UNITED STATES PATENT AND TRADEMARK OFFICE

PATENT PUBLIC ADVISORY COMMITTEE MEETING

QUARTERLY MEETING

Alexandria, Virginia
Thursday, May 6, 2021
PARTICIPANTS:

Patent Public Advisory Committee (PPAC) Members:

JULIE MAR-SPINOLA, Chair
STEFVAN CALTRIDER, Vice Chair
SUSAN G. BRADEN
DAN BROWN
JENNIFER CAMACHO
BERNARD CASSIDY
JEREMIAH CHAN
TRACY G. DURKIN
JEFFREY SEARS

Union Representatives:

KATHLEEN DUDA
CATHERINE FAINT
VERNON AKO TOWLER

United States Patent and Trademark Office (USPTO):

KIMBERLEY ALTON, Acting Director, Office of Governmental Affairs and Oversight
ROBERT BAHR, Deputy Commissioner
SCOTT BOALICK, Chief Judge, Patent and Trial and Appeal Board
JACKIE BONILLA, Deputy Chief Judge, Patent Trial and Appeal Board
PARTICIPANTS (CONT'D):

MARY CRITHARIS, Acting Chief Policy Officer and Director for International Affairs

DREW HIRSFELD, Performing Functions of the Undersecretary of Commerce for IP and Director of the USPTO

ROBIN EVANS, Deputy Commissioner for Patents

ANDREW FAILE, Deputy Commissioner for Patent Operations

JANET GONGOLA, Vice Chief Judge, Patent Trial and Appeal Board

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PARTICIPANTS (CONT'D):

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VALENCIA MARTIN WALLACE, Deputy Commissioner for International Patent Cooperation

Other Participants:

STEFANO K. DEFINATLE
TAMERA FOLEY
ANDREW HIRSCH
JEFF STARK
BILL STRY
JACKIE TYLER

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MR. CALTRIDER:  Good morning. Can everybody hear me, okay?  Here we go, here we go. We had a little bit of a problem there for a moment. Apologies.

Good morning, and welcome to PPAC. I am Steve Caltrider, Vice Chair of PPAC, and I will be facilitating today's meeting. Our Chair, Julie Mar-Spinola, has a conflict and will be in and out of today's meeting, so I will do my best to fill in. I appreciate Webex identifies the participants and, nevertheless, I'd like to start today's meeting by asking each of the PPAC members to introduce themselves. Julie, I will start with you.

MS. MAR-SPINOLA:  Good morning, everybody. Thank you, Steve, for taking the lead today. I'm looking forward to, even though I'm going in and out, I'm looking forward to a very
robust meeting. I'm Julie Mar-Spinola, Chair.

Thank you.

MR. CALTRIDER: Jennifer?

MS. CAMACHO: Good morning. Jennifer Camacho. I'm with PPAC and the Chair of the Innovation Expansion Subcommittee.

MR. CALTRIDER: Jeff?

MR. SEARS: Hi. I'm Jeff Sears, and I am the Chair of the Pendency and Quality Subcommittee of PPAC.

MR. CALTRIDER: Jeremiah?

MR. CHAN: Hello. Jeremiah Chan, PPAC. I chair the Subcommittee for Artificial Intelligence [AI] and Information Technology [IT]. It's a pleasure to be here today.

MR. CALTRIDER: Tracy?

MS. DURKIN: Good morning. I'm Tracy Durkin, and I chair the Outreach and International Committee.

MR. CALTRIDER: Judge Braden?

JUDGE BRADEN: Good morning. I'm Susan Braden. I'm a retired federal judge, and I am
co-Chair of the Legislation Subcommittee.

MR. CALTRIDER: Dan?

MR. BROWN: I'm Dan Brown, and I'm the co-Chair with Judge Braden of the Legislation Subcommittee.

MR. CALTRIDER: Barney?

MR. CASSIDY: Hi. I'm Barney Cassidy. I'm the humble and lovable Chair of the Finance Subcommittee.

MR. CALTRIDER: It's nice to see you, Barney. We've had some technical difficulties earlier. Kathy?

MS. DUDA: Good morning. Kathy Duda, and I am the POPA Representative on the PPAC.

MR. CALTRIDER: And Catherine?

MS. FAINT: Good morning. I'm Catherine Faint, PPAC and Vice President of NTEU 245.

MR. CALTRIDER: Welcome everyone. And welcome, also, to Drew and the USPTO staff joining us today. There are too many of the PTO staff on the line to introduce them at this point, so we'll introduce you as we go through the subcommittee
Thank you everyone for joining me. In February, PPAC announced its theme for the year, and it was Closing the Gap. This theme is based on recognition. The patent system starts with invention, innovation in the form of a process, a machine, manufacturer and/or composition of matter, and improvements thereof that the law recognizes as being worthy of a patent. The invention is described and claimed in a patent application. USPTO examines the patent application. If the requirements and the statute are met, the patent issues.

I want to pause for a moment on the significance of that, the patent system. It's really why we are here. The issuance of a patent converts the intellectual contributions of the inventor to a tangible right, the patent right. The patent right advances the progress of science and the useful arts. It may form the basis of a business, or it may change the course of human development in profound ways. A predictable and
fair patent system produces a reliable and durable
patent right, a right in which the inventors and
investors can be confident and trust the system to
protect their innovation by filing and thereby
disclosing the invention. They and other investors
trust the system in committing capital to bring
that invention to the market.

Closing the gap recognizes that the
front end of the patent system in a high-quality
patent application and examination sets the
foundation for the back end of the patent system,
any post-grant challenge that patent might
experience. But both are critical to a reliable
and fair patent system, and both are on the agenda
today. I'm not going to highlight the entire
agenda today, but I'll start by flagging a few
items.

The Innovation Expansion Subcommittee
will be reviewing the steps by USPTO to enlarge
the base. Only a narrow segment of the public is
inventing, and that segment is too focused
geographically in its diversity. Simply stated,
broadening the base of the public who are inventing is essential for American competitiveness. I'm looking to the report of this subcommittee.

Patent Pendency and Quality Subcommittee will provide an update on the front end of the system, the steps applicants and the examiners can take to improve patent quality. The PTAB [Patent Trial and Appeal Board] Subcommittee will provide an update on the back end of the system, steps PTAB is undertaking to establish learning moves to improve the predictability and fairness of the patent system.

The Outreach Subcommittee will provide an update on leadership in the United States to advance the principle of a strong patent system within the IP5, and particularly in relation to China. The AI and the IT Subcommittee will provide an update on the work to improve the patent system through technology, ensuring that the systems around the office are secure, resilient, and that we leverage machine learning to enhance the
quality of classification and search. I will also take this opportunity to remind the members of PPAC that the August meeting will be focused on the annual report and current developments. At that time, we may have a decision on Arthrex, and I know that PPAC and members of the public are eager to discuss Section 325(d) as part of the PPAC Subcommittee Report.

But today we'll open with comments from Drew Hirshfeld, who is performing the functions and duties of the Under Secretary of Commerce for IP and Director of the USPTO. Drew, I turn the floor over to you.

MR. HIRSHFELD: Thank you, Steve, and good morning, everybody. I'd like to start by thanking Steve, and all the PPAC members, and all the USPTO personnel who pulled this event together, and for all the work you do generally. As for the PPAC events, we all recognize that a great deal of effort goes into this meeting, and there's a wonderful amount of information that's shared. And I hope everyone gets a really helpful
look at the system. And, Steve, I really appreciate your opening remarks, so thank you for those.

Let me start with some personal thank-yous that I'd like to make. I'm going to start with Coke Stewart, who I think is on the line. I know people know me from being Commissioner for a long time, and I think Coke has been in the office for many years in a variety of roles; people don't know as much. But I will just tell you that in the time that I have been performing functions here, Coke has been my Deputy, and she is just absolutely wonderful and has really helped make my job easier and really helped this Agency continue to move forward and be as successful as we are, because I think it's been a really good few months. So, thank you, Coke.

I also want to thank Andy Faile. Andy and I go way back. Of course, Andy was gracious enough to step in and be Acting Commissioner while I'm in this role, and I know we're in great hands with Andy there, and the deputies are doing a
great job. So, thank you, too, Andy.

And I will reiterate something that I shared at the last PPAC, just about the Executive Committee members, that is, the business unit heads of the USPTO. And I will just tell that, that as a long-time PTO person, I have watched the functionality of the Executive Committee on the continued trajectory upward, and we have a wonderful group. I know many of them you'll hear from today during the course of this session. And I will just tell you as I'm temporarily performing the functions of the Under Secretary, I'm very fortunate to have such a wonderful group of executives who are so dedicated to the Office. So thank you to all of you.

I also do have one personnel update in terms of change that I wanted to mention. Wayne Stacy, who was, of course, the head of our Silicon Valley Regional Office, has moved on to UC-Berkeley, and we wish him the absolute best. And Steve Koziol, who had been working with me and is also a long-term and longtime PTO person, will
be acting in Wayne's role. So those of you reaching out to the Silicon Valley Regional Office, Steve is the person to reach out to.

And, finally, and certainly not last, Jennifer Lo should be thanked. Jennifer does a great job pulling this event together. Jennifer, you have been doing this year in and year out, and we're all grateful for what you do.

I'll transition now to a couple exciting events, one in the past, one coming up in the future. The one in the past is World IP Day. So, just recently we had World IP Day. It was a wonderful day. I just want to share a couple highlights from my perspective. One was a panel that I was able to do with Andrei Iancu, and Michelle Lee, Dave Kappos, and Bruce Lehman. I find it quite interesting that I worked for every single one of them at some point or another, so I highlight that as just a great group of former Under Secretaries of the USPTO, our wonderful advocates for the Office and IP, and really enjoyed their thoughts and words on World IP Day.
And we also had a proclamation from President Biden on World IP Day and, then, of course, celebrating small and medium entities, which was the theme of this World IP Day. Since when do I have a presidential proclamation?

And in looking forward, it's my pleasure to say that this coming Tuesday, we will be issuing patent number 11,000,000, which is quite a milestone. It's a milestone that really highlights the level of innovation occurring in the United States, and elsewhere. It is quite remarkable. It was just about three years ago when we hit the 10,000,000 mark, so, excitedly, we will be hitting that 11,000,000 mark this coming Tuesday.

I'll transition my remarks now to an update of some other events at USPTO and, of course, not surprisingly, I will start with an update of issues related to the pandemic, and obviously we get asked a great deal of questions, how are things going, et cetera. So, let me start with the USPTO operations. We are still in a maximum telework situation, so you see me in the
office today but, generally, most employees are working remotely still. And we have only those employees coming in who really, it is mandatory for their job to come in. So the vast majority of PTO personnel are working at home predominantly full-time.

Now, that is not a worry for me, quite frankly. We are extremely functional and doing very well; about 80% of employees prior to the pandemic had the opportunity and the ability to work at home. So for us this is, I won't say entirely business as usual, but relatively close to business as usual when you're comparing, when we're comparing to other agencies. So we have been highly functional. We have not lost a beat. Our jobs can be done remotely, and we've been doing them. And our CIO should be thanked for all of the Webex and Teams meetings that we have remotely.

As far as when we are transitioning back to a pre-pandemic state, your guess is as good as mine at this point. I really don't know that. We're waiting and seeing, working with the
administration, working with the Department of Commerce, of course, watching the trajectory in changes in the pandemic. And those decisions will be made at a later date.

A couple other topics that I wanted to discuss related to COVID, is on April 15, PTAB- and you'll hear, I believe, more about this later began a COVID fast-track appeals pilot program for inventions related to the pandemic and asked, of course, for ex parte appeals. And their goal is to greatly expedite examination, or review, rather, of those cases. I'm still talking as a Commissioner, of course. And they are currently averaging about two months from a grant and the petition to a decision, which is quite remarkable. So that is good speed by them. And we've also recently announced a Patents for Humanity Program related to COVID. So they have a separate category for the Patents for Humanity based on COVID. And I'm looking forward to seeing what innovations come through that, that program. I also believe you'll hear more about that later today.
I'll next discuss some filing information. I, I always say this next to COVID and the pandemic, only because people are often asking what's happening to filings. So this is sort of a pandemic-related issue but, of course, not only a pandemic-related issue as well. And filings are currently down 3.9% as compared to the same time last year. Now, I want to put that in context. We have been projecting that we were going to be down for the year, at 3.7%. And that's what I believe I mentioned and was discussed at the last PPAC.

Since that time, we've actually seen filings at a greater rate than what we modeled, and in what was expected. So we're now modeling for the year a 2% decrease in filings. So I know we're talking decreases, but the important point is here, we're going in the right trajectory. We're about less decrease, and we have adjusted our models to have lesser of a decease. So the last two months have actually been higher filing rates than the same two months last year. So,
again, we're actually seeing increases in filings.

Now, again, we do expect to end up in a
negative 2 for the year, but that was down from
what we were projecting as about 3.7. So I think
that is good news, and, certainly, filings are
going in the right direction. We want people to be
filing, we want innovators to be innovating, of
course. Now, let me also put that into context and
look back at the 2008-2009 timeframe, which is, of
course, where is the financial crisis. We did peak
at a decrease in filings of 8.8%. So putting into
context where we are now, we are projecting for
this year a, the decrease of 2. Obviously, that
can change a little bit, either way, of course,
but compared to 2008 and 2009, it was an 8.8
decrease. So it's quite a change there.

As far as revenues go, which is the
other question people ask me, I will give you the
very, very high-level, in saying revenues for the
entire office as patents and trademarks are rather
healthy. Again, we're seeing filings on the patent
side increase, trademark filings are actually
very, very high. There's many reasons for that. And we are seeing revenues are strong. I know Jay Hoffman will share more about that.

Let me transition now to our Customer Perception Survey, which I know we've reported out frequently here, and you're going to have more details of this in a few minutes. But I would just like to highlight that because we've been tracking the surveys for many years. For those of you that don't know, it's a twice annual survey that we give out to frequent users of the USPTO, its frequent filers of applications, and we ask them their perceptions. And I know that subsequently, you're going to have somebody get into this. I think Marty Rater gets into this much more deeply than I will here. But the high, a high-level message is that we had 19 people who have, who rated our quality, their perception of our quality, as Good or Outstanding, but every single person who said our quality was Poor or Very Poor, it's a 19:1 ratio, what we were at. Our previous high for that ratio was actually 12:1.
And if you go back in time, it was a not too distant time ago where we were about a 1:1 ratio of those who said Good or Excellent and those who said Poor or Very Poor. It's quite remarkable, and this is a testament to the great work that the examiners are doing. But really, the survey is showing that there's been a continued trend upward of the perceptions of our quality, and I think that is a very, very positive outcome here at PTO. So, great job to all the examiners and all the supervisors who were working with them and training them.

The next topic—and I just have a variety of topics that I wanted to highlight—you are all probably aware, we received a number of letters from members of Congress asking or suggesting that we take some certain steps. I wanted to highlight two of those. One of the letters was recommending that we have a sequencing examination pilot where we defer subject matter and eligibility determinations with the hope that during prosecution, in other words, as you're discussing
and prosecuting on the art issues, that they
render moot the subject matter eligibility issues
as well.

We are considering a pilot there and
will do a pilot. I don't know the contours yet of
that, and I say that is because we are still
working out the details. We want to be very
thoughtful about this. We want applicants to have
a choice so that people aren't in the pilot
without knowing or forced into a pilot. So, of
course, this will be voluntary on the part of
applicants. And we are working out the details.
But stayed tuned for that. We are looking forward
to highlighting and testing this premise here.
But again, details to come shortly.

Another letter was requesting that we
take a look at the impacts of subject matter
eligibility jurisprudence on innovation and
particularly in areas of greatest potential
impact. So, we are looking at that, and likely
you'll see in the near future a Federal Register
Notice asking for comments from people on the
impacts that they see on subject matter eligibility jurisprudence.

And I would be remiss if I didn't switch to IT and talk a little bit about IT. And there is a few topics that I wanted to mention. One is, we are continuing to roll out our new search tool for examiners. Now, this has been a tool that has been a long time in the works, quite frankly, and I'm very excited about. And I know that Andy Faile, who I mentioned, and our OPA [phonetic] have been working, and Kathy Duda, have been working together to ensure the roll-out of this. We are in the midst of rolling out to examiners this new tool. It will greatly help on two fronts, and much more than that, but at least two fronts.

One of those is searching for foreign references. It will expand the number greatly of references that are available in full form. So rather than just have an abstract, now we'll have full translations of upwards of 60 million additional foreign references, which is quite a remarkable number. And, also, this tool helps us
facilitate, and it modernizes our systems and AI efforts. And I know I'm not personally talking about too many AI efforts in this speech, but please know that remains a priority of ours, and we're making wonderful progress on artificial intelligence, and the roll-out of that tool will be helpful. I do believe there's more discussion later today on AI as well. So that is exciting on the tool front.

