PARTICIPANTS:

TPAC Members:

MAURY M. TEPPER, III, CHAIR

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HOWARD FRIEDMAN, NTEU 245

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FRANK MURPHY, Deputy Chief Financial Officer

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PARTICIPANTS (CONT'D):

SHIRA PERLMUTTER, Chief Policy Officer, Office of Policy and External Affairs

GERARD ROGERS, Chief Administrative Trademark Judge

Also Present:

CHRIS DONINGER

JYOTSNA JAME

* * * * *
PROCEDINGS

CHAIRMAN TEPPER: By my watch, I'm about six minutes behind and I will apologize for the tardiness and we will do our best to make up for the time. I'd like to call this meeting of the Trademark Public Advisory Committee to order and to thank everyone for your presence and your attendance.

TPAC meets on a periodic basis. And our next meeting will occur in October. We have been very fortunate here to work with the office. And you'll get to hear from a variety of folks here who are active in leadership in Trademarks.

We monitor issues related to budget and strategy and provide advice. But I think, you know, one of the most valuable things are these meetings where we and members of the public and associations have a chance to hear from the PTO on updates and projects. So I think there's a lot of good information that you'll receive today.

I do want to invite everyone in advance, if you have questions, I will try to pause at the
end of each presentation. We'll first ask members of the Committee for any questions or comments. I'll make sure to ask you. And if I don't and you are either here or online, raise your hand if you're here, get my attention. And if you're online, please do email in your questions. I'll try to remind you at the end of each presentation. But we do want our members who are viewing online today to participate fully. And if you have questions, please do send them in to the email address. They'll be brought here and we will get answers for you.

That being said, I am going to briefly introduce our TPAC members and then we'll move on. To the extent you can see this, I'll work my way around the room for those who are here physically. And so this is my left. I don't know if that is stage left, stage right, but I'll point in this direction and just let you know.

Ray Thomas, who is with the Law Offices of Ray Thomas. He is a semi local here in the metro area. Anne Chasser from Cincinnati, Ohio.
Anne has been on our Committee for several years. She was Commissioner of Trademarks in a former life. Jody Drake. Jody is with Sughrue Mion, also right here I'm told on this side of the river. So if that helps those of you who are local.

Also Dee Ann Weldon-Wilson. She may have traveled the farthest for this meeting. She is with Exxon Mobile in Texas. Cheryl Black, who may have driven the farthest for this meeting. She has come up from Richmond. She's with Goodman Allen & Filetti. And then moving to the other side of the table, Kathryn Barrett Park with a little company called General Electric. You probably have one or two of their products. Linda McLeod, newly with the Law Offices of Kelly IP.

This is I think a first for us. We also have Deb Hampton, who you will not see. She is participating by telephone. Deb is in New York, and as of yesterday, she is with a brand new law firm with Katten Muchin. So we wish her good luck. And if you hear a voice and you cannot
connect it with someone, that will be Deb. So we're grateful that she was able to attend and participate fully today even though she could not be here physically.

So moving forward, you will note in our agenda we're ready to start off with some comments from Acting Director Terry Rea. I need to apologize. Her travel schedule has prevented her from being here today. So you can see why I let you start six minutes late. I figured I could catch this one up. So we're doing well.

I do want to thank Terry for her leadership, her support at this time. And as you hear about everything today and note that even in times of great uncertainty, and there are lots of challenges we face, we'll be talking about those, things are going quite well for Trademarks. And I've said it before, but that's due to great leadership, it's due to great dedication.

The folks that you will see and speak from today and really many, many, many folks at the office that work very hard, and I want to take
just a second to thank those folks. I know some
of our examining corps, some of our attorneys may
be listening today.

You don't often get this from us because
we're usually either disagreeing with you or
asking for something from you, but I'll go ahead
and tip you off that we appreciate the service.
We know that you take your jobs very seriously and
we could not get things done without everyone's
help. So we want to give our thanks to those of
you who are not in the room and let you know that
your efforts do not go unnoticed or unappreciated.
But you should agree with me on all of my office
actions and things will obviously go great for us
all from there.

Why don't we move on? You know, we have
a long standing appointment here with our opening
act. We're pleased to have Dana Colarulli who is
our Director of Legislative Affairs. Dana is
going to give us an update on what's new out
there, what's coming up on the Hill, and sort of
provide some background for I think a couple of
1 really interesting issues out there. So thank you
2 for being here today, Dana.
3
4 MR. COLARULLI: Maury, thank you so
5 much. And I'm happy to be here again. I'm not
6 going to walk through bill by bill, but I thought
7 I'd give you the wide range of legislation being
8 introduced and discussed, some not yet introduced
9 on the Hill in our four areas of IP, patents,
10 copyrights, trademarks, and trade secrets. These
11 include bills and hearings that we're reviewing,
12 and monitoring.
13
14 There's a number of items that impact
15 intellectual property. Of course, there is a
16 heavy emphasis right now on patents and patent
17 litigation in the wake of the implementation of
18 the AIA, in the wake of legislation enacted in
19 2011. But there's increasingly a focus on a
20 number of copyright issues and some others, as
21 well.
22
23 So we'll start with just highlighting
24 the hearings. PTO has not testified yet this
25 year, but certainly has been active with staff on
a number of issues. We'll start with patents, two
hearings have been held on abusive patent
litigation as you'll see on my slides. And then
one on the implementation of the AIA, in
particular, what PTO is doing for small business.
That's a continuing theme both in the oversight of
the PTO, and our appropriators are very
interested, as well, making sure that we're
devoting at least a significant portion of our
resources to small business. So we've had some
attention and discussion there.

On the copyright side, there's been an
increased focus on copyright issues. The Chairman
of the Judiciary Committee in the House announced
that he would start a comprehensive review of the
copyright laws and has already started having some
hearings, and we expect more later in September,
ancillary issues like cell phone unlocking.
Updating legislation on satellite television have
also been topics of discussion in the
congressional hearings.

Again, I'll focus on the patent side. I
thought it would be helpful to at least briefly 
look at some of these issues. The White House has 
gotten engaged in this, as well. In the beginning 
of June, the White House announced five executive 
actions and supported seven legislative items to 
address patent litigation abuse. The seven 
legislative items generally reflect some of the 
things that had already been discussed up on the 
Hill. My slide shows a listing of the bills on the 
right hand side. On the left, the slide gives you 
a sense of some of the issues that are being 
discussed.

Certainly congressional staffs review 
similar litigation issues in copyright law, and 
trademark law. Issues of patent disclosure, 
issues of discovery, discovery costs have been of 
particular interest. Fee shifting started off 
this conversation actually in the last Congress 
and even earlier this year. Is fee shifting 
appropriate in the patent context where we had 
seen it in other areas of IP law? So, we expect 
that proposal to dominate at least some of the
discussion with staff, among other issues.

The next two slides are categorized generally by subject, not in any particular order except of interest. We created a couple buckets, one being budget. And I'll spend just a minute on the first bill. Representatives Honda, Lofgren, and Chu, the three representatives that represent the Silicon Valley area, where USPTO hopes to have a permanent home at some point in the future, introduced a bill that essentially would exempt the USPTO from the effects of sequestration. The bill does two things. It both has an immediate impact in this fiscal year and then attempts to add USPTO to the exemptions list in the earlier version of the Budget Control Act. The Administration has not taken a position on this bill. Generally I'll say there's a lot of hesitancy to addressing sequestration piecemeal. This is a problem that faces the entire government.

It is a poor way to manage the budget of the Federal government. But as I said to my
friends in the Department of Commerce recently, it's nice to be loved. And this bill shows that at least folks are looking out for the PTO and want to help address our issues as a fee funded organization.

There are other fee funded organizations within the Federal government that are in the same boat as the USPTO. Again, as a bad idea of managing the federal government as much as it is, there's others that are impacted, as well.

I'll defer to my colleagues in CFO who are presenting next to give an update of where we are on sequestration, the amount of fees that we expect to be withheld from the agency this year. But that will continue to be an active discussion. I've seen two editorials in Bay newspapers this week, both very supportive of this bill. Again, it is nice to be loved and we're glad that there's at least some attention to the problems that we're facing here.

The next category I call the Redskins category, the bill that you all are likely
familiar with addressing the Redskins trademark.

Counterfeiting and design, trade secrets, again, we see an up tick in activity on trade secrets, on creating a private right of action there. Cyber security, an issue that's of great interest to the Department of Commerce, and clearly the USPTO, as well, in ensuring that our protection against cyber attacks are strong, which we believe they are. There's been both executive action and continuing congressional action on that issue.

And then a few other bills that I think we've cited in past TPAC hearings that we've been watching. I won't say too much more on those. The Innovation Through Trade Act, that was interesting, creates an intellectual property position at the U.S. Trade Representative, showing, again, Congress believes that there should be more positions in the federal government seeking to safeguard our intellectual property rights.

Other considerations for the 113th Congress, this is kind of my catch all. We're
continuing to do staff outreach to the congressional staff and to new Members. We continue to get a lot of interest in the satellite offices, and as I mentioned, the bill that Representative Honda, Chu, and Lofgren introduced. There's a lot of interest in us moving to those locations.

Sequestration has unfortunately impacted our ability to move forward quickly and we've delayed action there. On Silicon Valley, as I described, we had taken the fewest steps. We've not gotten as far in the process to establishing a permanent office as we have other places.

Detroit, we have Denver and Dallas which are somewhere in between. So we're really hoping that our budget outlook will be a little bit more secure as we get into the next fiscal year. And we are eager to move in those locations. But our congressional staff and our congressional Members would like us to move faster and I think that's driving some of the interest actually in our funding issues.
I did want to mention two important nominations and swearing in. One is the new Secretary of Commerce, Penny Pritzker. She was sworn in at the Department of Commerce 2 weeks ago. And we're starting to get a sense of what her goals are for the Department of Commerce as she takes the helm. She's even today having another session with employees at the Department of Commerce to talk about those issues. And our own Ray Chen, our Solicitor, still pending a Senate vote, but was nominated and voted favorably out of the Senate Judiciary Committee as these things work to be a new judge on the Court of Appeals for the Federal Circuit. We're very proud of Ray Chen. He's a great addition to the Court.

Other things I'll mention, the first bullet I skipped over. We have a series of required reports and our appropriations bills, we're keeping up with those and making sure that we're responsive. Often times they actually provide a good opportunity for us to showcase some of the things that we're doing here at PTO. We're
embracing them with that viewpoint versus just homework that we have to get done.

And we're doing a number of activities to continue our outreach to staff, bringing them in to understand both the trademark operation and the patent operations, and showcase innovation more generally. I'll highlight two of our partnerships with the Smithsonian Institution.

There are other activities that we're engaging with them. But one is the Arts and Industry Building on the mall, a very exciting adventure. Debbie and I were able to take actually a tour of the building. Don't worry, we did have hard hats on and nothing fell on us.

There is at least one quarter of that building which is dedicated to an innovation pavilion which we're working with the Smithsonian on. But that entire building, when it opens up next year, will focus on technology and innovation, and we're very happy to partner with the Smithsonian on that. At least as this building transitions to whatever permanent use it
has, there's a great opportunity for us to
showcase what we do here at the PTO.

Second, we've been partnered with the
Smithsonian to help develop exhibits within the
system. One was to showcase some of the patent
models that had been submitted to the PTO in past
years. I'm bringing a number of Hill staff up
there on Thursday to see that, walk around with a
Smithsonian (Docent) and, again, be able to really
engage staff in a different way than just
responding to questions at a hearing, a little bit
more informal, so we'll be doing that.

We recently had staff also here at PTO
and did a "Day in the Life" of both the patent
operations and the trademark operations. And
Debbie was kind enough to share some of her time
and insights with that staff. We'll continue to
do that as we move forward.

