

Trademarks management report

David Gooder

Commissioner for Trademarks



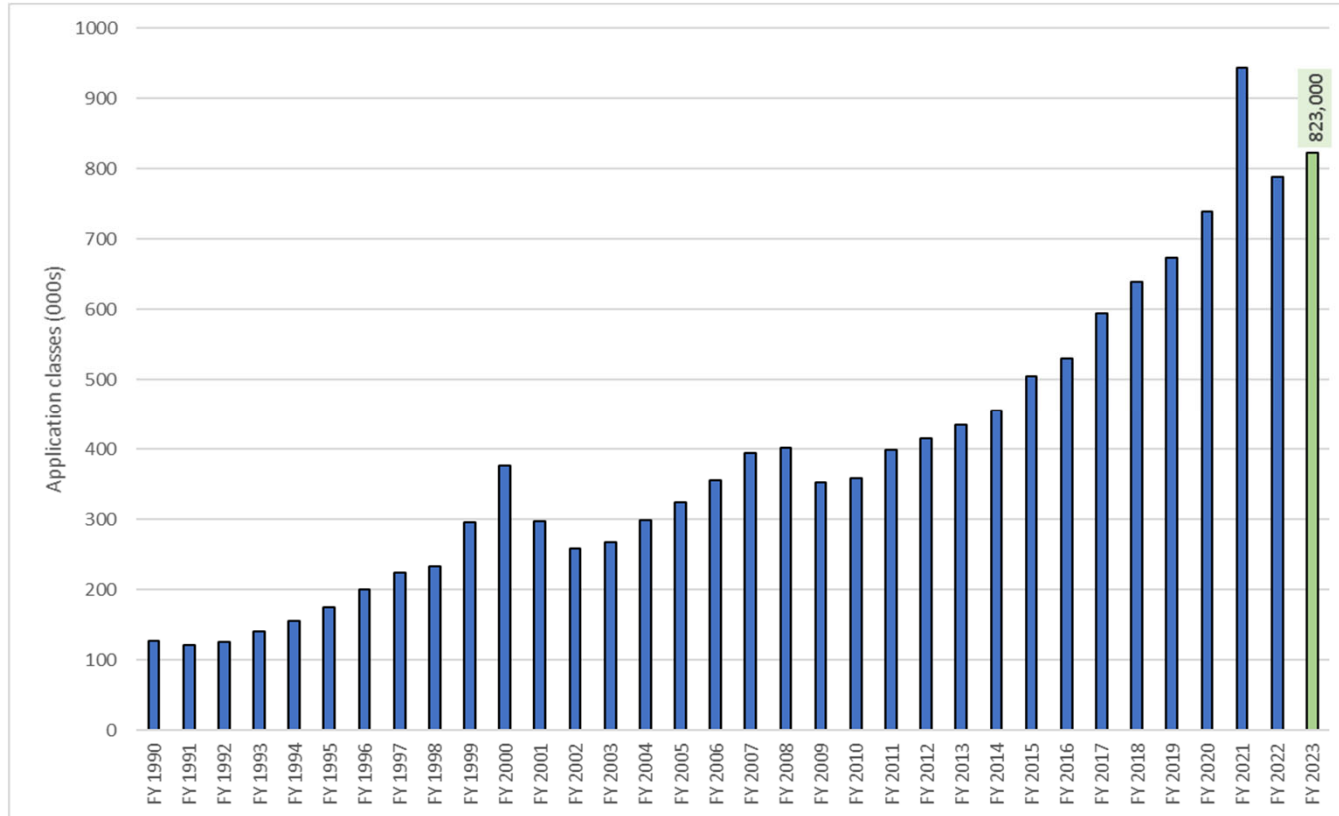
UNITED STATES
PATENT AND TRADEMARK OFFICE ®

Trademarks management report agenda

- FY 2023 YTD business operations update
 - Filing performance and staffing
- Financial update (OCFO)
- Management updates
 - Policy, Admin/IT, and Operations