And then also I wanted to mention DOCX. So, we, as part of our modernization efforts, have been working on transitioning to DOCX for application filings. This is, this provides a more stable platform, and there's many advantages. And we are going to have this on the agenda today as well. The reason why I'm bringing this up is I wanted to highlight to all of you that there is a non-DOCX fee that has been in our fee package from some time ago, that is scheduled for January 1. And I really look at the next many months as a critical time for us moving forward with this DOCX. Which, again, is important for us, for our
modernization efforts, and it's also important for
the public, as it provides a stable, more stable,
platform and provides a number of benefits you're
going to hear about.

But I have personally received a number
of inputs about DOCX, and they're, they're varied,
right? So, I think there's people comfortable with
this format, and there's some that have voiced
concern about the rendering of their office
actions into, or their filings into DOCX, having
concerns about that. And I want to assure
everybody that we are taking the steps to listen
to everybody, to make sure we have this worked
out. In the next many months, you're going to see
Federal Register Notices on this issue, you're
going to see a roundtable, at least one on this
issue, to make sure that we have the opportunity
to engage with everybody, to hear and understand
what any concerns are, and to make sure that we're
moving forward in the, in the proper ways.

So, I am committed to that. You'll hear
more about DOCX because it's part of our outreach
and education on this. We want everybody to really
learn and understand the benefits. And there's
training on this, as well, that you can sign up
for. And you'll get more about this today, but
you'll also hear much more about it in the months
to go.

I know you have a wonderful agenda. I'll
highlight two additional topics. One Steve touched
on, and that's our outreach and expansion of
innovation efforts. I know it was the first time I
mentioned in the last PPAC meeting as being most
important on my agenda, and it remains most
important on my agenda, and that's the National
Council for Expanding American Innovation. I
believe the more we can do here the better. So I'm
looking forward to continued discussions on that.
This is, of course, the USPTO taking a lead role
in creating a national strategy for expanding
innovation to groups that have not been as
representative as they should be in the past. And
Steve mentioned in his opening remarks as
broadening the base, and that's a wonderful phrase
as well. And that is, I think, critical, and I'm very much looking forward to the continued steps we're taking there. And I'm thanking Valencia and her team for taking the lead effort there.

And my last topic before I wrap up, on your agenda is Bismarck Myrick. Who I asked for to be on the agenda, quite frankly. You know a number of the business unit heads who are more in the public than others, so I know myself, as Commissioner, I'm often in the public; you know, Jay Hoffman, others, are often in the public. So Bismarck is one those whose name is not in the public as much, but I wanted him to be on the agenda because he is just a wonderful executive. He has been Director of our Office of Equal Opportunity and Diversity, and he's a longtime PTO person.

I can actually remember being a new supervisor and having a presentation from Bismarck. And he's a superstar, and he does a lot for really enhancing the culture of the USPTO, and you're going to hear about some of the affinity
groups that we have here, which, in my opinion,
are unmatched anywhere I've ever seen in any other
organization. And that's really with the thanks to
Bismarck. So kudos to Bismarck for everything he's
doing, and I'm looking forward to him having the
opportunity to share his thoughts with all of you.
    So with that, Steve, I will wrap up. I'm
happy to take any questions or comments if people
have them.

    MR. CALTRIDER: Great. Thank you, Drew.

Any questions for Drew? Sorry.

    MS. MAR-SPINOLA: Sorry. I raised my
hand, but, this is Julie, to Drew. Drew, can you
just expand a little bit on the difference between
the two letter requests from Congress? Both seem
to be related to patent eligibility. But, and
maybe it's what, what is the second one on
jurisprudence? Can you elaborate on that a little?

    MR. HIRSHFELD: Sure. So the first one
that I mentioned was they asked for us to consider
a pilot program, the sequenced examination where
you defer the examination. So that, of course, be
the examiners and public prosecuting jointly, a little bit, a little bit differently. The second one is more focused on USPTO taking an effort to reach out to the public and learn about the impacts of subject matter eligibility laws in general. That's why I used the phrase jurisprudence, just to see what the impacts of innovation are to them.

So I think one is more narrow, right? So the prosecution one is narrowed to prosecution, and then the other request for information is just trying to get a better handle on the various impacts of subject matter eligibility, laws, and practices.

MS. MAR-SPINOLA: Great, thank you.

MR. HIRSHFELD: My pleasure.

MR. CALTRIDER: Any other questions for Drew? Drew, I'll take a bit of the Chair's prerogative and ask one myself.

MR. HIRSHFELD: Good.

MR. CALTRIDER: First, congratulations on the survey. A 19:1 ratio of positive versus
constructive feedback is simply remarkable. And I want to give you the opportunity to make clear, because, you know, I've seen data, and we've had discussions on it in the team [phonetic]-the Quality Committee—that that positive feedback is not because you've become a, the, you've lowered the standards or lowered the rigorousness of, of the exacting standards of applying the statute to the patent applications during the examination.

I thought I'd give you an opportunity to comment on what's really driving that because the standards of patentability haven't changed, but the perception of quality has changed, and I think that's a testament to the good job the examiners are doing in clarity and in explaining, you know, the process as they go through examination. But I'll let you answer that question.

MR. HIRSHFELD: You know, thank you, very much. And you're absolutely accurate in that we haven't changed the standards of patentability, and, of course, to get better serving numbers. But I'll tell you what I think is behind it, and one
of the great things of this survey is, I only give
you the high-level. But when we dive into the
results, we're able to use the survey to see what
drives peoples' thoughts about quality, and we can
really be responsive to that. And over the years,
we've seen that a clear prosecution record is one
of the main factors for driving people's
perception of quality.

And we've been taking steps, quite
frankly, for years to increase the clarity of the
record. And what I mean by that is, is that an
applicant should be able to read and understand an
office action and know exactly what the examiner
was thinking. They should know why, for example,
if they're making a 103, they're combining those
references; they should know how the examiner
interpreted a term for it, for example. And over
the years, I think we've done a great job, and
kudos to Andy and the Deputy Commissioners for
pushing this initiative forward. But I believe all
of these efforts have really resulted in a
continued increase in peoples' perceptions.
I also think, Steve, that I'd be remiss if I didn't mention we did see a jump in perceptions of quality after our subject matter eligibility guidance of sometime ago. Now, that obviously wasn't between the 12:1 and the 19:1, but we also saw that people thought that the subject matter eligibility certainly helped the examiners be more clear and definitive in their actions, which I totally agree with.

So, I think there's many factors that Wayne took, but those would be two that I think are most critical.

MR. CALTRIDER: Thank you again.

MR. HIRSHFELD: Yeah. The bigger picture point here, and I don't think, I think Marty is going to get into this a little later, is that as we drill into the survey, you're really able to use it to see, to drive what factors we should be focused on because those are the things that people feel most, are most important.

MR. CALTRIDER: Great. Thank you. As I stated in my opening comments, predictability is
one of the hallmarks of this good, strong patent
system, and clarity of the record is a major
element of predictability. So thank you, and
Steven [phonetic].

MR. HIRSHFELD: And even if you disagree
with the examiner, as long as you know what
you're saying, you can have that more educated
back-and-forth if you're on the same page, and
that's the key point, I think.

MR. CALTRIDER: Exactly, exactly. Okay.

Let's transition to subcommittee reports. And
before I do so, I'd like to remind the public who
are watching us today that you can send questions
to PPAC@USPTO.gov. But with that, I will turn the
floor over to Jeff Sears for the Patent Pendency
and Quality Report.

MR. SEARS: Thank you very much, Steve.
I'm very happy to be here today. We've had some
great meetings internally in the Pendency and
Quality Subcommittee. And one of the first
perspectives I'd like to share on quality is that
quality is really a consideration of both
participants in the patent process. It's a
consideration for the Office, but it's also a
consideration for the applicants.

Applicants have an obligation to submit
quality applications and quality work products.
The higher the quality of the applications coming
in, the higher the quality of the office actions
that come back. So today we're going to discuss
some steps the Office is taking to improve its
quality and some steps that applicants can
potentially consider to improve the quality of the
work product they are submitting to the Office.

Andy, I turn it over to you.

MR. FAILE: Okay. Thank you, Jeff. Good
morning, everyone. And I'm going to turn it over
to the person that's actually doing the work, and
that would be Robin Evans, leading on a number of
different topics that we have teed up for you
today. So, Robin, take it away.

MS. EVANS: Thanks. Thanks, Andy. I'm
helping, I'm helping lead this effort. So as Jeff
said, there are a number of things that we do and
we are trying to do, and there are a number of things that the applicants and our stakeholders can do to improve quality because, as you all know, we're all in this together. So who we have with us today, we have a number of presentations that speak to that.

First, we are going to talk about how we are helping the stakeholders do their part a little better. And we have with us today two advisors from the Office of Patent Training. We have Jorge Ortiz and Nick, Nick Jensen. And they're going to talk about two, a couple of the programs that we provide for external stakeholders, the first being STEPP and the second one being vILT. I was going to go in and tell you what STEPP and EXIST stood for, but I'm going to let Nick, and Jorge, do that, or Jorge, and Nick to do that.

So please welcome these two advisors, and they're going to share with you where we are with these two programs. So Jorge?

MR. ORTIZ-CRIADO: Thank you, Robin.
Thank you, everyone. Thank you for having me on.

As I probably mentioned, I am Jorge Ortiz. I am a patent training advisor for the Office of Patent Training. And Robin mentioned about evaluating, improving quality in respect to the stakeholder, and we definitely want to deliver high-quality, accept only high-quality examination, but also delivering intelligent (phonetic) property indication (phonetic) to our external stakeholders.

And we have two programs. If you have not heard about these programs in the past, you know, we have STEPP and vILT. Now, STEPP, it stands for Stakeholder Training on Examination Practice and Procedure. And vILT stands for Virtual Instructor Led Training. And on our next slide, if you can just go ahead and advance the slide?

So we have a slide here that's for comparing and contrasting the two different programs that we offer, administered by the Office of Patent Training. We have the STEPP Program, as
you may know, examining [phonetic] has, therefore [phonetic] joined the Patent Office. And they go over 300 hours of training while they stay at the Patent Training Academy, and the fact that the STEPP Program takes that curriculum, that training materials that are used for the entry-level curriculum, and it soon ends [phonetic] in a, in a training program that is available for the stakeholders. It is created for like, guiding you through a series of like, different modules for a few days, and we used the exact same materials that are available to the examiner. So effectively, we don't get copies [phonetic]; we take the exact same material that we use to train examiners. And we want to provide that to our stakeholders.

So the STEPP Program is more of a virtual-style format. It is, have some similar capacity, have to raise the point. It would have the chance to effectively, you know, put on the examiner shoes, and see the material from the, from the point of view of the examiner. So, but
training for the examiner doesn't end there.

The examiners, after they come out of the Academy, they continue to, you know, get training. And whenever there is more recent training, to the examiners we would also like to offer that opportunity to you to be up-to-date, just like the examiners get new training. And we offer that through the vILT Program.

So the vILT Program is more of an ongoing, up-to-date training that we offer the examiner that we also want to provide that to our stakeholders. The benefits of the two programs that we offer is, not only are we being transparent, we are effectively giving them the exact same training that we give to the examiners.

But, but we want to enhance that collaboration. If we, we talk the same language, if the examiners get the training, you get the same training, we can collaborate better. And the goal is that we have a high-quality, you know, examination of those applications, once you know exactly what the examiner, and how the examiner, the examiner is in
thinking when they are working on their cases.

So the idea is that we can have a better communication you know, with the office personnel. Both programs you, you will have the opportunity to interact directly to the, with the subject matter experts that deliver these presentations and topics. You could ask questions directly to them. You could receive answers directly from those subject matter experts delivering these topics.

And also, they used to do, you know, try to do as much as possible, advise [phonetic] continuing legal education when appropriate for these type of [phonetic] programs. You could spend between one to two hours in the vILT Program, and up to you know, 17-14 hours depending on the program that we are running currently with respect to STEPP.

So, and one of the good things about these projects is that they are free to attend. So anyone, there is no cost associated with these programs and, and we just simply would like you
each to join and learn about how we train examiners.

Now, on our next slide, can we advance the slide really quick? All right, so...

MR. SEARS: Jorge, before you move on, I've got a question for you.


MR. SEARS: Yes. STEPP and vILT, are those programs in-person at the Office, or are they virtual?

MR. ORTIZ-CRIADO: All right, that's a great question. All right, so, and this is, it is a, it's good timing because I would like to talk to you about this temper [phonetic] in both programs. The vILT is just like the name stands for. It's a Virtual Instructor Led Training. vILT has always been virtually available, and we have not done that one in person. However, the STEPP Program has always been, since 2017, an in-person course.

Now, for this year, we have just launched, recently in March, the first, this
Agent-Attorney [phonetic] four-day course in the virtual environment program. So, and that's essentially what I would like to talk to right now.

As recently as last year, the STEPP Program has been designed to be delivered virtually. Now, it used to be originally a three-day in-person course. Now we have a four-day, half-day course. We have to, you know, pretty much replaced [phonetic] the program and at now, what we have is the four days, you know, we prep-pretty much we have like, four different modules.

And the participant will get the chance to take a sample application, just exactly how we as examiners do, you know, get the training, the first couple of weeks of our training. We are going to guide you through it from the moment that you pick up that application, you know, pretty much all the way out. Discussing 101 and 112, even we discuss some searching aspect, you know, of, of that examining the application. All the way up to
So, yes, the answer is currently we have both programs available virtually for the stakeholders. All right, so, you want me [phonetic]...

MR. SEARS: I've got one, one more for you really quick.

MR. ORTIZ-CRIADO: Sure.

MR. SEARS: Can you give us a sense of the participation level? Is it tens of practitioners? Is it hundreds? Is it thousands? Like, how well subscribed are these programs?

MR. ORTIZ-CRIADO: Well, that's a, that's a pretty good question. So for the STEPP Program, it is a virtual style program so, it, if normally, the capacity bcc we are doing like, workshops, like, a program, we have a breakout room so participants would get a chance to work together and collaborate with some of the other agents and attorneys that are participating. It is mostly maxed out at 55 per session, 55 participants per session. However, the vILTs, we
normally have a little more than that. We, we
normally have about 500, you know, seats available
for every session. Normally, we have three
sessions. I think Nick Jensen will be talking
about, a little bit more about vILT. But the vILT
is in the numbers of the hundreds, and, and then
the STEPP just as I mentioned [phonetic], is
slightly smaller because we just do really small
groups of workshop-style training.

Any other questions before I continue?

All right, so on our next slide, if you would
please advance? We can have cover, all right, so
for this year, I just mentioned that we had a new
setup [phonetic] of agent-attorney four-day
course. So for this year, we have an ongoing
trend, and already, we have sessions that the
first one that just happened in March. And we have
one that is going to be occurring in like, less
than two weeks. That will be our second virtual
session for STEPP.

Now, for you, for those who are
attending, you know, currently, right now, if you
are interested to participate in any of the
agent-attorney courses, we have one coming up in
August and one coming up in September, and
registration will be opening pretty soon for both.

And if you are interested and can
participate, or interested to learn more about the
STEPP Program-please, can we move to the next
slide-I want to invite you to visit our STEPP page
on the USPTO website. Or, if you have any
questions, feel free to email me, you know, at
STEPP@USPTO.gov. And I will be able to put you on
the notification list if you want to know when the
next STEPP session might be occurring. I'll be
happy to, if you email us at STEPP@USPTO.gov, to
put you on that list, and if, it's not that we
have not like, [phonetic] I all those who also
sign up for the patent awards [phonetic] in our
office, we normally, you know, send out
notifications.

So, but for more information on anything
that I have discussed today, I think this is
probably the most important slide. You know, you
will find information on the STEPP page of the USPTO website. But with this, if there is any questions, I would like to hand it off to Nicholas Jensen, who is going to be talking about the vILT Program.

MR. JENSEN: Thank you, Jorge.

MS. EVANS: I think Julie had a question.

MS. MAR-SPINOLA: Sorry, yes.

MS. EVANS: I, I thought I saw Julie's hand.

MR. JENSEN: Mm-hmm?

MS. MAR-SPINOLA: Thank you very much. Thank you for this presentation. This is very interesting. Can you elaborate on how this is being announced to the externals? How did they know about this program and its availability?

