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Report on the Satellite Offices



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REPORT ON SATELLITE OFFICES

UNITED STATES PATENT AND TRADEMARK OFFICE (USPTO)

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EXECUTIVE SUMMARY

Enacted on September 16, 2011, the *Leahy-Smith America Invents Act* (AIA)¹ represents a monumental reform to the U.S. patent law. The AIA granted new authorities to the United States Patent and Trademark Office (“USPTO” or “Office”) in support of the Office’s modernization efforts. In particular, the AIA prescribed that the USPTO establish three or more satellite offices in the United States within three years of the law’s enactment, subject to available resources.² Prior to the AIA, the USPTO initiated a satellite office pilot program in Detroit, Michigan, as part of the Nationwide Workforce Program. Thus, for the first time in its 200 year history, the USPTO moved decisively to open four satellite offices beyond the beltway of Washington, D.C.

The USPTO conducted an assessment process to select the locations for the three additional satellite offices. The USPTO solicited public input on candidate locations, developed selection criteria based on the AIA requirements, and evaluated each candidate location against the selection criteria. On July 2, 2012, the USPTO announced the locations for the three additional satellite offices in Dallas, Texas; Denver, Colorado; and Silicon Valley, California³—a combination of sites that give the USPTO a solid regional presence in each time zone of the continental United States.

In an effort to establish regional presences as quickly as possible, the USPTO opened temporary offices in or near each of the three future permanent satellite office locations. Meanwhile, the Office engaged in a multi-step occupancy process for the permanent offices. In accordance with the AIA deadline, the three additional offices were planned to open on a staggered schedule beginning with Denver in the fall of 2013, followed by Silicon Valley in the spring of 2014, and concluding with Dallas in the fall of 2014. Unfortunately, due to budget uncertainties, the timeline was delayed in 2013. The Denver office, which was the furthest toward completion, opened on June 30, 2014. Denver’s first patent examiner class began training in July. The schedules for the Silicon Valley and Dallas offices were more heavily impacted, and their openings are projected to occur in the spring of 2015 and fall of 2015, respectively.

The USPTO has made significant overall achievements to fulfill AIA objectives for the satellite offices. The USPTO successfully increased and expanded outreach activities to various local intellectual property (IP) stakeholders, including independent inventors, business communities, universities, and other government offices, in all four satellite office regions. Additionally, the USPTO has been able to recruit highly qualified patent examiners for both the Detroit and Denver offices, and the same is expected for the Silicon Valley and Dallas locations. The retention rate of the patent examiners in the Detroit office is in line with that of new examiners in Alexandria over a similar time period. Together, the recruiting and retention of highly qualified patent examiners contributes to patent application backlog reduction as well as enhances the quality of patent examination. Further, the satellite offices have increased the USPTO’s ability to hire administrative patent judges (APJs) to manage the Patent Trial and Appeal Board’s (PTAB’s) appeal and trial inventory. Finally, the satellite offices provide stakeholders with easier access to USPTO services including prior art searching, examiner interviews, and PTAB hearing rooms.

¹ Leahy-Smith America Invents Act, Pub. L. No. 112-29, 125 Stat. 284 (2011) [hereinafter AIA].

² *Id.* § 23.

³ Press Release, United States Patent and Trademark Office, U.S. Commerce Department to Open Four Regional U.S. Patent Offices That Will Speed Up the Patent Process and Help American Businesses Innovate, Grow, and Create Jobs (July 2, 2012), *available at* <http://www.uspto.gov/news/pr/2012/12-40.jsp>.

I. INTRODUCTION

President Barack Obama signed into law the *Leahy-Smith America Invents Act* (AIA) on September 16, 2011,⁴ representing some of the most significant reforms to U.S. patent law since 1836. The AIA granted new authorities to the Office in support of its modernization efforts to improve patent quality, reduce the backlog of patent applications, decrease domestic and global patenting costs for inventors, provide greater certainty in patent rights, and offer effective alternatives to costly and complex litigation.

Section 23 of the AIA directed the USPTO Director to establish three or more satellite offices in the United States within three years of the law's enactment, subject to available resources. See Appendix A for the complete statutory language. As specified in Section 23, the purposes of these satellite offices are to help the USPTO to:

- 1) increase outreach activities to better connect patent filers and innovators with the Office;
- 2) enhance patent examiner retention;
- 3) improve recruitment of patent examiners;
- 4) decrease the number of patent applications waiting for examination; and
- 5) improve the quality of patent examination.⁵

The AIA required that consideration be given to these factors in the selection of locations for the satellite offices to help ensure the offices fulfill their purposes. Further, the AIA instructed the Director to submit a satellite office report to Congress by September 30, 2014. The report was required under the AIA to describe the rationale in selecting the locations of the satellite offices, the progress of establishing the satellite offices, and whether the operation of existing satellite offices is achieving the previously-stated purposes.⁶

This Report provides information about the USPTO satellite offices to satisfy the AIA reporting requirements.⁷

II. BACKGROUND

In the *USPTO 2007-2012 Strategic Plan*,⁸ the Office identified significant long-term challenges like the increasing number patent applications filed at the Office and the limited number of highly qualified potential examiner recruits in, or willing to relocate to, the Washington, D.C., region. To address these challenges, the Office decided to expand teleworking opportunities and to consider establishing regional USPTO offices across the United States under a "Nationwide Workforce Program."

Through a nationwide workforce, the Office could enhance the employment candidate pool of examiners (including highly qualified candidates from industries not traditionally located in the D.C. region), reduce real estate costs associated with workforce expansion, and build the national presence of the USPTO for greater interaction with the IP community. Additionally, the Office would be positioned to hire and retain more experienced examiner recruits, such as patent attorneys and patent agents, former examiners, and skilled technologists having experience with the USPTO as inventors, who require less training and achieve higher quality production faster than inexperienced hires. The USPTO management collaborated

⁴ AIA.

⁵ *Id.* § 23(b).

⁶ *Id.* § 23(d).

⁷ Unless another date is noted, the data included in this Report reflects its status as of July 1, 2014.

⁸ United States Patent and Trademark Office, *United States Patent and Trademark Office 2007-2012 Strategic Plan*, <http://www.uspto.gov/web/offices/com/strat2007/stratplan2007-2012.pdf> (last visited Sept. 25, 2014).

with the patent examiners' union, Patent Office Professional Association (POPA), throughout the development of the Nationwide Workforce Program to ensure its acceptance and success.

