotely.

In response to the COVID-19 pandemic, the USPTO Diversity Program used the agency's telework capabilities to implement its Engagement in the Time of Telework Initiative. This initiative promoted collaboration between the leaders of the agency's 29 officially recognized employee groups, including 18 affinity groups and organizations from both headquarters and the regional offices, to stand up a host of regularly scheduled events and activities, including "Monday Moves" fitness tips, "Virtual Coffee Break Wednesdays," monthly Diversity Film Festival Discussions, monthly Virtual Book Club meetings, a monthly photography contest, weekly "PTO Kids (read aloud) Story Time," and monthly online gaming competitions.

In addition, the USPTO Diversity Program hosted a series of virtual Lunchtime Listening Sessions during the sum-

mer, each facilitated by the OEEOD Director. The 10, one-hour sessions were designed to encourage brainstorming about ways to mitigate bias and become more involved in diversity and inclusion initiatives to build a stronger USPTO community.

The USPTO Diversity Program continued its outreach and diversity recruitment activities seamlessly, despite working remotely, by exhibiting and recruiting virtually at the Society for Professional Engineers Regional Conference Career Expo, the University of Puerto Rico Mayaguez (UPRM) School of Engineering Career Fair, and the Montgomery College and Federal Asian Pacific American Council (FAPAC) joint career fair. This group also virtually conducted, for the first time, "Find & Apply" employment webinars for students and professionals from the UPRM School of Engineering, FAPAC, the League of United Latin American Citizens, and Princeton University.

### **OFFICE OF THE CHIEF INFORMATION OFFICER (OCIO)**

OCIO successfully transitioned to working in a full-time telework environment while simultaneously supporting the USPTO in doing the same. OCIO not only leveraged the collaboration tools available to the enterprise—Skype/Instant Message, email, phone, and Webex—it seized the opportunity to expand a limited pilot of Microsoft Teams, which has become the place for teams to collaborate, chat, meet, and share documents. Following this robust pilot opportunity, OCIO expects to roll out Teams enterprise-wide in 2021. OCIO increased its use of collaboration tools for hiring and onboarding by conducting phone/video interviews. The organization also established a team room for managers to share virtual onboarding tips, articles, and tools for engaging new employees and maintaining connections to make sure everyone felt welcomed and part of the team. Offices within OCIO held virtual happy hours, coffee breaks, and lunch sessions to engage employees and replicate the casual, relaxed interactions that would be found in the hallways and break rooms at the office.

The USPTO's demand for remote-work enabling IT skyrocketed with mandatory telework. OCIO saw our Any-Connect/VPN usage go from a daily average of 1,165 users to over 4,700 users in a day (this number does not include the more than 9,000 employees who have been assigned SOHO routers for their VPN connection). Additionally, from March to September, we saw the monthly average number of Webex meeting instances double.

During the initial stages of mandatory telework, and with the increased use of video calls and Webex meetings, the USPTO experienced VPN bandwidth issues. OCIO tackled those initially by increasing network capacity. Over time, we transitioned over 200 Webex accounts to a FedRAMP cloud site and implemented a split-tunneling Webex cloud environment to improve the quality of cloud Webex meetings and preserve USPTO bandwidth. OCIO accelerated the use and deployment of SOHO routers to our user community, allowing for an enhanced user experience and making VPN connections easier and more reliable. SOHO router usage grew from 8,100 to 9,140 in a matter of months.

OCIO's Collaboration Services Division, in cooperation with the Communication Service Branch and Cybersecurity, developed and provided the Office of the Under Secretary a secured video conferencing capability enabling the USPTO Director and Deputy Director to remotely engage in robust discussions with other government entities and stakeholders in academia, research and development labs, and international IP offices.

USPTO IT is in the midst of a change to our New Ways of Working—establishing cross-organizational, product-oriented, Agile teams. Onsite, these fledgling teams would have had a shared physical space for meeting and collaborating and walls for sticky-noted physical Kanban boards. However, OCIO could not stop its change momentum because it was all virtual, so the new Agile teams created Microsoft team rooms to better collaborate across the team and among team members. We shifted to an immersive training structure for the Agile teams to drive remote training engagement and meaning. We also focused on real work issues rather than canned presentations, running the teams through virtual dojos. We used the "break-out" function of Cloud WebMeeting to conduct individual discussions during training.

During the summer, OCIO leadership looked for a way to make the 2020 August All Hands staff meeting more engaging and decided to include virtual activities among the standard technical staff meeting presentations.



