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Union Reps:

HOWARD FRIEDMAN

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CHAIRMAN TEPPER: I'd like to call to order this public meeting of the Trademark Public Advisory Committee. Glad to see so many representatives from VIP community. We appreciate the time that representatives of the Patent and Trademark Office have taken to come and update us on some issues. We will be introducing them as we go throughout the day, but I'd like to take just a moment to introduce our committee members who are present.

And I am not sure how best to this. If you are viewing online this will probably make a little less sense, but I'll work my way around the table starting to my right. I suppose that is stage left. Linda McLeod is here. She is with Finnegan, Henderson. Kathryn Barrett Park, who is with General Electric. Ann Chasser, who is famous in her own right. She has been with the University of Cincinnati as a former commissioner and I think may have recently celebrated a very
eventful day. I'll say no more about that. James Conley; James is from Northwestern University. Howard Friedman; Howard is our representative for NTAU. Cheryl Black from Goodman, Allen in lovely town of Richmond, Virginia, which I plan to drive through later this afternoon. Deb Hampton; Deb is with Elizabeth Arden, has come down from the big city and I mean the big city of New York.

And over here we have Jody Drake; Jody is Sughrue Mion. She is one of our local commuters, as is Ray Thomas. You are your own boss, right? It's law offices of --

MR. THOMAS: Ray Thomas.

CHAIRMAN TEPPER: I like that. And Harold Ross I see is not currently with us. Randy Myers is also our representative from the Patent Union.

We've got a pretty good amount of ground to cover today, but we're going to do our best to, notwithstanding my late start, keep the trains running on time. I would like to mention for those of you who are online, if you have questions...
or comments for us I will try after each
presentation to provide some time for questions
first from committee members and from the public.
So please do feel free to email those to us. I
learned last time that we have a very good system
here, so you're comments, your questions will be
brought to us and we'll try to address those as we
go throughout the day.

We typically do start with a back to
back update. We'll have some information from the
CFO's office. And then we typically go through
legislative issues. I will mention in advance
Dana Colarulli is not able to be with us today.
He's actually at an opening of one of the PTO's
satellite offices in Detroit today. It is
fortunately a relatively quiet time on the Hill,
so I have other plans for part of that time slot,
but we may be a bit early. So if you are
following the agenda or the schedule online just
be aware that given that time we may be able to
run the rest of the meeting just a little bit
ahead of schedule.
Why don't we begin with an update from the CFO. I think we have some information about our timelines and budgeting process. And see who is with us this morning? Great. Yes, thank you.

MR. SCARDINO: Good morning. Thank you for having me. Not exactly a quiet time in the finance world, as much as it is up on the Hill a little bit. You know, this is the point in time where we are engaged in three fiscal years. We're living fiscal year 2012. We are waiting for Congressional action on fiscal year 2013. When I say waiting that House has passed a bill, which would provide almost the entire amount of funding for USPTO short $20 million from the President's Budget Request, but it's over $2.9 billion. And then fiscal year 2014, which would start 'til in October 2013, we are in the midst of developing our budget estimates to go the Office of Management Budget this fall, which I'll go through in a little more detail.

So anyway you've got three fiscal years and then oh, yeah we have this little thing called
fee setting that is right in the middle of all
that, which we are working to produce an NPRM for
that, a proposed rulemaking.

So there is a lot going on, but I'll try
to give you the highlights over the next, let's
see here, couple of minutes. Just trying to get
to the next page.

All right. So for trademarks
specifically we're going to go through the fiscal
situation as is right now 2012 as the screen shows
we're basically running a pace with what we
thought would come in and what we thought we'd be
spending. So there's no surprises. Fee
collections are pretty much where we thought they
would be and spending to date is pretty much where
we thought we would be. So that's all good. This
are very stable.

I can give you more details. The next
page here kind of gives you the breakout of where
we were last year at this time versus where we are
today and where we thought we would be this year,
but again, not a lot of differentiation, except
for the fact that we are collecting more money
than we did last year, which is as we expected.

So you'll see that actuals and plan, the black
line versus -- I don't know what even to call it
-- a really, really light blue line, they're
really similar. And the darker blue line is last
year where we of course collected less money and
we knew we would.

Of course collections mirror production,
so we've got more people on board. We're
producing more, collecting more. So outlook is
very good for 2013. Also as a mentioned,
president's budget is being supported up on the
Hill. The Senate hasn't officially passed the
budget yet for 2013, but the subcommittee has
marked it up and provided what we asked for. Now,
obody knows what will happen by October 1st, when
fiscal year 2013 starts.

Having said that, everyone's expectation
is that we'll be under a continuing resolution
once again. Now how long that continuing
resolution will be, will it be 'til just past the
election? Will it be the first quarter of fiscal year 2013, or even later? No one knows. You know, election years are always challenging for budget managers. These days of course continuing resolutions have become status quo almost. I mean, it's not the exception, it's the norm these days. So I'm not trying to tell you anything that no one doesn't already know, but again we don't know anything for sure until it happens, but we think we'll be under a CR.

Living under a CR you usually live with last year's money. Fiscal year 2012 dollars continues and authorities continue until the next year. When we were planning for that. Trademarks has an operating reserve or carryover funding of roughly $100 million. So that money is also available under a CR. So, you know, Debbie and her crew are just managing, you know, they're planning to manage to the plan actually. You know, what we would normally do with production as well as hiring or whatever is needed we have the fiscal resources to do so.
So that would mean TMG and the president's budget is $14.5 million for 2013. We are actually in the process of revalidating '13 as we build the 2014 budget. What I mean by revalidating is, last year at this we were building a 2013 budget. Okay. That's over a year before the fiscal year starts. So we always go through a revalidation period and make sure, hey is this what we really need? How many people are on board? How much money do we need? Where are we with any systems development? Overtime needs, awards and the such?

So my office is actively engaged with the Trademarks Organization to do that, but again, things that are looking very good. It's kind of a steady state approach in the sense of there aren't huge enhancements for 2013, just a continued development of TMNG.

So as I did mention though there are things that are going to happen over the next few months. The election being one of them. Sequestration, you've probably heard of. I don't
think it's just an inside the beltway term, but Congress and the administration are working very hard to kind of meet the budgetary requirements of the sequestration. Nobody knows what's going to happen. So we're sitting tight like every other federal agency to see if there will be any impact or effect, but again on the Trademark side due to the, I'm going to call it the operating reserve, usually can manage through most challenges like that. I don't like to give any definitives because we don't know what's going to happen.

And then the last thing is fiscal year 2014 as mentioned, internally we are in the process of developing our budgetary requirements. We'll be meeting with Director Kapos shortly over the next few weeks to get some final decisions for building and then presenting the budget to the Office of Management and Budget. I think it's September 12th, whatever that second Monday in the month is. Budgets due to OMB then and then they've got the fall to kind of chew on it and review, ask us questions and then eventually the
president will submit a budget to Congress the first Monday in February.

Before that, of course, you will see our budget requests in late August before it goes to OMB and then you'll see it again in late December, early January, before it goes to Congress. And we always appreciate the input we get. So please anytime you have any questions or thoughts please share them.

CHAIRMAN TEPPER: Tony, thank you. I think obviously it's always good to hear that things are proceeding as planned. Just a couple of comments I'd like to underline before we take questions on the presentation, but do remember at any given time, the PTO is always working with three different years of budgets. And we are tracking performance under the current fiscal year's budget. We're looking for approval of the next year's budget and as you've heard, we don't know about that one yet.

So although we had some very positive changes with the America Invents Act, we still are
subject to Congressional authorization and
appropriation. And every year the office will be
unable to spend until the budgets are passed and
we have the spending bills in place.

So operating under a continuing
resolution, I think you heard, obviously means we
will continue spending at current budgeted levels
until we can approve next year's budgeted levels.
Those of you operating a business and looking to
plan for long term growth and for capital spending
can appreciate how difficult that can be.

So I think as we go through and hear
about performance of the office, you know, keep in
mind the additional challenges that they have
given this process. Revalidation was a new term
for me and so I hope you all caught onto that too.
It is such a long lead time in budgeting approval
that, you know, planning out a couple of years
going back to look at how those projections
stands, is I think, a worthwhile exercise.

Are there any questions from the
committee for our CFO? You were apparently very
thorough and complete, Tony, thank you.

Any questions from the public? Do we have any comments this morning?

All right. Well, thank you very much then. We will look forward to continuing to work on budgets planning as they come through.

I did mention and I will exercise my prerogative to sort of detour from the published agenda since we do not have an update from the Office of Legislative Affairs this morning. I would like to take just a moment to recognize a couple of people. We have two members who have been serving very faithfully. Their terms will officially expire in September. We will not have another meeting before then. So while we are here I wanted to publicly recognize and to thank Kathryn Barrett Park and James Conley.

You see the big smiles on their faces because they think they're getting away. I mentioned there terms continue through September. We will be working on our annual report and they are still members so they will be working behind
the scenes for you, but if you guys would come up
for just a second. I would say these are suitable
for framing, but they're already framed.

    MS. PARK: Thank you.
    MR. CONLEY: Thank you, Maury.
    MS. PARK: Thank you, Maury.

    CHAIRMAN TEPPER: I will say we have an
excellent group, but in particular we will miss
James' wit and expertise. He is sharp with
numbers. Has helped us to understand part of what
he understands, but he has done an excellent job
of sort of going through and helping us to
understand financials and working with our budget
subcommittee.

    Kathryn has been a jack of all trades.
    She started with operations. She has taken on
sort of working on our TTAB Subcommittee and I
know has been, you know, working very well with
that group. And we just appreciate all the time
you all have put in. We appreciate the service
and I especially want to thank you publicly in
advance for all the drafting you're planning to do
on the annual report before September.