MR. ORTIZ-CRIADO: Good question. So on the first mean [phonetic] or channel of how seeing [phonetic] this knowledge, or schedule of any other future courses, is our STEPP page of the USPTO website. If you search STEPP and USPTO,
probably it's going to be the first hit that you get in your results. But, but we use the Patent Alert to communicate if you have signed on for Patent Alerts from our office. Normally before registration opens, we send a notification in one word [phonetic].

We have also a mailing list that we have collected for those who have interest in getting notifications for the program. Normally, we will receive those through prior registration, or just an email from the STEPP@USPTO. We collect that information, put it on the mailing list, and we, every time that there is a STEPP session, we notify them about the availability.

We used, have of the social media on the platform, whether it is you know, Facebook, Twitter, so we normally provide that. Like, and we have also provided some notification about future events, about when, and, and also, we tried to collaborate with the different wards [phonetic] the, around the country whenever the STEPP Program-recently last year, and, and a couple of
years before—we started like, offering the STEPP Program offsite, so we have used the means of
like, the different wards around the country, you know, to help us deliver, you know, for the
members, of the opportunity of the STEPP Program that, that might be happening in the near future.
So those are the few examples that we have here, yes.

MS. MAR SPINOLA: That's great. Okay. So thank you for that. I appreciate it.

MR. ORTIZ-CRIADO: You're welcome.

MR. JENSEN: On the next slide we can start discussing vILT. My name is Nicholas Jensen,
in the Office of Patent Training, Training Advisor. And I'd like to first start by thanking
you, if you were one of 9,000 attendees, that have attended a vILT course in the last three years.
VILT is a widely attended course, and if you did happen to miss any of those opportunities that we
have provided through vILT, we do have some additional courses coming up this summer that
we'll discuss next.
Now, vILT, as Jorge indicated, is a live, virtual, instructor-led training. This training allows you to interact with the USPTO subject matter experts, right? We will have the subject expert presenting, and we will have a panel of subject matter experts online to answer your questions. Now, anyone can attend a vILT course. These are open to anyone, and you can invite externs, and you can invite clients. Anyone who is available are welcome to attend. They are free to attend, and we do seek sponsorship in the State of Virginia for the courses provided to vILT.

As you can see, the growth of vILT has really accelerated these last couple of years, with this year, with the two offerings that we provided this year, already having well over 2,000 attendees.

Now, the next slide, we will be discussing the upcoming schedule. You can see that so far for this fiscal year, we provided two courses, After Final Practice and Petitions
Practice. And you'll see that for each of those courses, we do provide a plurality of sessions. As Jorge indicated, this is to provide a healthy ratio between our panelists, instructors, and the number of attendees online. So, you have multiple different days in which attendees may join.

Now, coming up this summer, we're going to have a course schedule for August and another one for September. Now, if you are interested in attending these courses, I do encourage you to register to be notified on our mailing list. And the chat is going to be in an email address, and that email is vILT@USPTO.gov, and if you can send an email to that address, I'll make sure to notify you as soon as registration opens. Attendance for vILT is a first-come, first-served.

On the next slide, we'll talk about some of the different courses that we've provided in the past. Here, what we have is just a subset of some of the prior vILT offerings. Now, vILT, unlike STEPP, vILT is focusing on recent trainings delivered to examiners, right? So after we train
the examiners, we're going to roll that training out to you, and while you gain that same perspective that the examiner has, right? This is going to help you be more efficient in your prosecution by understanding how the examiner was trained.

And you see here we have a wide range of different topics that have been provided through vILT. And coming up, we're going to have a couple more in August and September, in which you are welcome to join. Again, if you're interested in vILT, you want to email us at vILT@USPTO.gov. I'm going to put that in the chat, and there's also a link on the next slide in which you can learn more about the vILT Program.

Any questions?

MS. EVANS: I actually don't have a question for you. I have questions coming in for Jorge, and that's with respect to whether you've had an opportunity to measure the success of the STEPP Program and on what metrics can you measure the success?
MR. ORTIZ-CRIADO: That is a great, great question. And I think I can-this, this probably is like, coming from both programs, the STEPP and the vILT Program. At the end of the course, we not only ask the participant to submit our survey, we have a survey for both programs. And we ask a series of questions, and not only we do that, we can, one could, you know, have a feeling as to, you know, the, the, you know, the success of the program.

We also like to get some feedback, you know, from the stakeholders when they participate in these programs to see if we can, we have some sort of need of a tweaking, a modification, maybe some other topics that there might be addressed, they need to be covered on, in this program. So, that's how, normally, we have done it, and that they, the survey is effectively our way to, you know, make some assessment of the, for the success of the program currently.

So, does that answer your question?

MS. MAR-SPINOLA: I just want to be sure
if there is anything else they want to add. Robin?

MS. EVANS: Yes, and let me just add,

Julie, that measure is also on our balanced
scorecard, right? And we are currently, are at, as
Jorge said...

MS. MAR-SPINOLA: Mm-hmm.

MS. EVANS: That we ask who would
recommend this course? And currently, we are at
18:1, so 18 people who take the survey, 18:1 say
they would recommend taking, taking this course.
I just wanted to add that in because we do, you
know, [phonetic] have that measure.

MS. CAMACHO: Thank you, Robin. And,
Jorge, I did have follow-up a question from
another member of the public, and this is with
respect to a former STEPP Program attendee, who
said that [they] enjoyed it quite a bit and, oh,
was wondering whether the next program and
training materials, the questions that were
accessed during the STEPP Program, whether there's
a better set of questions and training materials
that the public or STEPP Program participants can
have access to?

MR. ORTIZ-CRIADO: Great question. So, we, all the materials in, that we currently have or use from the entry-level examiner, we have a, a page from the USPTO website where we made available the trainings that, that we use to train examiners. So they are in the form of CLEs [phonetic] that all participants make and have access to and watch them. So, preferably, all the statements you go, if you participate in the STEPP Program, are being proofed [phonetic] and delivered, and you can have access for those materials electronically.

So I will be happy to put on, you know, the page that we have those. Maybe I could put that in the chat, where the materials, they might be located for those who might be interested and, to gain access to it.

MS. CAMACHO: Thank you, Jorge. And Dan, I think you had a question? I replied and those...

I just didn't...

MR. BROWN: Yeah. And he may have
answered it here, but I just was going to ask Nicholas, are the past trainings taped, or are they available on video to be reviewed? Or do you have a list of the topics that, you know, past trainings covered?

MR. JENSEN: Very good question. So vILT is a live instructor web training, and it provides CLE accordingly. We provide a live instructor CLE. And as a result of that format, we do not record the vILT courses. The intention is to offer an opportunity for interaction with USPTO subject matter experts, and as a result of that format, the courses are not recorded. Now, some courses do have a corresponding computer-based training, and you can view that training by visiting the vILT Page. Prior vILT courses are generally removed from the website after about a year from their publication.

MS. MAR-SPINOLA: So this is Julie Mar-Spinola. And this is a question to whoever can answer it about the programs. One, and perhaps I missed this, but I'd be interested in knowing how
popular these programs have been. And, secondly, has the Patent Office considered, and clearly, and, Nicholas, you mentioned something about Virginia's CLE, which is kind of narrow, right? Because CLE, to the extent possible, would be helpful to expand that for, for other jurisdictions. But also certification, if, and I kind of feel, and in full disclosure, I have not attended any of these, but I've made a note to try to do that.

But it seems to me that these programs can be very helpful for the practitioners and for the inventors-the solo inventors-to learn more and to get more insight. But perhaps if to increase the participation, which I think would improve the, generally improve the patent filings, is to offer certification of completing the programs. And, you know, that's just a thought. Has the Patent Office considered that, and is it even something that the Patent Office can do?

MR. JENSEN: Very good question there, Julie. I'll just take the first question regarding
Virginia's CLE. We do seek sponsorship in the state in which the course is being broadcast from, and in terms of the vILT, that's generally the State of Virginia. Luckily, many states do offer reciprocity with Virginia, so attendees do have the opportunity to self-certify or either use that same certificate of attendance for Virginia. We do provide attendees with all the needed information for their self-certification with their respective state.

MS. MAR-SPINOLA: Okay, thank you.

MS. EVANS: Julie, and I will add for, you talked, or mentioned, about the STEPP Program, and I think it was Jeff, also, that asked who was our target audience? So I wanted him to jump on that, if he wants. I think you're on mute then.

MR. ORTIZ-CRIADO: Can you hear me?

MS. MAR-SPINOLA: Yes. Now.

MR. ORTIZ-CRIADO: All right, sounds good. So for the STEPP Program and, you know, the target audience, so in the past, what we have done is that when we deliver the training, let's say
now it's time now that we are having the training
in one of our, you know, offices when we had the
available opportunity of an in-person, three-day
course. We had applied for the CLE in the state
that the course was delivered. Now, last year, we
had some postponed events that we had effectively
already finished some registration, and we had
already applied for the CLE. But currently,
effectively, the same parameter, we are following
the exact same format that we have been doing for
the vILT.

Instead, we will be applying for CLE in
the State of Virginia, and then the participant
would be able to do the reciprocity in their own
state, as we currently are CLE providers for the
State of Virginia. So for future sessions,
especially for the four-day virtual environment
course, we are going to be following the exact
same format as the vILT currently is doing.

MS. MAR-SPINOLA: Right. And I apologize
if my question wasn't clear. I wasn't particularly
focused on CLE. But to the extent that the Patent
Office can consider or can even provide, like, a certificate of completion for completing either the STEPP or the vILT Programs.

I think, one, it might invite more participants, if you need more participants, and then, secondly, I think it's, for folks, and it could be, it could incentivize folks to actually go to these programs.

MR. ORTIZ-CRIADO: Correct.

MS. MAR-SPINOLA: I think it would improve the quality of interactions with the Patent Office, understanding the Patent Office procedures, and maybe even improving the quality of the applications that are being submitted.

That was more my...

MR. ORTIZ-CRIADO: That's the question?

All right, so...

MS. EVANS: I'll take it, Jorge.

MR. ORTIZ-CRIADO: Yes.

MS. EVANS: I will tell you, Julie. I'm just coming over to the quality area, so I have not discussed that with anyone, but I think that's
a great suggestion, and we will take it, will take it back and think about that and figure out, as you said, can we do it? If that, that is possible. But I wanted to make sure that everyone understood. Jorge talked about the agent and the attorney offering for the STEPP Program. We also have an inventor STEPP Program, and I think that falls into, I don't know if it was Jennifer or Jeff that talked about improving, help with the innovators and improving our patents. And so that is right along that mission. So I just wanted to make sure, even though Jorge did mention having a STEPP Program that is channeled [phonetic] to the inventors and the like [phonetic].

MS. MAR-SPINOLA: Thanks for raising that, Robin. And I look forward to hearing about whether or not certification is possible. I think the audience that could be most helped by these programs may be inventors, and it certainly would coincide with our desire, I think our mutual, our universal, desire to improve diversity of our membership. So, thank you.
MS. EVANS: Absolutely.

MS. MAR-SPINOLA: If there are no other questions, I will just take this one step further, one step further, pun intended, right? We talked about in Alexandria, virtual leave. We are also looking into international steps [phonetic], and so that's going to be our next exciting move. We're targeting early September, but we know in the state we are in a lot of things can happen and a lot of things can change. So, stay tuned for those updates. And I want to thank Jorge and Nick. They have worked really hard, you know, revamping in particular STEPP because that was an in-person workshop, small-type workshop setting, and they overhauled it and updated the curriculum and then the pedagogy to turn it into a virtual, remote, distance-learning program. And I'm excited to see where that leads us. So, thank you, guys, for that.

If there are no other questions, we can move right along. And I think I am turning it over to Stefanos. Am I turning it over to you,
Stefanos?

MR. KARMIS: Absolutely. Thank you.

MS. MAR-SPINOLA: Stef, take it away.

MR. KARMIS: All right. So I'm going to talk about—okay, sure.

MR. CALTRIDER: Just a minute, I've got a, I just want a brief note. I want to be a good steward of our Subcommittee's time. We've got 28 minutes left. So, I would ask you and the next presenter to figure out how best to use those so you both get the meat of your presentations on the floor. Thank you very much.

MR. KARMIS: Sure. We will make sure that we finish on time.

Marty and I are actually both going to talk about similar topics here. We're going to talk about perception surveys. And if it helps with timing, we can save sort of questions for after both presentations are done.

We do have two different perception surveys that we give. Drew mentioned the Customer Perception Survey. That's what Marty will focus
I'm going to focus on our Examiner Perception Survey. You can actually go ahead to the first slide here.

And just a little bit of background here for both of our surveys. They are done semi-annually. They do coincide with one another. For the internal perception survey, we administer it through about 800 randomly selected patent examiners, covering all different technologies and grades. And what we're really trying to accomplish with this survey is a sense of what we call internal and external factors that impact the ability to provide high-quality patent examination.

What we're really going to focus on today is the external factors that I'll explain a little bit more of. But just to give you an idea of some of the internal factors, what those questions are directed to, they're directed to the training that we give examiners, the IT tools that we provide them with, the coaching and mentoring, so it gives them an opportunity to give us
feedback on those things that we give to examiners.

But for purposes here, we're going to talk about some of those external factors and how they affect application quality. So you can go ahead to the next slide here. We are going to begin with a slide that talks about overall quality of external factors. And what you kind of see here is the data table on the left, for those who like to see it in the table, and a chart on the right, a graph on the right if you like seeing [phonetic] a graph.

But over time, you'll see the percentage of examiners that rate the external factors as good or excellent, in green, versus poor or very poor in blue. And then what we like to do-Marty will also talk about this—but with the external survey, we sort of do a net promoter score for a ratio on good or excellent, to poor or very poor.

Historically, for this it was always thought being in that 30 to 40 net promoter score, it's sort of a healthy range. You know, we would
strive to get above 40, but we think if things are
in that 30 to 40 range, things are going pretty
well. And that's where they stand right now. You
can kind of see where they've gone over time,
since fiscal year 11. There's a little bit of an
anomaly and a dip in fiscal year 17-ish, which
we'll sort of take as an anomaly at that point,
since it has since leveled back off to it, sort of
where it has traditionally been. But this is
something that we track for overall quality. And
in a minute, we'll get into some of the more
specific external factors that are driving this
overall. But I wanted to show a snapshot of where
things are over time—generally pretty, pretty
consistent other than a little, maybe anomaly
there around fiscal year 17.

You can go to the next slide. So I want
to dive into what, some of the questions that we
give to the examiners regarding external factors
and things that, obviously, impact application
quality. Essentially, what we give them is a
series of questions, and we say to what extent
does the applicant facilitate high-quality buys [phonetic]? And then there's some, a handful of categories. And they select either Large Extent, Moderate Extent, or Small Extent.

What we wanted to do with these charts over the next three slides is give you an idea of what those factors are and then highlight some of the changes, and I will flag some of them for you as we go through them. So I'm just going to start at the top here, Clarity and Completely of Spec and Clarity of the Claims, the top two. You know, clearly these are important to our examiners. These are things that impact our ability to do a high-quality search. These are things that we really want to have in a patent application, is a spec that our examiners understand and claims that they understand. Generally, they're, you know, feedback from the examiners. You know, maybe the claims need a little more improvement than the spec. That's what we see from them, and sort of inconsistent over time.

For the third one, Manageable Number of
Claims, also not surprising for our examiners. Keep in mind they are on a production system, so they do prefer to obviously have a manageable number of claims so that they can manage their time. And so that's another factor here that we asked them about.

And in the bottom one on this slide, it talks about if the claim's being drafted to capture the inventive concept. Again, and our examiners want to do high-quality searches up front, sort of get the most relevant prior art early in prosecution. They get sort of the most times to search the application, or the most credit for doing that application at the beginning of prosecution. So we really want them to sort of find the most relevant prior art up front. And so the extent that applicants can, you know, direct the claims to their inventive concepts, it does help with that. And this is one of the ones that we have seen some improvement from the last survey. You see that increase is 3%.

You can go to the next slide. So just,
again, some of the other things we ask about claims, varying from broad to narrow. And two here that really jump out is art cited in the IDF, and clarity of translation for foreign applications. These are two that sort of get on the lower score from our examiners, if you will. So what they really would like to see is prior art, obviously, an IDF that is relevant. And when they, we get more and more applications, obviously, that have foreign origination, if you will, to the quality of those translations that they can understand what is, you know, what is being invented, what is being claimed, is an area where, you know, we can see some improvement from our examiners' perceptions.

And then the last one on this slide is just clarity and completeness of drawings. We did have pretty good satisfaction with the drawings that come in. I think I have one of data slides [phonetic] and a few others.