# TELEWORK ANNUAL REPORT 2019

## Statistics

### FY 2019 USPTO TELEWORK STATISTICS

Number of teleworkers at the USPTO	11,084
Number of eligible positions at the USPTO	12,183
Percentage of positions at the USPTO that are eligible	95.70%
Percentage of positions at the USPTO that are teleworking (agency-wide)	87.06%
Total number of Patents teleworkers	8,742
Percentage of eligible patent positions that are teleworking	90.36%
Total number of Trademarks teleworkers	800
Percentage of eligible trademark positions that are teleworking	97.92%
Number of patent positions teleworking four or five days per week	6,251
Number of trademark positions teleworking four or five days per week	552
Number of TEAPP participants	2,929

### FY 2019 ENVIRONMENTAL IMPACT OF TELEWORK\*

**7,085 teleworkers working from home four to five days per week:**

- Avoid driving 78,670,069 miles each year
- Collectively save \$7,001,636 in gas each year
- Collectively reduce emissions by 41,302 tons each year

**3,999 teleworkers working from home one to three days per week\*\*:**

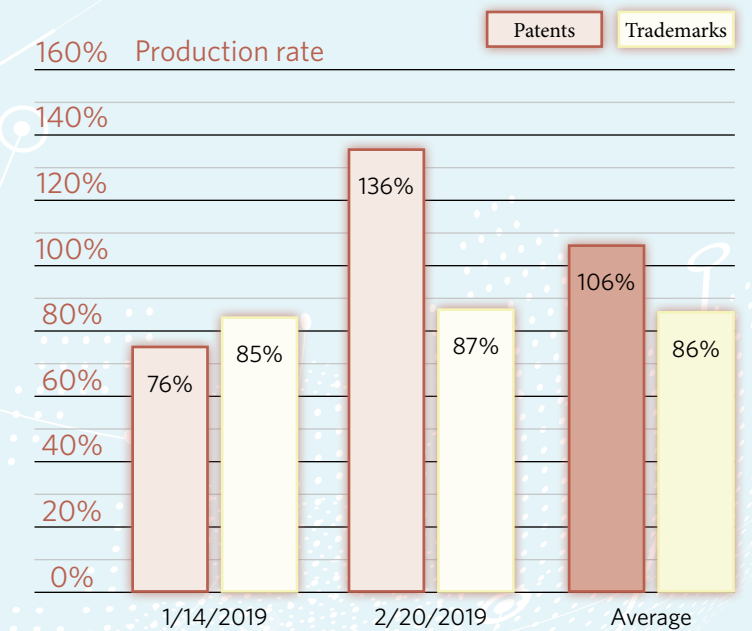
- Avoid driving 19,735,065 miles each year
- Collectively save \$1,756,421 in gas each year
- Collectively reduce emissions by 10,361 tons each year

\* In the Washington, D.C., metropolitan area

\*\* Includes Patents Telework Program, 10 hours per bi-week

### FY 2019 INCLEMENT WEATHER—THE IMPACT OF TELEWORK

For the 2019 winter season (January-March 2019), on average patent examiners maintained a 106% production rate and trademark examining attorneys maintained an approximately 86% production rate as compared to a non-inclement weather day.





## Interview

### **AN FY 2019 INTERVIEW WITH LAURA PETER, DEPUTY UNDER SECRETARY OF COMMERCE FOR INTELLECTUAL PROPERTY AND DEPUTY DIRECTOR OF THE USPTO**

**Q: I have heard you say in past interviews that you had a strong interest in being an astronaut when you were growing up. Apollo 11, which celebrated its 50th anniversary in FY 2019, had an impact on electronics and computing systems, hardware and software, nanotechnology, aeronautics, and transportation and health care industries. What patents, stemming from Apollo 11, do you think have had the greatest influence on the USPTO's current distributed workforce?**

A: I grew up in California, and my father was a vice president at Hughes Aircraft Company. At that time, I was a young girl, and they were launching the first geosynchronous satellites into orbit. I was determined to become an astronaut, but later in life I learned that I don't like heights very much, so I decided not to pursue it further. Although I didn't become an astronaut, I did have a talent for math and science, which I pursued—this led me to engineering.