MS. COHN: Dana, going back to the
innovation pavilion at the Arts and Industries
Building, just to remind everyone, because we've
talked about this before, we will be planning on
holding a trademark expo there as soon as we are able to. So we're all very excited about that. And for those of you listening in the room who can think of companies or organizations who might want to take advantage of that fabulous venue, please keep it in mind for either next year or the following, whenever it's ready.

MR. COLARULLI: I do think it'll be a great opportunity for our whole community to highlight all the things that we do. I think, the space is fairly flexible. It sounds like the Smithsonian will invite organizations to come and use the space, as well, and run events. So for anyone interested, I do have a picture of Debbie with a hard hat. I'm happy to share or email if you're interested. Maury, that's all I have for my official report, but I'm happy to answer other questions.

CHAIRMAN TEPPER: Thank you very much, Dana. For those of you who are online, we'll do our best to get that photo up. And I understand probably our web traffic will increase
MS. COHN: Dana, would you like to mention the recently concluded VIP Treaty? I think that was a big deal for this agency in terms of our participation and also a big deal in terms of what was accomplished.

MR. COLARULLI: Yes, absolutely. And, Debbie, thank you for that. This is the second international treaty on copyright issues that we were able to really shepherd through and lead the negotiations. The first was the AVP, Audio Visual Treaty last year, and now a significant effort to lead up to negotiations in Marrakesh that concluded two weeks ago on the Treaty for the Visually Impaired, again, a copyright treaty.

And for those who are interested, I'm happy to follow up. Shira Perlmutter, our Chief Policy Officer, co-led those negotiations, along with Justin Hughes on behalf of the U.S. government. I know from experience and a number of both briefings with the Hill and discussions with others in government, it was a tremendous
effort. This is the first international treaty that actually does norm setting on exceptions and limitations to copyright law. There was significant concerns from the content community that the treaty, because of the efforts of those outside the U.S., would undercut some of our IP principals. I think the delegation feels that they came out with, a very good result, and were able to adopt provisions that maintain the obligations in previous treaties, in Berne, WCT, and in TRIPS that required, significant protection of intellectual property rights, but at the same time, balance that need to create more media in formats that are available to the visually impaired.

So I think we see it as a great success and really due to Justin and Shira, and again, I'm happy to follow up with additional information. We put out a good press release that talks about it. As I said, we had a good result.

The way these things work, we adopted language where the U.S. has about a year or two to
officially sign the treaty. That allows us to bring the text back here, circulate it within the
government to make sure we all know what we're agreeing to, and then we'll seek to move forward
on implementing legislation if it's needed. We're actually in that process right now for the
previous treaty, the Audio Visual Treaty, and hopefully we'll pursue that over the next few
months with the Administration and the Hill.

CHAIRMAN TEPPER: Thank you, Dana, very much. Well, with that long list of issues, I think you can see why we like Dana to be our leadoff hitter. And obviously we need to get him back to work with everything going on at the moment. But I do want to take a couple minutes for questions. Since I have a microphone in front of me, I think I'll ask the first one.

I did want to go back, just follow up on the Honda bill dealing with the budget and with the proposal to sort of alleviate the impact of sequestration on the PTO. It's probably not a surprise that everyone in this room has a keen
interest in supporting and making sure that the
office has access to its funds and to the fees
that we sent in, we want to see them put to work.

Do you have an assessment or a sense,
Dana -- and by the way, I would encourage you all
obviously to read the text of these bills that are
mentioned up there. Read the Honda bill. It's a
really good read and it's a compelling read and it
makes a lot of sense to me when I look at it. But
do you have any idea or can you give us any
assessment on, you know, will that bill be moving
forward? Does it have a reasonable chance?

MR. COLARULLI: Yes, I think it's a fair
question. As I said, it's a bill that directly
addresses sequestration as the PTO is feeling it.
I think there's hesitancy for very good reasons on
behalf of the Administration and many in Congress
to address the sequestration issue piecemeal.

And we've seen very rare and very
visible exceptions to that, certainly with meat
inspectors. There was specific, directed
legislation towards the FAA. I think this follows
those efforts.

But as we move further through the appropriations process, it becomes less likely that these bills will move forward piecemeal. It will continue to get a lot of attention and raises the issue, which, frankly, personally, I think is very, very important to PTO, given that we just went through this eight years of discussion over whether the PTO should have the ability to set its fees to recover its costs and whether the PTO should be able to keep the fees that it does collect to support its operations. And you can make very good arguments on some of the problems that we see today are because of the history of uncertainty in our funding. So certainly I've been well spoken both in this position and before on the need to get certainty in USPTO's funding.

I don't see a path forward right now on this bill by itself. To the extent that there is a push to address a number of items, a number of agencies affected by sequestration, there's a possibility. The administration is still looking
1 at the bill.

2 One of the things that the

3 Administration is always concerned about is

4 scoring and what cost this will have. I will note

5 that there are a number of fee organizations, not

6 quite like USPTO, that are effected. And the fees

7 that are collected don't necessarily go towards

8 the deficit. So we're stuck in this weird

9 position where we're impacted, but it's not clear

10 whether the impact actually will go to solve the

11 budget problems that really do need to be

12 addressed. So, I've given a long answer to your

13 question.

14 CHAIRMAN TEPPER: Thank you, Dana.

15 That's actually a very good answer. It does not

16 surprise me. Let me make sure, and please do

17 correct me, I just want to make sure everyone in

18 this rooms understands. Dana made a reference to

19 scoring and I will do my best to see if I can give

20 you some context on that. It may seem at first

21 blush, you know, since all of the money here comes

22 from customers, from users. You know, why are we
under sequestration here?  Shouldn't it be a simple fix?  The fact is, as part of the government as an agency here, scoring is basically the budgeting process overall, and if we take money out of the sequester, it is scored, so it has to come from somewhere else.  So I think that if I'm close to right on that, let me know, but it's basically any change here would have an impact elsewhere. Whether it seems like it should or would, it does, and that's what scoring is all about.  Did I come close, Dana?

MR. COLARULLI: Yes. Tony and I are taking notes, because your description of scoring is as good as any that we've heard.

CHAIRMAN TEPPER: All right. Are there other questions for Dana today? Any from the members of the Committee? All right. How about questions from the public? All right. I do want to remind our online participants, you're invited to email your questions in and those will be brought to me. We'll be sure to answer those. I want to thank you very much for a comprehensive
update. These are always interesting times. I'm really glad to know you're out there looking out for our interests and staying on top of this and we want to thank you for that. Those of you who patted yourselves on the back a little bit ago for our having ended diversion or the impact of diversion, never forget, there's always some new interesting twist and challenge to deal with. So I think we'll be looking at and working on issues for a good time to come. But we look forward to continuing that process. Thank you.

Transitioning in, and I don't know why I'm choosing to use baseball analogies today, probably coincidental, but, you know, the Nationals had a very good weekend in town, so I thought I might stick with that. If you have a good, strong leadoff hitter, everybody knows you need a really great hitter afterwards. So, you know, looking to kind of keep our order moving along here, we're going to transition over to an update from our CFO's office. I did see Tony come in on time.
Frank Murphy is sitting right next to him. Our deputy I think is very relieved to see that you are here and prepared to follow up. You know, having heard about these issues, I want to get a update from our CFO. In the best of situations, they have a difficult job. And we've always talked about the fact that at any given time, we're looking at three different years worth of budgets and projections and predictions. And this year we have lots of added wrinkles and twists. So I'm going to turn this over to Tony with thanks and, you know, let him update us on just how the PTO is managing and how we're getting along in this environment.

MR. SCARDINO: Thank you, Maury. I appreciate it. It's a pleasure to be here. As you did discuss or mention in the intro, it is really challenging times in fiscal year 2013. I'm going to go through some knowns and some unknowns today, and unfortunately there are more knowns than unknowns. The only thing we know is what's kind of happened already the last eight months.
So I can kind of tell you what we've spent to date and what we've collected to date.

So far our collections in the trademark side of the house is very close to our projections, a little bit below, 1.5 percent. But the spending side of the house, we're actually further below that, and a lot of that is actually due to sequestration. So that's resulting in, you see the third bullet, our operating reserves actually are going to increase from the beginning of the year. So it's all very positive in the sense of, from a cash flow perspective, as fees come in, they add to an operating reserve, so we haven't had to cut back any direct spending for trademarks operations.

We have cut back due to sequestration enterprise-wide activities. And trademark's funds parts of that has only cut back on an operation overall. We actually spend less money on the trademark side, too. So sequestration is going to kind of effect us twice on the trademark side. We're actually going to have to sequester a
percentage of our funds, it's 8.6 percent of what we collect from March 1st to September 30th. We estimate that to be about 13 and a half million dollars.

We're also, due to sequestration, going to spend less money, so it doesn't really affect our operating reserve. They almost cancel each other out in a weird way. The challenge, of course, is that we still collected money that we can't spend. The 13 and a half million will go into, we call it kind of the sequester pot here at USPTO that we can't spend. The patent side of the house is a much bigger pot, as you can imagine.

So the challenge of sequestration, of course, is, we know the 13th store, we don't know the 14th store. Sequestration, again, was a 10 year act implemented over 9 years, so it's continued until 2022, I guess it is. Of course, both sides of Congress and the administration are trying to remove sequestration from the picture for '14 and come to a better budget resolution. What that resolution will be, I think no one
knows, it certainly remains to be seen, but we are preparing for it.

And the carryover, the operative reserve for trademarks are roughly, we estimate it to be close to $150 million at the end of the year. That will certainly help us get through any effects of sequestration. So that's all in the positive. But it's still challenging when you don't know what's going to happen. We're planning for the unknown, collectively, USPTO. So as you just discussed with Dana, of course, the -- yes, Debbie.

MS. COHN: Tony, I think it may be worthwhile at this point to clarify what you meant when you said that the operating reserve will help us get through any effects of sequestration, whether that would be an agency-wide help or a trademark help.

MR. SCARDINO: Certainly just on the trademark side, right. That money stays, you know, within trademarks. I want to say it kind of helps us weather the storm. You know, when
sequestration is -- well, it's like kind of this
cloud, you have hiring freezes in agencies,
sometimes you have furloughs, IT projects or long
term projects are usually delayed on the trademark
class. Because of the operating reserve, we don't
have to have those delays. On the enterprise
(inaudible) we've got some challenges, but on the
trademark side of the house, we're in good shape.

So again, despite the pending
legislation or introduced legislation, we are
still planning for sequestration to possibly come
into play in '14. It really depends on whether
the House or the Senate kind of -- they've both
got different perspectives on what we should do
for '14, so their budget allotment is different.

So tomorrow actually is the mark-up of
our fiscal 2014 budget request in the House. So
once they mark up and kind of tell you -- mark-up
is basically review the President's budget request
and they tell you what they would like to
appropriate for next year, that gives us a sense
of where the support is on the House side, and
then the Senate mark-up should be later this month, and then, of course, they'll go to conference, and then again an unknown, but it's almost a certainty as a continuing resolution come October 1st for 2014, which means we operate at 13 funding levels, and again, due to the operating reserve, that doesn't effect the trademark side of the house, so we can manage through that. But a continuing resolution, of course, does challenge us on the patent side of the house, so we're trying to manage that accordingly.

This all leads us to the last year that Maury referenced, fiscal year 2015. While we're trying to manage '13, plan for '14, we have to start developing a budget for 2015. We're in the process of doing that. We don't anticipate any significant policy shifts or changes on the trademark side of the house for '15.

We will submit a budget actually to OMB early in September and your Committee will see it in August sometime, usually around August 20th. Don't quote me on the date, but somewhere around
there we will get you a budget to review. But we can always go through any questions that you have. Since we won't meet formally as a group before it's submitted to OMB, we can have phone calls. We're happy to entertain any way that you want to correspond and review the budget. So that's about it. Nothing earth shattering has really developed since the last time we met other than we're just trying to manage fees accordingly. They continue to come in more or less as we predicted for '13.