I have one other item I'd like to mention and this is especially important for those of us on the Advisory Committee. It takes a lot of work to get everyone here to get the agendas organized to find the rooms at the PTO, to help us arrange for travel and formatting of reports, and Patricia Back works a lot behind the scenes with us. Today is Pat's birthday and I want to wish her a happy birthday. And Pat we want to thank you and lots of other folks of the staff here for making our jobs so much more easy and pleasant.

Thank you.

All right. Well, we are little bit ahead of time and I am going to challenge our commissioner to keep us that way. But we are always fortunate and glad to have Commissioner for Trademarks, Debbie Cohn. And Debbie is going to update on performance and talk about a couple of other issues too.

MS. COHN: Thank you, Maury. Thank you, Pat. Happy Birthday. And I do want to echo
Maury's comments about Kathryn and James and thank you both for all of your service and your wonderful contributions to the TPAC have been tremendous, as everybody's is but really particularly yours, so thank you.

Okay. So let me get started with the usual run through on the statistics and as always it's impossible to read on the screen so luckily you have it with you in your books. And the first page that you should be looking at is the Trademark performance measures for quarter three. And that first page actually is our examination quality and production e-government filing statistics and they have been updated as of the end of June, which is the end of the third quarter. And so they're really hot off the presses now we have just updated them within in the last day or so.

So as you can see looking down, we really pretty much on target for everything. We're slightly below our target for first office action quality, but that is sort of a moving
target and really not statistically significant
until we get to the very end of the fiscal year.
We're ahead of target on final action compliance.
And for our exceptional office action
measure we are ahead of target by a whopping 15
percent. And I think, I've gone over this in past
TPACs, I think everybody knows what the
exceptional office action measure is. It's a
comprehensive measure of various aspects of the
office action, not just the legal decision making,
but the searching, the evidence and the writing as
well. So we're very happy about that measure and
we're also extremely happy to see that it is
moving in the right direction.
For e-government, we've moved up to 76
percent and that reflects the percentage of
electronic filing and processing throughout the
process from the beginning to end. And so our
goal is of course to get a 100 percent at some
point in the future, but that means that people
are going to have to change their behavior quite a
bit and as I've talked about in past TPAC
meetings, you know, we've had a variety of initiatives to try to improve things from our side to get people to file subsequent communications electronically. We already have just about everyone, more than 98 percent of our applicants filing electronically in the beginning of the process, their initial applications.

I'm going to just skip over examiner production. You can look at the figures. We're ahead of target on that one. Application filings, we are continuing to move in the right direction for application filings. We're expecting a 3.6 percent increase this year over last year. We are currently at 5.3 percent. So that's a very good sign and we're hoping to keep going in a positive direction on that. So for the last, since 2010, we have been moving up. We've been increasing our application filings.

And as you probably know, last year 2011 at the very end of 2011, we began hiring again for the first time in three years. We hired, this fiscal year including that September hire of last
year, we hired 34 examining attorneys. So we do plan on hiring in fiscal year '13, but as I've said many times in the past, we always reevaluate our plans in light of production, pendency, inventory, filings, economic conditions, you know, we take a lot of factors into consideration before we make that final decision to move forward with the hiring, but right now it looks like we will be in place to hire a group of 26 examining attorneys in 2013.

Moving down to pendency. We are on target. We're at three months action pendency, which is right on target in our 2.5 to 3.5 target range. For disposal pendency, again, we are doing better than our target, both targets. One is where you include the suspended and interparty's proceedings and we're at 12.6 months average pendency for those cases. And then if you exclude suspended and interparty's proceedings, we move down to 10.6 months total pendency.

Okay. So moving on to the next page, which talks about some of our other measures
everything from our amendment processing, to our post registration and intent to use processing.

And I do want to mention that those figures have not yet been updated. We won't have final information on that data for the next few days. So that information is updated as of the end of May.

And as you can if you look to the last two columns, which is the targets and our current situation, you'll see we are doing quite well. We're either ahead, just ahead or just behind on most of our targets.

If you look down and I just want to point out one area that's been an area of concern in the office in recent months and that was the post registration amendment and correction pendency, which was really quite out of whack for a while. It was a lot worse than it should have been and I really want to compliment the post registration employees and management for really pushing to move that number to where it should be. Where right now it's 16 days pendency. The target
is 15 days. And they have made some great efforts to get things back to where they should be. So I want to congratulate Tiffany Huntley and Rodney Makel on all the post registration folks, including Susan White, who is the director of Trademark Services, because they did that in a relatively short amount of time considering what they had to do.

So I want to stop for a moment and ask if anybody has any questions about the statistics before I move on? No. Okay.

So let me move on now and talk about my next topic on the list is outreach initiatives and we're moving in really two directions on outreach. And the first is stakeholder outreach and as you know we do a fair amount of speaking in different venues and we've also started working with INTA to do INTA USPTO roundtables throughout the country to try to engage our stakeholders in smaller group settings in discussions about various issues and more advanced practice issues, if you will. So rather than us just standing up and speaking, we
really have a conversation and it's worked out very well.

We started it in January. We did several sessions in New York City. We had a session here at the PTO, Wilmington, Delaware, Boston, Raleigh and next week we're going to Chicago. We also have plans to go to Seattle and to Charlotte, North Carolina, which will be in conjunction with the Trademark Administrators Conference which should be a great event.

And so we have other areas we're starting to plan for the next fiscal year. If anybody has suggestions on areas that they think would be a good place for us to have these joint roundtable sessions we would love to hear about them. So that's, you know, sort of the direction we're going in stakeholder outreach.

And then the other area of outreach is sort of the other side of the coin, people who know nothing about Trademarks, our sort of general public. We want to increase the knowledge of the importance of trademarks and how to get trademark
protection of starting in the beginning of the
process when entrepreneurs and independent
inventors and people who are starting businesses
really need to know about trademark protection.

And some of you know we've started an
initiative, which is being led by Craig Mars, who
has been doing speaking in a variety of different
settings focusing on those groups that need sort
of the basic information. And he, just going to
name a few of the places he's spoken; the National
Veteran's Small Business Conference and Expo; this
week he spoke at North Carolina State University
for the North Carolina Small Business and
Technology Development Center; next week Craig
will be speaking at the Small Business
Administration's Annual Conference. So as I said,
we're trying to get to people who ordinarily
wouldn't hear that and I think it benefits
everybody to have people have the knowledge about
trademarks before they get started and invest in
what's sometimes turns out to be a bad decision on
the trademark side. So Craig, thank you for all
your efforts in this area.

The next item is the identification manual. And we hosted a roundtable in February of this year to talk about different ways to improve the ID manual and different ways to improve our practice in IDs. And one of the suggestions that came up was to try to get better information into the manual, more current information from industry groups, so examining attorneys really have the latest cutting edge terminology at their fingertips. And so we're now working with INTA through the USPTO Subcommittee and we've started that process and we're going to try to start the process. It will be ongoing. It won't be a one-time deal. So we'll have this mechanism of getting this input, of updating our manual and of having better information for everybody, for the public and for our examining attorneys.

We're also looking at restructuring the actual manual itself and we have gotten some suggestions. We're working internally with examining attorneys, through the law offices to
try to gather suggestions on how to better
structure our manual so that it's more usable for
everybody, both internally and externally. It's a
fairly long term project because it is an IT
related project, but one of the things we're doing
now for this fiscal year is trying to restructure
the suggestions that come in so that you, as the
user, can filter out the public suggestions and
only see the things that were initially in the
manual, if you know what I'm saying.

So that we get a lot of suggestions. We
put them all in the manual and then when you look
through them, you often get quite a bit of
information that you don't necessarily need. And
so we're going to give you the ability to filter
that out. We're working on that now and we expect
to have that done by the end of fiscal year 2012.

The other topic on your agenda has to do
with improving the use space register and we had a
final rule on post registration specimens that
allow us to do a pilot in the post registration
area that we have just started. In fact, we've
started it this week and Sharon is going to speak
to you more about it just a few minutes, but I do
want to say that the pilot is being conducted by
senior examining attorneys so we're paying very
close attention to the results and to how the
pilot is actually underway. So you'll be hearing
more about that in a few minutes.

A few other items that I wanted to talk
about. At our last meeting I talked about the
third party solicitation issue, which I know is of
great concern to everyone. As you know we have a
warning posted on our website. We had sent a
cease and desist letter to the United States
Trademark Registration Office, who was sending out
just multitudes of notices to folks. My husband
even got one for his business. Came home waving
it one day. And we were very pleased that they
were extremely responsive to our cease and desist
letter and we believe they told us they had
stopped sending those notices out. I have not
heard any complaints in recent months. They had
represented they stopped in March. So, you know,
certainly let me know if you've had different experiences, but that organization which was responsible for so many of those notices appears to have stopped that practice.

We also started the practice of including the warning notice similar to what's on the website with every registration certificate that's sent out to trademark owners. So you may have seen this. You may have gotten one of these. And so we've gotten great feedback that people appreciate getting this because it stands out. You can't miss it. And often people get the registration certificate with this at the time they were getting their notices from these other organizations. So it was a good thing.

Are there any questions about the solicitations, or does anyone want to tell me that they're still getting them? No.

Couple of other items. You're going to be hearing a little bit later from OCIO from Raj Dolas about the paperless OG. I want to say that we are talking about and we are pretty certain
that the paper OG will be eliminated as of the end
of this calendar year. It's published by GPO,
Government Printing Office, so we don't actually
publish it, but it's become a very costly
proposition for them considering the number of
subscriptions is below 150. And I think we have
three of them unfortunately.