Pursuant to the Nationwide Workforce Program, the USPTO announced in December 2010 that Detroit, Michigan, would be the site of its first satellite office. The USPTO planned to open that office in 2011. Due to budgetary constraints, however, the Office was forced to temporarily delay the Detroit office opening until July 13, 2012. The Detroit office opening represented the USPTO's first-ever permanent expansion outside of the Washington, D.C., area since the authorization of a patent office in the U.S. Constitution in 1787.

As plans for the Detroit office were in development, Congress embraced the satellite office concept by directing the USPTO in the AIA to establish three or more satellite offices in the United States within three years, subject to available resources.

III. SELECTION OF THE SATELLITE OFFICES

A. *Pre-America Invents Act* Selection of the First Satellite Office

The USPTO considered multiple cities before choosing Detroit for the location of the first satellite office. The city of Detroit and its surrounding area offer many critical factors for a successful office location, such as a high percentage of scientists and engineers in its workforce. Michigan also is home to leading universities such as University of Michigan (a top ten engineering school), Michigan State University, and Wayne State University, providing access to recruit highly qualified examiner candidates. In addition, the unemployment rate of Michigan is one of the highest in the nation, bolstering the USPTO's ability to recruit top talent in the region. Michigan also boasts a high level of patent activity, i.e., a large number of patent application filing coupled with a large number of registered patent attorneys and agents. Further, the city of Detroit is an important transportation hub with ports, major highways, rail connections, and is serviced by an international airport. Finally, placement of a satellite office in Detroit would generate economic opportunities for the city.

B. *America Invents Act* Selection Criteria for the Three Subsequent Satellite Offices

The USPTO conducted a rigorous evaluation process for selecting the locations for the three subsequent satellite offices. In short, the Office solicited public input on potential satellite office locations. Then, the Office developed a set of selection criteria based on the AIA requirements. After applying the selection criteria, the Office narrowed the candidate choices for presentation to the USPTO Director, who made a final selection, and the Acting Secretary of Commerce, who approved the selection.

i. Request for Public Input

The USPTO initiated the site selection process with a request for public comment on potential locations for future satellite offices published in the *Federal Register*.⁹ The USPTO received more than 600 comments from the general public, city and state officials, and the business community. These submissions may be viewed at www.uspto.gov/patents/law/comments/satellite.

The USPTO engaged a contractor to review the submissions based on criteria provided by the Office. The contractor narrowed the candidate pool by eliminating submissions which could not be evaluated due

⁹ Request for Comments on Additional USPTO Satellite Offices for the Nationwide Workforce Program, 76 Fed. Reg. 73,601 (Nov. 29, 2011).

to a lack of substance (e.g., a submission containing only the name of a city without any supporting information to show why the city was a viable candidate). Next, the Office grouped the narrowed list of candidates according to metropolitan statistical areas (MSAs) for the purpose of conducting an objective analysis. An MSA is a standard unit of geographic assessment commonly used by the Office of Management and Budget and agencies for comparing disparate locations. This process yielded 53 choices for satellite office consideration, as shown in Table 1.

Table 1: Metropolitan Statistical Areas Evaluated in Satellite Office Assessment

Albany-Schenectady-Troy, NY	Manchester-Nashua, NH
Albuquerque, NM	Memphis, TN-MS-AR
Atlanta-Sandy Springs-Marietta, GA	Miami-Fort Lauderdale-Pompano Beach, FL
Austin-Round Rock-San Marcos, TX	Minneapolis-St. Paul-Bloomington, MN-WI
Birmingham-Hoover, AL	Nashville-Davidson-Murfreesboro-Franklin, TN
Boise City-Nampa, ID	New Orleans-Metairie-Kenner, LA
Boston-Cambridge-Quincy, MA-NH	New York-Northern New Jersey-Long Island, NY-NJ-PA
Boulder, CO	Orlando-Kissimmee-Sanford, FL
Chicago-Joliet-Naperville, IL-IN-WI	Palm Bay-Melbourne-Titusville, FL
Clarksville, TN-KY	Philadelphia-Camden-Wilmington, PA-NJ-DE-MD
Cleveland-Elyria-Mentor, OH	Phoenix-Mesa-Glendale, AZ
Columbus, OH	Pittsburgh, PA
Corvallis, OR	Portland-Vancouver-Hillsboro, OR-WA
Dallas-Fort Worth-Arlington, TX	Providence-New Bedford-Fall River, RI-MA
Denver-Aurora-Broomfield, CO	Raleigh-Cary, NC
Durham-Chapel Hill, NC	Reno-Sparks, NV
Fresno, CA	Rochester, NY
Gulfport-Biloxi, MS	Sacramento-Arden-Arcade-Roseville, CA
Hartford-West Hartford-East Hartford, CT	Salt Lake City, UT
Honolulu, HI	San Diego-Carlsbad-San Marcos, CA
Houston-Sugar Land-Baytown, TX	San Francisco-Oakland-Fremont, CA
Huntsville, AL	San Jose-Sunnyvale-Santa Clara, CA
Kansas City, MO-KS	Santa Fe, NM
Las Vegas-Paradise, NV	Seattle-Tacoma-Bellevue, WA
Lexington-Fayette, KY	St. Louis, MO-IL
Los Angeles-Long Beach-Santa Ana, CA	Tampa-St. Petersburg-Clearwater, FL
Louisville/Jefferson County, KY-IN	

ii. Criteria used in the Site Selection Assessment

For the 53 possible satellite office locations, a team of representatives from across the agency, with the aid of contractors, assessed the candidates by applying criteria derived from the high-level requirements in the AIA. Specifically, the AIA directed the USPTO Director to ensure geographic diversity among the offices; rely upon any previous evaluations by the Office of potential locales for satellite offices; evaluate and consider the extent to which patent examiner recruitment, retention, applicant outreach, backlog reduction, and patent quality will be achieved; consider the availability of scientific and technically knowledgeable personnel in the region from which to draw new patent examiners at minimal recruitment cost; and consider the economic impact to the region.¹⁰ In addition to the AIA-mandated criteria, the USPTO considered operational costs.

¹⁰ AIA § 23(c).

iii. The Assessment Process

The team first identified selection criteria based on the AIA requirements and developed performance indicators¹¹ for each criterion, as shown in Table 2. Each of these criteria and their performance indicators were weighted to reflect their importance in achieving the purposes of the satellite office program. The team next collected data on the performance indicators for each candidate and scored them.