The Apollo program greatly accelerated the development and commercialization of integrated circuits, which are in nearly every computing device you interact with on a daily basis. Had it not been for the Apollo 11 mission, devices such as laptops and cell phones might not have been developed in time to meet the needs of today's connected world, including those of the USPTO's distributed workforce. I think Robert Noyce's development of the "semiconductor device-and-lead structure," which would come to be known as the integrated circuit, has really helped our workforce effectively telework today. In 1961, he received U.S. Patent No. 2,981,877 for his invention, and since then, others have improved upon his work—a beautiful demonstration of our patent system at work. It's hard to believe that our current cell phones are 260,000 times more powerful than the Apollo guidance system controller.



**Q: Considering your background in engineering and your passion for family-friendly work environments, do you see the USPTO telework initiative as a strong tool for recruiting and retaining the best science and engineering candidates?**

A: The work these examiners complete daily is quite demanding. Allowing them to work from the comfort of their homes and avoid hours of commuting helps reduce stress and is a huge benefit for the examiners, our stakeholders, and the agency. Our telework program has enabled us to recruit the best and brightest employees by broadening our hiring pool and offering workplace flexibilities such as telework.

**Q: In FY 2019, you interviewed Doctor Kathryn Sullivan, an astronaut on three space shuttle missions and the first American woman to walk in space. This led me to think about the USPTO and its many firsts, including participation in the Telework Enhancement Act Pilot Program. As a former private sector executive, can you compare private sector telework programs to what we provide at the USPTO?**

A: The USPTO is a pioneer in the telework industry, and we are considered a model for telework in the federal government. We've been successfully administering our telework program for more than 20 years, and our employees consistently report that they have enhanced work-life balance, higher morale, increased flexibility, and reductions in personal expenses. Beyond the employees' experience, there are environmental and cost saving advantages to the agency, as well.

The private sector programs are following in our footsteps. The scope of availability of our program is very broad and is accessible to over 94% of our workforce, much broader than the availability of similar programs in most private sector organizations.

What we do especially well at the USPTO, compared to the private sector, is promote the diversity of the workforce, provide a range of work schedule flexibilities, and create a culture of collaboration. The telework program, especially for examiners, is extremely conducive to a fulfilling lifestyle. People can eliminate the stress of commuting and are able instead to use that time they would have spent commuting on their work or with their families. And as an agency, we are able to maintain high productivity in spite of unexpected events such as weather disruptions.

USPTO Deputy Director Laura Peter.



## USPTO Telework

In 2019, 20 years after the inception of the original telework pilot, the USPTO had 88% of its 13,000 employees teleworking one to five days a week.

Telework at the USPTO is a corporate business strategy that supports mission achievement and goal fulfillment via a distributed workforce. Rather than taking a “one-size-fits-all” approach, the USPTO has more than a dozen telework programs to address the specific needs of its business units and employees. All of these programs follow procedures set forth in a USPTO enterprise-wide Telework Policy and are overseen by an agency-wide telework coordinator.

To maintain its success, the USPTO strives to adopt sound workforce strategies so employees stay productive and connected, regardless of where they are located. The agency relies on IT and engagement initiatives to support its program. Furthermore, the USPTO depends on proven data to make the best decisions possible for its workforce. The USPTO telework program provides cost savings by reducing the need for additional office space, enhancing recruitment and retention, fostering greater efficiency in production and management, enhancing the resiliency of the agency during continuity events, and providing opportunities for expanded work flexibility. Because the USPTO is in the vanguard of federal telework, the agency is often called upon to provide assistance to other federal agencies interested in starting or expanding their telework programs.

### TELEWORK ENHANCEMENT ACT PILOT PROGRAM (TEAPP)

The Telework Enhancement Act of 2010 authorized the USPTO to conduct a test program allowing employees to waive their right to travel expenses for a reasonable number of mandatory trips to the USPTO. The TEAPP allows employees to work anywhere in the U.S. and Puerto Rico (more than 50 miles from the USPTO offices in Alexandria, Virginia; Detroit, Michigan; Denver, Colorado; Dallas, Texas; and San Jose, California) without a routine requirement to report to campus. While enrolled in the TEAPP, employees will change their duty station to an alternate worksite in the city in which they live. The employee must travel to the USPTO when directed, as outlined in the TEAPP agreement. In FY 2019, 2,929 employees participated in the TEAPP.

In January 2021, Congress made the USPTO’s authority to operate the TEAPP program permanent. The statutory language accomplishing this was included in the 2021 National Defense Authorization Act. This permanent authority allows the USPTO to continue the expansion of this important program.