So they're going to be stopping that
practice, but the great thing about that is it
allows us to move forward to actually change the
way we present our electronic OG. And so rather
than having a PDF, which is done that way
primarily because of the paper OG that we have to
present the way we have to format it, we'll be
able to do something in completely different
format, make it searchable, you know, it's really
we have a lot of possibilities and we're going to
be seeking input from our users on what you want
the electronic OG to look like. So you can look
forward to hearing from us on that and if people
have suggestions now that they want to send us,
please do that, TMfeedback@uspto.gov.
The other thing I wanted to mention with respect to the OG is, in the meantime, before we make those big changes to the electronic OG format, we're planning on changing the way the link is received in the notice of publication. So today when you get your notice of publication electronically, you get a link and it goes to the OG and then you have to page through to find your mark. What we're planning on doing is we're calling it the direct page link. So your link will go right to the page, rather than having to page through the OG. So we have heard from people that that's a much preferred option and we're working on that and it's not as big a lift IT wise so we expect to have that done by the end of the fiscal year, by the end of September we're hoping.

One other item, TSDR 2.0 deployment, we're planning to release another version, version 2.0, of our trademark status and document retrieval site. And that will make some changes. It will provide direct links to application and registration data that functions more like TAR and
the static links displaying TAR information today will be redirecting to TSDR after the deployment. So I know that's been a big concern and we are working on making sure that that goes smoothly.

And then I wanted to mention the Intellectual Property Industries and Focus Report that was released in April of this year and this was done by the Economics and Statistics Administration of DOC and our own Office of the Chief Economist here at the USPTO. And the reason I'm mentioning it is this is the first comprehensive analysis using our data to identify U.S. industries using intellectual property most intensively and what the economic impact of that is. And the report shows that the industry's most intensively using trademarks accounted for a large share of direct and indirect employment in the United Stated economy in 2010.

So it was really a good report from the trademark perspective. It was very interesting. It presented a lot of new information and data that had not been collected before and the report
is accessible on our website if you go to the Office of the Chief Economist section you can find the report. And I encourage you to take a look at it. And Stu Graham, who is the chief economist, is working on some other trademark related data and reporting for this fiscal year. So we're looking forward to seeing more of that.

And then the last item I'd like to mention is our Trademark Expo, which is being planned for October 19th and 20th of this year. And I think it is our premiere educational event.

Last year we had 15,000 visitors walk through the Expo. We had around 34 or 5 exhibitor. This year we have 37. It's a very exciting event. We have some seminars planned. And I encourage you, I know that some of you here have your clients participating, I encourage you to come if you're in the D.C. area. And if you have any questions about it, please let me know and I'd be happy to provide more information. It's available on the website. I don't recall the exact link so I can't give it to you, but I'm sure you can find it or
ask me and I can get it for you.

So, Maury, I think that's it for me.

I'd be happy to answer any questions that anybody has. And I think --

CHAIRMAN TEPPER: Doing well.

MS. COHN: -- open time wise.

CHAIRMAN TEPPER: Excellent.

MS. COHN: Yeah, we're going to have to take a long break, aren't we?

CHAIRMAN TEPPER: Probably no one will object. Are there questions, comments for Commissioner Cohn? I know it is becoming an increasing challenge for our committee in reviewing, it's a little bit like when you watch someone at the top of their sport. We have come to expect the numbers to be spot on. They continue to be spot on and we are going to find something to focus on or ask them about one of these days, but I do want to commend Debbie and her entire group and Trademark Operations for keeping things running so well and for continuing to, as you've heard about the, I believe it's now
the exceptional office action standard, when
things are working for continuing to raise the bar
in trying to further stretch the delivery of
service.

I'd like just to make two brief
comments. I also would like to encourage anyone
out there, you heard a little bit about Craig
Mars' outreach effort right now. And I commend
the Office and in particular Craig for his efforts
to reach beyond the legal community. We all
benefit from business people making better
decisions and entering out with a better
understanding of trademarks. You can help do that
if you have contacts with sort of business
roundtables, entrepreneurial groups, universities
who are training MBAs. I would ask that you
please provide those to Craig. You can submit
them to the Office, but he is diligently following
up on all of those leads.

Debbie mentioned a presentation he made
to the Small Business Technology Development
Center in Raleigh this week. I know that took a
whole lot of effort and pushing on his part to
find the right group and to get down there. So
please do help out if you have any contacts, any
suggestions, we'd like to receive those. I think
this is a really tremendous effort. It will
benefit all of us in the long run. And we want to
make sure that we do what we can to support it.

I'd also like to issue a request and
challenge. Debbie mentioned the action that the
Office was able to take in sending a demand letter
to the U.S. Trademark Registration Agency. That
is not likely to be the last group who will try
this. Yeah, and it is great that the PTO was able
to step in and to respond in that situation.

As practitioners and companies we need
to be diligent out there to keep an eye out.
These surface from time to time. There are other
groups who will send these types of notices. When
you see them, please do make people aware of them.
Forward them, notify the PTO, obviously they
cannot take action if they don't know what's going
on, but more importantly, you want to be proactive
in continuing to monitor this and warn your clients. When you get one notice from a client saying does this look legitimate? Remember, probably lots and lots of other people have received that notice too.

So I think it's an area that we can all sort of continue to monitor, try to keep the word out there to watch for these. I wish that were the only scam in life. I mentioned that I won the UK lottery three times last week, without even buying a ticket, which was pretty good. And I had three PayPal accounts shutdown and since I don't actually have any PayPal accounts I'm not sure how that happened. So there are of course all sorts of misleading emails, communications out there and sadly emails and letters relating to trademarks are just sort of part of what we need to contend with and deal with. But I think it's helpful for all of us to recognize we need to play a role in keeping on top of that issue and making everyone aware of what we're seeing in trends out there.

Are there any other questions, comments
from the public? All right.

We're going to turn briefly then to an update on international and policy developments. I think Debbie gave you one precursor. We're happy to have Sharon Marsh with us. Sharon, I apologize if I'm going to butcher your title.

Sharon is deputy commissioner for Trademark Policy. Did I come close? All right.

MS. MARSH: That's close enough. Thank you.

CHAIRMAN TEPPER: And I know for sure we're going to hear a little update on the pilot program that has recently commenced. Thank you for that, Sharon.

MS. MARSH: Thanks, Maury. Yes, as Debbie mentioned, the final rule that allows us to start the post registration pilot took effect on June 21 and this week actually group of five senior attorneys started the pilot. It's going to be conducted in the way that's described in the final rulemaking notice.

In response to the notice of proposed
rulemaking we took the public comments very seriously and you can read the entire response in the final rulemaking notice, but the pilot will be limited. It will a review roughly over the next six months of about 500 randomly selected Section 8 affidavits. And this constitutes probably less than 1 percent of the Section 8s that are normally filed in a six-month period. So I am sure that's small consolation for those who are selected for the pilot, but it is a tiny fraction of the Section 8s that we receive in a six-month period.

As Debbie mentioned, the pilot is being conducted by five senior attorneys who are working very closely with the post-registration staff to ensure, you know, consistency and normal application of the Section 8 rules. They will be reviewing the Section 8 to see if it meets Section 8 requirements and then in addition they will be requiring proof of use for two additional items in each class.

So in those cases the registrant will be required to submit proof of use for the two
additional items that are required by the senior attorney. The registrant has six months to respond, just like any post-registration office section. And if the response is ultimately deemed insufficient to show, you know, that the mark is being used on the additional goods, those items will be deleted from the goods and services in the registration. If the registrant fails to respond, then, you know, as is the case anytime you fail to respond to a post-registration office action, the registration will be cancelled.

We have a mailbox that is up. I have it here somewhere. TMPost-regpilot@uspto.gov for anybody who has general questions about the pilot. Cynthia Lynch told me before the session that we have received a few questions and we've responded to those.

I think that's about it right now. We will be collecting this data. Again, our goal is to just assess the accuracy of the register and when the data is collected and we have some results to share with the committee, we will be
CHAIRMAN TEPPER: Thank you, Sharon.

Does anyone have questions about the pilot? Comments?

I have heard, you know, in various settings some expressions of concern and I'll simply put it this way, we all need to sort of take a look and remember the goal. We are a use based country. We have use based register and the Office is trying to help make sure that that register has integrity and is reliable for those of us who regularly search PTO records trying to make determinations for our clients on trademark availability, trademark infringement, all sorts of things.

So it is to everyone's benefit that the register be accurate. I'll compare it to the IRS. I like knowing that everybody is paying their taxes. I obviously don't want to be the person that is audited, but I recognize that that's, you know, one of the ways we can sort of check in and ensure compliance and attention is going through
and exercise like this. So if you are one of the
less than 1 percent, you certainly have my
sympathy or empathy, but I'm hopeful that you and
your clients all paid attention and only
registered for goods and services you're using
anyway so this will be nothing more than an
inconvenience for all involved.

Sharon, are there other issues you wish
to address for us this morning?

MS. MARSH: No, not today. Thanks.

CHAIRMAN TEPPER: Okay. Does anyone
from the public, any of our other guests have
questions or comments for Sharon? All right.

That being said, we are in the enviable position
of being well ahead of schedule. I think we were
scheduled to take a break at 10:25. So I'm going
to be generous and give you all 15 minutes. We'll
plan to recommence, and I want to make sure that
we can get out speakers, I know Chief Judge Rogers
was planning to be down at 10:35 I'm going to try
to hope that --

SPEAKER: He's here now.
CHAIRMAN TEPPER: Oh, good. Didn't see you back there I'm sorry. Good. I'm going to ask if you could be back here before quarter after. And so we'll plan to recommence in about 15 minutes.

(Recess)

CHAIRMAN TEPPER: Well I will take advantage of the silence to indicate you all must be interested in getting back under way. We're still ahead of schedule and I'm going to try to keep us that way. So, Gerry, you've heard those commercials where they give the legal disclaimers at top speed. I want to see if you can manage that for us. But we will recommence our meeting here. I'm very happy to be joined by Chief Judge Gerry Rogers, from the TTAB, who although he is very distinguished and very tall, I somehow managed to not notice sitting all the way at the end of the row there earlier. But we have a fair number if things going on. Some new staff to introduce, some new developments underway. So Gerry, I'll turn it over to you.
JUDGE ROGERS: Thank you, Maury. It's really not your fault, and I know I'm normally on the other side of the table and I guess they're just mixing things up. We actually had a presentation here at the PTO not too long ago where one of the instructors said to foster innovation, we should put our watches on our other hand every once in a while. So when you go to look at the time, you will all of a sudden realize that it's okay to change and change is good. So I guess we're trying that out with seating here today.

