

CHARTER OF THE UNITED STATES PATENT AND TRADEMARK OFFICE'S

PATENT PUBLIC ADVISORY COMMITTEE (PPAC) TRADEMARK PUBLIC ADVISORY COMMITTEE (TPAC)

A. ESTABLISHMENT

The PPAC and the TPAC (Committees) were established pursuant to the Patent and Trademark Office Efficiency Act, Pub. L. 106-113, Appendix I, § 4714, 113 Stat. 5101A-578 (Nov. 29, 1999), codified at 35 U.S.C. § 5, Congress adopted revisions to 35 U.S.C. § 5 in the AIA Technical Corrections Act, Pub. L. 112-274 (January 14, 2013).

B. OBJECTIVES AND DUTIES

1. The Committees will review the policies, goals, performance, budget, and user fees of the United States Patent and Trademark Office (USPTO) with respect to patents and trademarks, and will advise the Under Secretary of Commerce for Intellectual Property and Director of the United States Patent and Trademark Office (Director) on these matters.
2. Within 60 days after the end of each fiscal year, each Committee will prepare an annual report on the matters referred to in paragraph (1); transmit the report to the Secretary of Commerce, the President, and the Committees on the Judiciary of the Senate and the House of Representatives; and publish the report in the *Official Gazette*.
3. The Committees function solely in an advisory capacity.
4. The Committees will be available to the Director for consultation.

C. MEMBERS AND CHAIRS

1. Each Committee will have nine voting members, who are appointed by, and serve at the pleasure of, the Secretary of Commerce.
2. Voting members of the Committees --
 - a. shall be citizens of the United States who shall be chosen so as to represent the interests of diverse users of the USPTO with respect to patents for the PPAC, and with respect to trademarks for the TPAC;
 - b. shall include members who represent small and large entity applicants located in the United States in proportion to the number of applications filed by such applicants. With regard to PPAC, in no case shall members who represent small entity patent applicants, including small business concerns, independent inventors, and nonprofit organizations, constitute less than 25 percent of the members, and such members shall include at least one independent inventor; and

- c. shall include individuals with substantial background and achievement in intellectual property, finance, management, labor relations, science, technology, and office automation.
3. Voting members of each Committee will be Special Government Employees as defined in 18 U.S.C. § 202. An individual member shall not serve more than 60 days during any period of 365 consecutive days. See U.S.C. § 202.
4. The Committees will each have three non-voting members consisting of a representative from each labor organization at the USPTO; namely, Local Chapters 243 and 245 of the National Treasury Employees Union (NTEU), and the Patent Office Professional Association (POPA).
5. The Secretary of Commerce, in consultation with the Director, shall designate a Chair and Vice Chair for each Committee from among that Committee's voting members. If a Chair resigns before the completion of his or her term, or is otherwise unable to exercise the functions of the Chair, the Vice Chair shall exercise the functions of the Chair.
6. In each calendar year, beginning in 2014 (in accordance with the AIA Technical Corrections Act), three members of each Committee shall be appointed for three-year terms that shall begin on December 1 of that year. No voting member of either Committee may serve more than two consecutive terms.
7. Any vacancy on a Committee shall be filled within 90 days after it occurs. A new member who is appointed to fill a vacancy shall be appointed to serve for the remainder of the predecessor's term. A replacement appointment for less than half of a term will not be counted for purposes of the term limitation in the preceding paragraph.
8. Voting members of the Committees are not subject to 35 U.S.C. § 4. See 35 U.S.C. § 5(j).

D. ADMINISTRATIVE PROVISIONS


1. Each Committee will meet at least twice a year. Meetings will be held at the call of the Chair for that Committee, in consultation with the Director or the Director's designee(s).
2. Notice of a meeting, including the agenda for the meeting, will be posted on the USPTO Web site (www.uspto.gov) five days before the meeting date, except as the Chair may deem necessary. The Chair, in consultation with the Director or the Director's designee(s), will set the agenda for each meeting.
3. Committee meetings will be open to the public, except that the Committees may, by majority vote, meet in executive session when considering personnel, privileged or confidential information. The meeting agendas will provide notice of each executive

session, to the extent practicable. The Chair of each will keep a record of all voting to hold an executive session.

4. Members of the public may file written statements with the Committees prior to the meeting concerning matters on the Committees' agenda. The Chair may permit members of the public to submit questions on-line or in-person during a public meeting. The Chair may also permit members of the public to submit written statements on such matters within a specified time after the Committee meeting. Oral presentations at the Committee meetings by members of the public will not be permitted except upon invitation of the Chair.
5. A Committee meeting may be conducted on-line, telephonically, or by webcast. Regularly scheduled in-person public meetings will be held in the Metropolitan Washington, D.C. area in space provided by the USPTO. Any in-person public meetings held outside of the Metropolitan Washington, D.C. area will be scheduled in consultation and coordination with the USPTO. Transcripts of such meetings will be posted on the USPTO Web site.
6. Procedures for each Committee's decision-making process will be developed by that Committee. The Chair may appoint subcommittees subject to such conditions as the Chair may prescribe.
7. Subcommittees will include less than a majority of the voting members of that Committee. Subcommittee meetings do not require public notice and need not be open to the public.
8. The USPTO will provide clerical and other support services for the Committees as the Director may determine to be necessary and proper, including, for example, compensation, travel, lodging, meeting space, and support staff.
9. Pursuant to 35 U.S.C. § 5(f), members of each Committee shall be provided access to records and information in the USPTO, except for personnel or other privileged information, and information concerning patent applications required to be kept in confidence by 35 U.S.C. § 122. The Chair of each Committee will submit requests for records to the Office of the Director.
10. A voting member of each Committee will be compensated for each day, including travel time, during which such member is attending Committee meetings or is otherwise engaged in the business of the Committee. Compensation will be at the rate that is the daily equivalent of the annual rate of basic pay in effect for level III of the Executive Schedule under 5 U.S.C. § 5314. While the member is away from his or her home, or regular place of business, attending Committee meetings or otherwise engaged in Committee business, the member will be compensated for travel expenses, including per diem as defined in 5 U.S.C. § 5703. If a member is not engaged in Committee business during travel time, then the travel time is not compensable.

11. Pursuant to 35 U.S.C. § 5(h), the Federal Advisory Committee Act (5 U.S.C. App.) does not apply to the Committees.
12. The Director will issue protocols for the efficient operation of the Committees, and for effective and timely interaction between the Committees and other USPTO business units.
13. This Charter consolidates and supersedes the July 29, 2000 PPAC and TPAC Charters, and may be amended by the Secretary of Commerce.

8-5-2013
Date


Secretary of Commerce