### FY 2019 PATENTS TRAINING AT HEADQUARTERS (PaTH) EVENTS

PaTH was established to develop opportunities for planned and focused interactive communication among Patents’ growing nationwide workforce. The objective of PaTH is to maintain and enhance communication and to enrich team collaboration within our remotely connected workforce as we continue to build quality examination.

Four mandatory PaTH events were held in FY 2019. These occurred in November 2018 and March/May/July 2019. The FY 2019 PaTH events marked the completion of Technology Centers 2400 and 2600 as well as the Central Reexamination Unit. As of the end of FY 2019, over 6,000 participants had attended PaTH events, and almost 1,600 of these attendees have been TEAPP employees. Each PaTH event comprises a diverse cross-section of employees from Alexandria headquarters, all USPTO regional offices, the Patent Hoteling Program (PHP), and the PHP on the TEAPP.

Employees participated in facilitated training that focused on improving work quality through collaboration and enhanced communication skills. Art unit and workgroup meetings, a Patents Town Hall, in-house training modules (including career management techniques and a team building exercise), and a Scientific Technical Information Center Expo were provided, in addition to contractor-led training on time management and virtual communication.

In FY 2019, event-planning processes for registration, travel for TEAPP employees, HSPD-12 PIV security updates, and employee communications were improved based on feedback from previous sessions. In preparation for the events, the PaTH team assisted guest speakers, acquired meeting space, marketed the event, and volunteered their support.



Above: Drew Hirshfeld, Commissioner for Patents, welcomes attendees to the May 2019 PaTH event.

Left, top to bottom: 1) Jamahl Milton, Training and Development Specialist in the Office of Patent Training, conducts a team building exercise for attendees at the March 2019 PaTH event. 2) Nancy Le, Director, Technology Center 2400, and Donnetta Alston, Strategic Planning Project Manager, assist attendees at the March 2019 PaTH Expo. 3) Patents Work Group 2680 poses for a photo at the March 2019 PaTH event. 4) Steven Lim, SPE, Art Unit 2686, meets with his employees at the March 2019 PaTH event. 5) Tony Cocove, Senior Consultant at Radium Management Services, facilitates a communication training session at the May 2019 PaTH event.



## FY 2019 PaTH EVENT SURVEY RESULTS

The PaTH team delivered a post-event survey to gather feedback regarding training and event logistics. The following items were addressed:

- **Logistics:** The logistics of coordinating/making travel and hotel arrangements were very successful.
- **Facilities:** The majority of participants were satisfied/very satisfied with the meeting rooms, cafeteria, and parking accommodations.
- **Agenda:** The majority of participants agreed that the length and variety of sessions met/exceeded expectations.
- **Feedback:** The majority of participants agreed that the event contributes to:
  - Creating better connected teams
  - Enhancing work product quality
  - Improving communication among the distributed workforce
  - Increasing collaboration
  - Increasing employee engagement
  - Contributing to overall job satisfaction

## TRADEMARK ORGANIZATION RECONNECTION AND COLLABORATION HOMECOMING (TORCH)

In FY 2019, Trademarks conducted its TORCH event on August 12, 13, and 14 at the Alexandria campus, with the goal of providing a way for colleagues who had not recently seen each other face-to-face to reconnect. This full-day event gave all Trademarks employees an opportunity to learn new skills, network, collaborate, and conduct in-person meetings with colleagues.

Due to the growth of the organization, Trademarks can no longer accommodate all employees on one day, so the event has expanded to allow for each employee's attendance on one of three days. The programming is repeated each day.

This mandatory in-person training encourages face-to-face interaction and collaboration between distributed and on-campus employees. In FY 2019, in addition to attending work unit meetings, employees utilized this time to obtain any necessary equipment and renew HSPD-12 PIV security badges, therefore eliminating an additional trip to the Alexandria campus. Additionally, Virginia continuing legal education credit was arranged to assist attorneys in maintaining their bar licenses.

The training included a number of topics for both attorneys and Trademarks professional services staff to assist in their day-to-day responsibilities. Some featured courses included: the USPTO's Role in Commerce, Refresher Training on Trademark Search Systems, Avoiding Common Examination Errors, Ethics Training, Organizational Skills and Time Management, Using Trademark Online Tools to Assist the Public, and New Trademark Training Rules. Networking sessions were incorporated into the TORCH event, including a Trademarks Fair and a social event when the training day ended.