CHAIRMAN TEPPER: Thank you, Tony. Do we have questions for our CFO? All right. Any questions from the public? Yes. If you'd like to come up for a microphone, please. Just be sure to push the red button.

MS. KING: Just a quick question. Can you explain what you mean when you say it could effect trademark enterprise, what the enterprise system is?

MR. SCARDINO: I said USPTO enterprise-wide systems. That could be any system. It could be email, it could be time and
attendance, it could be a mainframe that supports
a platform of systems throughout USPTO. John
Owens could give you a description later this
afternoon, our CIO.

But there are certain costs for USPTO at
large that support everything and it could be
anything. It could be security services, that we
closed an entrance to the building and that's paid
for, 10 percent from trademark funds and 90
percent from patents. We would save the 100
percent, and therefore, the patent savings, of
course, we needed to save so that we can actually
make payroll. On the trademark side, it would
just continue to go into the operating reserve.

CHAIRMAN TEPPER: Thank you. Tony, I
want to thank you. And obviously, lots of
uncertainties out there. We are grateful that
trademarks has the ability to manage through
these. I do want to assure everyone, and I don't
think I'm going very far out on a limb to say I
hope you understand trademark operations is not in
the business or has a goal of growing in the
operating reserve. We would much rather be putting those funds to work on projects and initiatives that you have heard about in our prior meetings.

We are, indeed, fortunate that the reserve is there and that we will be able to access some of those funds to help continue operations during that time. But two important things to understand.

If you remember our prior presentations, when we have sort of given breakdowns of direct spending from trademarks and our share of allocated costs, keep in mind, you know, nearly I think about 40 percent of the funds that come in are allocated. Those are our share of the overall office. We're part of a large operation here. We don't directly control those through trademarks. And to the extent that cuts or, you know, deferred spending needs to take place, that sort of impacts the trademark operations. There are also other projects, of course, that are office-wide we would like to be able to proceed with and that we simply
cannot right now in this budget climate.

So I do want you all to know that there's a lot of good news here, but there's also, you know, a lot of potential problems looming out there office-wide and certainly in trademarks to the ability that we're going to be impacted by some of these deferred initiatives, some projects we simply can't take up at this time.

So do continue to watch this space. We thank you all for your good stewardship during this time. But I do want everyone to understand, we need to do everything we can to make sure that the office is able to access the funds and to use those funds and put them to work the way that we would all like for them to.

All right. That being said, we'll move on to trademark operations update. Commissioner Cohn is right here. And I think, you know, I know that we're going to have a couple of charts there. Bear with us. Keep an eye here. They're pretty easy to follow even for a guy like me who's not good with numbers. You'll be able to compare sort
of goals and where we stand. So, Debbie, I'd like you to give us the highlights. Thank you.

MS. COHN: Great. Thank you very much, Maury. And good morning, everyone. I'm going to, as usual, go through our performance related data. And I'm happy to say there's nothing too exciting or earth shattering here as we're close to and meeting or close to meeting most of our targets here.

The first page you see in front of you starts off with our examination statistics. And as you can see in the second to the last column from the right, we're reporting out through May fiscal year to date, so beginning of October of last year through May of this year.

And the first big box is quality. We are right where we think we should be in most of our quality metrics, with the exception of final compliance. We're a little short of where we want to be by the end of the year. I should mention that we are within the margin of error for these statistics and that, in fact, the numbers are not
statistically significant until we reach the end of the year. So for our quality metrics in both first office action and final, we're on track. We're not quite there yet for everything, but we are hopeful and we are planning to make our targets, again, within the statistical margin of error there.

For the exceptional office action, we're quite a bit over our target. You can see in the last column, we're at 40 percent over our target. And this is, again, just to remind everyone, this is the measure that measures not just the legal sufficiency of the office action, but excellence on four different levels, searching, decision-making, evidence, and writing. So in order to be included in this group of exceptional cases, the office action has to meet all of the criteria, not just one, two, or three.

Moving on to E-government, E-government, again, measures the percentage of applications that are processed, not just filed, but processed completely electronically from the beginning to
the end, either registration, abandonment, or notice of allowance. And we're currently at 79 percent, which is I think a really -- I'm very, very happy to be at that number.

We have over the last couple of years made a lot of effort to reach out to various stakeholder groups and individual stakeholders to find out what is preventing them from using our electronic systems 100 percent. And there are some issues that we've been working on, things like adding extra email boxes to our applications and increasing the capacity for submitting electronic evidence and such. I know that's been a difficult issue for some. So we're working on every issue that we can possibly work on. We're at 79 percent thus far this fiscal year. So the remaining 21 percent are still filing on paper some of their communications or not authorizing electronic communication from us. And we hope we'll convert them soon, in the next year or so.

There will always be a few hold-outs, we understand that.
But again, our electronic filing number for initial applications, we don't measure that anymore because we have passed the 98 percent mark quite a while ago. So more than 98 percent of our applications do come in the door electronically. And, you know, that's pretty much a done deal, I think and I hope.

Moving on to application filings, we are on target to meet our estimate of 4.3 percent for the end of this fiscal year. That would be around 4.3 percent more than we got last year. So it will be an increase. Last year we had an increase over 2011. In 2011, we had an increase over 2010. So we are really on track. And hopefully this is a reflection of the promising economy. And we're looking forward to having an increase next year and we are planning on that, as well. So that's all good.

Examiner production, I'm not going to go into all the numbers on that, but examiner production is pretty much where we expect it to be, and that's due to the very hard work and
diligence not only in quality, but in quantity for our examining attorneys. So now I'm going to move to the next slide and talk a little bit about examiner positions and hiring. And so you can see where it says examiner FTE, that refers to full-time equivalent position and that factors in our part-time positions, as well. We have a handful of people who are part-time. But if you look at the next line down, you'll see we have 412 examining attorneys on board as of the end of May, and that includes 29 new hires for this fiscal year. We hired a group of people in February and then another group in May. And the group in February I believe has begun their production. And the group in May has just completed their training and is moving into their in-office mentoring and they will start producing shortly. So we're very happy about that. We do plan on hiring a similar size group next fiscal year, but, you know, that's always dependent on filings, pendency, inventory, lots of
different factors that we look at as we go along.

So we make our plans and we always feel flexible enough to adjust them to whatever circumstances are there at the moment. But that's our plan right now.

Office disposals, I'm not going to go into too much detail on that except, again, to say, you know, we're relatively on trace. Office disposals are abandonments, registrations, et cetera, and we're doing fine on that. We have 1.9 million active registrations now, which is quite a large register, I would say.

Moving down to pendency, at the moment we're at months pendency, 3.0 months pendency, which is right on target between our 2.5 and 3.5 range. And we hope to stay around that number.

We plan to for the remainder of the fiscal year. Pendency, that's our first action pendency. Now, you see two boxes on pendency to disposal. The first includes all cases, even those that are subject to interparties proceedings and have been suspended. So the total disposal
pendency for those cases is 12.3 months at this point in time. However, when you take away those suspended and interparties cases, which we like to do since that's not really an accurate reflection of the case moving through the process, it's been held up for, you know, a very legitimate reason, we go down to 10.5 months. So if you don't have a suspended or interparties proceeding, the average time to registration or abandonment is about 10.5 months.

And then the efficiency number, which is the total cost of a trademark disposal when you factor in both the direct and the indirect costs that Maury mentioned a few minutes ago, sort of the non-trademark operational, but agency costs that trademark operation contributes to, and so you want that number to be low, as low as possible. And you'll see that our target was $621 per disposal, and we're at $543, so we're doing well in that regard, as well.

Next I'm going to move to some of our non-law office, non-examination, but very
important measures, because these are the examination support areas. And the other areas in the office like post registration, intent to use the areas that are very, very important but don't always get reported out on to Congress, to OMB, et cetera, but I think it's good for you to know about them anyway.

And then the first two boxes have to do, when you see the letters ESU, that's Examination Support Unit, those are our legal instruments examiners that help with the entering of amendments and reviewing publications, et cetera. And you can see that they are pretty much right on target for their pendency. For amendments, they're actually at 4 days, their target is 14 days. And for publication review, they're at 16 days and trying very hard to get down to their target of 14 days by the end of the fiscal year.

For quality, we see that they're actually ahead of their targets. They have a 95 percent quality goal on both amendments and publications and they are at a little bit above 97
percent, so they're doing quite well.

Our Trademark Assistance Center, you can see that they are really quick to answer the phone. Their performance measures have to do with the percentage of phone calls and how quickly they're answered. And so you can look down the line and see that, for example, the first performance measure, 85 percent of calls are answered within 20 seconds of receipt, and they are actually at 91 percent for those calls. And I won't read all of the numbers, but you can look at them for yourselves and see that they're doing quite well. The next box is the intent to use unit. And they are ahead of their targets, beating their targets in all three categories, extension request, statements of use, and divisional requests.

Next I'll move on to the Madrid Processing Unit. And they can't do much better than one day pendency so we're going to try to hold them to that. Their target is two days. They're really doing quite well at one day. So
enough said about them. They're doing a terrific job.

The Pre-Examination Unit is at four days. Their pendency target is two days. The good news is, I think they're going to get there by the end of the year. And hopefully nobody is upset about the slippage in a couple of days.

When we look at these numbers, we act on them right away because we, even though the target is very tight, we don't want it to get too far above that.

Post registration does have some work to do to move back into their target range. And I know that Susan White and Rodney Mackle and Tiffany Huntley in the post registration unit are working towards that. I know Mary has been very closely following the pendency and quality issues in post registration and is doing an excellent job of keeping on that.

The Petitions office, they are half a day above their target, so we're going to have to hold their feet to the fire to get them down to
four days. They're currently at four and a half

days. I didn't even know we measured in half
days, but there you go.

So those are our stats for this meeting.

And if anybody has any questions before I move on,
I'd be happy to answer them right now.

CHAIRMAN TEPPER: Do we have any

questions for Debbie? Cheryl.

MS. BLACK: I just have one question,

Debbie. You mentioned the efficiency in terms of
the cost for applications and processing. Do you
see that number going down as you're able to get
more applicants processing everything
electronically, you know, not just initial filing,
but through the examination process?

MS. COHN: Yeah, I would like to think

that, Cheryl. I'm not sure how much of an effect

it's actually going to have since so much goes

into that number that's not related to the actual

processing of the trademark application. But I

think it certainly could have a positive effect.

I just couldn't predict how much that would be.
Thank you.

CHAIRMAN TEPPER: Okay. Any other questions on our operations? Well, I want to make one comment. And I know we're sort of mid-presentation. But if going through this, you started to lose track, think, my goodness, how many ways can they measure a performance, good for you. You know, we appreciate and admire the ability of the office to really keep on top of things. You'll notice where there were variances, they're going to be corrected before we have a chance to get worried about them.

And, folks, I thanked our examining corps and our staff out there earlier, but this really is a reflection, too, of just what a great job you're doing. Everything is proceeding on target. So I think it's extraordinary just to take a look.

And I like measuring these numbers and I like being able to talk about how well things are going, especially when we hear in the background how quickly things are changing, how uncertain
things can be with, you know, our budget, and
spending, and the policy climate, and, you know,
external initiatives. I think it's even more
extraordinary that we're having such a great year
and that we're right on top of things at that
point. And with that, Debbie, let me let you get
back to your update.

MS. COHN: Great. Thank you very much,
Maury. I really appreciate that. And I do want
to also take this opportunity for any PTO
employees who are listening in, to thank you for
just the terrific job that you do. And we do
measure things this way and that way. And, you
know, people understand that, our employees
understand that, and they do their very best to
try to meet our targets because they understand
that we have that for a reason, that we are a
customer service organization, and it's very, very
important for them to meet their expectations, to
meet customer's expectations, so I appreciate
that, Maury.