Trademark filing performance

Trademark application filing levels



FY 2023 - projected

- 823,000 classes
- +4.5% vs FY 2022

FY 2022

- 787,795 classes
- -16.5% vs. 2021
- +6% vs. 2020

FY 2021

- 943,928 classes
- +27.5%

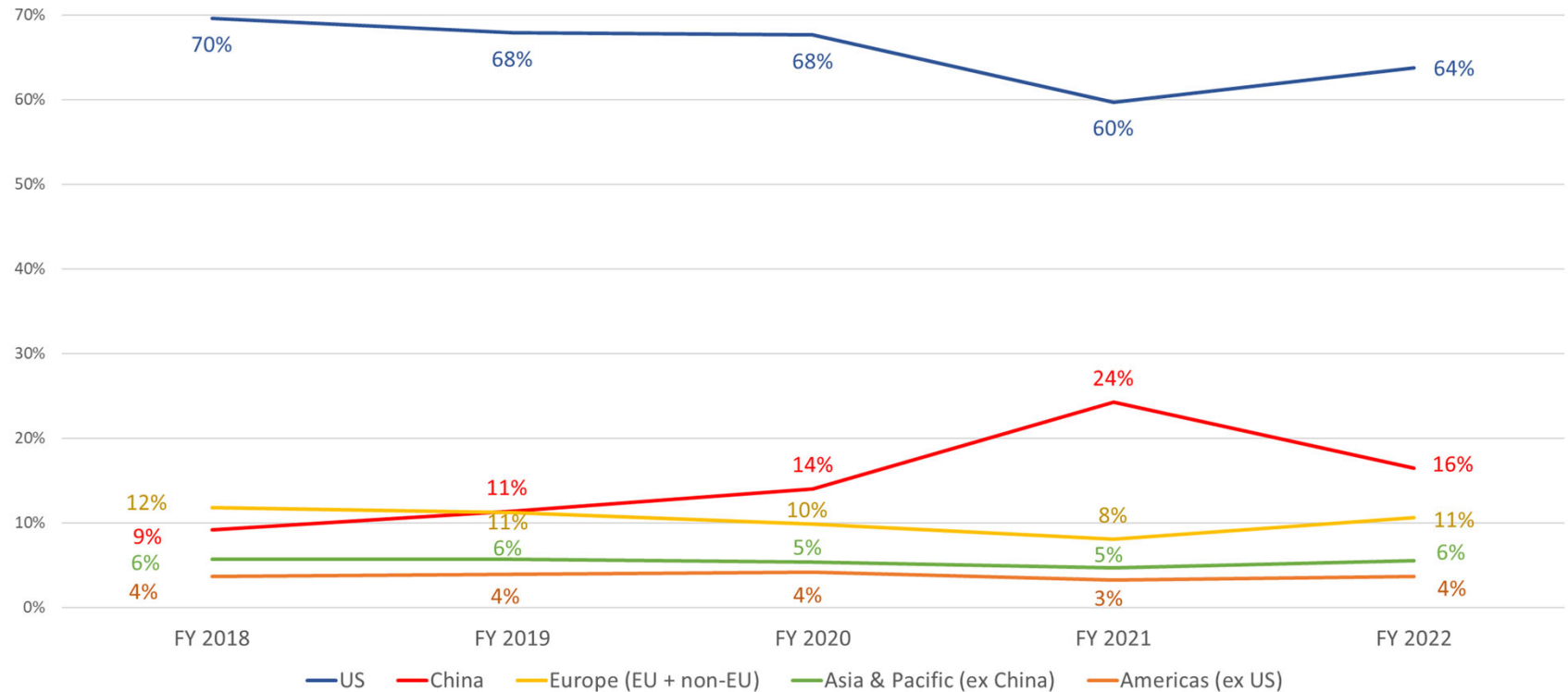
FY 2020