Right, top to bottom: 1) Laurie Kaufman, Managing Attorney, Law Office 114, and Daniel Brody, Managing Attorney, Law Office 115, welcome attendees to the 2019 TORCH event. 2) Participants attend a lecture at the 2019 TORCH event. 3) Sasha Rios, Examining Attorney, Law Office 125, attends a training session at the 2019 TORCH event. 4) Karla Perkins, Attorney, Office of Training and Quality Review, speaks with TORCH attendees about the R-Friends networking program. 5) TORCH participants gather at a social event held in the lower atrium of the Alexandria headquarters.





## Factors for Telework Success

The USPTO's telework program is a key corporate business strategy that supports agency mission accomplishment via a dispersed workforce. This strategy has enabled the USPTO to recruit and retain a larger and more capable workforce nationwide with lower space and administrative costs because of the flexibilities it provides.

With more than 20 years of telework experience, the USPTO recognizes that with appropriate telework eligibility selection, collaboration tools, training, and clearly defined performance measures, telework is successful for the organization as a whole. Telework benefits the agency, participating employees, and agency stakeholders while enabling enhanced production, revenue gain due to reduced attrition and recruiting costs, improved Continuity of Operations planning, and real estate and transit subsidy cost avoidance. Each year, the USPTO's teleworkers have a dramatic impact on the environment in the Washington, D.C., metropolitan area. Telework reduces the number of cars on the road, thereby reducing overall greenhouse gas emissions, fossil fuel consumption, and energy usage. The decrease in air pollution also helps mitigate environmental and human health impacts.

The USPTO's OCIO has created a standard telework equipment solution to meet the needs of the USPTO's full-time and part-time telework programs. The Universal Laptop (UL) is deployed to all USPTO employees, providing a cost-effective means of supporting teleworkers and non-teleworkers alike. The UL standard enables the agency to support its extensive telework program without duplicating equipment or software. Accompanying the UL, teleworkers are provided with a monitor(s), a docking station, keyboard, mouse, laser printer, webcam, router, and a power strip to effectively replicate the setup of an employee working in a USPTO office. Teleworkers are also issued a VoIP headset, enabling them to use their office-based telephone number through their UL. The headset provides professional call clarity through the computer's USB connection, therefore eliminating the need for the employee to use his or her personal telephone for business. Teleworkers access the agency network through a VPN, which encrypts data during its transit across the network from the server to the user's local machine, using dual authentication (RSA SecurID token and strong encryption password). Employees are not allowed to load additional software on

government equipment or download software from the internet. Teleworkers, while working at home, are required to maintain confidentiality of agency work products in accordance with the requirements of the employee's business unit. The use of the UL under conditions in which non-agency personnel may be able to view restricted information, such as in a hotel lobby or coffee shop, is not permitted. To further these safeguards, the Department of Commerce and the USPTO OCIO "Rules of the Road" service guide prohibit an employee from taking his or her UL out of the contiguous United States.

Over 20 years of telework experience has taught us that there are several key factors needed for a successful telework initiative. The following is intended to guide the design, development, and deployment of a premier telework program.

### **BUSINESS IMPERATIVE THAT ALIGNS WITH AGENCY MISSION**

- Provides key corporate business strategy
- Supports agency mission accomplishment
- Helps agencies realize their strategic goals
- Yields greater employee productivity, improved morale, and increased efficiencies

### **TOP-DOWN LEADERSHIP SUPPORT**

- Understands the impact on recruitment and retention of a highly skilled workforce
- Incorporates full-time telework as a means to reduce the agency's real estate footprint
- Supports telework expansion to achieve business needs

### **PERFORMANCE MANAGEMENT**

- Clearly defined performance measures
- Regular and recurring communication to ensure clarity of expectations
- Frequent performance discussions
- Coaching for success

### **TECHNOLOGY**

- Standard telework equipment solution
- VoIP to eliminate the need for the employee to use his or her personal telephone for business
- "Rules of the Road" guidelines for using automation resources and ensuring that the use of agency systems and resources is responsible, legal, and respectful of privacy
- State-of-the-art collaboration tools

### **TRAINING FOR TELEWORKERS AND MANAGERS**

- Mandatory telework training for teleworkers and managers
- IT and non-IT training

### **NOT A ONE-SIZE-FITS-ALL MODEL**

- Enterprise-wide Telework Policy
- Individual business unit telework guidelines designed to meet the needs of the business unit while supporting the agency's mission and strategic goals

### **DEDICATED TELEWORK OFFICE AND BUSINESS UNIT TELEWORK COORDINATORS**

- Senior-level employee and staff solely dedicated to managing enterprise-wide telework environment
- Telework coordinators in each business unit responsible for collecting telework data and reporting to the telework director quarterly, scheduling telework training and ensuring agreements are updated, and monitoring the business unit telework database





# Telework Champions



Pictured are members of the teams at the USPTO that support and make telework successful. They are USPTO senior-level managers, business unit telework coordinators, information technology and training specialists, and labor union representatives. They come from every business unit at the USPTO.