TABLE 2: Selection Criteria Categories and Performance Indicators

CATEGORY: RECRUITMENT	CATEGORY: APPLICANT OUTREACH
<p>Performance Indicators:</p> <ul style="list-style-type: none"> • Number of Technically Qualified Individuals • Average Market Salary • Cost of Living • Number of Patent Grants • Unemployment of Technically Qualified Individuals • Number of Patent Agents and Attorneys • Proximity to Engineering Universities • Housing Cost • Quality of Life 	CATEGORY: OPERATIONAL COSTS
	<p>Performance Indicators:</p> <ul style="list-style-type: none"> • Number of Patent Grantees • Proximity to Engineering Universities • Number of Patent Grants • Number of Patent Agents and Attorneys • Number of Small Entity Grants
CATEGORY: RETENTION	CATEGORY: ECONOMIC IMPACT
<p>Performance Indicators:</p> <ul style="list-style-type: none"> • Average Market Salary • Cost of Living • Commute Time • Unemployment of Technically Qualified Individuals • Public Transportation • Home Prices • Quality of Life 	CATEGORY: GEOGRAPHIC DIVERSITY
	<p>Performance Indicators:</p> <ul style="list-style-type: none"> • RIMS II Total, Output • RIMS II Total, Earnings • RIMS II Total, Employment
	<p>Performance Indicators:</p> <ul style="list-style-type: none"> • Distance from Other USPTO Offices • Population Coverage

Then, the team assessed the candidates against the locations of Alexandria, Virginia, and Detroit, Michigan, to determine whether they would meet a minimum “geographic diversity threshold” considering both distance and population coverage. The team eliminated those candidates that were too close to one of these existing USPTO sites to fulfill the geographic diversity requirements directed by Congress and developed a slate of recommendations from the remaining candidates. The team presented its recommendations to the Director for consideration. The Director’s final selections were provided to the Acting Secretary of Commerce for approval.

On July 2, 2012, the Office announced the locations for the three additional satellite offices in Dallas, Texas; Denver, Colorado; and Silicon Valley, California—a combination of sites that establish a solid regional presence for the USPTO and resulted in the establishment of at least one office in each time zone in the continental United States.

¹¹ The operational definitions of the performance indicators are provided in Appendix B.

The Dallas area (i.e., Dallas-Fort Worth-Arlington, Texas) has an experienced engineering workforce and a high number of patent applicants and patent grants. The city of Dallas has a below average cost-of-living index and offers easy access to major transportation networks. Finally, a satellite office in Dallas offers a significant economic benefit to the region as well as provides the USPTO with a southern, Central Time Zone hub from which to operate.

The Denver area (i.e., Denver-Aurora-Broomfield, Colorado) is a sought-after place to live and work, has a relatively low cost-of-living, and offers recruitment and retention prospects for highly qualified hires. Further, the economic impact of a USPTO satellite office in the Denver region is projected to be greater than most other cities that were evaluated. Lastly, Denver provides the USPTO with a Mountain Time Zone hub from which to operate.

Silicon Valley (i.e., San Jose-Sunnyvale-Santa Clara, California) contains many of the USPTO's high volume patent application filers as well as a considerable number of start-up and small tech companies that depend on the USPTO, providing substantial opportunities for outreach. Silicon Valley also has a large and experienced population of engineers, scientists, and intellectual property practitioners from which to recruit hires. Silicon Valley provides the USPTO with a Pacific Time Zone hub from which to operate.

IV. PROGRESS IN ESTABLISHING THE SATELLITE OFFICES

A. Overview

i. General Occupancy Process

A satellite office management team based at the USPTO headquarters in Alexandria, VA, was created to perform the administrative management and coordination of the overall satellite office project. The team is comprised of various USPTO business units with complementary expertise needed to establish the satellite offices.

The basic overview of establishing a satellite office typically includes the following high level steps:

1. Lease acquisition with the General Services Administration (GSA) acting as the lead agency and culminating in a signed lease;
2. Design of the space via negotiation between tenant-agency and lessor's architect;
3. Construction or build out of the space by general contractor;
4. Procurement and installation of telecommunications network, furniture, furnishings, and equipment to outfit the space; and
5. Recruitment, hiring, and occupancy.

Recognizing that every effort has its unique challenges, the schedule from lease acquisition to occupancy of the space is typically 9 to 15 months for available Federal owned/leased space. If adequate Federal space is not available, the timeframe is generally 18 to 24 months due to a lengthier GSA process to acquire commercial space.

ii. Operational Model

The team developed an operational model for the Detroit office, which serves as a template for future satellite offices. Under this model, the Office will hire approximately 100 patent examiners, in addition to on-site information technology (IT) support, administrative assistants, and management personnel, in Detroit. Supervisors in the appropriate technology within the Technology Center structure based in Alexandria headquarters will manage the Detroit-based examiners. This structure ensures consistency of practice and procedures in patent application examination, as well as enabling the Office to address application backlogs with a holistic view. All patent applications will continue to be filed at the Alexandria headquarters where they undergo security screening and processing before being distributed to examiners in the appropriate discipline, regardless of the examiners' physical duty station location.

Examiners in the satellite offices take part in the same new examiner training classes that are offered to the examiners located at Alexandria headquarters. The training comprises classes which are broadcast from Alexandria via video conference with in-person assistance provided by a trainer who is on-site at the satellite office.

The on-site management team oversees operations at each satellite office. As the highest ranking official in the satellite office, the Regional Director is responsible for the general oversight of the entire satellite office and its coordination with other USPTO business units and satellite offices. The Regional Director also leads the satellite office outreach efforts for the region. A Deputy Director for Outreach supports the Regional Director on these outreach efforts, including directing the day-to-day operations of the public-facing outreach facilities at the satellite office. A Regional Manager supervises the patent examination operations at the satellite office. The Regional Manager is supported by a group of Resource Supervisory Patent Examiners (SPEs), who are individually assigned to an incoming class of new satellite examiners to provide local support. The direct supervision and rating of each satellite examiner are done by their respective, assigned Technology Center based at headquarters.

iii. Lessons Learned from Detroit

During the course of establishing and operating the Detroit satellite office, there were a number of lessons learned that the Office incorporated into the planning of the subsequent offices. First, the patent examiner training space, which also functions as meeting space for public outreach events, is now being constructed to be accessible from public areas as opposed to only from inside USPTO secure space to facilitate dual use.