- 738,112 classes
- +9.5%

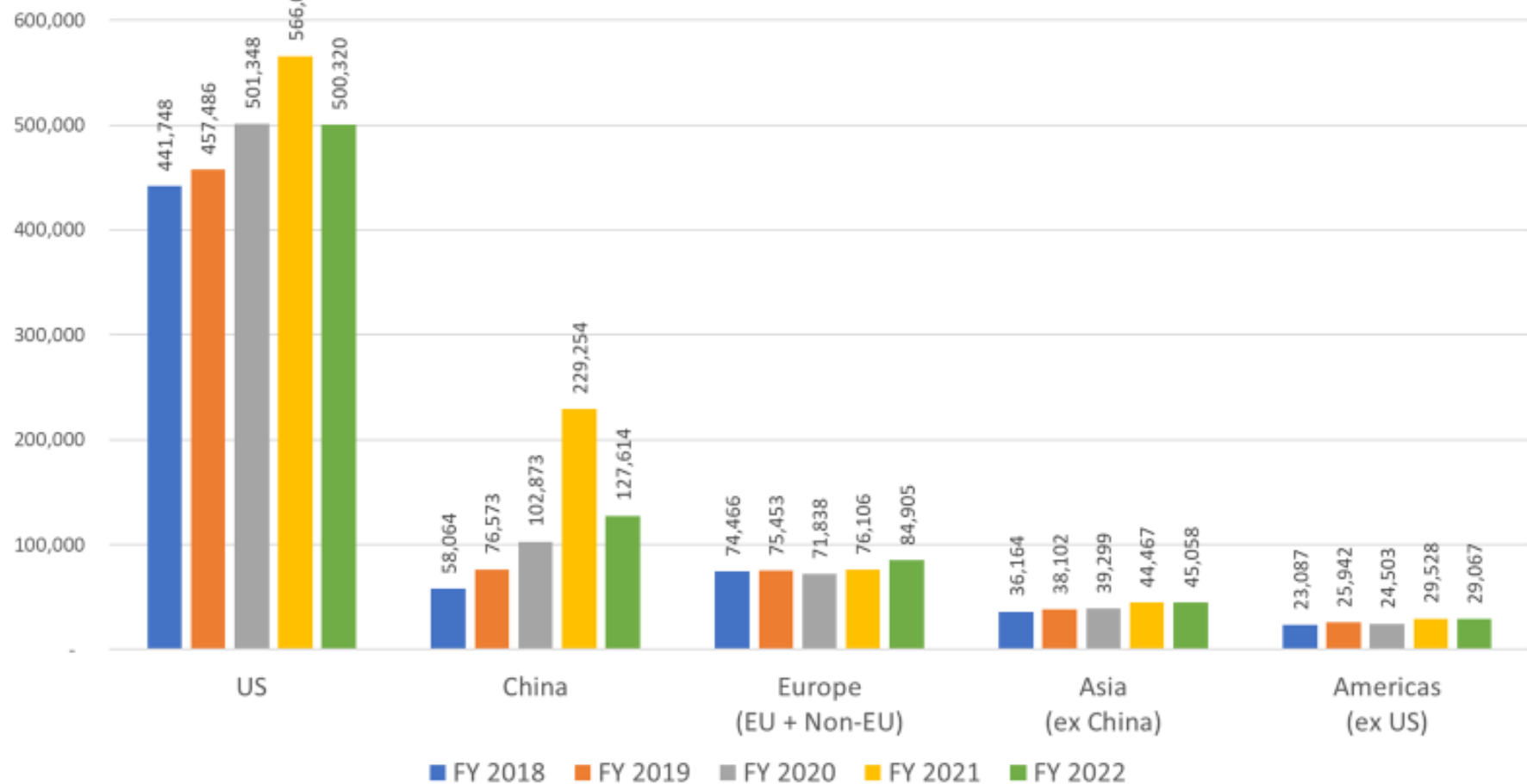
FY 1990 - FY 2021

- Grown 642%
- CAGR 6.5%

Share of application classes filed by applicant's domicile (FY 2018 - FY 2022)

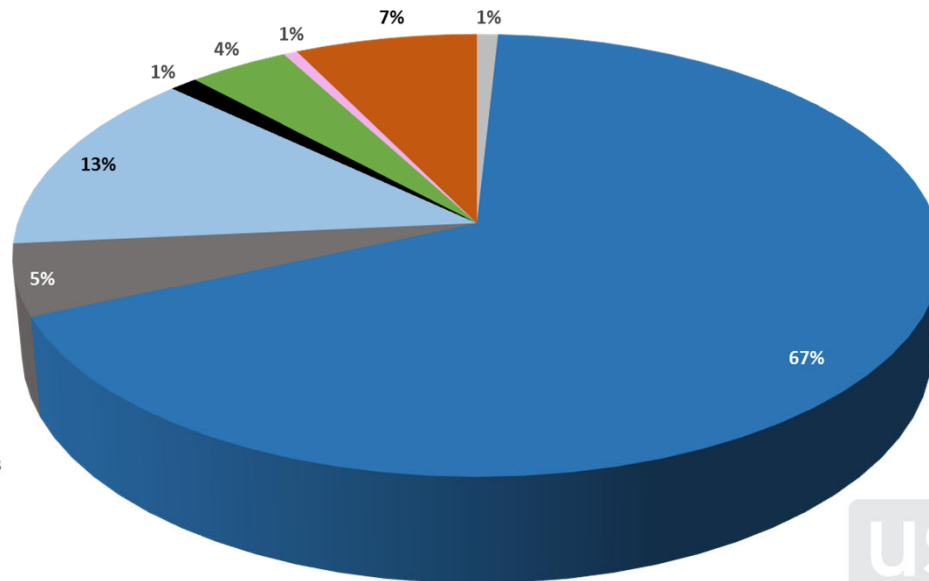
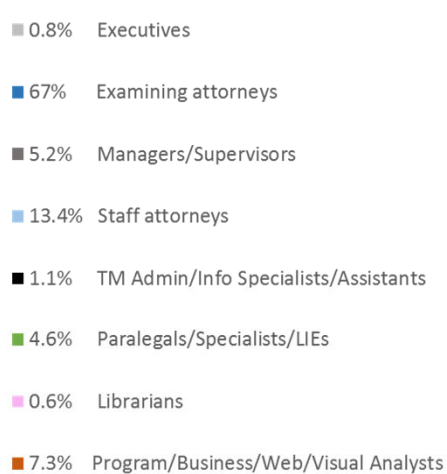