Moving on, I wanted to mention the TMEP
for a moment. We had an update in April. This was our first twice a year update. We're starting that twice a year cycle. And the update was really just to incorporate exam guides that had been in process and had been published since our previous update and also to incorporate precedent law that was issued since the October, 2012 edition.

I do want to mention that we have just posted a new proposed examination guide that people may be interested in looking at. It's on geographical certification marks. We've posted it on Idea Scale, which is our online comment and suggestion tool. Just for those of you who need a little bit of reminder, we put out our proposed examination guides, and actually you can comment on the TMEP anything you want to comment, but really it's designed to get comments on the TMEP and proposed exam guides. And we look at every comment that's submitted. We don't always respond to every comment, but we look at every comment, and we consider it before we issue our final
version of the exam guide.

So if you want to have some input into our policy and into what we're doing here, that's a great opportunity, so I encourage you to do that. And our examining attorneys also have that same opportunity and we look at all of the comments that they submit, as well. And we've gotten some really good comments and have incorporated them in previous exam guides.

Moving on, I want to talk a little bit about training. We like to have periodic training for our examining attorneys. We do that in a variety of ways. One thing we just recently completed was advanced likelihood of confusion training which we had for every examining attorney. It was mandatory training. It was done through the law offices, through the managing attorneys in our Office of Trademark Quality Review. It was very well received. And we are actually planning to have a more robust training program in the sense that we're going to cycle through the important substantive areas on a
regular basis. So we'll look at 2 (e) (1) training. We'll have the section (d) training likelihood of confusion on a more frequent basis because that is something we think that people really need to just get refreshers on, everybody does, so we're going to have that.

We had some training that was coordinated by INTA on GTLD's. That happened in May. We had an all star panel that INTA put together to come and talk to us about GTLD's. And this is part of our ongoing effort to educate our employees about important issues that affect trademark owners, even if they're not directly related to examinations. So we try to have that kind of educational series, as well.

Next week, on July 18th, in conjunction with INTA, we have our annual industry training day. So every year we focus on a different industry and we have representatives from these various companies that are in those industries come and talk directly to our attorneys about current trends and evolving terminology, which, of
course, it's important to keep up with that, but we can't always do that. So we want to get the experts in and INTA has been just terrific in helping us do that. This year we're focusing on the entertaining industry. We have Fox, WWE, and a few other companies that will be present to talk to us, and we're really looking forward to it.

Another thing we're doing in the training area is having what we call peer to peer training. And this has been going on for a few years. And, you know, it's really done by the examining attorneys for the examining attorneys. And management oversees it, of course, but they focus on very specific areas of law, where recent case decisions are discussed and, you know, examination procedures, and it really is quite helpful according to the examining attorneys, they like it very much. On July 30th and August 6th, we're going to have a workshop on configuration marks. That's our next workshop.

I wanted to mention a little bit about the progress on our ID manual. We're trying to
1 redesign our ID manual to better meet our user needs. We have evaluated some feedback from examining attorneys and we're trying to add more useful notes to our individual entries for people and that's an ongoing -- that has been ongoing. We've been working on that this fiscal year.

2 We're also trying again with industry groups to collaborate to improve the content of the ID manual. We have a project ongoing with INTA and with IPO where we're working with representatives from those organizations to help us in specific industries that are particularly challenging because they change quite often and they evolve with different terminology. So we're looking at social media, finance, and computer terms right now. And Jennifer Chicoski who heads up our ID and Classification Section is working closely with the representatives from these organizations.

3 We're also working on some IT enhancements to our ID manual. And we're hoping to see some of those later this summer, so you'll hear more about that as they come up.
The next thing I'd like to talk about is our electronic OG, our new electronic OG. And I'm hoping that all of you subscribe to TM Alerts and got notice of the beta version that is online and that you can look at and comment on. If you don't subscribe to TM Alerts, these subscription area on our web site, on the front page of web site, will allow you to do that.

So we have redesigned our Official Gazette in a web based format. It's going to be very different than the PDF version that you currently use. And we've posted a beta version, beta meaning it's just a test. Get online, take a look at it. There's a way to answer a survey once you're online. And let us know what your comments are. We are going to have that version up until probably the end of August, when we'll release another version, a pre-production version. So we're doing it in stages. We really want to make sure it works for everyone. But it's much more searchable, it's much more user friendly, it's really flexible, I think you're going to love it.
We do plan on having both the PDF and the new version up side by side for a while after this is completed. So if you're a little late getting out of the gate on this, don't worry, things won't change overnight on you. But please take this opportunity to give us your feedback and comments if you have any.

Now switching to outreach. We have been focusing for the past few years, as many of you know, on enhancing and increasing our outreach to stakeholders and the public. So we really have, you know, a dual focus. And regarding stakeholders, this spring, in April, we had what we called ABA day here at the USPTO. It was April 24th. And we thought it went very well. I think ABA thought it went very well also. We had a series of speakers on a variety of topics that we don't often speak about, things like letters of protest, for example, and just different examination topics that we thought people would be interested in hearing and, in fact, they were. We're planning another event for next year with
We are continuing on the INTA roundtables. We take our show on the road on the roundtables. And these are small groups, around 25 people, we go around the country and we try to meet with experienced trademark practitioners to have some very open and frank dialogue about what their needs are, what our needs are, allow them to share practice tips, allow us to tell them what's going on. It's been a very fruitful and successful endeavor so far and we do plan on continuing it.

I think we're actually going to Richmond, Glen Allen next. We're also going to Minneapolis. We plan on having a second session in New York in October, in the fall, and then I think St. Louis is in November. And we'll be planning more. So check your TM Alerts, check your news and notices so that you can see where we're coming.

And then I wanted to talk, again, about our stakeholder outreach through TM5, which, as
you know, is our international collaboration with Japan, China, Korea, and the European Union, and we're trying, we obviously can't harmonize our laws to any great extent, but we're trying to collaborate on a number of different projects. And one of the things we're doing for this fall or winter, it has not yet been scheduled, is to have a seminar on bad faith filing, and we're doing that most likely in Tokyo or somewhere around Tokyo. We've had several of those in China in the past few years and we found them helpful. We want to continue those efforts. And so that's in the works. That's just one of the projects that has been raised in the TM5 context and that we're working on.

Let me just shift for a second to the second prong of our outreach and that's our educational outreach to the public. And we're continuing to try to explore ways to reach the public, people who wouldn't ordinarily have access to trademark information because they don't even know that they need it. They can have access if
they look at our web site, but they don't really know that they need it.

So our goal is to reach those people in other contexts. So, for example, business schools and small business organizations, entrepreneur groups, et cetera. And, you know, we've had this program since February. Craig Morris has been leading it and going out and speaking to quite a number of different groups and it's been quite successful. The feedback has been terrific. And Craig tell us -- Craig, I'll repeat this for you, when he asks in the room if anybody has a business plan, everybody raises their hand, and then when he asks if anybody has incorporated a trademark component, nobody raises their hand. So that tells you the need for the awareness in these groups and so we've been doing that.

We also do talk about the need to get trademark counsel and what that involves. And so we're trying to give them a very broad brush approach to it, no legal advice, of course, but just telling them what they probably will need to
Craig has also been going to -- one of the places that he's been focusing on is this SCORE organization which is funded and supported by the U.S. Small Business Administration. And it's around the country. There are many different chapters. And what's great about that is, Craig gets to talk with the people who actually train other people. So, you know, it has a multiplying effect. He's not just talking to small business owners, he's talking to people who talk to many small business owners. So I know that he has that in the works for this week. I think actually tomorrow in Charlottesville is the next chapter of SCORE, just to give you an example of some of the things we're doing. So if you know of any organizations that you think would benefit by this, please let us know and we will try to arrange something.

I think that I have completed my list, Maury. So I don't know if I've stayed within my time. I think maybe I have not.
CHAIRMAN TEPPER: We're real close if not.

MS. COHN: Okay. So thank you very much.

CHAIRMAN TEPPER: Thank you, Debbie. A lot is going on. Do we have questions for the Commissioner? Any questions from the Committee? Well, I want to sort of underline a couple things. I know we're past time and I'll be as quick as I can. I think it is encouraging to see we are up to 79 percent who are doing business electronically end to end with the office.

If you are among the 21 percent, please tell the PTO why. I think obviously there have been roundtables and talks and there are opportunities, but I do know that the office will be very interested in understanding any concerns, issues, or reasons that you have for needing to use paper or for, you know, sort of removing your applications from the electronic system. It is very efficient. But I would encourage you, if you have information to share or you have viewpoints,
please step up and give some input.

I think we've seen a number of areas where the office has adapted their processes, has made some changes to try to address concerns that customers and users have. But if you don't share that, I don't think they can do anything for you about that. So I would encourage you to look into that. And if you're in the 21 percent, I hope you'll be one of the 3 percent one day, or perhaps even smaller. But I think that the office does really value your feedback. And I've seen obviously responsiveness when that information comes in.

Speaking of feedback, I want to remind everyone, you heard about the new exam guide that is out on Idea Scale. You have the chance to comment on that. If you'd like to make a difference, if you want your views to be heard, put your comments in there. You know, once again, it's a great opportunity. I encourage you to take them up on that, as well as the beta version of the electronic Official Gazette. If you stick
around after the break, I'll give a little teaser here. You're going to get to see a little something about that. We'll take an advanced peek today. But please do take the time to take a look, share your comments and views, understanding that it is a beta version. Nothing is final. You have the chance to provide feedback and input to make sure that things work the way you would like them to. So I do want to encourage everybody out there to take the office up on its good offer and to provide your feedback and make your views heard.

One last thing I want to do since I have the microphone and that is to offer an amendment to my earlier introductions and an apology. When I went around the room and introduced our TPAC members, I was sort of looking for people at the PTO and people that aren't, and when I saw faces that aren't, I was introducing our members. I overlooked two members by doing that and two very important members of our Committee.

I do want to remind everyone, we have
two non-voting members. They are our Union representatives. And I apologize to both of you gentlemen for not catching you in the introductions. I need to make a better list in the future. Just the fact that you're here at the PTO, I need to remind myself not to go that simplistically. Howard Friedman is here stage right or to my left, and Randy Myers. They have the distinction of giving us lots of good perspective and input. I will tell those of you in the units, they're not shy about speaking up and making your views known to us. And they also, although they're non-voting members, have the distinction of being I think the most experienced and long serving members of this Committee. I believe that both have been coming to these meetings since TPAC in its current form was instituted in 1999. None of the rest of us can say that. And thank you, gentlemen, for that, and my apologies for missing you in my earlier introductions.

Without questions, we're going to move
on. You know, when you've got a batting line-up, the most difficult spot to occupy, you want to make sure you've got some good talent in here, the last speaker before our break. So, you know, we go strong. We want to talk a little bit about policy international updates. Sharon Marsh is here with us today. And, Sharon, thank you for stepping in on the touch spot, we appreciate it.

MS. MARSH: Thank you, Maury. At least it's a short spot, just a couple minutes. Good morning, everybody. I wanted to start just with the Madrid comment. July 8th, which was yesterday, I believe, India became a full participating member of Madrid. And I'm very happy to report that the USPTO's TEAS Madrid international application form now allows international applicants to select India as one of the countries they want to designate. In addition, Rwanda will become a participating member in the middle of August, August 17th.

I also wanted to mention the Madrid Goods and Services Data Base. This is a very
large project that WIPO has undertaken to create a
data base of ID's that are correctly classified by
the WIPO staff. And what their plan is, is to
have individual countries then go into the data
base and indicate which ID's are acceptable in
terms of the language, the specificity, et cetera,
to that national office.