Let me show the next slide here. So, also, a lot of positive things come in, feedback
from the examiners. The top two here, Clarity of Response to Office Actions and Thoroughness of Response to Address Specific Issues that the Examiner Set Forth in the Office Action. Our examiners give a lot of positive feedback that once they get into prosecution and start working with the applicants, applicants are extremely clear in their responses. You know that they direct their responses to the things that the examiners bring up, so, you know, that's great.

One that we, another one that we, you know, we see some, maybe some area for improvement is citations to the spec to provide support for newly added claim limitations. And we'll talk more about that on the next slide also but, well, actually, don't go quite yet to that slide.

[Laughter] Sorry about that. You know, our examiners do have the ability to keyword search the patent application, so obviously if the words are word-for-word, we can find out. But there are times when there's a little bit of nuance to where the claim is supported and times when applicants
can point that out, that says, hey, see this paragraph in my specification? It does help our examiners quickly identify what you’re referring to, to have that support in the application, and we can focus more on the patentability determinations rather than whether they’re supporting the specification for that.

And then the final two on here, Preparedness to Efficiently and Effectively Conduct Interviews, and the Demeanor Displayed in Interviews, our examiners give a lot of feedback about applicants, you know, being prepared for interviews, being professional in interviews. You know, it’s super important to do those interviews to advance prosecution, particularly early in prosecution. You know, when examiners are really trying to get into the search and understanding of a patent application, we know that interviews are a big driver of having an efficient prosecution. And what we can see from here is the applicants are generally prepared, and our examiners appreciate that.
I think I have one more slide here. You can go to the next slide now.

So one of the things we also try to do is say, well, of these external factors, which ones are really the key drivers of that overall score that you saw at the beginning? And it's kind of interesting here because what you'll see is the way the surveys break down, it kind of falls on some things where examiners feel like there could be improvement, and there are some things where examiners feel like applicants are doing really well.

So the question that tends to be correlated overall to the biggest impact on overall quality is that citations to the spec for newly added claim limitations. So when we do get into amendment practice, you know, if there are opportunities to point out where something is supported in a spec, especially if you think it's not sort of very explicit, you know, anything that can be done there to help point that out is something that examiners would like to see.
But then the next two are things our examiners are saying that applicants are doing really well, preparing those responses and efficiently conducting interviews. The fact that those are going, are being done so well, is part of the reason why our examiners rate quality where it is now in their interactions with applicants. And then the clarity and completeness of the specification is sort of the fourth key driver there.

So that's sort of the end of the slides.

Definitely recognize that applicants have a lot of, you know, constraints and considerations on their end that they need to consider when they file patent applications, from their own time constraints and things that have with the inventors that they work with. So we hope that this information is something that you can keep in mind when you file your patent applications and you prosecute your patent applications. And talk, you know, within your organizations and with your inventors of things that our examiners are looking
for to, to ultimately, have an efficient prosecution with applicants and with inventors so that, you know, we can collaborate on the prosecution of these patent applications.

And I think the next slide is just a question slide. I'm happy to take questions now or happy to wait until after Marty goes. We can take them all at one time if it helps with time.

MR. SEARS: Why don't we take them all at one time. So let's move on to Marty. And then, let's say...

MR. KARMIS: All right.

MR. SEARS: Let's go to 12:23, and we'll save seven minutes for questions.

MR. RATER: Perfect. I'll slide through these pretty quick here, seeing how a lot of this has already been discussed. So go ahead and let's buzz [phonetic] to the next slide.

I'll let you read some of this while I'm talking here, but just a little bit of background on this survey, a few more details. About 3,200 of our frequent filers are what we measure. We survey
them every six months. It's a little bit of a panel-effect survey, where we have repeat respondents from wave to wave so we can kind of monitor change. Just to put a little context to this-these individuals, when they take the survey, we ask them about their experiences over the prior three months. On average, these respondents have received between 15 and 20 office actions. So these are folks that are engaged with the Office quite a bit.

As Drew mentioned, the results I'm going to share here give testament to what the examiners have done over the recent years. I will also say it's a huge testament and thank-you to all the people that responded to the survey, right? Without responding to the survey and being clear and sharing with, what some of the challenges you experience as an applicant, you know, or somebody facilitating prosecution, we don't know what to react to and we don't know what the effects [phonetic] are. So a huge thank-you for everybody that's participated in the survey and everybody
who will participate in the future.

I knew I'd be on East Coast lunchtime
here, so I thought I'd give you all the high-level
bullets up front. Lowest recorded percent, very
poor, and poor quality since the inception of the
survey back in 2006. Just recently, a few years
ago, right, we've reduced the number of customers
that say quality is poor and very poor by over
67%, right? That's a phenomenal job to try to get
to those folks, get those down. We're also working
on improving the level of quality for those that
say quality is good or excellent. And that's that
ratio Drew mentioned, and I'll show you how we
compute that.

We've also kind of already mentioned
consistency of rejections. I'll show you a little
bit of data there where we're talking. The survey
addresses consistency, addresses correctness, and
addresses clarity of rejections in various
statutory categories, as well as some of the
interactions with examiners. And we'll talk about
that.
Finally, we've got a new datapoint we're excited to show, and we'll get to that, but this is, that's kind of related to what do examiners think we're doing, or what does the applicant think we're doing in terms of percent correctness? And how are we dialing that in with some of the other quality metrics we're reporting? And what does that mean?

And then, finally, I think we're kind of onto a key driver, and I think it was kind of interesting that Stefanos had in his last slide, and I'll confess, I had something to do with those slides, right? One of those key drivers there in terms of examiners were, well, how well do applicants respond to my office action?

Similarly, we're seeing a significant impact and an interesting datapoint, as well, from the other side: applicants expressing some dissatisfaction or the importance of you acknowledging my argument I'm making. So, you know, it does, it goes both ways, and I think these two surveys are really starting to dial in on that.
So with that, let's show the data, and Drew is a big fan of this next slide. You know, this is the chart that we look at, which we will look at in just a minute. This is what we're tracking, right? What's not shown here is the percent of customers that say quality is fair. It's not that we're ignoring those, right? But we started looking at both tails of that spectrum, of do you think quality is good or excellent; do you think quality is poor, or very poor; as well as the group of fair.

And why we don't just focus on those that are good or excellent and try to move those up is because we've seen, based on your feedback over time, is that the needs of the folks that are saying quality is poor or very poor have different needs and wants than the folks that say it's good or excellent and you need to do this to maintain that level. Similarly, that group in the fair categories are going, hey, you need to do this to keep me from falling down into poor or very poor. Or you need to do this to keep me up into good or
excellent. So, it's kind of boiling into our entire customer experience strategy where we're trying to identify these different personas, identify different needs. We know some of those are different statutory needs.

You know, it's reality meets expectations. I'll even go back to what Jorge and Nicholas mentioned, right? Some of what just was built in the STEPP Programs are dialing in expectations, what do you expect out of the office? You learn more about what we're doing. Maybe we're helping dial that in, and that could be impacting some of the satisfaction levels.

Next slide. Stefanos mentioned the Net Promoters Score. We want to know what drives that. We've got a pretty strong one there with that ratio of 19:1 right now. He showed some odds ratios, right? What drives those? I've chosen to share correlations here. We do run odds ratios, we do a lot of analysis, but I chose to show this one because this takes all the different factors that we're measuring in the survey and kind of puts
everything together. And what you get from this is
you'll see a lot of the clarity, consistency.
Consistency of 103, consistency of 112(b),
consistency of 102, clarity of 102, before we even
get to any of the correctness factors, right?
These are the things that are really driving
customer perceptions of quality these days.

It goes all the way down. Of note, you
see the 101 rejections down there towards the
bottom. It's not to say every single one of these
items are important. And I think that's the
challenge to the examiners, right? And it's the
challenge to, everybody probably in this meeting
has a different decision matrix of how they would
evaluate quality.

Just to give you a little bit of an
idea, those kind of down in the bottom there with
correlations of 0.3, if you're satisfied in that
area, you're probably two times more likely to say
quality overall is good or excellent. And this
thing kind of goes up. It goes a little bit
exponentially there, but those items at the top,
when we're talking about the clarity, consistency of 103 rejections-and this will be a focus for the remainder of this fiscal year for the office is-that's about seven times more likely for a customer to be satisfied overall with our quality, or to give us a good or excellent rating if they're satisfied with the clarity and consistency of 103 rejections.

Pop to the next slide. This is a new thing. And, again, I just mentioned 103. So now we want to say this recent survey, you know, we developed the survey, so it was a quick-hitter. Ah, do we do this right most of the time, some of the time, all of the time, rarely? What this survey slide, what this slide was, for this recent wave of the survey we asked customers, like we normally do, do you think we're rarely correct on our 103 rejections, some of the time, most of the time, or all of the time?

Ninety-six percent of our customers are reporting that it's either some of the time or most of the time are correct. Well, you're all
aware of our OPQA [Office of Patent Quality and Assurance] reviews. We measure correctness of 103s, we measure statutory compliance. So this is where we start getting into dialing what are some of our customer expectations. Is reality meeting expectations? What are our other measures? And a long story short here is of those customers that say some of the time, what they mean by that number, some of the time, is about 43% of my 103 rejections are correct. When they say most of the time, about 75% is what they say they see. So, now it kind of helps us start dialing in. We can't come out and maybe expect you all at this point to say, you know, and we're citing a number of 83% compliance. Well, that's not quite correlating with what we're hearing from our customers. So, now we're trying to dial into that. And I know this is a lot to take in right now, but there's also interesting things as we start looking at this data.

If you could see that little bit right there under that rare column, right? There's a box
of whisker plots for you stats folks out there. And, you know, you had to expect I was going to throw some slot [phonetic] like this. You see a dot up there at 100%? We get customers who say hey, you rarely do 103 correct, are rarely correct. And then when we ask that customer, well, of your recent office actions, is how many were correct? One hundred percent of them were correct. So, we see those sides [phonetic] of data points, right?

And we know that happened. And we'll see comments of, well, you're pretty good overall, but you're horrible on the ones I received on my applications. So, again, it is a snapshot, it's a perception in time.

Go to the next slide. And I think this is the one on addressing applicant response, correctness, consistency, clarity. This is the new player in town in terms of the data we've seen over the years, and we're starting to monitor this a little bit closer. Again, we asked them, hey, do you feel examiners address your response to office
actions? And were, would they address your arguments? And we measure this also through the OPQA reviews.

If the customer says not at all, to a small extent of the time, only 16% of those customers were willing to give us the nod on good or excellent as overall quality. However, if we can satisfy them and do it on a consistent basis, and we can say, and get that customer to say, we do this one item a large extent of the time, 83% of those customers will say quality is good or excellent. So this is a phenomenal thing that we're seeing. We're seeing it from the examiners asking applicants to do this, we're seeing definitely the applicants asking examiners to do this.

And then just one final slide that I think I have here was another trend that we've seen kind of come up, and we'll just go into maybe some of the search. This is the art. And I show this here, we show the art, quality of prior art, perceptions of that. We've seen really, really
great reductions in the percent of customers that
will say, hey, the quality of prior art is very,
very poor, or it's poor. We see pretty healthy
numbers, they are willing to say good or
excellent.

We'll see the citing of prior art is
growing pretty good. We've minimized the number of
folks that think it's rarely done, that examiners
cite prior art. And I will tell you, this other
survey, the survey, one of the first times I've
seen it since, and I've been with this survey
since the beginning in 2006, we're starting to see
comments putting USPTO in the quality of their
searchers and the quality of what the examiners
are doing in the prior art arena, above maybe what
EPO [European Patent Office] and some of the
international offices are doing. And we've never
seen those comments before, so I think that's
another good point out to the examiners.

12:25, I'm sorry. Hopefully, I've
answered some questions ahead of time. Jeff?

MR. SEARS: Thank you very much. Why
don't we turn it over to Jennifer to see if there
are any questions from the public.

MS. CAMACHO: There are indeed questions
from the public. I have a couple of questions for
you, Marty, and one for Stefanos.

Marty, so, one of the questions is about
whether you can speak to representation of the
responses across the technology centers for the
quality surveys. And whether there are any other
trends besides what we saw on the last slide,
related to that distinction.

MR. RATER: So, again, I think it speaks
to, one, we do have a random sample of all our
frequent filers, so we're covering all
technologies. We do ask the applicant to indicate,
or the survey respondent to indicate, what
technology field, most of the office actions
received in the prior three months that they
received. Because these are folks dabbling in a
lot of technologies for the most part, right? So
we do use that to make sure that we don't have-
we're looking at how we can kind of link this to
maybe some different technology with, of our CPC
[Cooperative Patent Classification] buckets and
new routing and try to dial it in those fields' way. And I'm sorry, I already lost the second
question.

Oh, and are we seeing any real
differences? We're not seeing as many differences
right now, which kind of tells us maybe we're
coming along and getting better in the consistency
front, right? Because again, I think that was one
of the primary sources of our less than ideal
consistency ratings before, was, hey, I'll go over
to this art unit and this technology and get kind
of [phonetic] of behavior, and I'll go over to
this technology and get this kind of behavior.
Right? That was a key pain point for customers.
And we're not seeing the comments related to that
as much anymore.

MS. CAMACHO: Thank you, Marty. The
second question relates to the different types of
rejections, so the 103, 102, 112, and the 101. And
the question is do you even normalize [phonetic]
for the numbers? And they make the note that, you
know, most office actions have, may have a, a 103,
but very few will have a 101. And so, of course,
the 101 would be a key driver of some of the data
here.

    Then the second question is for all the
101s that are, rejections that are made, what is
actual clarity with respect to those rejections as
far as at least with the survey data?
    
MR. RATER: For like 101, in particular,
right? So, right, we do somewhat normalize for
that because we ask them, and they can say not
applicable. I didn't get any of these in this
areas. Right? 102 and 103 kind of run together.
We see historically a little bit, though,
perception to 102 are a little bit higher than
103, and we don't-so what we're trying to do now
is correlate some of that with what we're seeing
internally with our results. 101, the phenomenal
one, right? Because you're right, we start getting
into pockets where people see a lot and people see
[phonetic] don't.
And to be honest with you, what we're seeing with a 101, primarily the dissatisfaction in the 101 in the survey results are usually accompanied with quite a few comments of, hey, I get it, the examiners have to do this with the case law. It's with the other stuff outside.

That's kind of recent.

But, yeah, right now we're just kind of trying to feel, hey, how do these things rank? And is it kind of ranking in the same order we see with one of our OPQA review findings or the reviews that all of the other offices are doing? Saying is 103 the big ticket item? Is 102? Is this where we're finding the most problems? And that's kind of where we're looking at instead of trying to quantify it, per se. It's just, are we dialed in with actionable items that we can take elsewhere?

MS. CAMACHO: Thank you, Marty. And Stefanos, we have a question for you, and it's about-the question is, have you given any thought to pre-examination of some of those factors that
are critical from the examiners' perspective that
ultimately may delay the prosecution because the
application or the applicant hasn't done, hasn't
met those particular criteria?

MR. KARMIS: So are you asking about
exploring these in, like, in the pre-examination
phase of when an application comes in?

MS. CAMACHO: Yes.

MR. KARMIS: So, I don't know that we
spent too much time right now thinking about how
we could do that, you now, before it gets to the
examiner. Maybe there's, like, one or two things
in there, but I think for the most part we really
focused on once it gets to the examiner, not a
whole lot sort of in that pre-examination phase.

I think from, I think maybe what we're
really trying to accomplish from a pre-examination
phase is really just to heighten the awareness of
some of these things because, you know, the
ultimate pre-examination stage is with applicants
when they file, to a certain extent. So, you
know, I think for us it's really promoting it and
try to drive that awareness right now, than
anything we're doing in our pre-examination stage.

MS. CAMACHO: Thank you, Stefanos. I
think Jeremiah Chan has a question now. Jeremiah?

MR. CHAN: Yep. Thank you, Jennifer. So
that was a great update. I really appreciate it.
And one of the things I wanted to think about is
not jumping ahead too far into AI initiatives, but
particularly with respect to enhanced search.
We've been spending a lot of time, if you tuned in
to some of our previous public meetings, talking
about this concept of return on investment. How do
we measure the benefit, the tremendous benefit,
frankly, of these AI initiatives, like enhanced
search and auto classification?

It seems to me that you've got some
extensive survey results that really look at
peoples' perception of the quality of prior art
being cited. We have never talked specifically
about anything those survey results to the
benefits of enhanced search, and it may be
happening; we just haven't talked about it. But to
the extent we haven't made that connection, I
would encourage this group to talk to folks like
Matt Such and others to make sure that we really
look at the timing of rolling out these enhanced
search initiatives and looking at survey results
before and after to really look at the benefits
that I think this will deliver to the examiners.