## AN INTERVIEW WITH DANETTE CAMPBELL, THE USPTO TELEWORK PROGRAM DIRECTOR

**Q: You have overseen the USPTO Telework Program since 2006. Can you speak to the major telework program changes that have taken place since then?**

A: The most notable change is that telework is now an integral part of every business unit. In 2006, only Patents and Trademarks business units had telework and hoteling programs in place, but by 2008, the USPTO had expanded telework into other business units as well. While 4,000 employees were teleworking in 2008, no employees were working outside the 50-mile commuting radius without a reporting requirement. By 2009, more than 5,000 employees agency-wide were working from home at least one day per week, and the USPTO had become an established model for telework in the federal government.

Another major change to USPTO telework came in 2010 with the Telework Enhancement Act and the USPTO TEAPP. This legislation allowed the USPTO to expand its workforce to a “nationwide” workforce. By lifting the biweekly reporting requirement, the legislation helped the USPTO recruit and retain a highly skilled workforce throughout the United States, while minimizing the costs associated with workforce expansion. This enabled the USPTO to recruit talented workers in all areas of the country where the expertise existed to fulfill its mission. On January 1, 2021, the TEAPP was made permanent.

In FY 2011, the USPTO introduced the UL initiative to employees, providing a cost-effective means of supporting teleworkers and non-teleworkers alike. This UL model enables the agency to support its extensive telework program without duplicating equipment for teleworkers.

In 2013, the USPTO was named one of the U.S. Federal Government’s Best Places to Work by the Partnership for Public Service, due, in part, to its expanded use of telework.

**Q: What do you see as the imperatives to creating a world-class program? What are the challenges?**

A: Appropriate telework eligibility selection, collaboration tools, training for teleworkers and managers, clearly defined performance measures, and an office dedicated to program oversight are the elements necessary to build a world-class telework program. Like any other successful initiative, telework must benefit the agency, participating employees, and agency stakeholders while enabling enhanced productivity, reduced attrition and recruiting, improved Continuity of Operations planning, and real estate and transit subsidy cost avoidance.

As with any substantive business initiative, telework must align with an agency’s mission and have top-down management support. Performance management, including the incorporation of clearly defined performance measures and regular and recurring communication, is tantamount to a successful telework initiative. Data collection, data analysis and benchmarking with other federal agencies and private-sector organizations provide an opportunity for continual program improvement and help plan for future growth.

Creating a standard telework equipment solution, using VoIP, creating a “Rules of the Road” guideline document (for using automation resources and ensuring that the use of agency systems and resources is responsible, legal, and respectful of privacy), and providing state-of-the-art collaboration tools are critical.

**Q: Do you think the USPTO has had an impact on federal telework programs? How so?**

A: I believe the USPTO has had a substantial impact on federal telework.

Because the USPTO is the vanguard of federal telework, we frequently provide assistance to federal agencies interested in starting or expanding their telework programs. Since 2008, we have collectively advised 240 private organizations and federal agencies interested in starting or expanding their telework programs.



**Q: The COVID-19 pandemic challenged us all to rethink the way we work. What are your thoughts on the future of work? Do you think our experiences during the pandemic will influence the way we work long-term?**

A: I think it is safe to say that work will never be quite the same because of our experiences over the past several months. The pandemic has given us an opportunity to reimagine work. Because of the lessons agencies have learned during the transition to mandatory telework, there will be an increased focus on IT infrastructure and continuity of operations, with significant attention paid to telework and remote work programs. Agencies that put the necessary resources toward effective collaboration tools will succeed as they revisit pre-pandemic work. Effective collaboration tools are critical in a remote work environment and help drive employee engagement and maintain agency culture.

The shift in the way we work will have a substantial impact on the workforce as employees reconsider where they want to live, how they want to work, and what work-life balance looks like for them. Those who had positive experiences with remote work may decide that they no longer want to travel to a brick-and-mortar office and will opt instead for working from home full-time. Others may choose a hybrid model under which they can occasionally travel to the agency location. Agencies hoping to be successful in the future will have to consider employee input as a part of their work reimagining.