So on the agenda, the first item is as Maury mentioned, new staff additions and responsibilities. And I will just quickly remind everybody that at the last meeting we let you know that Cheryl Butler had started with us as the senior attorney and the editor of the TBMP. She's paid immediate dividends because we now have out the revised version of the TBMP. It's posted up on our website. It's been out there for about a month now, so hopefully everyone has had an
opportunity to take a look at that. Cheryl is also going to be working with myself, and our new managing attorney, who I'll get to in just a minute, on keeping up our issuance of presidential decisions and she'll work with me on things like motions to disqualify counsel in particular cases. They don't come up very often but they are an issue from time to time. We also have Cheryl in place to help with potential rulemakings and things like that.

We also brought onboard Deborah Decker, who is our senior administrator and the subcommittee met with Debbie yesterday. She's onboard to help us out with IT issues and budget issues, contracting, travel, all of those things that take up a lot of time in government practice and I'm glad to have someone else to do those things for me. And then Ken Solomon is here today, he's our new managing attorney and I'll ask Ken to stand up and take a bow.

MR. SOLOMON: Well, I'm not going to do that.
JUDGE ROGERS: When the TPAC tells you to bow, we'll bow.

MR. SOLOMON: How far?

CHAIRMAN TEPPER: I'd like to point out that I am all of feet tall and most people don't really pay much attention to what I ask, so thank you, Gerry.

JUDGE ROGERS: Ken has been with us for what, a month now? About a month and is learning the ropes with Cindy Greenbaum, who you're all very familiar with. And so Ken is learning our systems, learning our timekeeping, learning the government culture. Cheryl Black and Ken and I were just talking about the kind of culture shock it is coming from outside the government into the government. And so he's doing a great job learning everything and of course learning the substance of what the interlocutory attorneys do, too. And Ken will be working closely with me to help get out precedents in inter partes cases on issues of first impression that come up those cases and in the motion practice in those cases.
And his experience in private practice was many and varied. He was a trademark instructor at a law school and a partner at a law firm and so it's great for us to have the diversity of experience that Ken brings to the table.

So that's it for new staff additions, but the next item on the agenda will actually result in further additions which we can probably talk about at the next meeting. And the next item on the agenda is vacancy announcements and staffing and we have applications now before me for review. I'm in the process for reviewing applications for administrative trademark judge applicants. We received about 45 applications in response to our most recent announcement for administrative trademark judges and the cert list of the best-qualified candidates was sent to me and I've started reviewing them. Some of the names are familiar and it's not atypical for us to have in-house candidates or outside candidates who have been interested in the position in the past. And then there are some new candidates so we'll be
looking through the applications, doing interviews as necessary for the candidates who are new to us. And I hope that we'll get that process wrapped up quickly in the next few weeks and get recommendations to the director and deputy director for consideration and forwarding on to main commerce. Kathryn, you had a question?

MS. PARK: Just, Gerry, could you say how many people you're planning to hire. You said how many applications you've got, but just so we're clear.

JUDGE ROGERS: Well, we have authorization on the government-hiring plan to fill two positions, but we have a pending request to fill additional positions, so as soon as I get the authorization, we'll go beyond two and hire what we can.

We also have a vacancy announcement that went out yesterday and that was for attorneys, interlocutory attorneys at the board. And as you'll see when we go through some of the statistics in a little bit, filings are starting
to increase in oppositions and cancellations as of a result of the increased filings that trademarks has seen over the last couple of years. And while the growth in the backlog of motions is not very significant at this point in time, inevitably more oppositions will beget more motions and so we'll end up having more motion practice. And we have one attorney who's just started a maternity leave and it's possible that one of our attorneys will be promoted to a judge position and so we are looking ahead and trying to stay on top of the staffing level for the attorneys, too, and therefore we've got an announcement out to hire a couple of attorneys and so that announcement is open now and closes July 25th and we'll look to work through those applications that come in, in response to that announcement as quickly as we can later this month when that announcement closes.

And then the last area where we'll be doing some additional hiring, too, is something I believe I've mentioned in the past and that is we'll be issuing some vacancy announcements in the
near future on some quality review positions. It's in the budget plan for this year and as many of you know, consented motions and uncontested filings are pretty common in a lot of the board inter partes proceedings and our staff of paralegals review and process all of these filings except for those, of course, that you file that are automatically approved by the ESTA system. But many are not contested motions that require the attention of interlocutory attorneys, but they're necessary to keep your cases on track or to have those cases resolved in a way that the parties have agreed to. And so we have these quality review positions coming onboard to review the work done by the paralegals and our customer service representatives. So that's something that we're looking forward to and Deborah Decker, the senior administrator, I mentioned earlier, is in charge of that and she's taking care of that and so we'll be moving forward with that in the very near future.

So that brings us to our statistics and
our performance measures and proposals to address backlogs, but we'll get through the statistics themselves first and then I'll talk about the proposals. On the first slide here we have incoming filing levels and as I mentioned earlier, we're starting to see increases emanating out of the increase in filings from the trademark operation. And so you see here the FY '11 incoming figures and the first three quarters of this year and in the parentheses in the third quarter column is essentially my prediction about where we will be at the end of the year, if the fourth quarter matches the average quarter or the average for each of the first three quarters. So appeals will be pretty much even with Fiscal '11 but perhaps up a little bit and if we get a more significant increase in appeals in the fourth quarter, then we will be above FY '11. Extensions of time to oppose, again running up higher than FY '11. By the end of the year, oppositions will be up from FY '11 and cancellations, for whatever reason, are the most significant of the increases.
Again, none of these increases or what we expect to be increases at the end of the year are particularly large but we do expect increases by the end of the year.

Final decisions. Final decisions is an area where we're facing some challenges. These are the cases -- this is a slide that covers both ex parte appeals and inter partes trial cases and for whatever reason, the number of cases maturing to ready for decision on a quarterly basis, and again these are mixed appeals and trial cases, is remarkably consistent. You can see from these first three quarter numbers and so I am predicting by the end of the year we will have had nearly 660 cases, either appeals or trial cases mature to the point where they're ready to be decided by a panel of three judges.

The number of issued decisions, the second line down on this chart. For the last two years we were at about 450 decisions. So anyone could do the math and see if you're issuing about 450 decisions or deciding 450 cases a year, but
you're getting 660 maturing to ready for decision, you're not keeping up. And so that's why, of course, the hiring is going to be so important to us as will be other initiatives that I'll talk about in a minute, that will help us try and boost up the number of cases that are decided during the year and if the cases maturing to ready for decision continue on this apparently very predictable pattern, then at least we know what we have to strive for and we have to try and move up too, to keep pace with what's coming in. But there is some light at the end of the tunnel, I think in addition to the anticipated hiring. I'm predicting that we will have decided more than 500 cases by the end of this year which is going to be a 10 percent increase over each of the last two years. And so then again for Fiscal '13, we'll be looking for another significant increase, and I would say a minimum of 10 percent and hopefully more like 20 percent next year with the additional hires. But maybe that would mean another hundred cases decided next year over this year, over what
we plan to decide this year. And when I say that,
this is not necessarily, and I have to be clear on
this, this is not necessarily 100 additional
decisions because sometimes we have multiple cases
decided by one decision. But this is the number
of cases maturing to ready for decision that we're
talking about and the number of cases decided.

As a result of trying to reach further
onto the docket shelf and work off some of those
old cases, the pendency number average time to
issuance from when cases are ready for decision
has crept up and unfortunately that's going to be
a byproduct of working off of cases, until we work
them off and are keeping pace with the cases
maturing to ready for decision. The pendency
number is going to be a concerning figure but in
some respects it's actually a good sign when you
see the number going up a little bit because it
means you are working off some of those older
cases. And then we'll reach a tipping point and
it'll start going down. It's hard for me to
predict when that's going to be yet but perhaps by
the next meeting or sometime early in the next fiscal year, we'll have a better sense once we have got additional people on board and we've engaged in some of our other efforts to bring down the backlog, we'll have a better sense of where that tipping point is going to be. I'm hoping that by the end of the year we will be right around 300 cases awaiting decision which has been pretty steady for the last few months where we have months where judges produce a lot of decisions and it goes down below 300, another month it might go back up around 300 but it's staying pretty steady which again is a good sign that it's not increasing dramatically over the last few months.

The next slide covers end-to-end processing and appeals cases and what we see here is essentially a chart that tries to report the raw figures about how long it takes us to decide appeal cases from the time they are commenced until the time they're finally decided. But also tries to weed out some of the outliers or explain
why some quarters may be radically different than
other quarters. And so for example in the second
quarter you can see that the average for
end-to-end processing of appeals was much higher
than in the first quarter or the third quarter and
that was because in the second quarter we decided
six cases that were first appealed to the board in
2000, but they were suspended for various
cancellation proceedings. There was another case
that was appealed in 2000 that was remanded to the
examining operation but then suspended. And so
when you weed out some of these aberrations, you
get a sense of what the average figure is. And so
the bracketed figures on average end-to-end
processing for appeals are pretty consistent and
actually been coming down a little bit since the
first quarter, which is a good sign when you
ignore those aberration cases. And the median
again has been pretty steady over the last few
quarters, too. Any questions on final decisions
or end-to-end processing of appeals, before I go
on to trial cases? Okay.
Trial cases. We again have had end-to-end processing times that have been pretty consistent over the course of the year. The third quarter, again, was one where the figure looked to be higher and looked to be more in line with what it was in FY '11, but the average at the end of FY '11 has actually come down some, trial cases in the first, second and third quarters. The third quarter figure was up, but that was because of a case that was commenced in 1995 and which was the subject of numerous and lengthy suspensions, and which finally got decided in the third quarter of this year. So that one case ends up throwing off the average by a significant number of weeks and so when you throw that out, again, the numbers are looking pretty steady and hopefully will come down as the staff increases.