MR. RATER: That's a great point,
Jeremiah, and I will say that I've been working
with Matt on some of the ROI, as we're talking
about this, right? We think these might be
long-term outcome measures, right? You do it
enough before I might say that your quality of art
is done, great. So now we've got to look and find
those interim measures, right? Exactly. And how
can we define what might be better? And, again,
using the customer comments and feedback to think
what are you looking for, and is this tool helping
us provide that?

So, absolutely critical, I think, to,
just to answer that entire journey from that
search to what we get out of it, what the
examiners get out of it, and how that might impact
prosecution. And hopefully, then we start seeing
it resonate with some of the perceptions of
quality were, are there. So great point.

MR. CHAN:  Great.

MR. RATER:  And absolutely, we look
forward to working with you on that.

MR. CHAN:  Thanks, Marty.

MR. SEARS:  Okay, well, I see we are at
12:32. Being a good steward of time, I will say
thank you very much to the Office, for a really
great presentation on quality from the Office
perspective and from the applicants' perspective.
And I will turn the floor back to our Vice Chair,
Steve Caltrider. Steve, over to you.

MR. CALTRIDER:  Thank you, Jeff. And
thank you, too. An outstanding presentation. I
agree completely. Quality is a difficult thing to
get your arms around, and I think the Office's
efforts to measure and collect data and try to be
as objective as possible is terrific. And
certainly, the customers' perspective or the
applicant's perspective, as well as the other indicia of quality that the Office measures, is very, very important to hold us accountable.

So let's pivot now to innovation expansion, and I will turn the floor over to Jennifer Camacho.

MS. CAMACHO: Thank you, Steve. I'm sure that everybody has heard "innovation expansion" several times this morning already, and I think that speaks to the importance and the weight that the Office puts on this very critical initiative. And we'll hear today from Valencia Martin Wallace, and she'll give us some of the highlights from the innovation track [phonetic].

Before we do, though, I thought I'd take a moment just to follow up on a comment that I made at our last meeting, and that was with respect to the spirit of collaboration that this initiative has really ignited and benefited from and continues. We talked a little bit about the pandemic and what that, impact that had on the timelines here, and we were able to make up a lot
of time. And I have to say that the Office has
done a fantastic job. It hasn't dropped a beat,
and we're really moving along this year.

And we've done a number of different
things that are related to this, this effort. And
one of the most important aspects of that is that
the Office continues to have inter-departmental
collaborations that are really, really meaningful
and have had tremendous impact.

One of the things that I'd like to
highlight, that's coming up, is that part of that
collaboration or collaborative effort, is a
meeting that's coming up, and that's with respect
to exploring the [inaudible] of Asian American and
Native Hawaiian and Pacific Islander inventors.
And so that is something that is coming up at the
end of next week, May 14, and I really encourage
everyone to attend that. I think that that's a
terrific effort by the, by not only the innovation
expansion initiative, but it's in collaboration
with Office of Innovation Outreach, which has done
a tremendous number of different things already
this year. They did, in February, Black History
Month, and highlighted the number of different
inventors and folks in the community who are
businesspeople who benefit from some of that
tremendous innovation.

And in March they did a Women's
Symposium. It's a Women's Entrepreneurship
Symposium Kickoff, which I was a part of. Which I
really am, was very honored to participate in.
And I experienced afterwards the firsthand, the
impact that that can have on people. I hadn't
fully appreciated that until after I had done some
work on that panel. And I'm sure everybody else
received a number of responses from people on
LinkedIn and various other avenues, just
indicating that they had appreciated some of the
information that they found from the entire
symposium, all of the different panels. Valencia
was on it, as well.

You know, it is important to be out
there and to be visible and to, to work with other
groups in the Office in order to, to really get
our message out. And get people involved, and
understand that there is, there are ways for
everybody to become part of this very important
initiative. And so there are coming up, for
example, later in the year, it's something on the
veteran inventors, and another Invention-Con,
which is a fun event that happens later in the
year. And, again, that's a collaboration with a,
not only the Office of Innovation Outreach, but
also the Office of Equal Employment Opportunity
and Diversity, which Bismarck—you'll hear from him
later this afternoon.

So I did want to highlight that the
upcoming meeting and conference, that Julie
Mar-Spinola, our very own Chair, will be
moderating, and I think it's going to be
fantastic. And again, I think it's terrific to get
out there and learn about, you know, all the
different pockets of innovation that we really
have across this country. It's really terrific.

And with that, I will hand it over to
Valencia to do some of the highlights of some of
the innovation and expansion chats [phonetic] that
have already been underway.

MS. MARTIN WALLACE:  Thank you, Jennifer. Good afternoon now, to everyone. It's
good to see everyone here. And what Jennifer said
is exactly right, you know. It's a collaboration
of our community that is really pushing forward
this mission that we have and this movement that
we have here, to be a more inclusive, more
equitable environment to move the individuals of
our country, as well as this country, forward.

And I've been overwhelmed with the
number of events that I have seen that have pushed
forward this mission in so many ways, in stepping
forward and saying yes, it is time, and we are
going to make a change, and we are going to make a
difference.

So just a thank you to everyone on this
committee for your dedication to this because it's
been all of you, as well, shouting from the
rooftops about what needs to be done, but actively
doing it as well. And a big thank you to the
public. I will go very high-level into some of the comments we received when we put out our RFC [Request for Comments], but thank you to all of them for saying that this is important, and it's for all of us, not just the USPTO, not just the IP attorneys. It's for all of us to make a difference. So, I'll just go very quickly.

High-level, give everyone an update on the strategy. Yes, we are still working feverishly to develop the national strategy. We still are expecting that this summer. It will be published. We have for the moment completed the working group meetings that we were having every three weeks to pull together all of the input, the different best practices, and ideas. And my team, my strategy team here at the PTO, are feverishly working to collect all of the information, pull the ideas together, the reasoning. And, hopefully, we will be able to publish that sooner rather than later.

Also, I just want to say while I have a minute, a big thank you to that strategy team, who has been working on this for quite some time, very
dedicated, spending a great deal of time. And this
is their second full-time job that they're working
on. But we have representatives from Office of
General, I'm sorry, Government Affairs, the Office
of the Chief Economist, we have members of the
Office of Patents, in my division as well as in
the Office of Outreach and, and Stakeholder
Outreach, and Stakeholder Engagement. We also have
members of the Office of the Chief Communications
Officer's Office of Education, and we also have
representatives from the regional offices that
have been working together to pull together what
so far, I see has been, is an amazing effort and
feat.

So that's where we are with the
strategy. As Jennifer mentioned, we have been
putting on innovation chats because there's never
a moment, we can't take a moment to just sit back
and do nothing but focus on the strategy and
pulling it together. We have to keep speaking on
this to everyone who wants to hear about it and
educating on it. So we've had these innovation
chats.

And if we can pull up the second slide?
So far, we had two chats this year, the first being, and I mentioned it before, "Expanding American Innovation: Why is it important?" We had the former USPTO director, Andrei Iancu, with the WIPO [World Intellectual Property Organization] Deputy Director General for Patents and Technology, Lisa Jorgenson, who both spoke very, very passionately. And I have to say I was just overwhelmed with not only the business reasons that they articulated but their personal reasons why this is important to our nation and to the citizens of our nation.

The second chat we had was in April-April 1st-and the topic was "Creating Innovators," and that focused on what would be the first chapter of our strategy. And what do we need? How do we need it? And how to we pull everyone together to do their part in creating inventors and innovators from the age of 4 and 5 years old all the way through the life of
adulthood of an inventor and an innovator? And what do they need, and how we do educate and bring the awareness and access to them?

So our moderator there was Wayne Stacy, who was on our strategy team while he worked for us, the former Director of USPTO Silicon Valley Regional Office. We also had Dr. Javier Diez, who is an inventor, CEO of SubUAS, and a Professor at Rutgers University, as well as a member of the NCEAI [National Council for Expanding American Innovation]. We also had Dr. Wendy Wintersteens, President of Iowa State University and also a member of NCEAI, as well as Tiki Dare, Vice President of Trademark and Copyright at Oracle Corporation, who is a member of the Expanding Innovation Working Group.

So great. I would suggest that if you have not seen them yet, please go onto your USPTO.gov to the NCEAI webpage. We have recordings of both sessions, and you will learn a lot and will be very inspired.

In the future we will be planning, we
are planning chats on the other chapters of the strategy as well. So "Practicing Innovation," "Realizing Innovation," as well as "Measuring." We will be putting on chats, plus a few others. So if there are topics that you feel we should address as part of our innovation chats, please send them to us. You can send it through our expanding American Innovation mailbox, or you can just put it on an email to me. So we'd love to hear whatever subjects, topics you think we should address.

And thank you very much, Tricia Bianco, who is an executive secretary for NCEAI, who sent me an IM saying send it to NCEAI@USPTO.gov. Thank you very much, Tricia.

So we can go on. Next, I wanted to, at a very high-level, talk about some of the ideas that have come from the Request for Comments. And you can see what we have here is Word Cloud. It really gives you a good idea of what was coming out. We received about 119 sets of comments, and there were 17 questions, so quite a few comments that
came in that our team has been going through, considering. I am very happy to say, as a whole, it, now, the comments that are coming in, the ideas are validating the concept paper that we put together about where the story should go [phonetic]. What we're hearing from groups that we've already met with, including the working groups, the counsel-it was just validating that we are going in the right direction. So I can just speak, like I said, on a high-level about some of the ideas that came out.

I'll say upfront, we didn't get a lot of specific programs. While we did get some programs that were given to us, it was really more of the idea of the direction that we should be going in. But for the "Creating Innovators," you can see there the biggest things were education, innovation, students' programs. We had ideas like offering access to opportunities for students of all ages and backgrounds to learn innovation, generating funds or redirecting funds that are earmarked for other projects, and putting them
into education in the United States, as well as
the creation of IP development programs
specifically for teachers.

We also received a number of comments
about multiple respondents' support for the idea
of targeting and collaborating with other entities
of the IP community to address this, which goes to
the thing that we've said all along, is this is
not a USPTO problem, it's not an industry problem,
it's an entire IP community and innovation
community problem, and it needs to be addressed
that way.

We also received comments in this
particular chapter on curriculum changes and
partnering with curriculum developers to
incorporate innovation and entrepreneurship into
lessons. And this is a thing that we've been
hearing a lot, of having interdisciplinary
programs, not only in universities but in
community colleges and in high schools as well.
Too, as we are developing our students to
integrate STEM programs with innovation, they
should be learning the entire holistic view of being an inventor or being an innovator from very young ages.

And we've had ideas of creating an open-source curriculum for distribution to states for adoption, so, the developmental program should be open sourced for everyone to pick up and use as well as ideas of common suggestions to, there is a common suggestion to increase the availability of STEM education, not only for students but for teachers as well, which is a theme that we have heard a great deal of. Of, it's not only the students, but it's educating our teachers at every level-elementary, high school, college level-about innovation so that they can then impart that to their students, teach their students, as well as bring their students along in the process of creating.

Okay, so if we could go to the next slide, which is our Word Cloud on practicing innovation. And you can see a lot of the same themes-programs, patents, STEM, diversity,
addressing the barriers. And, more specifically, while we probably received more comments on the "Creating Innovators" side, we did receive comments, and the general theme of those were, first, addressing unconscious bias, including not only as part of our underserved groups—our minority groups as well as gender, but also people with disabilities—but to bring training awareness to unconscious bias that is affecting this inclusion of these bright minds as well.

There was a vast support for programs that increase the understanding and education of the patent system as a whole, and with the submission process for patents. We've received comments on the creation of organizations to mentor and network with novice inventors and innovators in local areas as well as on a higher level, USPTO being more of a lead in making sure that those networks exist and that we are, we're supporting them. We had themes of creating programs to assist organizations with the recruitment and retention of a diverse workforce
as well as working towards, in practical aspects, identifying the importance within STEM, STEM of creation, as well.

And if we can go to the last? Thank you. You can also see we have the same theme, and the question is about realizing innovation as well-inventors' programs, commercialization, organization, innovations, and a big USPTO there as well. We received a lot of comments about the USPTO being a leader in a lot of the bringing this together for realizing. One of the things has been identified is, well, one of the themes was identifying programs for individuals where they can turn to for advice on the commercialization and the financial side of creating, and a better utilization of tech transfer offices and ideas on unconscious bias, awareness, and training in the tech transfer offices, which I found to be a very intriguing idea of how to make sure that all those biases leave when the tech transfers are filtering in, deciding which ideas to further develop.

We also received a great deal of
comments about relaxing requirements to file for a
patent and creating incentives for underserved
member inventors, as well as the investment in
innovation. We also had under, realizing a lot of
comments about providing suggestions regarding
modification to the operational aspects of the
USPTO that make the patent process easier for
independent inventors. And while the USPTO does
have quite a few programs for novice inventors and
for pro se and small businesses, that is certainly
an area where we should be looking closer at it,
at how do we now expand on that? But that was one
of the ideas.

And the last and the realizing piece was
creating a collaborative initiative between SBA
[the Small Business Administration] and the USPTO,
to create a fund for marginalized creators where
they could apply for development resources. So
that's where I think the biggest numbers of the
comments went in, and as I have mentioned, not as
much pointing to specific programs that are
currently successful but looking really at what
was felt to be on a high-level, the best practices
in order to get there.

So as I said, this really validated the
direction we're going in. We are doing a great
deal of research, and have done a great deal of
research, about specific programs as well, that
have been successful in these arenas.

The last thing I'll mention from the
comments were we had a great deal of comments, and
I think Jeremiah—I know I am—will be happy to hear
about the sharing of data. We heard it from the
public: Share your demographic data. Let us know
what is successful for you. Where are your gaps
[phonetic]? Share it with each organization to
help each other in moving forward. So as I said,
everything that we've been hearing validated
through this process, we will, at the time that
the strategy comes out, we'll have a summary of
the comments that have come in as well, and were
considered. But right now, that's right where we
are with the RFC, and we do have some objectives.

And I'm going to do a time check now
because I start running off at the mouth with this stuff, and I need somebody to tell me how much time I have so I don't go over. Do we have a few more minutes, or should I wrap it now?

MS. CAMACHO: It looks like we have six more minutes.

MS. MARTIN WALLACE: Okay, six more minutes is enough. I will run through it really quickly, as I wanted to share what the Strategy Team and the Working Group started doing with the comments and to development the project. We have put together a list of objectives for each chapter based on our input. And for the "Creating Innovators," the objectives are to develop inventor-innovator mindset and skills for inventor-innovator identity among large segments of the population; to increase intellectual property understanding; building education capacity to deliver trans-disciplinary innovation, which I mentioned was something that we had a huge theme of from comments; equip educators and necessary relatable and successful contents,
tools, and resources, and community support;
reframing innovation in the educational
environment; and increasing exposure to
innovation, problem-solving, and IP. So those are
the objectives of what the chapter on "Creating
Innovators" will do in the strategy.

Under "Practicing Innovation," the
objectives are increasing rates of patenting to
more closely match prevalence of STEM employee
demographic groups, broaden rates of patenting
beyond tech-hard corridors, increasing recruitment
and retention of diverse employees, cultivate
workplace environments that foster inclusion and
opportunity as key components of development
innovation solutions, increasing top-down
demonstration of inclusion principles, increasing
access to information and resources about patent
process, and increasing the prevalence of
mentoring and networking programs.

And the objectives that we have filtered
down to for "Realizing Innovation" as part of the
strategy will be increasing preparedness to share
proprietary inventions, broadening knowledge and awareness of the path to commercialization, increasing preparedness to share proprietary inventions and innovative ideas with others, improving access and engagement with mentors and commercialization partners, facilitating entrepreneurial financing and resource acquisition, and establishing metrics and then tracking progress.

So yes, it will be a pretty thick document. We have a lot that we are taking on. And I'll just share with everything, or remind everyone as well that, you know, while a lot is being looked at for this strategy, it is still the first step. After the strategy is published, we will do a huge promotional campaign, awareness, and education on the strategy and how to use it so that it's not just a book on a shelf. It's a document that's going to make a change.

So with that, I will, hopefully I stayed within my six minutes. Thank you, all. And if you have any questions, we don't have time now, but
please just send them to me.

MS. CAMACHO: Thank you, Valencia. That was terrific. I think we have time for a couple of questions if anybody has got questions. And I will take a moment just to give the folks the website address so that they can register for that panel discussion. And that is "Explore the Breakthroughs of Asian American and Native Hawaiian and Pacific Islander and Islander Inventors," and that's on May 14. And you can find that on the USPTO website at USPTO.gov/about-us/events, and you'll find that event and a number of different, terrific programs coming up. So I will really do encourage everybody to visit that website.