And so the USPTO is participating in
this and it's obviously a very large data base and
we're going through it very slowly and indicating
which ID's the USPTO will accept. It's a good
project. I think they're translating it into 10
languages. And some day I think it will be a very
valuable resource for people with Madrid
applications, trying to complete the application
form. Moving to policy here at the PTO, our TMEP
and policy staff are working on a number of really
good exam guides in addition to the one that's
gone up for comment that Debbie mentioned on
geographical certification marks. We are
currently working on exam guides or TMEP
enhancements for a number of areas including
repeating pattern marks. These are marks that appear across the entire surface or a large portion of a product, for example, a repeating pattern on a handbag.

We're also working on a TMEP enhancement on marks that include government agency names and other names that are federally protected by federal statute. Also an exam guide on character names, Cinderella, Pinocchio, et cetera. You know, there are some unusual examination issues around these kinds of marks. And we've had a number of lively discussions about these topics.

And lastly, we're also doing a part two web specimen guide. In December we issued the one on web specimens for goods. This one will be web specimens for services. So as Debbie and Maury have indicated, Idea Scale is a terrific place to give us some feedback on this. We try to send out a trademark alert when we post these. Also, if you go to the Trademark News and Notices page, we put out a notice there when a new one goes up for comment. We have a couple of rulemaking packages
that you should see in the next few months.

Again, you'll hear more about those as they become available for public comment. They'll go through the regular federal rulemaking process.

And then turning to our ID class office, I just wanted to make one additional comment beyond what Debbie had reported. One of the enhancements to the ID manual that is under development is a way to address the problem that we have created by our ID Suggest Program. This is our very valuable project where users can suggest an ID for us to add to the manual and that's been very successful and we're going to continue it.

But it has resulted in a lot of noise or useless ID's in the manual that sometimes make it hard for users to, you know, figure out, well, what is the minimum level of specificity required by the PTO. And so this new enhancement is a filter that will allow users to exclude those ID Suggest or example, we're calling them, example entries in the ID manual.
It actually is on the current system now. You'll see a new status called X, and you can, using bullion logic, you can, you know, exclude the X entries from your searches. We have only started the process of identifying all of the entries that are in this status that are just examples that you don't really need to see and we have thousands of them. So it's not fully operational yet, but if you want to look at the ID manual, you can at least see how it works. I think that's all we need to cover this morning.

CHAIRMAN TEPPER: Okay. Thank you, Sharon. Before we turn to questions, I think we've mentioned Trademark Alert a couple of times. It might be good to let people know how to subscribe or where they can receive Trademark Alert if they are not currently doing so. And I wish I knew the address. Can you help me with that, Sharon?

MS. MARSH: Well, it's not the address. If you go to the USPTO web page, in the bottom right corner of that page, there is a box that
says subscriptions. Is that correct, Craig?

Yeah, subscriptions. And you'll find it there.

If you go through that process, you'll see TM Alerts, and there's a way to sign up.

CHAIRMAN TEPPER: Okay. Thank you very much. I know you all depend on TPAC meetings for getting the latest and greatest news. But since we only meet a few times a year, things might happen in between. So if you're not currently receiving Trademark Alerts and would like to take a look at the subscription box at the bottom of the page, make sure that you're able to receive that. Do we have questions for Sharon today?

Well, thank you. It looks like you were clear and complete. Thank you very much.

With that, we're going to come to I think many people's favorite part of the meeting and that is a 10 minute break. We're just a couple minutes ahead. I'd like to keep us that way. We can do our best to meet back here at 10:30, we will resume. And again, we're going to have a little live demo I think that you'll want
to take part in and get the chance to see. So we'll look forward to starting back up within 10 minutes.

Those of you who are viewing online, we will be coming back. And if you do have questions or comments, don't forget to email those into us. We'd like to make sure that we're responding to any issues that you want us to talk about, as well. Thank you.

(Recess)

CHAIRMAN TEPPER: And as suspected, break is everyone's favorite part of the meeting. And it is nice to see everyone get the chance to catch up. We've got just a good bit more to cover here in our scheduled time. So I'm going to do my best to keep us on time and moving forward. Very pleased to move on now to an update from the Trademark Trial and Appeal Board. I think you're going to be impressed with what you see, I know I am, not to give away too much in advance. But I want to thank Chief Judge Gerry Rogers for being here this morning. And, Gerry, you can give us a
1 look at how things are going.

2 MR. ROGERS: Great. I'm happy to do

3 that, Maury. And I think I'll do my best to

4 follow the agenda so those who are expecting me to

5 do so will know where I'm going. Following up on

6 your baseball analogy, I'd like to point out that

7 the first item on the agenda is the update on

8 staffing and integration. And, of course, anybody

9 knows that with a sports team, when you introduce

10 new free agents into the mix, you have to wonder

11 about how the chemistry is going to work out.

12 But I can tell you that we've had great

13 success during the current campaign. When we

14 introduced three new attorneys and four new judges

15 in the fall, and we've had great increases in

16 production and great chemistry that's resulted.

17 So there's been no adverse effects from bringing

18 in this free agent talent onto the team.

19 CHAIRMAN TEPPER: It's the mark of a

20 great manager, right?

21 MR. ROGERS: Trying to keep all those

22 personalities meshing, yes. So our staffing
levels I think with the attorneys and the judges seems about right now as we go through the statistics. I think you'll see that we're bringing down inventories. And I think the hiring was needed and was warranted by the increases that we were seeing in the previous fiscal year. But the staffing is probably going to be just about right for fiscal '14. So we don't have any present plans for hiring additional new judges or new attorneys, but we'll certainly monitor filing levels and see how things go.

The one area where we may be increasing some staff is hiring some new paralegals. We have a vacancy announcement out now for new paralegals and that's because we deployed a new quality review unit during the last fiscal year and some of our existing paralegals were hired to staff that unit and so we may need to hire some paralegals to replace them. And we're kind of keeping an eye on the work flow for the consented and the uncontested matters that the paralegals handle. And the amount of that work is something
that we'll cover when we go through the
performance statistics and the new one-page
document that we provided to you in the handout.

Other than that, I think that should
cover staffing and integration of new hires.
Although I do have to also say that Debbie Decker
became our administrative officer last year and
Ken Solomon over the last year as the managing
interlocutory attorney, have both come in with no
experience at the TTAB, and they've really
integrated themselves tremendously at the board.

They've come to understand our work and
they've come to understand our staff and our
people very well. And I don't think any of the
success would have been achieved without the
administrative efforts of Debbie and the rapport
that Ken has developed with the interlocutory
attorneys. So I want to thank them, too, for
their hard work.

The TTAB Dashboard is next on the agenda
and that's been rolled out since the last meeting.
So I hope people have had an opportunity to go and
look at the TTAB Dashboard.

We have an email address for suggestions. We have not yet received any useful suggestions. I've received a lot of suggestions that I could, you know, be involved in, various money raising schemes or purchase various products, you know, things like that, but I've tended to delete those out as not really relevant to the development of the Dashboards.

So we do solicit and we do welcome, though, any comments that people have about the Dashboards and any suggestions for additional information that would be useful to display in the Dashboard.

Performance statistics, it's not going to go up on the screen because it's not quite in the fine shape that Commissioner Cohn's detailed slides are in. But we have a new one-pager which is in the handout. And if those of you who have the handout, the materials, want to take a look at that, we'll quickly run through that. And I will also kind of toggle back and forth and point out
some other things on the slides that we have up.

But the new one-pager shows, in the first row, our staffing level, which we've already discussed. The second row covers filings, and that's coincidentally what you also see on this slide. So you will see that for this year. Our projections are that our notices of appeal are going to be higher than last fiscal year. Our extensions of time to oppose will be higher than last fiscal year. Our oppositions will be higher than last fiscal year. And the cancellations will be just about the same as last year.

So you can see that the workload, while not dramatically increasing, is clearly going up, and so that's why we will be keeping an eye on staffing levels and filing levels and keep everything in sync.

The next row on the new one-page handout covers total pendency, and that is a measure of average total pendency from commencement to completion of various categories of cases,
oppositions and cancellations together, and ACR trial cases.

And there you can see on the handout that appeal processing from end to end is down from last year's 76.8 weeks. And let me pull that up on the slide, too, because some of this information is also on the slide. And there's also a great number on the slide which I want everyone to pay attention to.

But end to end processing is 50.9 weeks for appeals, down from 76.8 weeks in fiscal 2012. So we've dramatically reduced end to end processing time on appeals. Trial cases down from 203 weeks to 187 weeks. ACR cases down from 140 to under 100 weeks. So all of those end to end processing times have come down. Part of that is, of course, because as we've gotten the judges to work on more current inventory as we worked off the backlogs, that portion of end to end processing time attributable to the writing of the final decision has come down. But I think we've also just kind of had cases speed up a little bit
better.

And some of the efficiencies that people adopt in position and cancellation cases, in ACR cases, or in non-ACR cases, but the same kinds of activities, the same kinds of efficiencies are adopted in many trial cases, so it has sped things up some.

The next row on the one-pager in the handout focuses on pendency to final decisions, and that's also what we have on this slide up here. And, of course, the two significant takeaways from this slide are that, for the quarter just recently completed, we actually have brought down pendency to final decision to within goal. Our goal is 12 to 14 weeks. And so for quarter three, it was within that range.

Now, on the one-page handout, we have a different figure. This slide is showing each quarter broken down and handled individually. So you can compare quarter to quarter and you can see progress that's being made. On the one-pager, we've given you the total for all of last fiscal
year and the total for all of this year to date.

So it's through three quarters rather than just
the third quarter.

So on the one-pager, you'll see that
pendency to final decision is at 20 weeks compared
to 24 weeks last year. So obviously we're still
making progress there. But because the first two
quarters of the year were somewhat higher, the
overall figure for year to date remains high. But
clearly, by the end of the year we expect the
fourth quarter to also be within goal, within the
12 to 14 week range so that the end of year figure
at the end of the year for final decision pendency
should be a good deal below 20 weeks and closer to
that 12 to 14 week goal. Pendency on contested
motions, this is where I'm going to give you a
little bit more detail than we have in the
one-page handout or on the slides. And let me
pull up -- let's see, okay. One of those slides
was mistitled and I apologize for that. But this
is the contested motion information. So take in
this slide along with the information we have on
the one-pager, we have made progress on contested motions, getting contested motions resolved. And you won't see that in the pendency figure. If you look at the slide, you'll see that the pendency is going up. But the reason that's happening is because we're focused very intently on working off the older contested motions.

And I think I mentioned I think last time we were just in the process of negotiating with NTE U245 a pilot performance plan for the interlocutory attorneys that is in place now and is something they're working under during the second half of the fiscal year, and they've responded very well under that plan. They're doing a great job targeting those older cases. And I really have to commend their contributions to this effort of clearing out the older cases.

The inventory has changed. The makeup of the inventory as of January 1 of '13, it was 216 contested motions waiting to be decided. Three dozen of them were six months or older, had been pending for six months or more. And another
20 had been pending for 20 weeks or more.

As of July 1, we're down to 1 case

that's older than 6 months, down from 3 dozen to

1, and down from 20 cases over 20 weeks to only 5.

And the prediction projection from managing

attorney Solomon is that by the 15th of this

month, we will have none over 6 months old and we

will have perhaps a half a dozen or so at the 16

week margin. So again, the pendency figure has

stayed high because of our focus on working off

these older contested motions.

But I expect that we will see with the

contested motions the same results that we have

seen with the judges, where once you work off the

older matter and you're working on relatively

current matter, as we saw in the earlier slide,

the judges were within goal for work that they

were processing in this quarter because they were

working on relatively current matter. And once we

get to that point with the contested motions, the

pendency figure, we hope uncontested motions will

also come down pretty quickly.
So in terms of the inventory at the end of the third quarter, we had 200 or so contested motions waiting to be decided, which is about where we started the fiscal year. So you might be wondering, well, how are we doing on the inventory? But our target, our projection is to be down to about 170 by the end of the fiscal year, which would only be about 20 more than we ended each of fiscal '10 and fiscal '11 with. So that would be right back in the ballpark where we need to be. And it would be down about 36 percent, if my math is correct, from the high of 267 motions that we had hit during this year. So it's going to be quite a significant reduction in overall inventory of contested motions by the end of the fiscal year.