Second, the Detroit office originally provided only two public search terminals. Due to the frequency of public use, the USPTO has increased the number of public search terminals to four in the remaining satellite offices.

Third, to broaden the candidate pool for APJs and increase the Office's capacity to complete trial and appeal cases, the Office is leveraging the satellite locations to recruit and hire APJs. The current goal is to have at least 20 APJs in each satellite office. Since this decision was made after planning for the Detroit satellite office was well underway, the APJs in Detroit were initially located in office space intended for patent examiners. New office space and a public hearing room have since been secured for the Detroit PTAB operations. APJs are scheduled to move into that space in July 2014.

iv. Temporary and Permanent Offices

For the Dallas and Denver locations, GSA finalized agreements in 2012 to secure office space in existing federal facilities. GSA was not able to find adequate federal space in Silicon Valley and therefore proceeded with a lease acquisition process for commercial office space. In accordance with the AIA deadline, the three offices were scheduled to open on a staggered schedule beginning with Denver in the fall of 2013, followed by Silicon Valley in the spring of 2014, and concluding with Dallas in the fall of 2014. This timeline was delayed in 2013 due to budget constraints and uncertainties related to both USPTO fee variability and the broader federal fiscal environment (e.g., sequestration). During this uncertainty, planning for the Dallas office and the GSA lease acquisition process for the Silicon Valley office were cancelled. Fortunately, the Denver office, which was the furthest toward completion and bolstered by \$1.5 million of *American Recovery and Reinvestment Act*¹² funding, suffered a comparatively short delay.

In an effort to establish regional presences as quickly as possible, the USPTO and GSA secured small temporary offices in or near each of the three future satellite office locations to house APJs until the permanent offices were ready for occupancy. The USPTO determined that it was not logistically feasible to accommodate patent examiners in the temporary offices. The other USPTO non-examination operations have been conducted out of these temporary offices longer than originally planned due to the project delays in 2013.

B. Detroit, Michigan

With enthusiastic support from state and local elected officials and members of the Michigan congressional delegation in attendance, the Elijah J. McCoy USPTO Satellite Office opened for business on July 13, 2012, in downtown Detroit at 300 River Place South, Suite 2900. Within the first year of operation, the Detroit office had hired and trained over 100 patent examiners. As examiners complete a baseline years of service level, they have the opportunity to qualify for telework. As of the beginning of July 2014, eleven Detroit examiners have transitioned to fulltime telework, which potentially makes available office space for additional hires in Detroit. The examiners are supported by a Regional Manager, a group of Resource SPEs, and administrative and IT staff. In July 2014, a vacancy announcement was posted for the Regional Director position with an anticipated hire by the fall.

During the summer of 2014, new expansion space for PTAB operations was completed. The PTAB space features APJ offices and a hearing room to provide the same level of access and service as intended in the other satellite office locations. As of July 2014, there were eight APJs located in the Detroit office.

C. Denver, Colorado

The Denver office had its grand opening on June 30, 2014, with similar local support and attendance by elected officials, marking the start of operations at the Byron G. Rogers Federal Building located at 1961 Stout Street. The first patent examiner vacancy announcements in this region were for computer engineering, electrical engineering, and mechanical engineering. The first class of patent examiners hired from those vacancies started training two weeks after the opening. The APJs initially working from the temporary location are now located in the permanent office. As of July 2014, there were eight APJs located in the Denver office. A Regional Director for the Denver office was hired just prior to its opening. The office also holds administrative and IT support staff.

¹² American Recovery and Reinvestment Act of 2009, Pub. L. No. 111-5, 123 Stat. 115 (2009).

The Denver office will benefit from housing a Collaboration Center, a new concept space for regional outreach and partnership development. The Collaboration Center provides a dedicated space for engagement with stakeholders to increase awareness about IP and share best practices as well as to receive feedback and critique from the community.

D. Silicon Valley, California

As of July 2014, the Silicon Valley site is currently housed in temporary space in the General Services Building #1 in Menlo Park, California, and consists of a Regional Director, administrative staff, and fourteen APJs.

Unlike the other offices, adequate office space still had not been identified for Silicon Valley when the budget uncertainties halted operations. With the instructions from Congress to consider donated office space for the satellite offices,¹³ the USPTO expanded its search and explored an opportunity with the City of San Jose. On November 19, 2013, the USPTO announced the acceptance of temporarily donated space at the San Jose City Hall for use as the permanent site of the Silicon Valley satellite office.¹⁴ With the assistance from the Office of the Mayor of San Jose and the Office of the Speaker of the California State Assembly, the USPTO's acceptance of the San Jose City Hall office space offered opportunities for an expedited opening and greater cost-efficiency than other considered scenarios. In July 2014, after the San Jose City Council had unanimously approved the terms and conditions for a USPTO permanent facility in the San Jose City Hall complex, the Office signed a lease with the City of San Jose.

The Silicon Valley office will occupy three floors of the City Hall Wing and is planned for a staged opening. The first floor space, which is on track to open in the spring of 2015, will include a large outreach center and patent examiner training room. The second and third floors are scheduled to be ready to house the patent examiners and APJs a few months later.

Hired on November 5, 2012, the first Regional Director of the Silicon Valley office engaged with the community of Silicon Valley and the region while working from the temporary office in Menlo Park. When the first Regional Director assumed a new role in the USPTO, a new Regional Director was announced on December 11, 2013, and has continued a heavy pace of outreach activities.

E. Dallas, Texas

The USPTO continues to work with GSA on the design phase of the permanent satellite office facility, which will be located in the Terminal Annex Federal Building in downtown Dallas at 207 South Houston Street. The USPTO will occupy the first and fifth floors and is scheduled to enter that space in the fall of 2015.

As of July 2014, the Dallas office consists of eleven APJs who are currently housed in temporary space in the Santa Fe Federal Building on 1114 Commerce Street. Similar to the timing for the Denver office, a Regional Director is expected to be in place just prior to the opening of the permanent Dallas office.

¹³ S. REP. NO. 113-78, at 20 (2013).

¹⁴ Press Release, United States Patent and Trademark Office, U.S. Patent and Trademark Office Selects San Jose City Hall as Permanent Space for Silicon Valley Satellite Office (Nov. 19, 2013), *available at* <http://www.uspto.gov/news/pr/2013/13-33.jsp>.