MR. CALTRIDER: Jennifer, I have a question if that's okay?

MS. CAMACHO: Yes, please.

MR. CALTRIDER: Thank you, Valencia, for the outstanding presentation. And, you know, one of the things I think has provided a great deal of energy to this effort is the role of the Council and the leaders across the country that have
volunteered their time and their effort to the private sector and the public sector to devote to this important project. And I was wondering if you can comment briefly on how do you envision the Council being leveraged in a role, the Council going forward, once we have this, you know, the output and the book in place? What do you see as the role, the business leadership in the Council?

MS. MARTIN WALLACE: That's a great question, Steve. Thank you very much. They have been pivotal, the Council, at this point, in giving us the representatives. The Working Group, it's really pulling this strategy together, but even more so, actively participating as we're reaching out.

As I mentioned, you know, the chats we've already had have included members from the Council. I am expecting that they will keep including members from our Council. Everything we've asked for, they've always said "Yes, we'll do it." So being a part of the events that we're putting on, they've all shared that they want to
partner further with us and with others in this movement, not only as part of the Council but whatever way they can. And I'm going to take them up on that in the events that we have. As I mentioned, we will have an entire promotional campaign of the strategy, and we will be reaching out to Council members as we go into their regions, to partner with them on events and their teams as well, to educate on the strategy and to bring awareness to the strategy.

We will have a meeting, the annual meeting with our Council. We are also expecting to have a publication event when the strategy does publish that, we would have our Council members attend as well. So while we purposely brought together a very high-profile group of members, we do realize that, you know, they have a lot going on for themselves, running amazing, huge organizations, that they not always themselves be there, but they will be represented through their organization.

And we've had so much support from the
Council so far, and I can't thank them enough for them, the programs that they put on themselves, and some have put on programs through their own organizations, for expanding innovation, and developed programs for expanding innovation. So all of this we will also be highlighting as resources as part of the strategy as well.

I don't know. I probably kind of went all around your question. Did I, did I answer it?

MR. CALTRIDER: You did. Thank you.

MS. MARTIN WALLACE: Okay.

MS. CAMACHO: And I think that's it for us.

MR. CALTRIDER: Great. Thank you, again, for a terrific presentation. I believe this takes us to our break time, so we'll take a break from now, and let's try to reconvene at 1:10. Thanks, everyone.

(Break)

(Back on the record)

MR. CALTRIDER: Are we ready to restart? I am seeing a few head nods and thumbs ups. I will
say I missed live meetings because our breaks were a little longer. You could dash to the cafeteria and grab some lunch. So these virtual meetings are a bit tough on Eastern time with regard to grabbing a bite to eat with a 10-minute lunch.

So with that, I will turn the floor over to Jeremiah for a report from the Subcommittee on Artificial Intelligence and Information Technology.

MR. CHAN: Thanks, Steve, and good morning and good afternoon to everyone online. Thanks for joining today.

The PTO's significant investment in information technology and artificial intelligence. If you've been turning in to some of our previous meetings and looking at our resources, I think we can all recognize it has profound benefits to the efficiency of the Office to evaluate patents, in the course of prosecution and at the PTAB. But more importantly, the investment in technology directly contributes to the quality and durability of patents that come
out of the Office, which I think is something that
many of us are very focused on. This is why the AI
and IT initiatives are so important and why I
think the Office has appropriately prioritized it.

Today we're going to spend our time
talking about three main topics. The first is a
status update on the AI initiatives, CPC
auto-classification, and enhanced search. We're
going to do a little bit of a look back and
address some of the important milestones that the
team has achieved in the last quarter or so, and
then also look ahead, at the roadmap, for the
exciting new goals the team has set for itself.

We will talk about the DOCX issue.
That's the word processing file format that Drew
mentioned at the start in his opening remarks. And
then we'll talk about a Patent Center demo as
well, that I think is available.

So we'll cover those main topics, and
then I think we'll have plenty of time to address
some questions as well. And so, with that, why
don't I turn it over to Debbie Stephens, the
Deputy Chief Information Officer.

MS. STEPHENS: Hey, thanks, Jeremiah.

Good afternoon, everyone. I'm subbing in for Jamie. He does send his regards, as he is on travel. He just wanted to remind everyone that his three most important initiative priorities: of course cybersecurity, resiliency for the Agency, as well as Cloud and migration. So good afternoon, and I'll turn it back over to Jeremiah and the team for the demo.

MR. CHAN: Great. Thank you, Debbie. So I'm not sure, it looks like the order is AI initiatives first, so why don't we start with that? And then I think we've got the demo third. So with that, I'll turn it over to Matt Such, and you can give us an update on the AI initiatives.

MR. SUCH: Certainly. Thank you, Jeremiah, and good afternoon to everyone, or good morning, depending on the time zone that you're in. As Jeremiah mentioned we'll be covering updates in a look back/look forward for our AI initiatives around auto-classification and patent
search. So we can move to the next slide, please.

So we have shown variations of this slide before. But I wanted to bring it back up just to point out a few things that will be helpful for contextualizing our conversation today. The first is that for our auto-classification efforts, we really have two main focuses here, and there is a little bit of a dependency between them because of the way the classification works.

When an application is filed with the USPTO, we have classifications placed on that document based on the disclosure of the document. And then those are the CPC allocations that you see in the left-hand column on the blue chart.

And after that is done, that information is helpful because it feeds into the next step, which is identification of symbols that are associated with the scope of the claim or claim subject matter. So we call those affectionately "C-Stars" [phonetic], and what's done here is we look at the scope of the claims relative to the
entirety of the disclosure and identify the symbols that meet that scope for the claims. And so that's an important piece because we use that for internal operations here, such as routing of applications to examiners.

So I'll be talking a little bit about both of these components, and I'll start with the C-Stars. If we can move to the next slide, please?

So back in December, and we briefly reviewed this at the previous PPAC meeting, we implemented the usage of our auto-classification system for a portion of our applications on C-Stars, and that started around the beginning of December. What we've been doing then is monitoring the quality of the data that we're getting in and comparing that against our control.

And we do that in two ways. One is through our quality assurance process that we leverage here at the USPTO. And the second is what we call a classification challenge process, and I'll explain the differences there as they relate to the data that I'm about to discuss.
So, the quality assurance process is something that happens very early in the workflow after we receive classifications on a patent document. We take a sampling of those—it's 250 applications a month—and we look at both the classifications, allocations, as well as the C-Stars and do a check on the completeness and correctness.

From there, we then will docket the application to examiners, and that can be, that can depend on, that can be anywhere from six months to over a year, depending on the technology. But once the examiner gets the application, they have the opportunity to look at the classifications that are on that case, and they are, can, they can submit what we call our classification challenge to have a review of that classification done, and updates made, if necessary.

So given that we just started pulling the data out of our auto-classification system into our live applications for, since December,
the data that we have access to, in terms of how things are going, is largely represented by our quality assurance data. And that's what is shown in the chart.

And what we see here is, you know, statistically different, of no statistical difference for our auto-classification system relative to our control. And so there's two, there is two columns here. One is agreement with the CPC allocations and the C-Stars. And this is where I'll get into that discussion around the dependency that I talked about on the last slide.

So we see a 1.7% differential there, but again that is within our statistical family [phonetic], so there's no statistical difference. And that number represents looking at the C-Stars, assuming that the CPC, our classifications, are correct. So, if there is a, if there's an issue in the underlying CPC data, that will be translated through into this metric that we see here for all the C-Stars.

So in order to account for that, we look
at another version of this data on the right, which basically looks at the subset of symbols where the underlying CPC actually is found by our QA process [phonetic] to be correct. And then any differentials we see would be due to a decision that would made by the auto-classification system itself.

And while the data we have shows a slight uptick there, it is within our statistical measurement, and so, again, no statistical difference. But this is very encouraging early data for us about how well the auto-classification system is working for this use case.

I would note that it is limited to 250 applications a month, and so we want to get more data quickly. And in order to do that, we're actually doing a little bit of piloting, that's ongoing now through the end of July, and that's to accelerate our data capture on the classification challenge process. So we have cut the line, so to speak, with some applications, and which are being docketed, and we will be pulling in data based on
what happens during that process.

As I mentioned before, it can take anywhere from six months to over a year before, or, before that process would normally play out, so us cutting the line, so to speak here, gives us a window into this, into this data much sooner. We will be getting that information back in the summer.

Turning now to the full classification models—right now, we have a system that essentially produces kind of a ranked list of CPC symbols for patent applications. And we are in the process of translating that information into a subset of symbols that would be actually assigned to patent documents. And there is a variety of different considerations that we are building into the system in order to be able to do that, with good quality and good effectiveness.

And once we've got, once we've made, take those steps, we'll be doing some analysis, and provided that the system is working as we expect, then we'll be continuing forward and doing
some piloting to generate some additional data
that can help us determine the path forward for
the, this portion of our auto-classification
system.

So if we can turn to the next slide, I
will change gears to the AI system for search. So
the past couple of months and the look forward
here has been very exciting. Over the last few
PPAC sessions, we have been discussing some of the
very promising results that we've been getting out
of our AI search prototype. And we are taking
steps now to move into what I would refer to as
operationalization, which is promoting the useful
AI capabilities that have been identified through
prototyping and analysis and assessment, up into
our production scale PED to e-search [phonetic]
system, which is available to examiners in the
corps as their main search system.

We have had some very exciting news here
of late, and that is that we have a new MOU, or
Memorandum of Understanding, with our Union to
move forward with the PED [phonetic] search tool,
and that is going to be activity, that's going to be ongoing over the course of the next 14, 16 months or so [phonetic] as we transition the examiners to this new system. So that's very exciting for us.

And one of components that we're moving from our prototype system into the, into our PED [phonetic] search system that the AI-related component is called "More Like This" [phonetic]. We, it's rebranding, so to speak, what we have discussed in the past of AI retrieval for an expand. And that's an ability that we are providing to the examiners where they can use that to find documents that are similar to any particular document that they would like to expand a search upon.

As we continue to move forward, that's going to be, that capability will be made available over the coming months to examiners that have access to PED search, and we will be continuing to identify further AI capabilities that are under prototype now that may be mature
enough to promote into the full PED search.

   Obviously, as we do that, a very
important component of this is value
determinations, so we are testing approaches for
being able to capture a variety of metrics that
further advance our understanding about the
usefulness and promise of these AI capabilities
that are in the prototype so that we can
prioritize and bring forward the best tools
possible to help the vendors search and help them
to be more efficient and more effective with their
search activities through these, through these
features.

   So this is the concept that I have
today. I would like to open it up for any
questions that we have.

   MR. BROWN: So, then, I have a question.
I'm very, this is very exciting for me, a scenario
that I'm very interested in. Would this be made
available to the public every week, or?

   MR. SUCH: So that is something that we
are looking at and considering. I think one of the
things we want to make sure of is that, and this is an important part of the prototype to promote into our search system as well, is that, you know, we are validating the usefulness of these models, these AI models, and validating the most effective ways to deploy them, in order to ensure that we're providing ourselves the best quality information to assist with search. And I think as we go forward and we learn more and more about that, we'll get more and more clarity about our decision to be able to, you know, to move forward with some sort of availability for, for this, for the public.

Certainly, certainly in the, I think the pipeline now is, there's a dependency here because these AI models are only accessible throughout PED search system. We are looking at having the PED search system, a version of that, become available to the public. And that would be a component that would need to happen first, before we could come to a full decision about what's appropriate for, and right, so to speak, for providing it to the
MR. BROWN: Thank you. Does this come out of a commercial database, or the, a proprietary database from the USPTO?

MR. SUCH: The models are built off of patent documents. It is proprietary in the sense that we, part of the system that we discussed before, we actually use data that we collect to help us to make refinements and improvements to our models so that they work best with the systems and the query language that we deploy here in the USPTO through the PED search tool. So yes, in a sense they are. They are kind of specially built for the USPTO. This is the system that we use here internally.

MR. BROWN: So, one last question. Are you ever contemplating being able to search, like, the Public PAIR or, you know, the file histories?

MR. SUCH: Right now, so if I understand your question, you’re talking about office actions and the like?

MR. BROWN: Sure.
MR. SUCH: Yeah. Well...

MR. BROWN: More [inaudible] the office actions, right?

MR. SUCH: Yes, yes, I understand. Okay.

So our search system has databases that contain prior art. So that's the foreign documents, the U.S. documents. We don't have a database in our search system as of now that includes the Public PAIR database. So right at the moment, the AI models do not have access to that information directly. I will say that some of the information, the data that is used to train the AI models, does include, you know, the linkages between documents through citations that show up on patent documents themselves. But there is not currently a way for us to use our search system to have the AI search back into a type of database. But it is a very interesting idea, yes.

MR. BROWN: Thank you.

MR. SUCH: Thank you.

MR. CALTRIDER: Great. Thanks, Dan. I appreciate the question. It looks like we have,
we've got a few questions from the public, and
I'll hand it over to Jennifer, who is kind of
receiving those questions.

MS. CAMACHO: Thank you, Steve. So one
of the questions relates to whether you can
quantify the reclassification accuracy once the
examiner submits a classification challenge. So,
for example, is the examiner more accurate than
the AI? Can you tell whether there's, have you
done a sample taken of the cases already in the
examination with a classification and seen whether
the AI changes it? That sort of thing.

MR. SUCH: Okay. So I'll answer that
question because it's kind of touching on two
different things, so I will answer with kind of
two responses.

So the first is that the information
that we collect through our quality assurance
process and through the challenge concept is very
valuable data that we use to help ensure that we
can train models to make them better over time.
And so that information is something that we rely
upon. And you mentioned reclassification. We make changes to the PED [phonetic] feeds about four times a year, and as we do that, we incorporate those changes into the model as well, so that the AI system is staying current with the latest version of the feed [phonetic].

The second question had to do with, you know, are the examiners, I think you said better at understanding [phonetic] everything through that challenge process [phonetic]. So the challenge process is a, has a couple of steps in it. So we have an examiner step where they can submit a change based on what they're seeing in the application. And then we have our supervisors and classification experts, you know, go through and align those changes and sort of validate those. So there's a couple of steps there in order for us to execute that process all the way through. And again, as I mentioned, that data is very valuable to us. That's information that we want to pull into, pull into the system.

It's as I showed in the slides. We don't
have the challenge process data yet. It's still
too nascent in the process, based on when we
started.

So that's something that will be
emerging over the coming months as we get through
our pilot. And, obviously, as we go forward and
the applications that have been auto-classified
for those C-Stars start to become, start to get
placed on examiner dockets, we'll obviously have
the opportunity the, to collect data in terms of
that, of their performance at that point, too.

MS. CAMACHO: Thank you. And there are a
couple of similar questions related to whether you
have comparison data with the CPC codes through an
AI assignment, with the EPO, for example, and in
others in the USPTO code. So are you able to
compare AI science CPCs with, for example, how
they're being assigned in the EPO or the U.S.,
other cases?

MR. SUCH: So the CPC system uses the
patent family model, and what that means is
documents that are filed in different countries
are, that are, or have the same priorities, more or less, will coalesce together in their patent family. And they will bring along with them the classifications that they, that are allocated to those documents. And so all that information is useful for doing the training of the AI models. And we absolutely can take that information and use it to compare with, you know, codes that are on the patent family model. And that's actually one of the really important ways that we, you know, do validation of the models to go forward.

And now we have these kind of ranked lists that are produced through the models, and we're making this transition to actually select the appropriate symbols to actually place on a document. And there's things like classification rules, and the like, that are built into that, and so in order to be able to translate that information, to make that change from, you know, a ranked list into actual allegations on a document, we're looking at the best ways to do that. And once we have that, then, obviously, we'll be
looking very carefully at how the AI, it settles
on its final classification relative to what we
would expect to see on any particular document.

MS. CAMACHO: Thank you. Last
question-have we licensed in any particular search
platform for the "More Like This" capability?

MR. SUCH: So, yes. So yes and no. As I
mentioned before, we have a system that, account
that actually is kind of specially built for our
search system. And the way that that works is
actually a, not to get super technical, but it's
actually a nested set of models. So we actually
license kind of the core models that are built off
of public data from Google. And from there, then
we build a model around that that allows us to
interact with that and to do the tuning that we
need to do in order to, in order for the overall
system to work with our search tools.

MS. CAMACHO: Thank you.

MR. CHAN: Great. Thanks, Jennifer. I'll
just must make a couple comments before we move on
to the next topic. First of all, thanks, Matt.
Great presentation, terrific updates. I think it's exciting for all of us to hear these. I would say the first thing is I think it's great to see the transparency. Meaning sharing the performance data that you showed in the slide. I think it's just really great to allow people to see kind of the work in progress, and just the very promising results that we're seeing.