The next slide is accelerated case resolution. And we didn't have any cases get decided through any form of ACR in the third quarter. A little disappointing but not particularly because we've had quarters in the
past where we've had no ACR cases, so this is not
the first time that that's happened. And that
could be as simple as some of the four cases
decided in the second quarter, if they had been
decided a few days later, they would have been
third quarter cases, but that's just the way it is
sometimes. And people are trying to rush out
decisions at the midyear, so their production is
where it needs to be at the midyear and so maybe
some of those ACR cases that would have gotten
decided in the third quarter got decided in the
second quarter. And I can tell you that we do
have a number of cases which are pending now and
which will soon be submitted for final decision on
the merits that have gone through some form of ACR
and so since we've decided seven ACR cases already
this year, I expect that we will be at 10 to 12 by
the end of the year, which is double each of the
last two years, which were only six ACR cases.

So the bar has been a little slow to
adopt ACR and I think from what I hear when I'm
talking about it with practitioners and
representatives of companies, it's sometimes a selling job that has to go on. You have to convince your adversary that it's an efficient and economical way to achieve a just resolution on the merits, maybe not the ultimate resolution that favors your side, but at least a fair and just resolution with less time and less expense. And what we've seen in our ACR experience is that there are some parties who are early adopters and who will discuss it as a possibility in the settlement and discovery planning conference, who will revisit it from time to time and who will think about and perhaps agree to restrictions on discovery, a more efficient means for introducing evidence at trial, that sort of thing.

But we also have parties that go through more traditional disclosures and discovery and then don't agree to ACR until after they figure out either on their own because they get their motion for summary judgment denied or because one of our attorneys contacts them and says their motion for summary judgment is not likely to
result in this position of the case and would they like to consider ACR, then they adopt it later in the case. So end-to-end processing of ACR cases is lower than that of traditional trial cases. It's not as low as it could be if we had more early adopters. But even so, the numbers are better than they are for regular trial cases and it saves parties the time and effort of going to trial even if they wait to elect ACR until after they've filed motions for a summary judgment. So there are still savings to be had for the board, which doesn't have to review a trial record is we can do it on a summary judgment record and for the parties, if they can get their case decided on a summary judgment record rather than a full trial record.

And we are going to continue to promote ACR. We'll talk in a minute in the outreach portion of the agenda about some of the things that we'll be doing on ACR, but before we get to that, let me just talk about the contested motions for a minute. And on contested motions, we're
doing pretty well here. On this chart you can see my prediction is that by the end of the year we will have issued almost exactly the same number of decisions on contested motions as we issued last year. And we will have decided a few more motions by those decisions than we did last year. So the motion practice hasn't really spiked just yet, but again we talked earlier about the increase in oppositions and so eventually we expect the motion practice to increase a little bit. But the attorneys are doing a good job staying on top of it. You can see that they've increased the percentage of decisions that involved a phone conference before issuance of the decision, which is always good. I think the parties like to be contacted and to have their motions discussed by phone with the interlocutory attorney before they're decided. And so we're seeing an increase in the use of the phone.

And the only figure, again which we're kind of keeping an eye on is the one at the bottom of the chart, awaiting decision. We ended Fiscal
1 '11 with 150 motions awaiting decision and, which
2 if you think of the size of our staff, that's
3 about 12, 13 contested motions per attorney that
4 we're awaiting decision at the end of the last
5 fiscal year. So it's up about 200 at the end of
6 each of the last two quarters and we're aware of
7 that but it's not a particular concern right now.
8 But we will certainly stay on top of that and
9 that's why we're also hiring a couple of attorneys
10 to make sure that it doesn't get out of hand.
11 So that's it for the statistics
12 themselves. Let me talk for a moment about some
13 of the proposals that we're working on to address
14 some of the backlogs and to make sure that others
15 don't become backlogs. And of course we've talked
16 about hiring judges and hiring attorneys. A
17 couple of other things that we're doing is, we
18 have a project that some of the judges are working
19 on with Cheryl Butler, the senior attorney I
20 mentioned earlier, to develop templates that will
21 be used in issuing decisions. These will be
22 particularly useful, I think, in ex parte cases
where a lot of what we see coming out of the examining operation is more predictable.

We see a lot of 2d cases; we see a lot of very similar arguments raised in various appeals. And in talking with the head of the OHIM Board of Appeals where they make great use of templates for deciding some of their appeals. We've decided that we're going to be developing some templates of our own. It helps in various ways. It helps with new judges coming onboard to have stuff that they can turn to. Cheryl Butler, the senior attorney, can make sure that the cases and the material in those templates is kept up to date. When she's working on revisions of the manual, she can update templates. We now have people, and this is quite expected, attorneys and judges who have essentially their own templates based on work they've done in the past, but we want to try and standardize some of the templates that will be used in deciding at least the final decisions on the merits which follow particular formats.
We're also going to be using examining attorneys who have applied for -- just his past Monday was the application deadline for examining attorneys to apply for a work project at the board, where they would come over and work with judges on the inter partes cases. They would be able to review the pleadings and essentially assess for the judges prior to cases being assigned to them. The pleaded issues in the cases, the extent of the evidence in the record in the cases, the evidence in the record that was subject to objections or motion to strike and they could prepare memos for the judges to let them know what it is they are facing in a particular case when it gets assigned to them. And so a lot of that ground work that the judges normally have to do on their own because they don't have clerks and they don't have secretaries, will be done by a team of examining attorneys that will be working for them. So we have really great hopes that this will be very productive. It'll be great for the examining attorneys who want to come over and get
exposed to board practice and work with some of
the judges and we hope that it will result in some
standard operating procedures and some additional
ways of processing the trial work that will be
very helpful and make us more efficient and help
us increase the number of cases that are decided
in a more efficient manner.

So it's going to be a work in progress, work in progress. We haven't done this before but
again we have high hopes for it and I'm sure that
it's going to work out very well. And so we'll be
in touch with Debbie and Sharon to make sure that
we have a good pipeline of examining attorneys
coming over and that it works for them and that it
works for us. So that's something that we're very
excited about. Also if we get the additional
attorneys onboard and we are on top of the backlog
of motions or we are at a point where we don't
have a backlog of contested motions, under their
performance plans, the interlocutory attorneys who
are already at the board can be tapped to aid the
judges by writing up drafts of decisions in ex
parte appeals for judges to consider and then adopt, if they're appropriate. And so that's something that we can also think about doing but we certainly don't want to embark on that unless we are sure that we're on top of the contested motions because we know how sensitive those of you are who are involved in inter partes proceedings are to the pendency of motion. So, it's an option for the future and we can look at that if we need to during the coming year. It's another option we can consider.

Another thing that we're going to be doing is essentially reviewing the performance plans for the attorneys and the judges, to make sure that they are in line with the kind of work that we're getting and the kind of goals that we have for the business unit and what we need to achieve. We have a performance plan that's been in place for the attorneys for three years now and we always expected that we would be doing some tweaking and discussing that with 245 to see how we can make it better for them and better for us.
And I will also be, of course, reviewing the judges' performance plans, as we would have to do from time to time, in part because our working conditions change. We get larger record cases; we get different kinds of cases and so we have to make sure that the performance plans reflect the kind of work that we have.

Any questions about any of that? I'm sorry, that was a lot. And then I have a couple more statistics for you before we wrap up that section.

CHAIRMAN TEPPER: Jody.

MS. DRAKE: Gerry, just a quick question. In connection with the templates that are being developed for the ex parte appeals, when would you think those templates would be ready to go? As far as -- I mean I just don't know what sort of timing or process you have to go through sort of like a foreign paragraph kind of thing, I guess.

JUDGE ROGERS: I can't really say because we haven't done it before. I know that
the six or so judges, who volunteered to work with Cheryl Butler on it, have had a number of meetings and they've started to develop them. I have to try and strike a balance there where I think they will be useful to have going forward, but I also don't want them to spend so much time on templates that we're not going to hit that 500 cases decided figure by the end of the year. But I expect that we will have them out and in place sometime during Fiscal 2013.

MS. DRAKE: Okay.

JUDGE ROGERS: But we're certainly not going to try and focus on getting them out this quarter which is the last quarter of the fiscal year.

MS. DRAKE: Yeah, I didn't expect. I have one more quick question, too. On the percentage of the cases awaiting decision, what is the percentage, the breakdown if you happen to know on ex parte versus inter partes, of that number? I just was curious about that.

JUDGE ROGERS: Yeah, I can tell you that
and it's generally about when we've been at about 300 cases at the end of any given month, it's generally been about 220 or so ex parte appeals and about 75, 80 inter partes cases. Yeah, so the majority of the cases are ex parte appeals that are waiting to be decided, however the majority of the cases with really large records are the inter partes cases. And so that's why the examining attorney work project will be particularly helpful to us because the judges can turn around decisions in the ex parte cases pretty quickly but when they get a room full of evidence for one opposition, that's a case that can take them months to work through unless they have assistance. So that's why we're going to get the most bang for our buck if we have the examining attorneys on the work project help us with those really large record cases.

MS. DRAKE: Great, thank you.

CHAIRMAN TEPPER: Gerry, I'd like to follow on to Jody's question because I was interested in the idea of a work detail. I think
this is something that came up at our last meeting. So I'm really pleased to see there's some follow up and trademark operations are supporting this as well. How many people are going to be involved in this? I'm sort of just trying to match up -- will most judges have an examining attorney available to assist them? Or do you feel you've got the numbers there to make this meaningful in terms of helping you?