Regional Filings FY 2018 - FY 2022

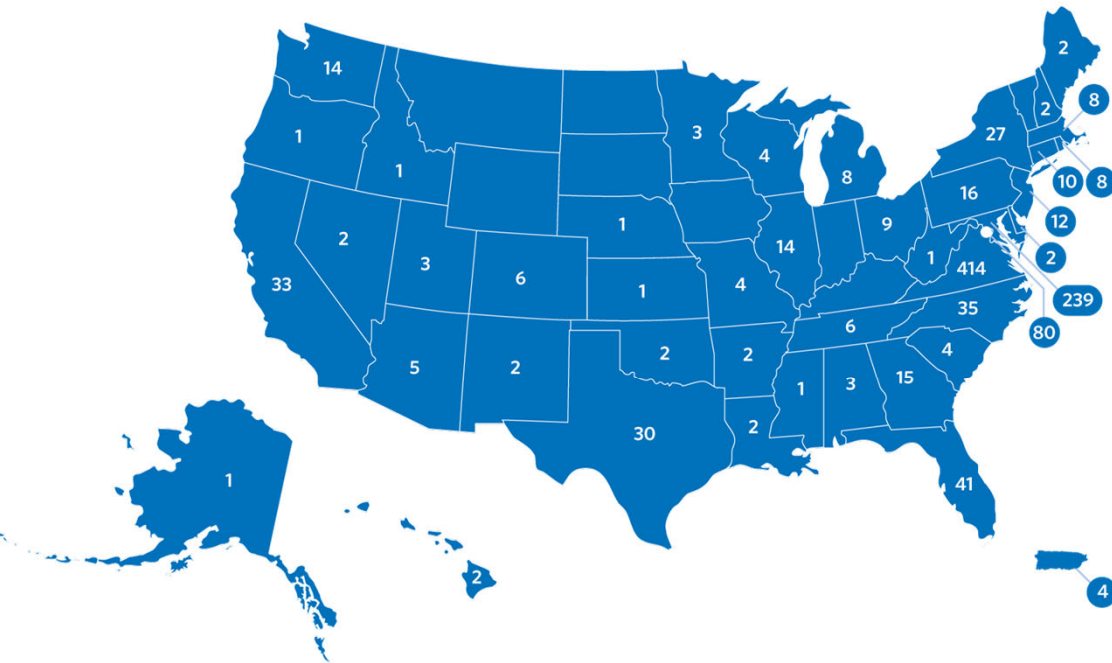


Trademarks staffing

- 1,071 employees (8.1% of USPTO)
- 718 examining attorneys (67% of Trademarks)
 - 93 hires onboarded in FY 2022
 - 90+ hires planned in FY 2023



Where are we today...literally!



A total of 1,071 professionals

- 942 TEAP or Remote 50
 - 87.95%
- 23 Hotelers
 - 2.15%
- 95 Routine
 - 8.87%
- 7 Situational
 - 0.65%
- 4 no telework
 - 0.37%



Trademark Public Advisory Committee (TPAC) financial management update

Sean Mildrew

November 4, 2022



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Agenda

- FY 2022 recap
- FY 2023 status
- On the horizon

FY 2022 financial recap

The end of year trademark operating reserve was \$208.7M, which is above the minimum operating reserve level of \$120M

<i>\$ in millions</i>	Patents	Trademarks	USPTO
USPTO FY 2022 appropriation level	\$ 3,608.3	\$ 450.1	\$ 4,058.4
Update to fee revenue estimate	23.5	8.2	31.6
End of year fee revenue	3,631.7	458.3	4,090.0
Less fees collected in PTFRF	(23.5)	(8.2)	(31.6)
Operating reserve and other revenue ^{1/}	521.0	214.0	735.0
Recoveries in Excess of Apportionment	(3.3)	-	(3.3)
Total FY 2022 funds available	4,125.9	664.2	4,790.1
Total end of year spending	(3,354.2)	(455.5)	(3,809.7)
End of year operating reserve	\$ 771.7	\$ 208.7	\$ 980.4