I think the second is, and we've seen a little bit of this in some of the questions we received. There is, there's a bit of skepticism, I think, from some folks who are not sure about these AI models in their performance. And I think one thing that they should all take away is that these are being built in very close collaboration with the examiners and the USPTO. So it's not like the AI models are coming in and just kind taking over a lot of these functions that humans have performed. It's in very close collaboration. The models are only as good as the humans can train it, and that's what Matt and the team are doing, and that has been, that has been terrific.
And then the last thing that I would say that kind of goes to the question, Jennifer, that you said around, you know, licensing in and just generally leveraging the expertise that's out there. There's a tremendous amount of consultation and collaboration that I think that USPTO has done with external experts, including, you know, learning from the technology, not recreating the wheel, leveraging those external experts. And then also internally, I'm not sure a lot of folks are aware that the USPTO has also hired some of the leading experts from the industry.

One such expert is Jerry Ma, who is the Director of Emerging Technologies at the USPTO. He has now been with the Office for about a year. And just to call out, on May 20, he is actually doing a virtual presentation on AI innovation, and a lot of the work that he's been doing, working closely with Matt and the team, on exactly what Matt has been talking about. So, I would encourage you all to tune in. Again, that's May 20, and that's Jerry Ma speaking about the great AI
innovations going on at the office. So thank you for all that. Really appreciated it, Matt.

Why don't we move over to...--

MR. SUCH: Sure.

MR. CHAN: Yep, absolutely. Why don't we move over to the DOCX issue, and I believe Kimberly Williams is going to, is going to take that one.

MR. SEIDEL: Actually, Jeremiah, I'll jump in. This is Rick Seidel.

MR. CHAN: Okay.

MR. SEIDEL: Just kind of wanted to set the stage with the time we have left. I know it's not as exciting as AI, but we're very excited to talk about DOCX in the time we have remaining.

Drew mentioned it earlier. I think, as everyone on the call and the listeners know, we're transitioning to DOCX. And we can't underscore enough that this transition will go into effect January 1, 2022. So over the next several months, we really want to get word out. We need our stakeholders to take advantage of the DOCX filing.
Don't wait until January.

And if you think about it, we were on the same kind of change almost 15 years ago, for those old-timers that were around back then. We were transitioning from paper to, believe it or not, EFS-Web. We had about a 2% intake rate back then. Through outreach, feedback, and collaborative communication, we saw that number grow significantly by year's end. So we would love to increase the number of DOCX the same way, sooner rather than later, and instead of waiting until January 1. And I'm really confident we'll get there the same way we did over 15 years ago.

So today is kind of a launch. We have planned for listening sessions over the summer. We've got ongoing training sessions several times a month, providing a test mode for applicants to, you know, to get the look and feel, familiarize themselves with the system without actually having to, you now, officially file, right? Dummy data if you will. We really want to hear your feedback and work toward increasing the usage. So, again, take
advantage of the DOCX sooner rather than waiting
until January 1. I think that's the overarching
message.

So with that, Lisa Tran. She's a
Management Program Analyst in the Office of Patent
Information Management. She'll cover some
high-level benefits, and then once she's finished,
Kimberly Williams will close out with the DOCX
demo.

Lisa, please take it away. Thank you
very much.

MS. TRAN: Great. Thanks so much, Rick.
So DOCX is just a structured text filing format,
and some of the benefits, if we could get to the
slide with the benefits? There we go. So some of
the benefits include, first and foremost, it is
secure. There's automatic metadata detection that
our system does. We scrub it, get rid of it for
you. So if you accidently leave information in
there, such as author, company, last modified by,
comments, or bookmarks, we go ahead and get rid of
that for you, so like, it's not accidentally saved
One of the key benefits that you get with DOCX filing that we don't get with PDF is that with DOCX filing, it generates a feedback document at pre-submission to show you exactly where those warnings and errors are as the filing is uploaded. That information is presented to you in real time. That gives you an opportunity to go through your document, fix any issues that you find, and then be able to upload the corrected document to save you a lot of headaches in the future with the formalities reviewed as a part of your application processing.

DOCX also enhances the quality of examination and initial processing time with its content-based validations, pre-submission. We pick up information such as abstract word count and proper multiple claim dependency, independent and dependent claim count, duplicate or missing claim number detection, and specification paragraph number and detection.

Also, a copy of both the generated PDF
that our system picks up on and the DOCX document
are available for download before and after you
complete your submission to the Agency. That way,
you don't have to save that information on your
own computer or your own hard drive. That
information is all available in one place for you.

If we could go to the next slide? Okay,
perfect. In addition, DOCX, by filing in DOCX
format, specifically within Patent Center, we're
able to detect and split specification claims and
abstracts found with any single file. So you can
submit a multi-section document within Patent
Center, and we'll be able to break that up for
you. Please note that it is different in EFS-Web.
In EFS-Web, you have to break that up prior to
submission, and whenever Kimberly does the demo,
she'll go into a little bit more detail about the
differences of filing in EFS-Web versus Patent
Center.

By filing DOCX, we also have automated
DOC code assignments. This saves on the initial
processing time and also helps to ensure that the
correct DOC code is assigned to your files to make sure that it goes to the right place on the backup within our Agency. The requirement to convert DOCX into PDF for the applicant is eliminated. DOCX is a safe and stable format for creating, authoring, and processing IP documents. You can write DOCX files through a variety of different programs, including Microsoft Word 2007 or higher, Google Docs, Office Online [phonetic], LibreOffice, and Pages for MAC.

And lastly, by filing in DOCX format, you're eliminating the non-embedded font error, which is the most common error in uploading a PDF. There's additional fonts that are now available with DOCX format, and you can see the full list online at the USPTO DOCX webpage, and we are currently adding more all the time. And with that, we'll move onto the next slide.

So today's demo for how to file DOCX is going to be in Patent Center. Patent Center is our NextGen system, and it will eventually replace our legacy patent application systems, EFS-Web, Public
PAIR, and Private PAIR, for filing and managing patent applications. While EFS-Web, Public PAIR, and Private PAIR are still available in addition to Patent Center, eventually it will be replaced and phased out.

So Patent Center features a single interface. It's all in one place, and it's intuitive for filing and managing your patent applications. There's also a single search bar for retrieving your application. Patent Center also features some recent technology, so all those sponsorships that you've created in ESF-Web and PAIR have rolled over to Patent Center. There's also updated infrastructure, which allows for more efficient USPTO system integration. And, most importantly, by having recent technology built into Patent Center, that enables us to provide you increased functionality and overall system usefulness over time.

And, lastly, the authentication to Patent Center is the same one that you use to get into EFS-Web and Private PAIR using your USPTO.gov
account. There is world-base access, just similar
to either form of [phonetic] Private PAIR. So you
have the petitioner role, support staff role,
independent inventor role, and guest role.

And with that, I'm going to go ahead and
pass it over to Kimberly to show you how to file
DOCX through Patent Center.

MS. WILLAMS: Okay, thank you, Lisa. I
don't think I have the ability to share my screen
yet.

MS. CAMACHO: Can I ask a quick question
while we are working on that? And in...

Okay, it's there now. Okay. Everyone can
see my screen?

MR. CHAN: Yes.

MS. WILIAMS: Okay. Hi. As Lisa
mentioned, my name is Kimberly Williams, and I
will be giving you a demo of Patent Center. Where
my screen is now is our Patent Center Information
Page, and you can get there by, this is our
USPTO.gov website. Over on the right, you see Find
It Fast, and under Patents, you have the ability
to go to either our sign-in page, or you can get
to this information page.

So Patent Center is your one-stop shop
for filing and retrieving and managing your
applications, all in one single interface.

And if you already have access to
EFS-Web and PAIR, there's no additional steps for
you. You can use Patent Center right away. And if
you are a practitioner and you sponsor several
support staff, they no longer have to sign out and
switch over to you, and then sign out and switch
over to another practitioner. They can see all of
their support in one, in one tool. So with that,
we're going to use training mode to demo filing a
docket today.

This is the sign-in page, and at the
very bottom you see the Patent Center Training
Mode. This is unique to Patent Center, and it is
not going away. It is a simulator, so you may
upload your documents and see what kind of results
you may get if you actually filed a patent
application. One of the important things to note
about training mode is your data is not saved, your data is not entered into our system, and it is not associated with your customer number. So it is truly a simulator.

So with that, I'll switch to the training mode. All of the things I just pointed out pop up, and I enter training mode. And you'll know you're in training mode because there is a bar across the top to let you know that you are. If you were signed in and tried to use training mode, a pop-up would alert you to sign out in order to use training mode, and you can quit at any time on the top right.

So we're going to file a new submission. We will file a utility nonprovisional. It alerts me that I am a guest user, which is correct. We have three ways that you can upload your application data sheet information. One is using our web online form, one is uploading our AIA/14 form with all of your application data. But in this demonstration, we're going to manually enter the data, which you must do when you use training
mode. So we'll just use dummy data in order to submit this application. So I'm just submitting the required information in these spots, and as you can see, it doesn't have to be anything in particular because nothing gets sent out.

So I select, and I am here at my upload screen. Now, one of the important differences is when you file a PDF, which you may still do in Patent Center. However, if you filed a multi-section submission, meaning your specification, your claims, your abstract, your drawings were all together, you would have to break out each page and say page 1 to 5 is my specification.

However, when you file in DOCX, this is automatically done for you, and not only is it automatically done for you, but it's done for you in real time. And you have a drag-and-drop feature here—you don't have that in EFS-Web so I'm going to drag-and-drop, or you may select the button to select your document. And this is not canned data. This is real time, validated data that just
occurred when I drag-and-drop that document.

As you can see at the bottom, it
detected my section, specification, claims,
abstract, and drawings. And here are a list of
warnings that we've deliberately put in this
document to show you the validation feature. One
of the things about the warnings, you may either
file with the warnings, it will not prevent you
from submitting, but you are at least made aware.
You may also have the ability to remove that
document, make any corrections that you would
like, and then re-upload that document.

Here is a feedback document, which is
unique to DOCX. You do not get a feedback document
when you file in PDF. So if you wanted to know
where are all of these issues located in my
document, you would select this feedback document,
and here at the top, you get a complete summary.
Here you're, and it's in one independent claim.
There are three dependent claims, and then these
are all of your warnings.

Now, that's the summary, but here is
each occurrence. So there's a duplicate paragraph numbering, so it lets you know that, and the specific location. And our claims section, you see our independent claim has been identified. Also, claim 2 depends from itself, which is not correct. You are warned that that has occurred. Claim 4 does not end in a period, and you are warned that that has occurred and exactly where it has occurred. And here is the abstract, and the abstract is over 150 words. So not only does it let you know that, but it lets you know the location where the 151st word occurred. So now that you're pretty clear on where your warnings are located, you have the ability to make that correction.

So once I'm satisfied, I select continue, and I manually input the number of pages of my specification, the number of claims, the number of independent claims. And based on my entity status, the fees, the appropriate fees are generated, and only those fees that are pertinent to my application.
If I had selected that I needed to file a petition, petition fees would show. If I filed excess pages of specification or claims, that would show. If I made any kind of error that I wanted to correct, with the numbering I can go back, I can edit information and make that correction. Then I'm satisfied with that, and I'm going to continue.

Now, this is your review and submit page. And your review and submit page shows all of your application data, it shows the document that you uploaded, all of the warnings, and I'm going to put this information in. It does not send anything to you, so this is still, again, just dummy data that's going in. And you don't have to be afraid to submit in training mode because nothing is filed. You will get a dummy application number, which is a series of nines, but this is what your submission receipt would look like. And one of the important features on your submission receipt is the secure hash, which means your data is encrypted. It is not altered at all by our
staff, so what you submit is what we're going to review.

And once you have submitted that application and you desire to go and review it, now here is, since we were in training mode, that did not submit to our downstream system. So I have one for, you're here on, that we would search. So you submitted your application, and now you want to take a look. This is all the information from your application data sheet.

Now, down at your documents and transactions, this is an important part. This is your PAIR feature that you're used to, and now this is an all-in-one user interface. So this is your review page. So the app doc [phonetic] text at the very top, that is the multi-section DOCX that you submitted. And it has been broken out into abstract, drawings, your specification, and your claims.

And at that point, you may do a quick download of either the DOCX, the PDF, or the XML. And the XML data shows you that your metadata from
the document is scrubbed. So that means your
authoring information, your—any kind of sensitive
information, your comments, your bookmarks—those
things have been scrubbed. So only the substantive
information is present in your application to go
in our systems to, for examination.

So, again, DOCX is a safe, stable way to
create and to author and process your documents.
Your data is scrubbed. And one of the things, I
pointed out a few things about EFS-Web versus
DOCX, but if you file DOCX in EFS-Web, you do not
have the multi-section ability. You have to upload
each section separately. Also, you have utility
nonprovisional that you can file in EFS-Web,
however, in DOCX format. However, in Patent Center
in DOCX format, you can file provisional,
nonprovisional, national stage applications, and
also, you notice the drag-and-drop feature instead
of the upload and validate features.

So there are a lot of perks to filing in
DOCX. And also, I wanted to point out one of the
more important things, too, is if you get these
validations up front, this may reduce the number of non-compliant notices that you get, which means that you can move forward through our systems and get to the Technology Center so that your application can be examined.

So thank you for your time and attention. And I will use what time we have left, or the seconds we have left, to answer any questions that you may have.

MR. SEIDEL: Okay, Great.

MR. CHAN: Thank you, Kimberly. That was terrific. I think we go ahead, Rick.

MR. SEIDEL: I'm sorry, Jeremiah. Can I just underscore one of the points that Kimberly made at the end? I think Lisa and Kimberly did a great job in flying through this. It's very dense. But if anything else, please take advantage of DOCX. And the one feature Kimberly was alluding to was the notices of missing parts in complete applications. We send about 100,000 of those out per year from our Office of Patent Application Processing. So if you think about that, think
about the inefficiencies there, the turn, the
impact on pendency. There's a lot of benefits for
users and the Office alike to try and reduce that.

So, again, thank you both. Thank you,
Jeremiah, for the time today, and I'll turn it
back over to you.

MR. CHAN: Thanks, Rick. That's a great
flag. I think there's tremendous benefit there.
So we do have a few questions from the public that
Jennifer will address. But let me ask a quick one
before we move to those, Kimberly.

So you showed a number of kind of
automated flags for errors when the application is
submitted. Is there an automated flag for problems
with antecedent basis?

MS. WILLIAMS: That actually is a tool
that's coming soon. It's not up and running yet,
but we have seen a little demo of 112(f), 112(b).
So it's, but, currently, it's not on.

MR. CHAN: Okay. Jennifer, do you want
to take the public questions?

MS. CAMACHO: Sure. And there are a
couple that are fairly similar. So one is asking about how do we make sure that the text of the DOCX is not changed in any way? And then another one asks about, you know, when we, in the Patent Center when the DOCX is converted to PDF, does the original DOCX control if there's a discrepancy?

MR. SUCH: So I can jump in and start with the last one first. Right now, as the C-setting rule [phonetic] was, DOCX is submitted, and then it's converted to PDF. Currently, the PDF is the controlling document; that conversion is the controlling document. But, again, based on feedback and input from stakeholders, that's something we're looking at very seriously and seriously considering changing to the as-filed DOCX will be the official record. Now I'll pass it back to Kimberly for the first question.

MS. WILIAMS: I missed the first question. Again, what was the first question?

MS. CAMACHO: The first question was how do you control for errors in the DOCX, basically? How do you make sure that the text of the DOCX is
not changed in any way? And I'll ask the second
question. The other question is, is the hash
[phonetic] that is calculated for the DOCX filed,
for the DOCX file created before the metadata is
stripped, or afterwards? Those are the two last
questions.

MS. WILLIAMS: Okay. The first thing—you
pretty much addressed how you know it hasn't been
tampered with, and that is the secure hash. I
believe it is for the, after the metadata has been
scrubbed, but Rich Hernandez is on the line to
confirm that.

Yes, it's after scrubbing. So after,
after that, that metadata has been scrubbed, then
the secure hash is created.

MS. CAMACHO: Thank you, Kimberly...

MS. WILLIAMS: And I just wanted to be
clear that the metadata that is scrubbed is only
the things that you don't want to be seen, not the
substance of your application.

MS. CAMACHO: Thank you.

MR. CALTRIDER: All right, any other...
MR. CHAN: Any other questions?

SPEAKER: So Kimberly, I have a question, or actually two. Can this be used for provisional applications?

MS. WILLIAMS: If you're asking if you can file DOCX submissions for provisional?

SPEAKER: Yes.