V. ACHIEVEMENTS OF THE SATELLITE OFFICES

Section 23 of the AIA endorsed additional USPTO satellite offices as a means to:

- 1) increase outreach activities to better connect patent filers and innovators with the Office;
- 2) enhance patent examiner retention;
- 3) improve recruitment of patent examiners;
- 4) decrease the number of patent applications waiting for examination; and
- 5) improve the quality of patent examination.¹⁵

As previously mentioned, the USPTO was forced by budgetary uncertainty to delay its efforts to establish permanent satellite offices. Despite these delays, the USPTO made significant overall achievements in every satellite office location.

A. Outreach Activities

Even before the satellite office pilot program was created, outreach activities were a critical component of the USPTO strategic plan. The Office has conducted outreach activities to educate the public about the importance of IP protection, recruit candidates to build examination capacity and reduce application pendency and backlog, and engage with stakeholders for policy discussions. The Office envisioned using the satellite offices as regional hubs to facilitate partnerships and offer a tailored suite of IP support services to local start-ups, incubators, and job accelerators.

Once the satellite office locations were ascertained, the USPTO increased its outreach activities in those areas, even though only the Detroit office and the temporary Silicon Valley office had management in place tasked to help facilitate engagements with the public. On many occasions, USPTO personnel from headquarters helped to facilitate these regional activities.

In the Detroit region, the USPTO has participated in over 100 outreach activities since early 2012. Likewise, in the Silicon Valley, the USPTO has joined in more than 100 outreach activities since a Silicon Valley regional director began work in November 2012. In Denver, outreach increased significantly leading up to opening of the permanent space there. The same presently is happening in Dallas in advance of the opening in 2015.

i. Inventor Assistance

The USPTO designs and implements outreach programs intended to reach a wide range of groups, including independent inventors, small business concerns, minorities, and other underserved communities. For instance, the Saturday Seminar in Detroit is a workshop for independent inventors, entrepreneurs, and small businesses to discuss the patent process and available USPTO and local resources. This popular event has been held more than six times since the opening of the Detroit office. Saturday Seminars are anticipated to be held at the other satellite offices. A similar event was recently hosted by the Silicon Valley Regional Director at the Sunnyvale Public Library Patent and Trademark Resource Center (PTRC). Also, an IP Strategies for Start-ups and Entrepreneurs workshop was held in February of this year at the temporary Silicon Valley satellite office in Menlo Park.

The USPTO's participation in Maker Faire events, such as in Detroit, is another example of inventor assistance outreach. Maker Faires are family events that provide exhibitors a forum to display their

¹⁵ AIA § 23(b).

innovations across all areas of human endeavor, from traditional science and technology to fields as diverse as cooking and storytelling. The USPTO also distributes IP education and online resources as well as provides one-on-one assistance to attendees.

The USPTO Women's Entrepreneurship Symposium was held in May 2014 at the University of Denver. This symposium focused on the needs of women entrepreneurs and small businesses, the importance of IP protection, and how to leverage economic opportunities for women-owned businesses. The symposium further offered networking opportunities with IP experts, government representatives and industry to give attendees insights into all facets of the business cycle.

The USPTO participated in the 2013 Entrepreneurship Bootcamp for Veterans with Disabilities National Training and Alumni Conference, a three day event in Dallas tailored to the unique challenges and opportunities associated with being a veteran business owner. The USPTO offered one-on-one IP guidance to veterans throughout the conference.

The USPTO participated in a trademark educational outreach program in 2013 with the Dallas Entrepreneur Center for inventors, small businesses, and entrepreneurs. The USPTO discussed why trademarks are a critical component to a startup's success. In addition, the USPTO participated in a regional independent inventor's conference in Texas, which included workshops on IP basics and business finance and development.

Encouraged by the AIA, the USPTO supports a nationwide pro bono program to assist financially under-resourced independent inventors and small businesses in filing and prosecuting patent applications before the Office. The USPTO participated in a Pro Bono Continuing Legal Education (CLE) seminar in Denver in July 2014 to encourage participation in the program. The USPTO also participated in a similar a Pro Bono CLE event in Santa Clara, California, for the same purpose.

ii. Business Community

The USPTO engages with businesses for all types of outreach activities. The USPTO conducted a small business listening tour in Denver and the Silicon Valley in 2014. The purpose was for the agency to become familiar with the local entrepreneur landscape and evaluate the startup community's knowledge and use of the USPTO's available IP resources to tailor Office resources to best meet users' needs. The Office is planning a similar tour for Dallas in the early fall of 2014.

In June 2014, the USPTO participated on panel at Colorado State University to educate the Denver small business community about current USPTO initiatives, the AIA, and quality and transparency issues. Also in June 2014, the USPTO joined a summit with Department of Commerce executives and CEOs and founders of five Fortune 500 companies to establish relationships, understand the IP issues facing these companies, and explore ways to partner for solutions. In addition, the USPTO engaged in an Economic Development Summit with 15 economic development organizations in Denver to discuss the impact of the newly-opened satellite office.

The USPTO regularly participates in meetings sponsored by the Silicon Valley Leadership Group, a public policy business trade organization that represents over 390 of the Silicon Valley's major employers.

The Office also operates a Site Experience Education (SEE) Program to provide patent examiners with an opportunity to visit real-world companies where they can learn about new state of the art developments and gain first-hand knowledge on how technologies operate in the field. As part of the SEE Program, a

group of patent examiners held a series of meetings in June 2014 with major industry stakeholders in the Silicon Valley. The USPTO is planning for similar meetings in August 2014.

Lastly, the USPTO and the Dallas Entrepreneur Center are collaborating to support the local innovation community by conducting programs and exchanges designed to educate entrepreneurs on the effectiveness of IP protection. The Detroit office similarly is collaborating with the AutoHarvest Foundation to accelerate advanced manufacturing. These collaborations will create an online environment for innovators to exchange information, facilitate technical discussions, and encourage the growth of entrepreneurial activities.

iii. Universities

In order to effectively establish IP awareness at one of the core sources of innovation, the USPTO regularly reaches out to university students and faculty. Over six universities have participated in tours of the Detroit satellite office to bring the process of patent examination to life for students. The Detroit management staff also has participated in speaking events and presented IP lectures at universities and law schools. All of these university activities help broaden the IP awareness through the Detroit region and highlight the Office as a prospective employer for new graduates.