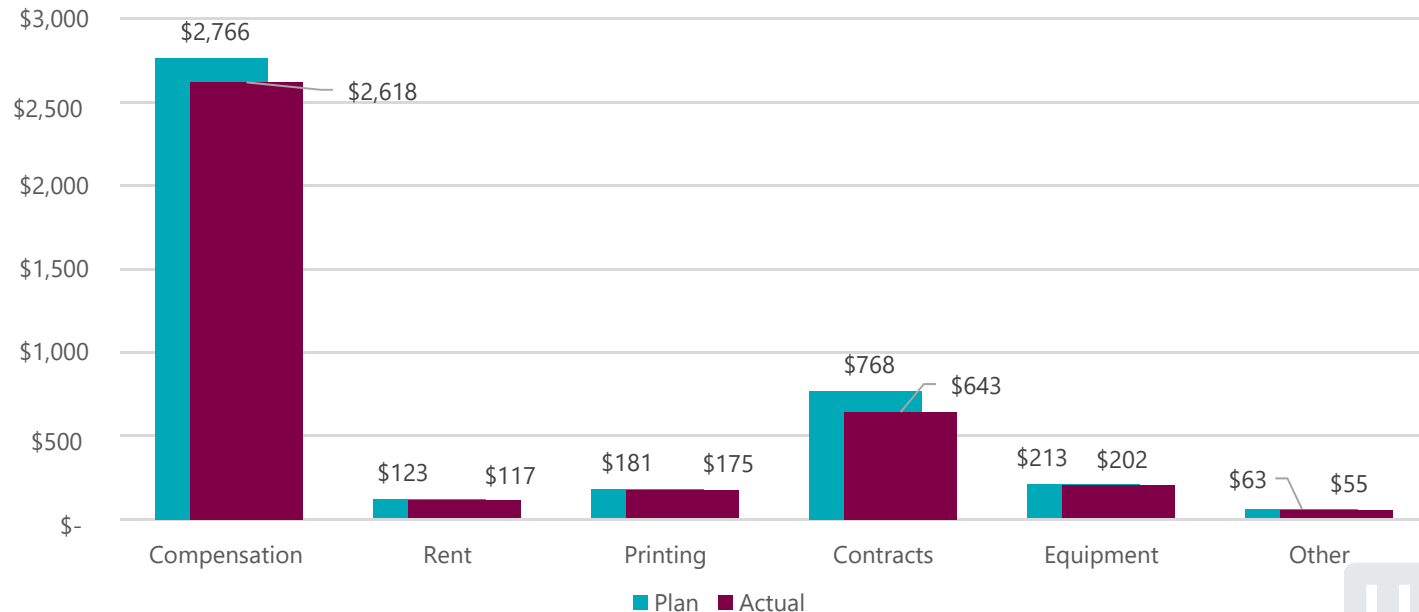
^{1/} This line reflects the beginning of year operating reserve balance plus estimated other revenue and deducts the OIG Transfer. The OIG Transfer of \$2M is required per our appropriation. Other revenue includes recoveries, parking fees, reimbursements, and expenditure refunds.

Patent and Trademark Fee Reserve Fund (PTFRF): The revenue collections were \$31.6M above the appropriation level resulting in a deposit to the PTFRF.

FY 2022 spending

The agency spent 93% of plan, which is slightly below prior year spending

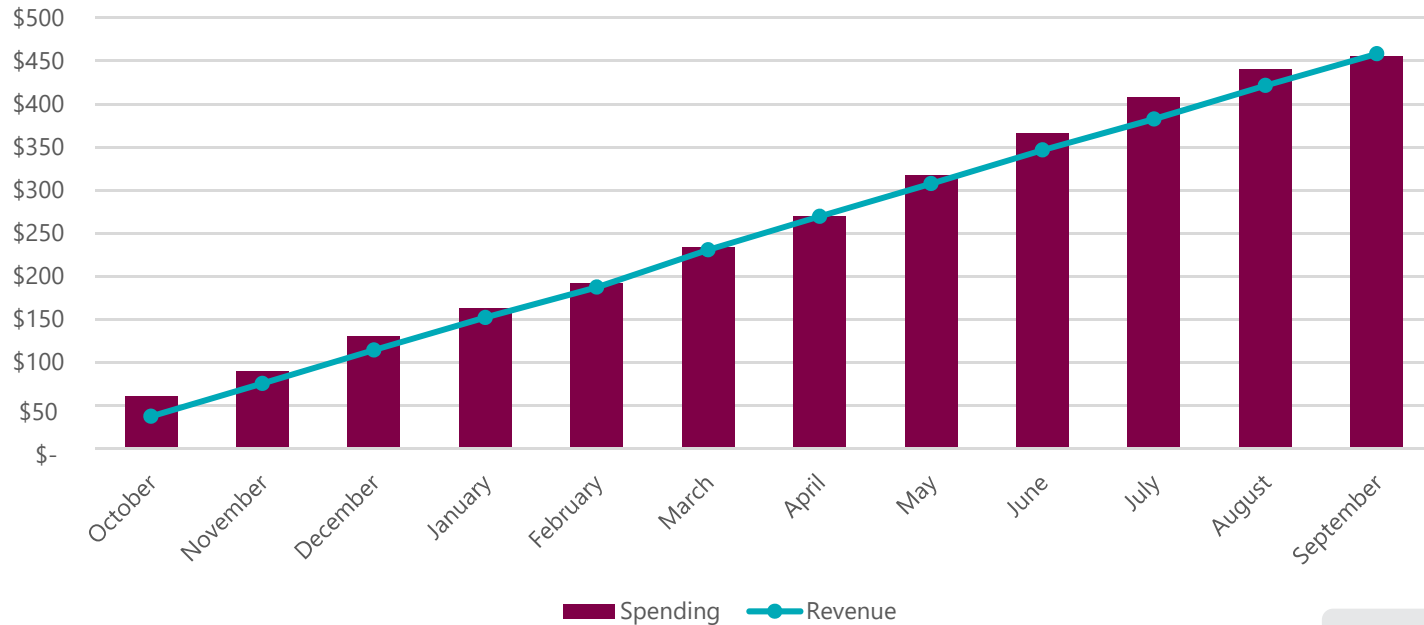
End of year spending: plan vs. actual.
(\$ in millions)