JUDGE ROGERS: Well, we discussed this to some extent in the subcommittee meeting yesterday. And I'm thinking that we're going to start the first rotation with three examining attorneys, because we're just working it out. We want to make sure that the system is going to work. We have three judges who are in-house every day, who are here, who can work with the examining attorneys. I also don't -- some of them have expressed preference, some of the examining attorneys, that they not be part of the first rotation because of their own family responsibilities or their own home.
responsibilities. And so we'll have to meet with those who we ultimately select as participants for the project and figure out how many of them are available at different times during the year. But we can start with three who can work with our judges who are onboard and on campus and kind of develop what is right now a skeletal approach to how they would review these cases and what kinds of documents they would prepare for the judges to review.

But then as we get more experience with it, we can increase the number of attorneys who are working at any given time and we may be able to, at some point in the future, then -- I mean not in the distance future, but in the near future, have a greater number of them working at the same time. We might only have two or three of them working with us in our office but we might have some of them who are working at home who have come in and been trained for a while. And then once we know that they can do the work, then they can continue doing it at home. And so I can
easily envision that we would have more than three
at any one point in time, later in the fiscal year
once we've gotten the first group trained. And
that group can help train the second group and we
can expand the program as we move forward.

CHAIRMAN TEPPER: Thank you. Thank you
for that clarification. I hope that this -- I
suppose then that this is a pilot of sorts but
certainly hope that it will prove to be quick and
successful and will -- what do we say these days,
go viral?

JUDGE ROGERS: Yes, well we hope we
won't be spreading viruses around to the examining
attorneys. I don't think John Owens like to hear
that term. But we do hope that it's going to be a
very successful program and one that we'll be able
to continue. And of course if it gets to the
point where we've worked through most of the
applicants for this go-around, we can always
re-announce it next year and get another group in.
And they can talk to their examining attorney
peers and tell them how much fun and how
interesting it's been when they've been working at
the board and we'll get more applicants in the
future.

So just two more quick statistics I
wanted to mention. And one is we've been talking
from time to time in past meetings about reducing
the old cases, the cases that are pending at the
board that are proceeding under the old set of
rules because it will be wonderful if the board
can, at some point, get rid of the earlier
editions of the TBMP and the older editions of the
rules, because we won't have any cases proceeding
under those rules. I'm happy to report that we're
at the point where we've only got about 200 cases
left that are proceeding under the old rules.
Half of those we can't really do anything about
because they are either have been submitted for
final decision, so there's nothing really to be
done to expedite them. They've been decided and
they're on appeal or they're suspended because of
a civil action which might be dispositive of the
case.
So we're really talking only about 100 cases where we can actively manage them to try and push them through. And so that's great progress and about 2/3 of those, again parties involved in board proceedings often like to have time to discuss settlement of their proceedings and they like the fact that we are liberal with suspensions for settlement and a certain portion of those 100 cases are suspended for settlement discussions. But we've been pretty vigilant about making sure that parties either make progress in their settlement discussions or move on and get the case on track to be decided. So we will continue with that effort for those 100 cases that we have some control over. And again the other 100 cases we don't really have much control over.

And the other thing, the other statistic I wanted to mention was precedents. We're on track to hit our goal of 45 or more precedents by the end of the year. And so we expect that, that will be very helpful for the bar and helpful for Cheryl, giving her fodder for future revisions of
the manual of procedure. And then quickly just a
few minutes on outreach and proposals. We have an
ACR webinar that we're going to be doing with the
ABA in just about 10 days. I think it's the 26th;
I'm not sure. But we have that coming up and
we're also going to be doing another best
practices webinar with the ABA IP section in
October. We have traditionally participated in
Boston Patent Law Association; the TTAB comes to
Boston program that they call it. Although this
year it's scheduled for Manchester, New Hampshire
because the former Franklin Pearce Law School, now
the University of New Hampshire Law School will be
hosting it and it's close enough to Boston that
the Boston Patent Law Association was willing have
the program up there. And we will actually be
hearing a case there and making additional
presentations on board practice.

And then we've been talking with AIPLA
about participating in their meeting in October.
So we continue to be open to participating in
programs that any of the IP organizations want to
have with the board and feature board practice. And then we are developing dashboards. They're really not in shape yet for public viewing so to speak, but we discussed them in the subcommittee yesterday. Got some input from the subcommittee and we'll be getting some dashboards up on the website in the near future and they will then be there for public comment. And we will try and create as many dashboards and as many visuals as we can, to get up on the website, in addition to the charts that we've gone through today, which are already up on the website. And that's where we stand. Any other questions?

CHAIRMAN TEPPER: Thank you, Gerry. Are there questions for Chief Judge Rogers? Well, we appreciate -- I mean obviously thank you for laying the numbers out for us and we're encouraged that the board is in a position to start taking some steps to address the backlog. I remember my dad explaining the math when the store went out of business, saying we lose 10 cents on every sale, but we make up for it on volume. We obviously
cannot continue to have 100 more cases coming in
than we can put out year after year. So we're
very encouraged to see that you're getting some
additional staff and resource and taking these
steps. We, of course on the advisory committee
really to want to support and assist you in any
way that we can on acting as a sounding board for
some of these initiatives, providing any comments
that you may need. But we want to thank you for
having some news to talk about today and we look
forward to reaching that tipping point and
watching these numbers sort of start to come in
the other direction. I know you do more than us,
Gerry.

JUDGE ROGERS: Yes, yes.

CHAIRMAN TEPPER: Are there any other
questions for Chief Judge Rogers from the public?
All right, well thank you very much. And I am
pleased to report; we continue to be ahead of
schedule. I should have looked up and noticed and
I want to thank our Chief Information Officer,
John Owens for coming down early to address us.
Of course, right when I mention the word viral, he is in the room, but I'll see if I was okay in that context. We're going to hear now from John Owens, our Chief Information Officer and from Raj Dolas. Raj, I will apologize, I had to do this for Sharon, if I slightly mangle your title. Raj is the Project Manager for Trademarks Next Generation. Did I come close?

MR. OWENS: Portfolio.

CHAIRMAN TEPPER: Portfolio Manager.

MR. OWENS: It is the full scope of the programs and the subsequent projects under that.

CHAIRMAN TEPPER: Wow, thank you, that is a lot more highfalutin and so I'll make note. But gentlemen, thank you.

MR. OWENS: Well, good morning, thank you, everyone. It's my pleasure to talk to you all again. So I'm going to give you a brief update on where we are with the deployments and various issues we have had with legacy systems. We're going to start off and I'm sorry to say that the good news portion of this conversation is
going to be had with Raj and not really myself, unfortunately. The UL Deployments, as they are, for the entire agency have gone very well. Unfortunately for trademarks, it has been less than fully successful. We have deployed all of the other laptops ahead of time and ahead of schedule for reduced costs below where we thought we would be. However several applications that are on the trademark platform, that are extreme legacy applications have caused some issues. A couple of them are X-Search, Outlook, which trademarks is a different animal, they use it differently than patents did and we found some issues that if Outlook wasn't set up in a very particular way, we had problems, including problems delivering office actions of course which would affect us all. And various smaller application launch issues.

I'll tell you a little bit about the solutions for those. Our X-Search issue is the largest one, is the one that we currently are trying to test solutions for. Now, I'm going to
describe the X-Search issue on a very high level.

I am not trying to demean its issue. It is a serious issue for ourselves and the examining attorney. But it might sound trivial but it's not. It's really not and I just wanted to put a caveat out there. Basically what we're seeing is, the old examination system, the user saw a video stream from our servers of the searches. Today the searches are happening on the laptop itself, over the Internet. The video stream basically showed them a picture of a computer screen that was actually housed in the data center. It was faster in some instances than a user who is experiencing what's called latency on the Internet. And that's a bunch of people on the Internet basically using it, cluttering up the Internet and things get slower. We've all experienced this at home, some days we browse very quickly, some days we do not.

Now, when you do a search and then it comes back and says, okay, we found your search results, how many would you like to see at a time?
It defaults to 200, but the user can choose 50, they can choose 1,000, whatever they'd like. We download a list and then we start allowing them to flip through them. And if you are in a situation where your Internet latency is elevated for whatever reason, because little Timmy's next door downloading whatever, you get a fraction of a second, on average between a quarter and a half a second slower for each transaction. Now at the surface you might think a quarter and a half a second doesn't seem like too much, but you times that by thousands of requests and it adds up. It adds up to real minutes and we understand this is a real problem.

So the issue is with the latency of the Internet, and its variable, some days for our examining attorneys at home, the issue is nonexistent and they are very happy. And then when they had experienced these latency issues, they are very displeased. So what we have done is we are attempting to use a technology that was built way back in approximately the '95 era called
cache. All of your web browsers do this. If they already have a piece of information they don't try to download it again, thus not going through the entire transaction, which saves bandwidth, it saves time. So literally, all of the examiners in this solution are going to get an upgrade to their hard drives and the entire 150-gigabyte repository of trademark repository will be on each and every laptop, the pictures. It's not a huge deal for me because they are open and free to the public, otherwise we couldn't protect our trademarks, so there's no security implication there whatsoever.

The trick is knowing which ones to update if there's an update to them. And what it does is it allows you to flip through the graphics very rapidly and only download the new or changed ones. So instead of, out of a group of 200, needing to download all 200, you only have to do a fraction and that's somewhere around 10 percent. So the difference of, logically and mathematically, this would mean if I have to take
200 trips from here to the Washington Memorial and it takes that amount of time, if I only have to do it 20 times that obviously takes less. Right, because it's a matter of physics. So we are testing that solution. Unfortunately the product is well past its useful life cycle. The software that it's engineered upon has not been supported in at least five years and it has proven to be challenging, to say the least.