In return, the universities offer invaluable knowledge about the state of the art and evolving technologies. The Silicon Valley Regional Director has started discussions with local universities to bring their technology leaders and researchers to brief patent examiners, which helps to keep the examiners informed about prior art and increases the quality of patent examinations. The USPTO also has held meetings in Denver and the Silicon Valley with university-sponsored incubators to discuss emergent regional technologies and opportunities to provide USPTO resources and IP awareness education.

iv. STEM Education for K-12 Students and Educators

Science, Technology, Engineering, and Math (STEM) education is a high priority for the country to meet the demand for a highly skilled workforce and prepare the innovators of tomorrow. The Office conducts STEM education outreach for K-12 students and teachers in a variety of ways.

In Detroit, the USPTO has participated in local science fairs and hosted the USPTO's popular Kids in Chemistry program. The Detroit office also partnered with the Charles Wright Museum of African American History to help children connect the intersection of science, technology, engineering, math, art, and design as well as understand the basics of IP protection.

In Silicon Valley, the USPTO hosted two teacher professional development seminars in STEM and IP education. Most recently, the USPTO held a three-day K-12 teacher development institute on STEM and IP for teachers from across the nation. The Silicon Valley Regional Director also regularly joins meetings of a regional STEM Advisory Council.

In Denver, the USPTO held an exploratory meeting in June 2014 with members of the Denver STEM community to discuss opportunities for STEM collaborations in the near future.

And in Dallas, the USPTO has held several Professional Development IP STEM workshops for teachers and participated in the 7th Annual Texas STEM Conference in February 2014.

v. *Federal, State, and Local Government*

The satellite offices have created new opportunities for the USPTO to collaborate with other federal, state, and local agencies outside the Washington, D.C., area. Through these collaborations, the USPTO can access local stakeholder networks while helping agencies expand their outreach to new stakeholders with joint interest in IP and USPTO services. In Denver, the Office conducted a virtual recruitment event for patent examiners using Livestream. A congressional office in Denver coordinated this event using their local contacts to advertise it statewide. To help bolster all of the satellite offices, the USPTO is looking forward to working further with the U.S. Small Business Administration (SBA) and its network of local Small Business Development Centers.

In addition, USPTO collaborations with federal, state, and local agencies can help maximize the effectiveness of limited government resources. For example, in 2013, the California State Assembly Speaker's Office offered the USPTO \$500,000, which will help the USPTO continue to provide education and outreach efforts and accelerate the opening of the permanent Silicon Valley satellite office. As a second example, in 2013, the Silicon Valley Regional Director shared her expertise at a California State Assembly Select Committee on High Technology focused on patent assertion entities.

vi. *Intellectual Property Policy Development with Various Stakeholders*

Intellectual property stakeholder feedback is important to the USPTO when assessing and developing operational and legislative policy. The satellite offices help facilitate policy discussions by providing facilities for stakeholder meetings. For instance, the USPTO has formed a partnership with the software community to enhance the quality of software-related patents and conducted meetings in the Silicon Valley region to leverage the local software IP expertise. The USPTO likewise held AIA Implementation Roadshows in 2012 and 2013 and AIA Trial Roundtables in 2014 across the nation, including at each satellite office locations, to inform local IP communities about the new patent law elicit public input.

In July 2013, the Department of Commerce's Internet Policy Task Force (IPTF), led by the USPTO and the National Telecommunications and Information Administration (NTIA), issued a green paper titled, "Copyright Policy, Creativity, and Innovation in the Digital Economy."¹⁶ This green paper is a comprehensive analysis of current digital copyright policy, and intended to help advance discussion and action on critical copyright issues that should be addressed. In this effort, the USPTO co-hosted a series of roundtables in 2014 across the nation to gather public input on these copyright issues, including two events in Berkeley, California.

The USPTO and the International Trademark Association collaborated on a number of trademark roundtables across the nation, including in Detroit in late 2012 and in Silicon Valley in April 2014. These roundtables were designed to help the USPTO better understand the trademark needs of its stakeholders and to offer insights to USPTO trademark operations.

¹⁶ The Department of Commerce Internet Policy Task Force, *Copyright Policy, Creativity, and Innovation in the Digital Economy* (July 2013), available at <http://www.uspto.gov/news/publications/copyrightgreenpaper.pdf>.

B. Patent Examiner Retention

The retention rate of Detroit examiners is in line with that of examiners at the Alexandria headquarters. The Detroit examiners likewise are progressing through the expected promotion cycles in the normal time frames, and some have begun to take advantage of the telework and hoteling programs.

There are several reasons behind the Office's solid examiner retention at the satellite offices. The selected locations in Detroit, Denver, Silicon Valley, and Dallas offer new recruitment venues for IP professionals who do not want to re-locate to the Alexandria headquarters. Examiners can enjoy intellectually stimulating work from cities across the country that have a desirable quality of life, and at the same time, can earn a competitive salary. Additionally, examiners may be eligible to participate in the Office's flexible telework and hoteling programs after they complete a baseline years of service level, enhancing their work-life balance opportunities. Lastly, the Office offers robust examiner training and mentoring, increasing employee success and fostering a positive work environment with high employee engagement. The Office offers training from the Alexandria headquarters via videoconferencing, which has alleviated the need to travel for training. The Office also varies the training experience with a mix of videoconferencing and in person classes.

C. Patent Examiner Recruitment

The Office successfully hired and trained over 100 examiners in Detroit within the first year of operation. Most hires were from the local area, and about 75 percent had previous IP experience. The Office likewise hired in Denver two classes of examiners, most of who are IP experienced. These examiners started in July and August 2014. The Office employed social media and networking sites along with traditional speaking and "live-stream" events to accomplish this recruitment. The Office expects comparable strong hiring in Silicon Valley and Dallas given the benefits of competitive salaries, good work-life balance, quality of life, and no relocation requirements. Certainly, examiner recruitment is bolstered by the USPTO's ranking as number one for agency subcomponents in the *2013 Best Places to Work in the Federal Government*¹⁷ by the non-profit Partnership for Public Service.

D. Patent Applications Backlog

The USPTO continues to make significant progress in reducing the volume of pending patent applications primarily by increasing examination capacity through focused hiring of a highly skilled workforce and improved efficiency of patent prosecution. From a peak of over 700,000 unexamined applications in 2009, the Office has made steady progress in reducing the new application backlog to approximately 620,000 unexamined applications in July 2014. The Office also reduced the backlog of Requests for Continued Examination from roughly 96,000 in July 2012 to nearly 62,000 as of July 2014. Additionally, the USPTO reduced first action pendency to 18.2 months and total pendency to 29.1 months, their lowest levels since 2005. What is more, the Office is on target to meet its patent application pendency goals of 10 months to first action and 20 months for total patent application pendency by 2019. The role of the satellite offices is to contribute to these improvements and support the successful initiatives that are making the patent system more efficient.