FY 2022 monthly spending vs fee revenue

Trademark spending levels exceeded fee collections throughout most of the year

FY 2022 actual trademark spending vs. revenue.
(\$ in millions)

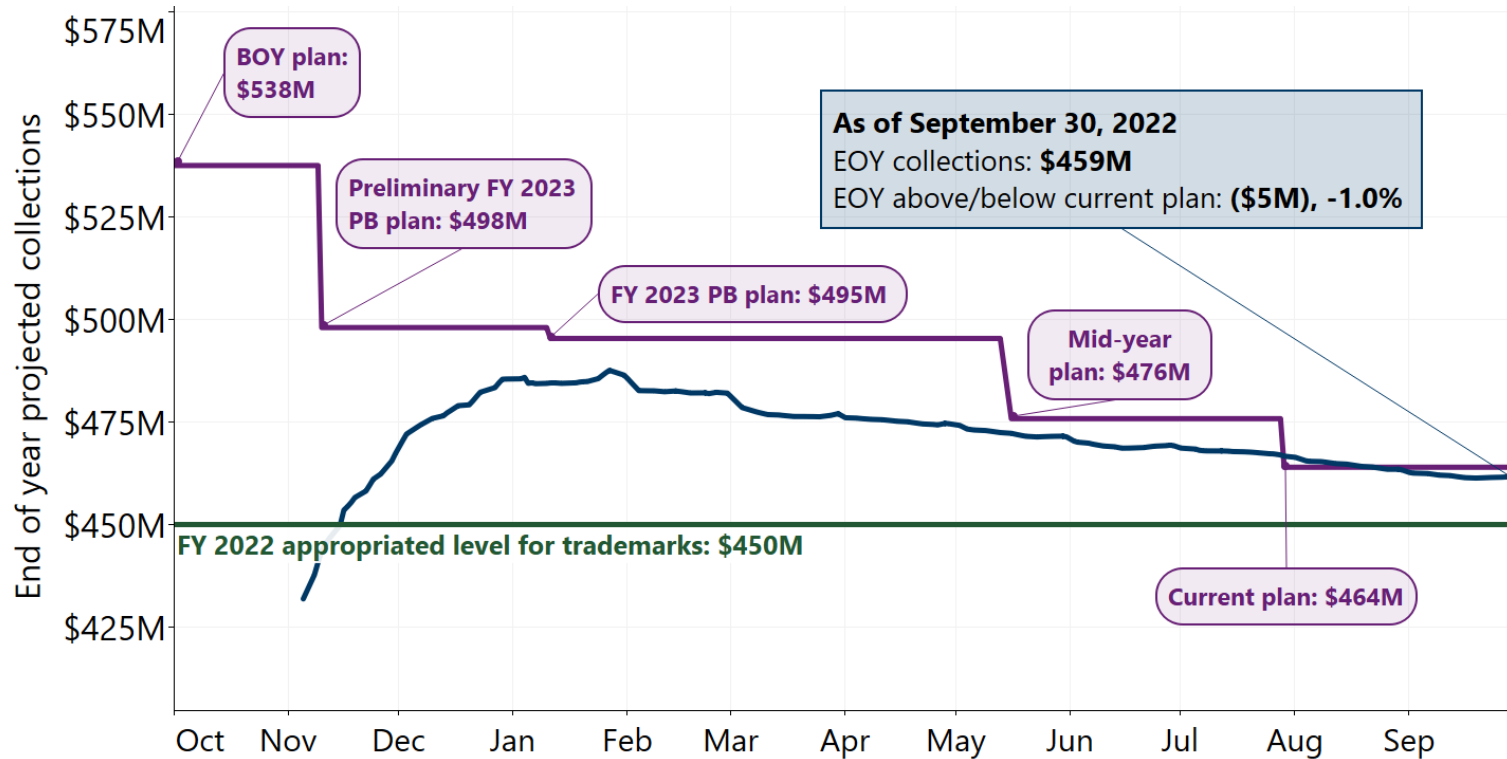


*Spending includes commitments and obligations.