Let's talk a little bit about TICRS. TICRS earlier this year experienced a hardware failure. This is another legacy application well beyond its useful life expectancy. We could not replace the server hardware, we could not buy that hardware anymore, which means we had to upgrade the hardware and the operating system and all the associated software with that, which took some time. It was --

CHAIRMAN TEPPER: John, I'm sorry, I just, I did want to pause for a second. I hate to interrupt, but it occurs to me that for some listening, who are outside of the office, you may
want to just briefly mention what X-Search is, who
uses it and also TICRS, just so everybody's got
the acronym as you're sort of putting these in
context.

MR. OWENS: Debbie, would you like to
mention that just so I don't screw it up, if you
don't mind.

MS. COHN: Sure.

MR. OWENS: I know my better half in
this instance here.

MS. COHN: So X-Search is our internal
search system. You all on the outside use TESS,
examining attorneys and others in the office use
X-Search, so that's what that is. And TICRS is
our internal document retrieval and display
system. So you all have TSDR, and internally we
have TICRS, it's our electronic file essentially.

MR. OWENS: So the good news on this
was, as soon as this failure occurred, the
examiners switched to the public system.
Unfortunately, the public system was housed on
Google, and we took the normal -- the front end
for it, as I told you before, is hosted in the cloud and you buy the cloud by the drink. We had allocated resources for the public of X amount, and within a matter of hours, the examining attorneys used all those resources, and we had to purchase more. So there was a momentary hiccup. You could have seen in that system, but that was just about the logistics of paying Google for their time. TICRS is an internal system, but this is an example of the volatility of the system and how server and hardware failures can be difficult to recover from, because the servers in the software are well beyond their life expectancy.

This led to a couple of other things happening, which I'll talk about a minute and I guess they're out of a different order. But first we'll talk about FAST. FAST is the main tool that all examiners use. There was a bug in a recent deployment that would allow the new form paragraphs to populate blank documents. That's bad. We fixed that bug and are redeploying. It wasn't an all the time thing, it was actually a
fairly rare incidence, but it was a bug that we
had to fix. Bugs like that are normal.

Performance degradation issues with
TICRS. We narrowed it down to the fact that the
new system architecture, based on the new
hardware, was trying to access the database.
Obviously once you do these upgrades. Things
change and the database actually was 4 terabytes a
little too large on a single server connection.
So we're looking at breaking that up, thus
improving the performance for the examiner. And
then TEAS and TI outages. We updated code
specific to TAR, which broke our backups. And I
know it's not funny, but basically we had to
reorganize those to get the system to perform at
the way it was before. All I'll say on this is
the basics. The trademark systems, the legacy
systems, as I have been telling you for years, are
aging. They were well beyond maximum life
expectancy when I got here. It takes time, a lot
of duct tape and bailing wire to keep them active
and working. And that's important because the
gentleman to my left, who I have hired to handle
the portfolio of trademarks, is focusing not only
on helping me keep those systems alive, but what
it takes to really replace them, which is quite a
challenging effort.

I would also like to introduce Marcie
Lovett. Marcie, why don't you come over here?
She is now the new development manager for the
division of trademarks development, under my
application engineering and developments team.
And I thought it was important I try to bring
folks by as we hire the best talent that we can
possibly find. Marcie is in charge of managing
all development, both legacy and future
development, working with Raj, under David Chiles.
And she recently joined our team 4 months ago?

MS. LOVETT: Yes.

MR. OWENS: Yeah, would you like to say
something?

MS. LOVETT: Good morning. (Laughter)

MR. OWENS: All right, so if I could
then hand it over to Raj.
CHAIRMAN TEPPER: Great, thank you.

I'll pause just for a moment at that point. And Marcie, thank you for those comments. No, I'm kidding, (Laughter), we're very pleased to meet you and thank you for joining us today. Before we sort of move on to sort of the longer term solution and where we stand, are there questions for John? And issues on the scale? I know that today you've heard a lot about internal systems and some work that those of us in the public and working from the outside may not see or appreciate. Please do keep this in mind and understand. I know how I feel when something is not working with my machine at the office, so you may want to at least acknowledge and understand when you are hearing from examining attorneys, if they seem just a tad grumpy and I'm not saying I have experienced that, but understand that they are continuing to work through these issues. Our CIO has quite a difficult challenge; I know it's impacting our examiners. I am grateful to both, sort of both groups for just sort of continuing to
work through what we all know and acknowledge to be a difficult situation. We're moving to a more, as we'll hear from Raj in just a minute, we're moving hopefully to a more permanent and stable solution, but it's certainly not easy in the meantime to try to keep everything up and running at this point in time. So we'll continue to obviously hear from you and do what we can to help that situation. And we do want to thank and understand how we hope you'll relate to the tier groups. Our appreciation that they're continuing to work through what is not an optimal situation. Raj, I always wonder, one of these days, John's going to trade places with you but you do get the better side of the equation, sort of some updates on longer-range developments, Trademarks Next Generation, I think you heard a little bit earlier in the CFO's report. They're very fortunate to have budget and they are putting that budget to work. We have, I think, a few new developments to report to you, and Raj, I'll turn it over to you at this point.
MR. FRIEDMAN: Yeah, Maury. John, is there a -- if the cache program doesn't work, is there a backup plan? Or what is the backup plan?

MR. OWENS: Don't have another plan right now. I got to be honest. We think it should work, I will tell you that our first round of testing was not good. But we have to do some analysis and figure that out. This is why I wanted Marcie actually to be with me, in case you asked any difficult questions that I wasn't quite familiar with. Do you have a backup plan? I don't know.

MS. LOVETT: I don't -- well at this time we don't have a backup plan, but we certainly want to do some analysis of what we have done thus far and investigate why the testing results didn't reap the gains that we saw when we tested here. And then we will definitely look at some other alternatives so that we can provide a complete solution that will be a viable option for the attorneys. We don't want to roll something out that's not going to be beneficial to the users.
MR. OWENS: Unfortunately our choices are limited. The software itself, being beyond the useful life expectancy because the software development language it's built in is no longer supported by Microsoft, hasn't been for 5-plus years. The server backend is in a similar situation. The virtual machines that are being used by those that have received the laptop to date go defunct and unsupported, no security level patching to Windows XP, come midyear this year. The virtual environment costs us $14,000, plus I see upgrading it to Windows 7 would cost us more. And that's because of the process intensive nature of the applications that we have, that were not designed -- I mean these applications were designed to be run on desktops and on the local LAN, not to be run either over the intranet nor virtual environment.

So unfortunately that would put us in quite a pinch. The best solution if this does not work would be to quickly shift resources to a massive rewrite but we wouldn't get that done in
time. It takes years to rewrite these systems, they seem simple but they are really not and they are all intertwined. You make a change here; that means you make a change there. That means you're not just modifying one system, your modifying 10. And that's what makes Raj's job so complicated. Because as he's looking at next gen, he's looking at a way to migrate over that data off of the server that it's on and in the various places that it is and to reorganize it while keeping the plane in flight. At the same time he's building new user interfaces and at the same time he's handling those data migration issues. He's got to deal with all the applications security and backend.

And I believe, and I can bring this back if you like, I had chart at one point that was simplified that showed this massive diagram of the current systems with all these lines all over them. And it is an incredibly complicated environment. So it is not -- there are no other simple solutions unfortunately that we have been able to think about, but that doesn't mean we're
going to give up. Mathematically speaking it is what I said before, it should work. If you don't have to make the connection to download the data every time, it should be faster. Unfortunately our first round of tests did not show that, once it left this facility. So I'm wondering if I've got this anti-technology bubble over the laptop we gave somebody or it's possible that someone on my staff or contractor misconfigured something, but we're going to have to look.

CHAIRMAN TEPPER: Just as a follow up with you, John, we will readily acknowledge these are very complex systems. But I think I'll get full agreement with everyone here, having them not work is not an option for any of us since probably yesterday would not be too soon to have a contingency or backup. We're going to hope too that testing works well, but I'll leave it at that. Does anybody else from the committee or the public have a comment or question about that?

Okay, Raj, I think we're ready for you.

MR. DOLAS: Good morning. A classic IT
portfolio usually contains multiple programs and
every program usually contains one or more
projects. I put this slide up in here in this
deck because we want to show you how many programs
that are currently being tackled simultaneously
and all the projects that are underneath these
programs to where it's fulfilling our vision of
Trademark Next Generation. What this also does is
brings consistency with the way we discuss the
portfolio with a variety of organizations as well
as the committees, because this is a slide we use
everywhere that we talk, OMB wise, DOC wise and
this is the slide that gets represented to show
all the work that is being done in Trademark Next
Generation.

I'll talk about each program and the
projects underneath that in the next slides. But
before we get into the projects, the thing that I
want to mention is architecture which is the
foundation for every IT portfolio. Last time I
was here, I mentioned that our business architects
finished the architecture that was necessary for
Trademark Next Generation. At the same time they were continuing to work with TTAB to ensure that TTAB is folded into the architecture for Trademark Next Generation, because our intent is to have a consistent single user interface as well as a single system for both trademarks and TTAB. So this work is very important to ensure that capabilities and value streams, which is the business architecture and lingo now, includes TTAB in the mix. We are taking the work that is being done and enhancing our architecture for databases, the data architecture or the data model, as we call it, to include TTAB related capabilities.

And we also have modified our solution architecture which governs the way we're going to develop the software for all Trademark Next Generation to include TTAB as well as a commercial off-the-shelf case management software. We have two tracks as I'd mentioned last time, an application development and an infrastructure track. In the application development track, as part of Trademark Next Generation, the user
interface is a key program that will ensure that
the user interface for Trademark Next Generation
is developed with input from our users. So what
we had done, probably around February time frame,
we had selected three vendors to build prototypes
of the user interface based on certain definitions
that were put out for them.