On the one-pager, we also are giving you the oldest pending contested motion. We're giving you production figures, the number of cases that have been decided during the year, the number of presidential decisions issued during the year, the number of contested motions decided, and the
number of uncontested or consented motions that have been processed, many by the electronic filing system, but many by our staff of paralegals. We also give you inventory figures so you can see where the breakdown is in terms of the number of appeals, oppositions, and cancellations that are pending, waiting to be decided, the inventory, again, of contested motions waiting to be decided. And we provide you with information on our customer service representatives and how quickly they're responding to inquiries from the public. And they're doing a great job in that respect, too.

So that's the new one-pager. The slides that are also in the handout are also up on our web page. They're pretty much the traditional slides that we've had up on the web page for the last year and a half or so. And we will hopefully develop before the next meeting a way to take this information on this new one-pager and develop it. It's too much information for one slide, but we can develop a series of slides as Commissioner
Cohn went through earlier today and hopefully have it presented in a more visually appealing manner, and we'll follow her lead and have those ready for you at the next meeting. Any questions on -- I'm sorry if I'm taking over your role, Maury.

CHAIRMAN TEPPER: That's quite okay.

Thanks.

MR. ROGERS: Any questions on the performance measures?

CHAIRMAN TEPPER: Comments? Questions?

I think we have one.

MS. PARK: It's not a question, it's a comment. And I wanted to commend you, Judge Rogers, Chief Judge Rogers, for the work here, because TPAC, in the past several of our annual reports and in many of our public meetings, has asked for information in this form, and it's been good to see that pendency is coming down, staffing levels seem to be better, and that you're setting targets and reporting them and then measuring your performance against those targets, which I think is something we've asked for. I also wanted to
thank Commissioner Cohn for having been so gracious as to allow one of her most valuable people, Meryl Hershkowitz, to work with you, because I think it's been a great partnership and I think she's been a real asset to the TTAB, bringing sort of her perspective from many years in the office, and I think she's been a wonderful partner with you, and I wanted to make sure that I mentioned what I see is her contribution. So thanks to you, Debbie, for making that happen, and thanks to you, is she here, Meryl, there she is, okay, great.

CHAIRMAN TEPPER: Thank you. And I could not agree more. Meryl, we deeply appreciate it. Gerry, you guys -- I don't have a baseball analogy for this, but this is tremendous teamwork. It's not a trade, we're all working on the same team here, but I think we've really got a talented, stable lining up and addressing this, and we appreciate that. It's made a huge difference. It's really, really nice to sit here and see this type of information. Visual content,
Gerry, you can work until you're satisfied on that. I want to comment that the substance is tremendous, and the numbers are great. And, folks, this is a lot of people coming together to work. But I want to make sure, too, we recognize our interlocutory attorneys, our judges who have clearly been busy. We've known for a while there's been a big inventory and a lot to do. It's just really gratifying to see you all making progress on that, to see sort of things trending back into the right direction and to understand and be able to compare to your targets.

We're really grateful for the information, and also that the news is so good this time. So are there other questions, comments at this point? I know we want to let you finish up. All right. Gerry, we'll let you continue on then. Thank you.

MR. ROGERS: And I thank Kathryn and you, Maury, for recognizing Meryl. And I want to say I worked with Meryl many years ago when she was an examining attorney and had come to the
board on a career development detail. And we had
a great rapport I think when she was there then.
And I'm sorry that we weren't able to steal her
away at that time and get her to stay with us for
good, but it's nice to have her back even on a
temporary basis to help us work through some of
our issues.

CHAIRMAN TEPPER: Thank you. Now, are
you sure you want that in the transcript? I'll
give you one chance to -- thank you.

MR. ROGERS: Well, I'm not sure that she
wants to join us on a permanent basis, but we're
happy to have her as long as we can.

MS. COHN: It won't be permanent, Gerry.

MR. ROGERS: I thought not. I thought
that the Commissioner had an eye for talent and is
not going to let a great free agent go away.

Okay. Outreach -- oh actually, it says ADR
initiatives next, and I think this is probably ACR
that we should talk about. So what we have done
since the last meeting was have the transcript for
the roundtable on ACR, which was held late last
year, delayed because of Hurricane Sandy, but then eventually held. And that transcript is up and on the web site.

And we hope that that will create opportunities for many other practitioners to take a look at what was discussed during the roundtable and what is reported in the transcript and to provide additional suggestions for efficiencies in trial cases. And we posted an email address, ACRsuggestions@uspto.gov. And so to the extent anybody wants to offer additional comments on the contents of the roundtable discussion or suggestions, we're certainly willing to take all comments and suggestions.

I think it also bears saying that we've had a number of questions raised over time about, well, when are we doing to do something with all of the lessons that are learned and the best practices that we discussed during the roundtable on ACR?

And I think we're getting to the point where we've got enough experience with enough ACR
cases over the last few years that we're going to have to begin transitioning into, at least within the board, discussing and thinking about what kinds of efficiencies we see being deployed and being used in many trial cases and which of them we should try to incorporate into our standard practices.

So I'm not able to at this point predict when we might engage in any particular kind of rulemaking. But I do think that it's the next logical step for us to look at the transcripts from each of the last two roundtables and to look at our best practices and to take all suggestions and to look at our own experience and to figure out where we can expedite the processing of trial cases and continue to focus on bringing down that end to end processing time in trial cases.

So I'd say it's at this point kind of a stay tuned, but don't be surprised if the board is engaging stakeholders in additional consideration of how we can change our rules and change our practice to enhance efficiencies in trial cases.
And to a certain extent, while we are on these initiatives that have been designed to try and figure out how to be more efficient in our proceedings, I also want to thank Commissioner Cohn for allowing various examining attorneys to come over and work with us during the past year on a special work project.

And we also have had a number of law student externs in this summer. And between the examining attorneys on work projects and the externs that we've had this summer, we have them all working with judges on larger record cases that tend to take much longer to process.

We're having a variety of different experiences, which is what we expected. We want to see how different judges work with different externs or examining attorneys. And we will later this year sit down and review that experience and figure out what the best approaches are for utilizing additional help for judges in the long run handling large record cases. And so it's been a very positive experience. I think we're going
to have to sit down with all of the judges and the
examining attorneys who have participated and
collect their comments, collect their thoughts,
and then figure out what we want to do moving
forward.

But I think it's been such a positive
experience for all involved that we don't want to
return to the days when the judges have to work
through paper dockets and clean up docket history
entries and do all of that very time consuming
work on their own. And we need to have more
efficient ways of having stakeholders create
records and file them with the office.

But then we also need to have more
permanent staffing, well, not in terms of hiring
new staff, but maybe it's summer interns, maybe
it's work projects, we'll see what it would be in
the future. But something will hopefully be
worked out that will allow us to continue with
these efficiencies that we've realized in handling
the trial cases with large records.

Outreach and public meetings is the next
subject on the agenda. We have rolled out the current revision of the TBMP that came out in June. We will also be rolling out by the end of this month or early in August Chapter 1200 of that newly revised TBMP and that will be put up in Idea Scale and available for comment. We've obviously talked about Idea Scale earlier today. And so that will be an opportunity for anyone who would like to comment on Chapter 1200, which covers ex-parte appeals, and so we'll have that up we hope very soon.

We've also been fortunate enough to participate in various programs where we've had hearings. And we've put on hearings of inter partes cases at least twice here on campus since the last meeting. The Office of Enrollment and Discipline had their clinical program. And we had a hearing there and made various presentations about board practice during that program for the law school clinical students.

And we also had a hearing and made various presentations as part of the ABA program
that Commissioner Cohn mentioned earlier today.

So we continue to look for those opportunities to provide instruction and education about board practice and best practices whenever we have that opportunity. The last item on your agenda for me is proposals to address backlog and additional resources. I think we pretty much covered that. And I think we're kind of at this point where we need to be. We need to stay the course and continue to work on managing the inventory and pendency. And I expect that we'll have good results that we'll be able to report to you at the end of this fiscal year and throughout next fiscal year.

But obviously we've learned a lot of lessons in seeing backlogs develop over the last couple of years and figuring out how to attack them. And so we will be very vigilant about keeping an eye on them as we move forward.

CHAIRMAN TEPPER: Thank you very much, Gerry. Any questions, comments at this point for Chief Judge Rogers? I know I see one right here
now.

MS. PARK: I can't help myself. Again, I wanted just to call out one other person, because you've mentioned all the great people you've added to your staff with Ken and Debbie and the help of Meryl and all the great work done by everybody, but I wanted to say Cheryl Butler has been such a wonderful asset, because I can remember not so long ago when we were concerned about the frequency with which the TBMP was being updated and it's nice to be able to take it for granted that we have a process in place and a person sort of spearheading having these regular updates. I think that's fabulous and I know the Bar does, too. So I just wanted to give her a little credit there.

CHAIRMAN TEPPER: Thank you very much, Kathryn. Other questions, comments? Please, Gerry.

MR. ROGERS: If I may add, too, she's also been I think a great help to Ken because, as one of our more senior interlocutory attorneys,
she's also been very directly involved in working
with Ken and I on precedential decisions that
involve procedural issues. So her influence goes
beyond just the manual of procedure.

CHAIRMAN TEPPER: Great. Do we have
questions from the public at this time? All
right. I do want to remind folks of a couple of
things. First, although Dana has already talked
to us about, you know, their initiatives on cyber
security, I'm not sure how I feel about the fact
that I know that government email boxes are no
more immune to spam than ours are. But do
remember, you've got the chance to provide your
input. Gerry has given you a couple of email
address boxes for you to comment, make your
comments to the Dashboard. I'm glad we have that
up. If you're not checking our Dashboards, if you
want up-to-date performance information, both from
trademarks and TTAB in a very, you know, easy to
understand visual format, you need to take a look
at our Dashboards. And we welcome your input and
your comments on how that can be improved, any
information that you feel would be more helpful to have in there.

Also, the Idea Scale, you heard that earlier today, as well. But Chapter 1200, that's a big one, and you've got the chance to participate, to get your comments in, so I encourage you to take a look at and participate in that. That being said, do we have any final thoughts, comments? Well, Gerry, thank you. I hope you were looking forward to today as much as I was. It's really great to have such positive news. We applaud the hard work that everyone has been doing at the TTAB and we're really pleased to see this information, so we compliment all of you. Thank you.

That being said, we're going to move on to our -- we've got a little bit of a different format coming up now. We're going to finish out with an update from our OCIO. And I see Raj. All right. Raj Dolas is with us today. He is our Trademarks Next Generation Portfolio Manager. And we are joined, as well, by Chris Doninger. We've
certainly seen Chris at lots of these meetings. I don't know if I want to call you a veteran, Chris, if that's -- but in the good sense, Chris has a long history with the office. He's a great attorney. And he has the distinction of understanding technology a lot better than dumb guys like me can. So he's really been, you know, sort of leading user group efforts here, helping to shape and test out our systems, and Chris is going to be helping us out with a demonstration here in just a little bit. So Raj, I'll turn it over to you and I'll let you make introductions.

MR. DOLAS: Thank you. Good morning, everyone. Unfortunately John cannot make it here today. And Marcie is not here either today. But in place of Marcie, we have Jyotsna Jame who is the branch chief in Trademark Systems Division. And also I have David Chiles who is a director in the Application and Enterprise Systems Division, AED as we call it. We like to use the acronyms mostly.