FY 2022 trademark fee collections

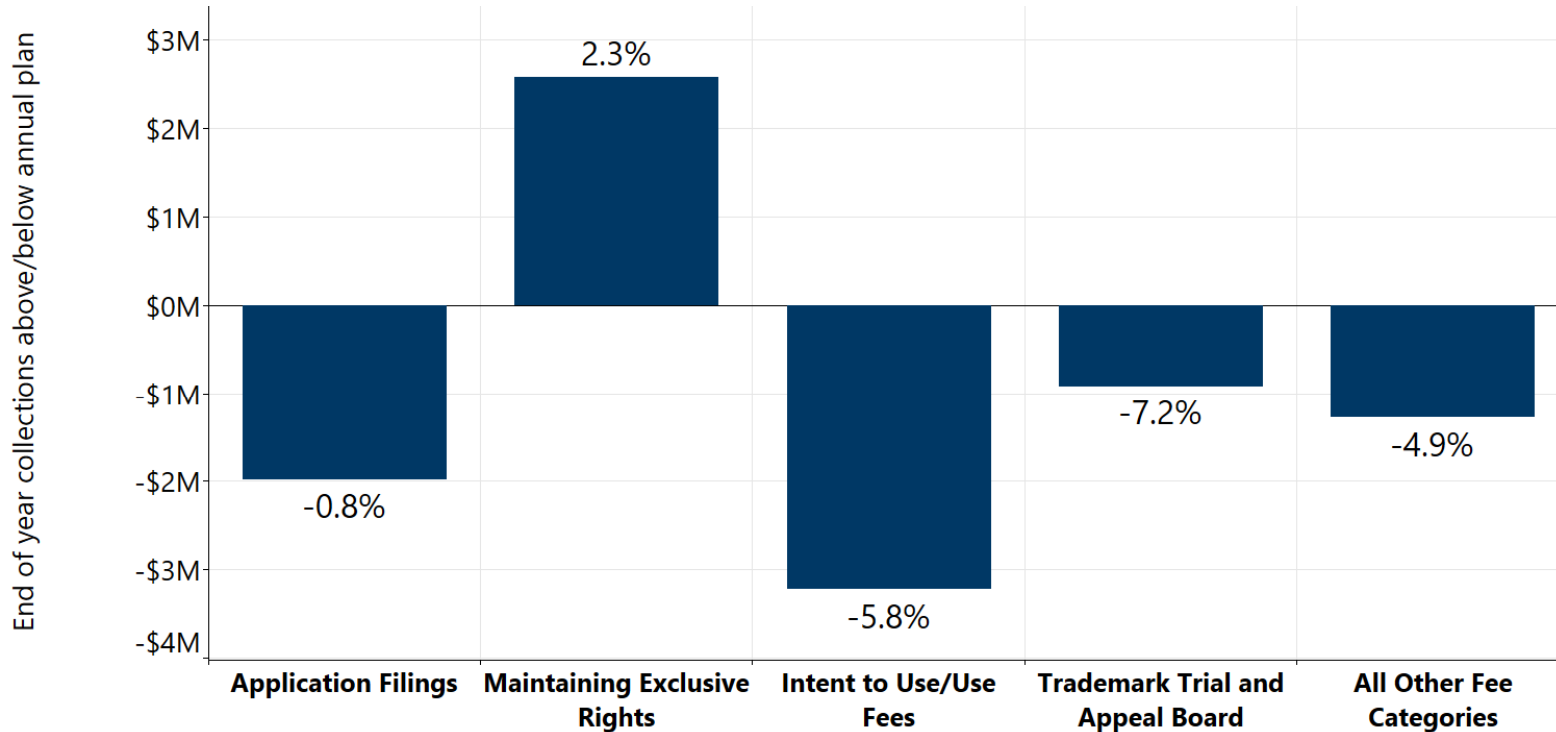
EOY fee collections were below planning levels



The current plan is based on an updated FY 2022 working estimate refreshed in June 2022.

EOY collections reflect aggregate fee collections and does not include year-end fee collection adjustments.