Based on that criteria, those three
vendors developed a user interface for Trademark
Next Generation. Trademark users voted on those
and to tell us which user interface they liked.
There were eight objective questions and two
subjective questions that they answered, gave
their input and comments, as well as which
prototype they liked the most. And what was nice
about the prototype. What did they not like about
the other prototypes? There was a survey that
collected all this user feedback. We evaluated
the survey last month and then we have finalized
the vendor that will be building the next
generation user interface. We’re in the process
of finalizing the procurement process to complete
and bring the vendor onboard, so we can start developing the user interface.

The next program, we call it Web and Business Services. So if you look at any application, you have a front end, which is the user interface. In the middle layer, you have all the business logic, the intelligence that the program needs to execute. Then on the backend you have a database or your data repository. So the middle layer, which is Web and Business Services, we have two projects in there, one is Web and Business Services 1. It focuses on developing the business logic and this is where we are going to use a commercial off-the-shelf case management product, as well as an open source content management system. Web and Business Services 2 projects will focus on ensuring that we have the right environments that are built out right from development, all the way to production and a disaster recovery site.

There is another project within this program; it's called Trademark Reporting and
Datamart. What this will do is we'll focus on building a Datamart, which is a backend system to ensure that reports can be run off of this system, so that our current systems that the trademark attorneys use or trademark users use are not impacted by report generation. We don't want load on the main system to bring systems down because someone is running a heavy-duty report. So we kind of separated those things out. Reporting is done separately, but it is still based on the same data that is created by the trademark users.

So the third program is the Data Services. Our system today is TRAM. The challenge that we have is migrating TRAM to Trademark Next Generation. We had a prototype project that was completed, that project validated the way we are going to migrate data from our old system to the new system, as well as selecting a solution to help us quote analysis and auditing of the code which will ensure that the code from our old system gets migrated faster into the next generation system. The trademark records
management project, which is under new Data
Services is an actual data migration project and
is currently in the planning phase, which should
be awarded fairly soon and we should have a vendor
onboard fairly quickly.

Our cloud initiated trademark status and
document retrieval system, we talked about it just
a little bit before, that when TICRS closed down,
this is the system most folks go to internally as
well as externally to get the documents. Our goal
is to make TSDR a one-stop shop where you can get
all kinds of documents, all statuses, bibliography
that is associated with any mark. Has been very
well received the first release was out in
production December of last year. The
enhancements to that system will include documents
from assignments and TTAB. So that work is going
on right now. There are two separate releases
that we're doing for TSDR. The first release will
be in August and what it will do is allow us to
provide backward compatibility to our TAR system.
There are lots of bookmarks out there that folks
have kept on their desktop, their laptops, on
their own computers that point to TAR as the
location to go get data or documents. We want to
ensure that TSDR can be backward compatible and
provide all documents, all statuses that TAR used
to provide. Because TSDR is the future, this is
the next generation system that will provide all
statuses and documents going forward.

The second portion of that enhancement
is building out a services, classically called
web-based services, to where it's fulfilling our
vision for an electronic Official Gazette.

Electronic Official Gazette is a major project in
Trademark Next Generation portfolio for Fiscal
Year '13. What we're trying to do is provide all
the features that are in Official Gazette today in
printed format, in an electronic way. Not only
that, but add additional features like searching,
sorting, slicing and dicing of the data that
appears in a printed format today. Because of the
printed nature, you cannot slice and dice the data
that is out there. We want to provide our
external users the capability to sort the data,
slice and dice the data, generate reports, as you
would like to do.

We are starting that project very soon,
the planning phase of that project, very soon,
probably sometime in August, with the intent to
start development sometime in 1Q of Fiscal Year
'13.

We want user community to provide us
input into how the EOG user interface should be
developed. What features you would like to do?
We're going to do outreach sessions as well as
round tables sometime in the future. The dates
are unknown at this time, but we will definitely
decide on those dates very soon. I look to Debbie
for help on that one. Talking about outreach and
doing round tables, a quick plug for our CFO, they
are also going to be doing outreach sessions,
holding outreach sessions for the new fee
collection system. The new fee collection system
will provide self-service as well as better
integration with trademark. The outreach programs
will be held in the next few months and an eAlert will be sent out in the next few weeks requesting your participation. We would like you to participate and help our finance department with their new fee processing next generation applications as well as portfolio as well.

Legacy enhancements. I wanted to point out two things that we're doing with our current systems. One is providing a -- in the e-mail that goes out today for notification of publication, we currently provide a link to a PDFY, which is electronic Official Gazette, the PDF version of the Official Gazette. What we're trying to do with this project is provide you a link to the page in the PDF file where your mark exists, instead of having to flip through hundreds of pages in there, the link will take you directly to the page where your own mark exists. Our intent is to do the development for this project in-house and complete it as soon as possible. While our stretch goal really is to finish this in this fiscal year, with only two months left, so we're
really pushing ourselves to get this project done.

The second project for legacy enhancements is providing some kind of a validation feature on our TEAS basic forms, where users can type in today, free text type the goods and services there. We want to provide a validation feature whereby a user can click something, a button over there to say validate everything I typed in. It will go to the ID manual and validate which goods and services exist in the ID manual and which do not and the user has an option to fix the ones that do not exist, but we won't force them not to fix them, because that's in TEAS Plus. So in basic TEAS form, basic validation is the main feature that we want to develop. Again the time frames for this project also are very, very short and it's an aggressive time frame for us to complete this project.

Now moving over to the infrastructure improvement track. Separation and virtualization is the main program in there. Where we completed a few systems, separation and virtualization wise
as phase 1, part 1 of Fiscal Year '11 project. We're completing phase 1, part 2 of the Fiscal Year '11 project as well. And we're in the process of kicking off Fiscal Year '12 project, which targets four systems as of now. It's quite possible that may change, but current plan is to have four systems targeted and that project will end in Fiscal Year '13 sometime.

The second program is infrastructure improvements in the infrastructure platform in infrastructure project. One of the main things that we're doing here is a pilot project to evaluate a commercial case management software against our core business capabilities. So if you remember business architects have defined business capabilities. We highlighted nine core capabilities from those and our pilot for the commercial case management product is to determine whether this software will meet all our needs for the nine core capabilities. We'll also evaluate it and select a solution to manage the project with agile project management methodology. The
tool also will help us manage requirements,
product backlog, spring planning, defects
management and release management. So, all the
tings that are necessary for our software
development life cycle can be managed by this one
solution. It makes things very easy this way.

The last project in here is
authentication, authorization and single sign-on.
The goal here is to once a user logs in to
Trademark Next Generation, that's the only login
you'll ever be presented with. So that's a single
sign-on for everything that Trademark Next
Generation does. This is for internal users by
the way. Today they had to log in multiple times
to do their job. We'll take that and provide
single sign-on for that. The second thing is
authorization, which means role-based access.
Once you log in, the system will know who you are,
what your role is and the user interface that is
presented to the user will be dynamic in nature
and it will reflect what your role is and some
things will be available to managing attorneys and
some things will not be available to examining attorneys, such is role-based access.

I shared with you a road map last time. This continues to evolve. On the top portion you will see we have technology applications platform and this is the business architecture, nomenclature, value streams, and capabilities. As you see this goes out and as things change, we'll make changes every time we create this document.

Datamart and Reporting, for example, started slightly late and we think it will take longer than what we initially highlighted it to be. But that's the nature of IT projects and usually things don't start on time, but we want to make sure that we show you when things slip. And I think that's all I have.

CHAIRMAN TEPPER: Thank you, Raj. Are there questions? Comments? Obviously we are pleased to see that TSDR is up and running. We are starting, even if it's not apparent from the outside; we are starting to see some of the benefits of the next generation project. I know
it seemed for a long time like we were in planning
and I supposed in this instance, planning is a
good thing. We seem to be proceeding now. We'll
look forward to continuing to see these
developments sort of out there and in use,
obviously the sooner, the better for us. So
that's my only comment on the road map. I
recognize we're looking out a few years. We'd
like all of them next week; we know that's not
practical. But thank you for the update and we'll
look forward to continuing to see where we're
heading with this.

Are there any other questions from the
public for Raj? Okay, I want to thank you for
that, then. I'm also very proud to announce it's
11:30, we are 30 minutes ahead of schedule. I
think this may be a record for one of our
meetings. I'm going to take the chance to open up
the microphone to see if anyone has any final
questions, comments today.

In that case, I will adjourn this
meeting. I'll let you know that I believe it's
published on the PTO's website. Our next public
meeting is scheduled for Friday, October the 12th.
We will look forward to seeing all of you here,
since Trademark Expo begins the following Friday.
I don't know if the PTO can offer you a vacation
destination package but you may want to come, stay
in town for a week and see the sights and sounds.
So, thanks to everyone. TPAC members, I am going
to convene an executive session so we can discuss
just a couple of matters relating to personnel and
budget briefly. And for everyone else, thank you
for your attendance today.

(Whereupon, at 11:45 a.m., the
PROCEEDINGS were adjourned.)

* * * * *
CERTIFICATE OF NOTARY PUBLIC

COMMONWEALTH OF VIRGINIA

I, Stephen K. Garland, notary public in
and for the Commonwealth of Virginia, do hereby
certify that the forgoing PROCEEDING was duly
recorded and thereafter reduced to print under my
direction; that the witnesses were sworn to tell
the truth under penalty of perjury; that said
transcript is a true record of the testimony given
by witnesses; that I am neither counsel for,
related to, nor employed by any of the parties to
the action in which this proceeding was called;
and, furthermore, that I am not a relative or
employee of any attorney or counsel employed by the
parties hereto, nor financially or otherwise
interested in the outcome of this action.

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Notary Public, in and for the Commonwealth of
Virginia
My Commission Expires: July 31, 2015
Notary Public Number 258192