I will speak to the Trademark Next
Generation update, and then I will hand it over to Jyotsna. And then Chris Doninger will do the demo for eOG for us. I used this slide last time.

Trademark Next Generation portfolio has several programs in it, Infrastructure improvements, TMNG user interface, Web and Business services, Data Services, Cloud computing, and Separation and Virtualization. Each program has one or more projects in it. And I'll talk about some of the projects as we go through the various slides in the presentation. I don't intend to spend a whole lot of time because I want to save some time for Chris because I think that's the most exciting part of our presentation today.

Authentication and Authorization is one of our projects that was completed in December of 2012 and the product was installed in production. What we want to do with this product is provide all our internal users with a mechanism for a single sign-on and have a role base access so that one system can behave slightly differently based on user roles.
We did TQRS, which is Trademark Quality Review System, integration of that system in February, and we'll start integration of two other systems very soon. It's in the planning phase right now.

The user interface is developed using what we call user center design methodology, whereby the users, you know, work regularly with our UCD team and let us know how the system should look like and how it should behave. This is going on very well. The meetings happen twice a week for two hours. And the input from users allow us to design the system based on their needs.

Currently we're working on docket management, case file management, notification and deficiency identification capabilities. Now, deficiency identification really is associated with how we write office actions. It's a term that comes from business architecture. So deficiency identification is how you would write an office action, how the office action gets sent to the applicant or the attorney.
We also did usability tests for the user interface that has been developed so far. What it allows us to do is to ensure that the user interface is being developed appropriately and the user experience is what our users want the system to do.

CHAIRMAN TEPPER: Raj, I hate to interrupt the flow. I do want just to make sure, since we're sort of -- our CIO apparently is not able to join us today and we're sort of starting in on a Next Generation update. Let me make sure everyone has got some context here.

Of course, Trademarks Next Generation, this is one of the significant projects within our CIO shop. And we've been hearing, of course, but do understand, Raj right now is addressing sort of this piece of the project dealing with building the new architecture for our IT systems. And you're sort of looking at a list. But I do want to also sort of call out and keep in mind, as has been the case with a lot of our Next Generation discussions, the analogy that I'll use since I
need something simple. On my commute into my
office they're putting up a new office building.
And, you know, for about forever, it seems like
there's just a hole in the ground there and
nothing seems to happen, right, and you wonder,
what are they spending all this time digging a
hole for? They're laying the foundation, they're
putting -- this takes forever.

And you wake up one morning and, you
know, boom, there's the architecture and it seems
like the structure is there. We've been having
these updates for a while. But I want you all to
understand tuning in that the user interfaces that
you're hearing about right now, these are internal
right now. There are sort of two sides to the
system. And the projects we're looking at right
now are really important systems, but systems that
are used here within the trademark operations and
within the USPTO.

So when you hear things like a new user
interface, I do want sort of our outside users to
understand, if nothing looks different to you, it
won't for a while, and that these projects and interfaces deal with sort of internal customers at the USPTO. And, I'm sorry for the interruption, Raj. I just did want to make sure we sort of got people up to date with sort of where you're taking them on that.

MR. DOLAS: No problem. Actually, thank you for doing that because we get caught up in what we do every day, but laying the groundwork is really helpful. Thanks for that.

So going back to the slide, Web and Business Services is a project that allows us to do work flow definition and building of the work flow so that the actions that examining attorneys or all trademark employees will take has a work flow associated with it.

So currently we're working on office action work flow, integrating with existing Form Paragraph system. We also have a project, or program really, Web and Business Services 2 program. The intent of that program, which has several projects underneath that, is to build out
an entire infrastructure for several environments that we will have as part of Trademark Next Generation.

We have two development environments, two testing environments, a production environment, and a disaster recovery environment. So we're building out six environments and it's an immense amount of work that needs to get done. Networking is a big piece of that. We're currently working on finalizing the networking architecture and ensuring that a physical and a logical map of the network exists so one can refer to it any time that's necessary. We're also building out a business continuity and disaster recovery capability environment and plans for that are in progress right now.

A project that we have on works right now is Trademark Reporting and Data mart. We successfully deployed phase one of that project, 1.0 in June. What we made available to our internal users are reports that are associated with quality review for examining attorneys, for
support units, as well as post registration.

What we'll continue to do is bring data from legacy systems into Trademark Next Generation for reporting and data mart and continue to build reports that are needed by our internal users.

Content Management System is another project that is building a brand new content management system that can hold all necessary document types such as Microsoft Word, Excel, PDF, various types of images, multimedia files, and the goal is to make sure that this content management system can meet our needs today, as well as it's flexible enough to meet our tomorrow's needs. We have built out services that allow us to upload and retrieve images and a variety of documents from this content management system.

This content management system will also be used by our eOG, the Electronic Official Gazette, when it becomes ready. And we currently have about 75 percent of business categories mapped from our legacy applications, our legacy AIS's into TMNG.
Trademark Records Management, this is one of our important programs where we bring data from legacy mainframe into Trademark Next Generation. So we have several tasks underneath this project. One is to bring data and make sure that the data is clean when we bring it in. The second is to ensure that all Trademark Next Generation components have access to the data. And third is to ensure that the data is synchronized between the Next Generation and the legacy AIS.

Trademark Status and Document Retrieval, most of you have used this. This is on the internet right now. This is our one stop shop convenience for providing access to trademark status, as well as a variety of documents, including TTAB and Assignments. We deployed a version 2.1 in March. It allows us to provide information in a WIPO-based standards format. It also allows the users to access documents from TTAB and Assignments. That was the main thing that we did in 2.1.
The Electronic Official Gazette is --
we've been talking about it and You are actually
going to see the demonstration. So I'm not going
to spend any time talking about that at all.

Separation and Virtualization is a
project for us to separate our legacy AIS's, put
them in a separate environment, and virtualize
them to reduce the footprint. Currently the
schedules have been pushed out a little bit due to
dependencies on other projects and we're
finalizing the production deployment schedules for
all these.

This is a roadmap that you have seen in
the past. And this is a new roadmap that we're
going to start using. The intent of having both
roadmaps here is, this was created based on our
plans and it was hand drawn using VISIO. The new
format that you see here is derived off of our
enterprise project management system. So it's
tied into the way the projects are planned and
will be executed. So any time there's a change to
a project, the roadmap will reflect that. We
don't have to hand draw this anymore. The reason I'm showing both of these maps here are, is that I'm going to stop using this old roadmap as we move forward and you will see only this one, the one as of June. That's all I have from my perspective, from TMNG. I'm happy to take any questions.

CHAIRMAN TEPPER: Okay. Do we have questions for Raj? Comments? Yes, Dee Ann.

MS. WELDON-WILSON: Hi Raj. I applaud you and your group for reaching out to the internal users to make sure that the data interface is going to work. When the time is right, will you also be reaching out to the external users for those projects where their interface will be external, as well as internal?

MR. DOLAS: Absolutely. And as an example, when we did the eOG, the user interface design, as well as the experience of EOG is driven by info from our external stakeholders, as well as internal stakeholders.

CHAIRMAN TEPPER: All right. Other
questions? Comments? Do we have questions from the public today? All right. Let's transition on then. We'll continue with -- and I apologize. I mean I'm not sure who's going to deliver the next section. So, Jyotsna, will this fall to you today? Well, congratulations. It's nice to meet you and we look forward to hearing from you in that case.

MS. JAME: Nice to meet you, too. Good morning, everybody. As Raj mentioned, Marcy unfortunately wasn't able to make it. And I'm Jyotsna Jame, I'm the Branch Chief for Trademark Systems Division and representing updates on her behalf. Basically --

CHAIRMAN TEPPER: Jyotsna, I'm sorry. I do want to make sure, though, we are trying to keep a transcript of the meeting and your microphone is a little bit away from you. You might want to move in just a bit closer so we can all follow the content.

MS. JAME: Is that okay?

CHAIRMAN TEPPER: That's much better.
Thank you.

MS. JAME: All right. So let me start with the petitions. We have been working on a project to update some trademark petitions template. And I'm happy to report that this project is currently in beta testing. We have a few volunteers from our petitions group actually testing these enhancements out for us. We are planning for a tentative release to everybody else this weekend. Moving on to our infrastructure related projects, in our last meeting we had provided an update on an IPV6. This is the internet protocol version 6 deployment. In April, we deployed the TESS suite and the XS suite for this infrastructure upgrade project. There were some post deployment issues that were identified following the deployment. We have been actively working with the rest of the OCIO support groups to address these on an active basis.

Moving on to our MPU stabilization effort, we, in partnership with the trademark's business and (inaudible) unit have formulated a
tiger team to kick start and address Madrid stabilization needs.

Phase one of this project will include addressing 15 prior issued. These were prioritized based on the business requirements. And (inaudible) activities are in progress. Hopefully have more updates in the next meeting for you guys.

Moving on, another enhancement project that we have been working on is the TEAS form enhancement project. This project, too, (inaudible) activities are in progress, again, similar to the Madrid stabilization effort. This is a joint effort with trademark's business to prioritize TEAS forms related issues and enhancement requirements. We have tentatively scheduled an August deployment date for the first phase of this project. Moving on to the ID manual enhancements, this project, too, is being done in multiple phases. Phase one of the project, it was providing the capability of doing sorts on the ID manual, as well as providing the internal users
with the capability to provide an X value on the status. If you remember when we saw it on the ID manual, you get that. We are tentatively scheduled to deploy this this weekend, as well.

Last meeting we had talked about some issues related to FAST 1 and Snag-It. Snag-It is a cost product which we are using. And we had started deployment of the fixes for these as for our last reports and happy to report that all those deployments have been completed successfully.

CHAIRMAN TEPPER: And, Jyotsna, thank you. I don't want to interrupt, but I do -- I'm proud that I learned one acronym. And I know you tech people love those cots, that is Commercial Off the Shelf Software. So if anyone else if following along, she's referencing the fact that we're able to use an existing program as a part of this system. I just wanted to show off with that.

MS. JAME: That's all I had. Happy to field any questions.

CHAIRMAN TEPPER: Okay. Thank you for
standing in today. Do we have questions? Going once. Yeah, please.

MS. COHN: Jyotsna, I just have a quick question regarding the TIDM enhancements. And this is, you know, I'm embarrassed to say that I was unaware of the July 12th date as a certainty. So if you could just clarify that that's actually a date certain on those two deployments.

MS. JAME: We are still tentative. The testing activities are still outstanding. So I'm hoping to hear back from date by today or tomorrow.

MS. COHN: Okay. So just for everybody's benefit, if you are looking for this and don't see it, it's because it actually has not been deployed on the 12th as a result of maybe some issues with testing.

MS. JAME: That's correct.

MS. COHN: Okay. Thank you.

CHAIRMAN TEPPER: Thank you, folks. And I guess if you have a pen, you may want to put ish next to the 7-
In your handouts and we'll stay tuned for further developments. Do we have other questions or comments today? All right. Thank you, folks. I think that means you're looking forward to our closing act. And you know late in the game, you need to bring in someone who can throw the heat. We have done that today. But I do want to draw back -- yeah, this is the Steven Spielberg I think of the PTO today. Not that you don't have longer endurance, Chris.

But Chris has been having a great season. We're glad he could join us today. He does always draw a crowd. And I do want to close out with, you know, again reminding you of my analogy.

A lot of development that we've seen in Trademark's Next Generation has either been, you know, initially appreciated more internally here at the PTO among users, and believe me, they're still looking forward to transitioning further into our new system, or really, you know, sort of building the foundation and the architecture and
the structure.

So it's nice to have something that we as members of the public and external users are going to be using and seeing. You saw TSDR come out. I think it's nice for us to know, you know, if there's one place you can get all those documents and everything, that's because it's all coming through one system now. Sort of the next big thing for us will be the electronic OG. This is in beta version. And as you heard this morning, you are welcome to go to the PTO web site, test drive this, participate in the survey, I encourage you all to do that, and provide your comments. But to get you warmed up for that, Chris Doninger is going to sort of give us a private tour, well, private/public tour, but an advanced look at the eOG. Thank you, Chris.