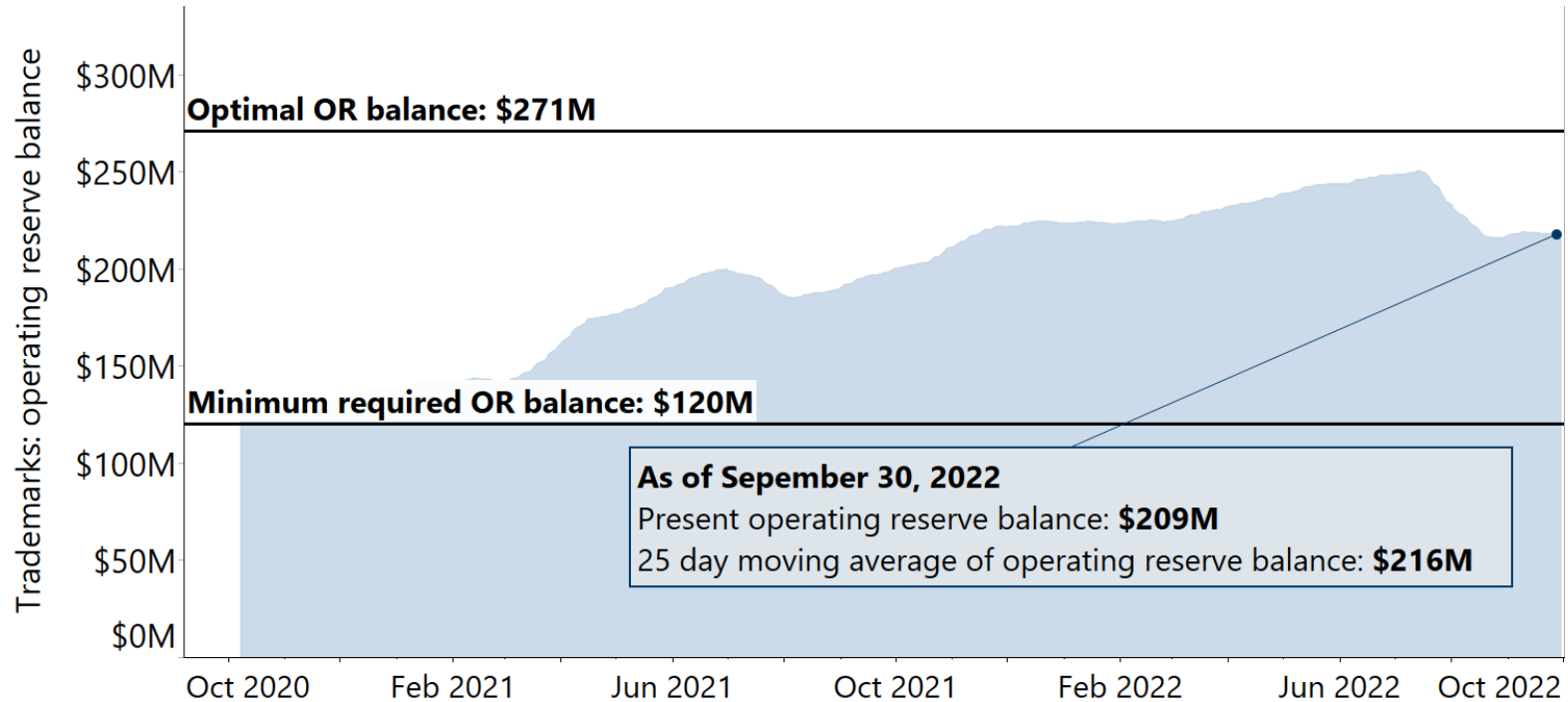
FY 2022 trademarks EOY collections above/below annual plan



The current plan is based on an updated FY 2022 working estimate refreshed in June 2022.

FY 2022 trademarks operating reserve

The operating reserve balance is \$89M above minimum levels



FY 2023 status

- The current Continuing Resolution (CR) is through December 16, 2022.
 - The USPTO is held to an adjusted spending level calculated from the FY 2022 appropriated level of \$4.058 billion.
 - Last year's appropriation is \$195M less than USPTO's request for FY 2023.
 - USPTO is also authorized to spend carryover (operating reserve) and other income.
- Fee revenue in excess of the FY 2022 appropriation is currently in the PTFRF. The \$31.6M (\$8.2M in trademark revenue) will be available after the reprogramming request is approved.

On the horizon

- USPTO submitted its FY 2024 budget request to OMB in September 2022.
- The FY 2024 President's Budget request should be submitted to Congress in early February 2023.
- USPTO plans to release its 2022-2026 Strategic Plan in the winter.



Thank you!

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Additional management updates