¹⁷ Partnership for Public Service, *The Best Places to Work in the Federal Government 2013 Rankings*, <http://bestplacestowork.org/BPTW/rankings/overall/sub> (last visited Sept. 25, 2014).

E. Patent Examination Quality

As noted in the *USPTO 2014-2018 Strategic Plan*,¹⁸ the Office considers improving patent quality to be a top priority and has launched initiatives to educate examiners on the law and science, improve examination, and aid applicants in crafting finely-tuned applications.

The USPTO is committed to building upon its existing Patent Examiner Technical Training Program (PETTP) to make it easier for technologists, scientists, and engineers from industry and academia to provide technical training and expertise to patent examiners so they may stay abreast of the latest technologies. The satellite offices play an important role in expanding the opportunities to connect these experts to the patent corps. In 2014, the Detroit office successfully hosted a PETTP class by videoconferencing an industry expert from Detroit to patent examiners located across the nation. This model will be an ongoing feature in all satellite locations.

Examiners and applicants can enhance their communications through interviews during the prosecution of an application. Each of the satellite offices has a video conference room from which applicants can conduct interviews with examiners located anywhere in the country via the USPTO's secure video system. The Detroit video conference room has been used several times since the satellite office opened there for these interactions. By dialoguing with applicants, examiners better understand the claimed invention and are positioned to make a swifter and more informed patentability determination, leading to higher quality patents.

F. Additional Achievements

i. Patent Trial and Appeal Board Expansion

In 2011, the AIA expanded the jurisdiction of what was then known as the Board of Patent Appeals and Interferences from appeals to include AIA trials. As a result, the case workload of the newly-established Patent Trial and Appeal Board (PTAB) grew significantly, resulting in a need to quickly increase the number of administrative patent judges. The establishment of satellite offices has enhanced the PTAB's ability to hire and retain IP professionals that might not otherwise have considered careers as administrative patent judges. Additionally, the diversity of the backgrounds of the nationwide judge workforce, in terms of both legal and technical experience, adds to the PTAB's ability to provide high quality decisions in a timely manner.

As of July 1, 2014, nearly 20 percent of the total number of judges, and approximately one-third of the current judges hired since the enactment of the AIA, are assigned to a satellite office. In fact, administrative patent judges (APJs) of the PTAB were some of the first USPTO employees to work out of each of the satellite offices.

ii. Local Accessibility to USPTO Resources

The satellite offices provide applicants easier access to USPTO services, particularly for independent inventors and small businesses that do not have the means to personally travel to USPTO headquarters. The offices also provide a place for applicants to meet and engage with USPTO personnel, including IP resource experts, examiners, and management. To that end, the Office included a Collaboration Center in

¹⁸ United States Patent and Trademark Office, *USPTO 2014-2018 Strategic Plan*, http://www.uspto.gov/about/stratplan/USPTO_2014-2018_Strategic_Plan.pdf (last visited Sept. 25, 2014).

the Denver satellite office, and will do the same for the Silicon Valley and Dallas offices, to better connect with patent filers. As applicants take advantage of the resources available at the satellite offices and become more IP experienced filers, they will submit better quality patent applications, breeding faster examination and overall higher quality patents.

With this in mind, the permanent satellite offices will offer the following tools and services:

- Public Search terminals connected to USPTO's internal search tools for access to the world's leading databases of prior art to search patentability and mine for ideas;
- Conference rooms to support videoconferences and live interviews between inventors, practitioners, and patent examiners;
- PTAB hearing rooms with videoconference support to conduct trials and hearings;
- Collaboration Centers to provide outreach and education programs, such as hosting partner events and conducting lectures and other educational activities for the public;
- On-site personnel available live and by video-conference to answer questions; and
- Hotline access to USPTO inventor assistance center.

VI. CONCLUSION

The AIA prescribed that the USPTO establish three or more satellite offices in the United States within three years of the law's enactment, subject to available resources.¹⁹ The AIA's mandate followed the USPTO's announcement of an initial office in Detroit. The USPTO has made significant strides in standing up its four satellite offices, giving a permanent USPTO presence for the first time beyond the beltway of Washington, D.C., and representing a historic shift in the way the world's strongest intellectual property organization does business.

Based upon public input, application of AIA objective criteria, data collection, and rigorous screening, the USPTO selected to place satellite offices in Dallas, Denver, and Silicon Valley in addition to Detroit. Each of these locations offered many benefits to the Office, such as a low cost of living, access to highly trained technical talent, and engagement opportunities with local IP stakeholder communities, particularly some with considerable IP experience and many patent grants. Additionally, the locations of the offices—one in each time zone of the continental United States—give the USPTO a solid regional presence from the East Coast to the West Coast.

The USPTO opted to open temporary offices in or near each of the three additional offices to speed the Office's availability in these geographic regions. Concurrently, the Office worked to complete the multi-step occupancy process for permanent spaces. The originally-planned openings for the satellite offices would have met the AIA-specified deadline. But because the USPTO experienced budgetary difficulties, the Office was forced to delay the opening of the Denver, Silicon Valley, and Dallas offices. The USPTO opened permanent offices in Detroit in July 2012 and in Denver in June 2014. The USPTO signed a lease for permanent space in Silicon Valley in July 2014 and expects to open its facility there starting in the spring of 2015. Lastly, the USPTO is working on the design for the Dallas office with opening plans slated for the fall of 2015.

¹⁹ AIA § 23(a).

The USPTO has made considerable progress in integrating into the intellectual property communities in each of the satellite office regions and building goodwill, despite delayed permanent office openings. The USPTO successfully conducted extensive stakeholder outreach in all regions with events, including Saturday Seminars in Detroit to educate independent inventors and small businesses about the patent process, a CEO Summit in Denver with Fortune 500 companies to explore partnering opportunities, STEM and IP education seminars in Silicon Valley with K-12 teachers to bring STEM education to the classroom, and AIA Trial Roundtables in each satellite office location to share information and collect public feedback about the new AIA trials.