MR. DONINGER: Thanks, Maury. And I wanted to thank -- there's a huge group behind this, I happen to be the one doing the demo, but there's a group of 20 or 30 people associated with this, everybody from OCIO to Trademarks management
to the actual developers. And as a result of all that work from basically the beginning of February until now, we've gone from concept to having an actual working eOG.

What I'm going to show you in a couple of minutes is actually real data. It's today's version of the eOG. The July 9th edition went up at 12:01 this morning. And you can search the data. It's all the same data that you're going to find in the PDF version, except it's XML tagged. And we're also able to host multimedia content. The PDF will just say sensory mark or something like that. But actually in the eOG, you can click and watch the little video and play the sound file if there's one associated with it. And the nice thing with that is that the record for what the actual trademark that's being published is much more accurate that way. Instead of having to describe it or something like that, you can actually experience it.

Two real quick things, please note the address for this. It is referenced on the regular
OG page at USPTO.gov, so you can find it there.

We also have, thanks for some of the folks on the team, a really good survey, and we're going to gather feedback from that, and the hope is that between today and September, when we put it up for good, that we will make it even better than it is now.

So this is the page. And like I said, it's the July 9th edition of the OG. And what we did after talking to the folks on the outside and those of us who use it on the inside regularly, we said, okay, what are people going to want from this. And in addition to just tagging the data, we want to put it in a format that's really easy for folks to use and understand. So it's on the standard USPTO.gov banner. We have a resources page, frequently asked questions and that sort of thing. We have a link to our survey in case you want to get there. Sorry, the mouse is a little -- and then we have notices. We have an email address so that folks from other countries can invite us to share our bank accounts with them and
get rich, but also in the hope that the folks who aren't comfortable in doing the survey could share directly with us, move this button, change the name of that, that sort of thing.

What we do when you hit the page is, we default to the most recent week's version of the OG, which happens to be today and the cases that have been published for opposition, because that was, what we heard from you all, the primary reason that people go to the OG.

You can still get to other things in the OG, you just have to use the filter settings on the left side here to change to what you want. So you could go to an earlier edition of the OG, you could go to registrations, you could go to registrations cancelled, anything that is available in the OG we have available here.

You can see it shows you how many records were published for opposition this morning. And then it lists them. And we happen to put them in serial number order. Again, that's something that we're open to change. We did
build in a feature so that if you want to change it, you can actually reverse the serial number order. As with any of these columns where the arrows appear, you can sort by that column. If the column placement sort of bothers you or annoys you and you want to change that, we gave you the ability to customize the columns so that if you want to change them around to make it easier to run a particular search or to hide something that's just not really important to you, you can.

And then using the filters, you can actually narrow it. So let's say that you're responsible for doing a clearance search to make sure that something isn't registered in a particular class, and let's just say you're interested in class five. So I just knocked it down to all of the publish for opposition cases in class 5, and you can see there's 269.

From any of these individual records, you can click right into and it will take you to TSDR from within the individual OG records. So here's all the data associated with this. We
tried to make it look as much as possible like TSDR. So there's the ID, the classes, who filed it. And then you can click right into TSDR from there and look at the documents, the prosecution history, all that. And we were worried that Gerry's shop wasn't going to have enough to do, so we made it really easy if you want to file an opposition. You just click the button and it automatically takes you there and you can file your request.

You also can download and save anything that you've pulled down here. You can actually pull it up into PDF or the XML. You can share it. It will actually generate an email with a link to that actual record. So like you're doing a review and this is, you know, like a burning issue and you want to send it to somebody immediately, you can click it and it'll actually launch. I'm not going to actually do it, but -- and you can print, because we heard loud and clear, both internally and externally, that all this electronic stuff is great, but some people still like to print and
carry it around with them.

So what we're trying to do with the print feature is to enable you, again, by changing the columns and the data associated with the searches that you've run, to be able to print just what you need and not have to print extra pages that you really don't need. We had mentioned that we have the ability to play audio.

(Playing audio.)

MR. DONINGER: So that's a registration for a sound mark that we have from Minard's. That's their catch phrase that they play at the end of all their commercials. And we also have the ability to display motion marks. So here's a video of -- and they came in for the fact that these changing circles with different features in them kind of swing around essential access point.

And this is the mark, you know. They display it in the -- but this is the actual mark that they applied for. And right from there, you can actually click and watch it.

MS. COHN: Chris.
MR. DONINGER: Yes.

MS. COHN: Were you going to mention key word search?

MR. DONINGER: Yes. That was my next.

Thank you. As Debbie mentioned, we have the ability to -- hold on one second. You may be looking for something particular in the OG as opposed to going through all the records. We list all the data elements that are in the OG and you can actually search by them. So if you happen to know one that you're looking for, so let's go to the goods and services, it's -- always bring your own mouse to the game, Maury, that's what you've got to remember. I'm going to get some extra.

But let's say that you have a client and they're interested in everybody who's filed an application for something to do with Lupus. And luckily there's only one. But here's a record and it has Lupus in the identification of goods. So you could select the individual identification of goods and you could search for a key word and you could pull it up. You could then send that right
1 to the client.

2 The other thing that we thought would be really useful for the search, we built a bread crumb trail up here so that if you wanted to duplicate this and somebody else run a similar search, you can actually see all of the filters that you have in place and what you ran so that you could duplicate it in case you sent it to somebody and you didn't quite understand what they had done.

3 So let's say you wanted to search for a particular applicant, and we see what our good friends, Apple, have published as of this morning, and they have guided access, and it's for computer software, that sort of thing. So the hope is between the key word search up here that you can focus in on particular data elements and the filtering mechanism over here, that both external and internal users will be able to take this massive quantity of data that we put up every Tuesday in the OG and boil it down to make it useful for them, so that when they're doing
clearance searches and watches services and all
that, that they can do it very quickly and very
easily and very efficiently and know that they're
not missing anything.

Because while you can drop 5,000 pages
in front of somebody and ask them to go through it
looking for certain things, all of us who've had
to do that, your eyes glaze over and at some point
reading through the print, it's very common that
you're going to miss something, the computer,
because you have tagged data and you can run
things against it, much less likely to miss
things.

CHAIRMAN TEPPER: Thank you, Chris.

MR. DONINGER: Steve in the back row
here just reminded me, let's say the one other
feature that we built in is that, in talking to
the outside groups, it's very common for the watch
services and the law firms and the companies to
have a series of reviews done. Whether it's a
paralegal or an intern or something like that,
they will basically say, hey, I need you to go
through class 9 and see what these three, you
know, our top competitors are doing this week, see
what got published. And they have to go through
the OG and they have to identify things, and then
they pass it on to the person who asked them to do
the search for further review. What you can do,
you can actually check off any of the individual
records as you're reviewing them and you can build
what we call a collection, and you'll see it went
from zero to two up here.

And then you can click into that
collection. And just as if you can with anything
else, you can download just your collection. You
can download it as a PDF, you can download it as
XML, and you can send it to somebody. So that
instead of having 4,871 records that somebody has
to pour through, if you do the first cut at it and
you get it down to 17, you can pass on those 17.

You don't have to send them
individually, different links, you can save it as
a collection and pass it on to somebody so that
they can then look at it themselves.
CHAIRMAN TEPPER: All right. You know, I would usually say questions or comments, but here's what I want to do. I want to thank you for coming in. I hope that you all are as excited as I am. If you compare this to think about the old days of either carrying around a booklet or scrolling through a very large PDF to try to find information, you need to be thinking about how much better life is going to be for all of us. And this is a pretty exciting advancement, more to come. But in the meantime, do take a look. I hope this will make you want to dig more closely into the beta version that is available. Participate in the survey. Make your comments known. And we are very glad to be able to take a look at this today. Chris, we appreciate your showing this for us. And I think I do have a comment for you.

MS. BLACK: Chris, I'm very excited about the beta version. Thanks for the demo. I do have a question. How long will this be available for the public to view and use? Like
next week, will the next issue of the OG be out?

MR. DONINGER: Yes. Every Tuesday we're going to put out the issue just as if it was in production. Again, you can go back over here and look at previous issues, just as you can with the current PDF version. We're going to go back a year. So once we've actually put up the tag version for a year, we'll have a year's worth. Until then, we'll just build it week by week. So we were hoping that people would go in, even though it's a beta, and play with it, use it, and run searches against it, give us feedback so that as we build it, it gets better, ahead of the launch for September.

MS. BLACK: If you build it, we will come.

MR. DOLAS: I want to make a comment here. I've been saying a lot about user center design and interactive development methodology. You're seeing the results of that now. You know, with input from internal and external users, here's how the user interface will get developed,
here's how it gets modified, and it's made better and better every time we get input from everyone. And it's complete paradigm shift, if you will. We don't wait until a certain amount of work is done to put it out. We'll put it out while it's beta. So we can make changes to the program sooner versus later.

CHAIRMAN TEPPER: Thank you, Raj, very much. And just sort of in time frame, I believe I heard September. I know comments are always welcome sooner. But the beta version will be out and available through September. Is that correct?

MR. DOLAS: Actually, the beta version is out already. We'll have one other version in August. That will be an accumulation of all input that we have received from users, as well as the internal back end development that needs to be done. And then in September, it will be a final release out there.

CHAIRMAN TEPPER: Thank you. Any other questions? Comments for our -- yes. I think we have a public comment here. Thank you for using
the microphone.

SPEAKER: Is there any chance we can get a display and layout like this for TESS any time in the near future?

MR. DOLAS: The short answer, no. We don't have plans to improve the user interface for TESS at this point. We are making some changes to TESS, I believe, and I don't know what those are at this point, but there are some enhancements that we're doing for TESS, aren't we? No, we're not. Sorry. We're not doing an enhancement to TESS at this point.

But as part of Trademark Next Generation, we will have a new search system sometime in the future which will have web-based interface instead of an AIS, and it will be developed using user center design methodology.

MS. COHN: So, Raj, I guess I would amend the answer to the question to say, yes, we do have plans, but not in the very immediate future. It's not something that's in the works right now.
MR. DOLAS: Thanks for the correction.

CHAIRMAN TEPPER: Okay. Thank you.

Cheryl.

MS. BLACK: Yeah. And I do have one more comment for you, Raj, and CIO. I know John is not here, but we've been pushing, as well, about dates and deadlines, and to see this happen as quickly and on time as you have indicated that it would happen in connection with working with trademarks is pretty incredible. I mean you said it was going to happen, it's been on time, it's been working well, and you've been responsive to our feedback, so this is really a great demo and I guess a great grand slam, home run, whatever you want to call it, since we're in the baseball vernacular. But thank you so much for this.

CHAIRMAN TEPPER: Thank you, Cheryl.

That's pretty good with the weave. And I guess if I were keeping score, I would have to say Nats 11, PTO, I don't know, 25. We did pretty well today, folks. In the theme of keeping on time, I will ask one last time, any remaining questions or
comments? Okay. I want to thank everyone from the Advisory Committee for your participation and attendance today. Members of the public, we appreciate your interest and your being here. And especially members of the PTO, your time is valuable. We appreciate your sharing so much with us. We appreciate the challenges you face. I'm not sure I would want those on my to do list, but we are grateful for the hard work. We know that there's more ahead. And speaking of what's ahead, you did hear your Advisory Committee will be busy. We'll be working on commenting on budget submissions in August. You will see our annual report. It will be completed. It may not be published by the time we are together next, but we will be meeting next, circle your calendars for Friday, October the 18th. And with that, our public meeting is adjourned. Thanks to all.

(Whereupon, the PROCEEDINGS were adjourned.)

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