The USPTO has successfully hired and trained more than 100 examiners in Detroit and a first class of examiners in Denver. Importantly, the USPTO has retained those examiners to the same degree as examiners based at the Alexandria headquarters. Examiners in the satellite offices help to reduce the patent application backlog while maintaining and improving patent examination quality. In fact, the Detroit office hosted a technical training conference via videoconference to bring an industry expert from that region to all examiners, thereby enhancing examiners' scientific knowledge, which translates into even more robust patent application examination.

The USPTO also has been able to hire APJs in each of the satellite offices to manage the Patent Trial and Appeal Board's appeal and trial inventory. Indeed, nearly 20 percent of judges are based in the satellite offices, many of whom would not have considered a career in government service but for the availability of employment at the satellite offices.

Lastly, the satellite offices provide easier access to USPTO services for inventors of all stripes. The satellite offices enable applicants to conduct a search using the world's leading prior art databases in Detroit, convene in an Collaboration Center in Denver, conduct an interview via videoconference with an examiner based in Alexandria from Silicon Valley, and hold a hearing for an AIA trial in Dallas. Such services support inventors' efforts to innovate faster, smarter, and more profitably.

In sum, the satellite offices give tremendous possibilities to the USPTO and its stakeholders for building an even stronger intellectual property system. The USPTO looks forward to taking advantage of those possibilities to deliver high quality patents efficiently and expeditiously.

Appendix A: Section 23 of the *Leahy-Smith America Invents Act*²⁰

SEC. 23. SATELLITE OFFICES.

- (a) *ESTABLISHMENT.*—Subject to available resources, the Director shall, by not later than the date that is 3 years after the date of the enactment of this Act, establish 3 or more satellite offices in the United States to carry out the responsibilities of the Office.
- (b) *PURPOSES.*—The purposes of the satellite offices established under subsection (a) are to—
- (1) increase outreach activities to better connect patent filers and innovators with the Office;
 - (2) enhance patent examiner retention;
 - (3) improve recruitment of patent examiners;
 - (4) decrease the number of patent applications waiting for examination; and
 - (5) improve the quality of patent examination.
- (c) *REQUIRED CONSIDERATIONS.*—
- (1) *IN GENERAL.*—In selecting the location of each satellite office to be established under subsection (a), the Director—
 - (A) shall ensure geographic diversity among the offices, including by ensuring that such offices are established in different States and regions throughout the Nation;
 - (B) may rely upon any previous evaluations by the Office of potential locales for satellite offices, including any evaluations prepared as part of the Office’s Nationwide Workforce Program that resulted in the 2010 selection of Detroit, Michigan, as the first satellite office of the Office;
 - (C) shall evaluate and consider the extent to which the purposes of the satellite offices listed under subsection (b) will be achieved;
 - (D) shall consider the availability of scientific and technically knowledgeable personnel in the region from which to draw new patent examiners at minimal recruitment cost; and
 - (E) shall consider the economic impact to the region.
 - (2) *OPEN SELECTION PROCESS.*—Nothing in paragraph (1) shall constrain the Office to only consider its evaluations in selecting the Detroit, Michigan, satellite office.
- (d) *REPORT TO CONGRESS.*—Not later than the end of the third fiscal year that begins after the date of the enactment of this Act, the Director shall submit a report to Congress on—
- (1) the rationale of the Director in selecting the location of any satellite office required under subsection (a), including an explanation of how the selected location will achieve the purposes of satellite offices listed under subsection (b) and how the required considerations listed under subsection (c) were met;
 - (2) the progress of the Director in establishing all such satellite offices; and
 - (3) whether the operation of existing satellite offices is achieving the purposes under subsection (b).

²⁰ AIA.

Appendix B: Operational Descriptions of Site Selection Performance Indicators

Indicator	Description
Number of Patent Grantees	Number of individuals receiving patent grant(s) in 2010 residing within the MSA
Number of Patent Grants	Number of patents granted in 2010 to individuals/entities residing within the MSA
Number of Small Entity Grants	Number of patents granted in 2010 to applicants residing within the MSA and claiming small entity status
Number of Patent Agents and Attorneys	Number of patent agents/attorneys in the MSA based on USPTO's Office of Enrollment and Discipline data
Proximity to Engineering Universities	Number of accredited engineering schools within 50 miles of MSA
Number of Technically Qualified Individuals	Number of individuals working in scientific and technical fields: Computer and Mathematical; Architecture and Engineering; Life, Physical, & Social Science
Unemployment of Technically Qualified Individuals	Unemployed population 16 years and over with a Bachelor's degree or higher attainment who worked in the last 5 years, identifying themselves as working in the following fields: Computer and Mathematical; Architecture and Engineering; Life, Physical, & Social Science
Average Market Salary	Weighted average market salary of individuals working in scientific and technical fields: Computer and Mathematical; Architecture and Engineering; Life, Physical, & Social Science
Cost of Living	External sourced cost of living index incorporating prices for housing, groceries, utilities, transportation, healthcare, and miscellaneous goods and services
Housing Cost	Median monthly housing cost
Quality of Life	Well-Being index that measures overall well-being based on diabetes, obesity, frequent exercise, frequent produce consumption, city optimism, and the uninsured population
Commute Time	Mean travel time to and from work
Public Transportation	Index considers coverage, service frequency during rush hour, and job access.
Home Prices	Median value of owner-occupied housing units
RIMS II	Regional Input-Output Modeling System (RIMS-II), a regional economic model used to gauge the economy-wide impact of a change in economic activity on a local community or a particular region of the country. RIMS data was used to estimate the impact investment in each candidate metropolitan area on regional output, earnings, and employment.
Commercial Real Estate Costs	Average cost per square foot of Class A available commercial properties
Access to Transportation Center	Whether or not there is a major international airport within 50 miles of the geographical center of the MSA.
Temporary Assignment Expenses	Function of per diem rate and contract airfare
Distance from Other USPTO Offices	Distance between each MSA in the assessment and USPTO headquarters (Alexandria, VA); Detroit, MI; and each other MSA in the assessment. This is a comparative indicator and was used as part of the geographic diversity assessment; as such, the indicator included multiple, distinct data points for each MSA.
Population Coverage	Percent of total U.S. population living within a specified radius of a MSA. As each MSA was appraised against each other MSA in the assessment, this radius was set to the distance between those two MSAs. This is a comparative indicator and was used as part of the geographic diversity assessment; as such, this indicator included multiple, distinct data points for each MSA