MS. WILLIAMS: That is correct, yes. We are receiving those at this time.

SPEAKER: And then on your summary field, I didn't see any field for submission of prior art. Is there going to be a field for, you know, applicants' prior art submissions?

MS. WILLIAMS: Yes. You may upload your IDF form, and you may also upload your references in PDF form. So you have the ability to file, to upload PDFs and in DOCX format.

SPEAKER: Okay, thank you. Very interesting.

MR. CHAN: Great. Okay. Thank you. Thank you to all the presenters. Steve, Jennifer, I think we're at time. So, with that, I'm going to
turn it over so we can stay on track.

MR. CALTRIDER: Very good. Thank you.

Terrific presentation, and I'll indulge just a little bit more time. And, Jeremiah, can you share where people can find more information on this? I know that Drew made reference, and I think, I don't, I don't remember if it was Rick or if it was Debbie, made reference to some outreach that's going to occur. Where can they find more information, people can find more information on the outreach?

MR. CHAN: I'd say a couple things. One is it looks like Jennifer did share the link to the upcoming presentation on May 20th from Jerry Ma on AI innovations. So I'd encourage you to tune in for that. And then the other thing that we didn't mention today but we have mentioned in previous meetings, Steve, is the USPTO's devoted site to all the AI and IT initiatives going on. It's really kind of loaded with tremendous resources, presentations, white papers, other information. I'd encourage the public to go there
as well, and you can learn quite a bit about all
the details on this great stuff that was presented
today.

MR. CALTRIDER: Great. Thank you, thank
you. Let's shift now to Outreach, our
International Committee, and Tracy Durkin.

MS. DURKIN: Great. Thanks, Steve. So we
are now going to leave the domestic world of
patents, and we're going to look externally to
what's happening outside the U.S. and the
activities the USPTO has been involved in.

And for that, because we're already,
already not quite on schedule and we haven't
started yet, I'm going to just go ahead and turn
it over Dave Gerk, who I think is going to lead
the discussion, and then we can see if we have any
questions. Dave, are you here? [Pause]

MS. CAMACHO: It looks like he's having
some technical trouble.

MS. DURKIN: Thanks, Jennifer.

MS. CAMACHO: Sure. They are trying to
move him to Presenter, or something.
MR. CALTRIDER: Yes, thank you.

MR. GERK: Can you hear me, Tracy?

MS. DURKIN: I can.

MR. GERK: Ah, very good. Apologies, everyone. There's an attendee and presenter, and I was in the wrong bucket, so no one could hear me. So hopefully, I can reward everyone by being upgraded here to the presenter and speaking area. So thank you for that intro, Tracy, and for time purposes, I'll just jump right in. So if we could have the next slide please, that would be, that would be great.

So today, three, three major items, just trying to address in the outreach and international portion. The special 301 report from USTR [United States Trade Representative] will be the first item we touch base on. The 2021 version just came out. And then there's been some developments in China. CNIPA [China National Intellectual Property Administration] has issued some measures for standardizing patent application conduct, so I'll give you a little update on that
item. And then, lastly, just a quick update on our
Patents for Humanity Program and where that's at,
and basically an introduction of a new category
that's there. So next slide, please.

So as mentioned, the special 301 report,
this is a, an annual review, and it's a
congressionally-mandated review of the global
state of intellectual property rights, protection,
and enforcement. It's conducted by USTR but in
consultation with a variety of USG [U.S.
government] partners, including USPTO and OPIA
[Office of Policy and International Affairs]. It
is utilized to encourage and maintain enabling
environments for innovation across the globe and
primarily also to allow and make sure that U.S.
stakeholders, when they look to pursue protection
for their IP rights, not just patents, but across
the board, that there's an environment that
fosters that protection.

The U.S. uses this review and the
resulting report which just came out as a focus
for our engagement on these issues. Certainly,
USTR does, and I can speak from experience that OPIA, a lot of our engagement globally, a lot of these issues that come up, this is a point to look to, of some of the focuses for our engagement over the year as we look to advance IP areas and IP interests. Patents, but across the board.

Just to give you a little detail, and I'll stay on the slide for a moment and just talk here, the report came out on April 30. It's a rather lengthy report, but it's really informative about what the IP environment is across the globe. The first section talks about developments in IP protection enforcement and related market access. Generally, there's a second section that dives into certain countries of focus and gives you an update on those regions.

And then the annexes have, you know, the statutory basis for this report. But importantly, in the last annex, it also talks about U.S. Government-sponsored technical assistance and capacity building highlights over the last year. OPIA, among others, as well as other USG partners,
a lot of our work is highlighted there, but what's important for you all to note is that these are areas where we're working with other governments to try and improve the IP environment.

So you can see some of the work we've done over the past year, but then also can anticipate maybe where we might be going based upon some of the contents of the report.

As far as specific content and trends to note, I'll just take a brief, brief moment, maybe highlight a few things that were noted in the report as far as trends. A couple of big, sort of buckets where some of the focus and some of the area of attention and hope for potential improvement abroad might be. There was a noted existed of forced [phonetic] technology transfer and preferences for indigenous IP across some of the countries that came up in this report.

And what that really relates to is a number of countries were noted as requiring a pressing [phonetic] technology transfer for U.S. Companies in order to, for example, as a condition
for obtaining investment or regulatory approvals in that particular jurisdiction, or as a mechanism for allowing a particular company to do business in the market.

Another example was where there was requirements of excessive confidential business information or regulatory approval-type information, or another example might be where there's ineffective, or a failure to protect this information. So those are a couple of examples under, under that bullet that was seen in these jurisdictions, and certainly over the year [phonetic], we could expect to try and take some discussions and help address some of these issues.

Another area, of course, pharmaceuticals and medical device innovation as well as guarding access concerns come up. One area is pricing, and while that's not technically a pure patent issue, there's certainly a tie in the patent space, and certain areas had a lack of transparent and predictable pricing requirements for medical devices and pharmaceuticals. So that was noted in
some jurisdictions.

Also, certain jurisdictions seem to have limits on patentability in the biotech space, particularly based on inventions based on living matter or natural substances that differ from the standards seen generally across the globe. So, obviously, that's another area that we continue to work to try and kind of bring along with a, the global view on those areas.

And then, one area that seems to come up in a number of jurisdictions is inadequate protection against unfair commercial use for unauthorized disclosure of test data, or other data that's generated, trying to obtain marketing approval in sectors that require that sort of information.

And then the last couple trends I think to note is in a couple jurisdictions, there was a feeling that the integrity of patents was an area that could be improved. There's some either low quality or bad faith seen filings. Additionally, some jurisdictions had high customs duties on
IP-intensive product lines. That's, that has created a bad environment, obviously, for foreign entities to seek to pursue.

So, from the 301 report, obviously it's a very dense, lengthy document, and there's a lot covered. That gives you some of the highlights. Obviously, it goes into a lot more detail. It's on the USTR website. But, again, I stress that this is one important resource that used to help guide some of our engagement over the year and also to address some of the global issues in IP, particularly patents, and as noted, in a number of different sectors.

Next slide, please. The next issue, as I mentioned, has to do with CNIPA recently, the Chinese Patent Office issued some measures for standardizing patent application conduct. I mentioned previously, talk of ensuring the patent registry and filed patents are of appropriate quality. It's believed that some of these provisions are aimed to perhaps address some issues like that and try and help ensure that, the
quality of the registry.

So in that regard, there's a number of provisions that were put out for comment by CNIPA on February 10. They're dense here and listed them out. I won't go, you know, one-by-one in detail on them, but I'll just highlight some of the flavor and certainly can lead you to take a further look. And, obviously, we're always interested if there's views from practitioners and experiences as whether these may be things that may help improve clients' feeling on these provisions.

But to give some examples and some feelings, essentially, they talk about what, what is considered abnormal behavior in patent practice or IA, abnormal filing. So these are a list of examples or criteria that might be used in CNIPA cases. For example, they're proposing that multiple applications on the same inventive creation content would be an example of potential abnormal filing. Fabricated, falsified, or altered inventive creative contents, test data, or technical effects. So obviously, if there's
falsified information, I think we can all recognize that might be an area of question.

Applications where there's statements that are inconsistent with the inventor's research, multiple applications generated randomly using a computer program or technology, is one particular interesting one that was included in there, of note. Additionally, there were a number of them that talked about efforts to deliberately evade examination or patentability examination.

I'm not exactly sure what that's specifically in reference to, but seemingly trying to game the system is the takeaway in those regards.

Obviously, inducing, abetting, assisting, or conspiring with another, by a patent agency, attorney, or other institution, to defraud the system and things like that, is covered in here.

And then there's a, the last one is a catch-all, if you will, sort of anything that violates the principles of honesty and credibility and disrupts the normal order of patent work. So, obviously, there's a number of examples put out
here that CNIPA is hoping to seemingly steer, you
know, applicants to make sure their filings are of
good quality and appropriate, and help address
this seemingly on the front end and giving them
some ability to deal with these issues.

So that is the patent filings topic
there with regard to these new measures. And,
again, we would be interested, of course, if any
stakeholders, members of the Committee, have views
of some of these provisions. I think it might be
helpful. The USG, as far as I understand, did
submit comments. The deadline was February 26,
but, obviously, this is a conversation that keeps
on going. This was seen as an update to a similar
thing they had in 2017, trying to address over the
last few years these issues.

Next slide, please, and I think you can
actually go two more. And then this is the last
item I did want to flag. Obviously, we do have our
Patents for Humanity Program, and we did launch a
new category for Patents for Humanity in relation
to the COVID-19 pandemic, and that was
highlighting, there's a new category, and, in addition to the existing categories. The existing categories were in the areas of medicine, nutrition, sanitation, household energy, and living standards. And now you add COVID-19. So this is yet another opportunity to recognize the great contributions that patents and patented technologies can have to the, you know, global human system. And so just flagging that, that is another category that has arisen here this year.

And with the Patents for Humanity Program Improvement Act passed by Congress last year, award winners are now able to transfer their acceleration certificates, which previously they had to use on their own. There wasn't the ability to transfer that on. Now, you can transfer that on. Obviously, that then becomes something of value to the, that they can do with as they wish or pass on to somebody else. So as the program is expanding, it's been a popular program, so hopefully this will continue that path and trajectory.
Next slide, please. I think that, that wraps up the presentation. But I, of course, would be interested in questions or comments, or if others from the Subcommittee had comments to make?

MS. DURKIN: Thanks, Dave. While Jennifer is checking to see if there's questions from the public, I have a couple questions I'll just start with.

MR. GERK: Sure.

MS. DURKIN: And I'm going to go in reverse order. But on the Patents for Humanity, can you just remind us, how are winners selected? In the slide it said the winners, so is there some competition there?

MR. GERK: Yeah. There's a full process that applicants go through. There's a submission, there's a review process for the contribution, there's a full evaluation, and then, you know, a panel of USG folks. We would look through these things and make a decision. So it's not just a, you know, it's an involved process, I will say. A lot of time is spent in going through, and we're
always impressed when we go through and see the
great contributions. So to some degree, we also,
it helps us highlight some of the great work and
some, some great stories in there relating to
patents and innovation.

But that is how the process works. There
is a selection, and a vote, and all those sorts of
things.

MS. DURKIN: And does that, does that
just happen once a year or more regularly?

MR. GERK: It's been traditionally, you
know, I don't think there's any statutory or hard,
you know, fix to it, but it's been about an
every-other-year kind of gait to it. But there's
announcements. There's a whole page dedicated to
it on our website, so I would certainly encourage
those to find the details and the timing of this
next sequence, to turn to that page.

MS. DURKIN: Thanks. I had a question
about the China filings, but let me wait and see
if anyone else has anything they want to elaborate
on.
There is one question from the public, but it's fairly general. Why don't you ask your question first, on the Chinese patent filings. Then we can ask the general question.

MS. CAMACHO: Okay, great. Dave, I don't know if you're going to answer this, but I think the whole announcement by China just sort of begs the question of why are they looking at this? And are they looking at domestic filings? Or filings that are coming from outside of China?

MR. GERK: Yeah, that's a good question, Tracy. Obviously, I'm not sure we have, are in a position to gauge exactly what their specific intents are. When, I'm not aware of this being limited to a foreign or domestic. I think it's applicable across the board, is my understanding, and I can certainly go back and reconfirm with those of us following this more closely, and also with our attaché in China, if there's any further details available. But I think it's just a more holistic-any application, I think regardless of where it's coming from. That is the focus, as
they, I think, just look to the future to improve.

[Laughter].

MS. DURKIN: A very detailed list for something as abstract as that, but I guess we'll just leave it at that. And then I have one last question on the 301 report. But is there anything else anyone wants to bring up? Okay. Yeah. So on the 301 report, I know traditionally there's been a big focus on counterfeiting. And while we don't traditionally think about counterfeiting in terms of patents, I think you know, Dave, as well as anyone that, you know, design patents are becoming a big tool for counterfeiting.

And I just wondered if there's been any focus on things like more robust customs registrations, you know, outside of the U.S. for design patents, for example. I know they're looking at it here in the U.S., and other countries have it. Is there any, any focus on that in the 301 report this year? I haven't digested it completely.

MR. GERK: [Laughter]. I know there's a
number of counterfeit issues brought up. I will admit, in preparation between when the report came out and today, I really only focused on the patent-related ones. And fair enough, that for design purposes, you're right, I should have also, maybe, I guess, thought about the counterfeiting angle, but I just-offhand there's nothing that I can specifically note.

I do know, as you said, counterfeiting is an important issue that comes up year-to-year, and as I was reviewing, there's a number of items discussing counterfeiting in various contexts. But I can't say I sat and, like you said, digested it to make sure I could give you something I'd feel comfortable in right now. So I'll have to get back to you on that one.

MS. DURKIN: Sure. We'll both have to read it.

MR. GERK: Sure, sure. Definitely.

MS. DURKIN: Does anyone have anything else they want to add, or we could give a few minutes back to the next group.
MS. CAMACHO: Well, there, there was a question from the public. But it's fairly general in nature if I think I understand. The question relates to this meeting and whether you guys are familiar with any events like this that the other organizations or international organizations that we collaborate with hold, and whether there might be any opportunities for proceedings, sort of virtual events that house not only our Office but some of our collaborators and some of the international patent offices.

MR. GERK: That is an immensely broad question, but I still think an excellent one. I can give you— you know, you're catching me a bit off-guard, and maybe this is something we can even share after giving more thought to the question with the Committee, to maybe pass back out to the public or figure out the best way to do it. But I'll highlight quickly, with the time I have. I do know, for example, WIPO [World Intellectual Property Organization] is one international organization, of course, that we
work with regularly. And with the various subject matter committees, whether it be Standing Committee and Patents, whether it be Trademarks and GIs and Designs. Oftentimes, as part of the committee meetings, there's an information session and, informational session. And I'll have to reconfirm the availability for that. That may be only for observers of the actual meetings, but I actually think it's more likely it's available more publicly.

That said, I do know they do also have, WIPO does a lot of public programs on various topics and geared to both broad topics but also specific types of IP and specific issues in IP. So I think WIPO is one great source to do those sorts of things. There's quite a few others, and I know I can come up with them, but that's the first one that came to mind, as I know that they have quite a robust program, and they're always interested in engaging with the public. So I think that would be a great resource and can, we can help usher some other areas and thoughts on that.
MS. CAMACHO: Thank you, David.

MR. GERK: Sure.

MS. MARTIN WALLACE: Well, I can add just a little bit to what Dave said. He's absolutely right, and there are some offices such as EPO, which will, not saying an advisory board but, you know, they've done some events, and they've actually done events here in the United States for their own stakeholders, as well as in other offices, such as JPO [Japan Patent Office]. They have GIPA [Global Intellectual Property Academy], which is equivalent to the IPLA [International Patent Legal Administration], that puts on events as well to help get comments, feedback from their stakeholders.

So I agree with Dave. We can, you know, look into it, and get some, get a list together for everyone and maybe some events that will be happening soon. We can get that back to you.

MS. DURKIN: Thank you, Valencia. I was just going to say before we close it out, I wanted to see if you had anything else to add. So thank
you for jumping in. And if there's anything else you want to pull down from your end, please do.

MS. MARTIN WALLACE: Oh, I think they did a good job in both of our areas this time, so I think that's about it. But as always, if there's anything that we can do to help or any questions we might have after this, please feel free to contact either of us.

MS. DURKIN: Great. Thank you both.

MR. GERK: Thank you, Valencia.

MS. DURKIN: Steve, we'll turn it back to you.

MR. CALTRIDER: Great. Thank you, Tracy, and thank you, Dave, for a very interesting presentation.

Next up is the Patent Trial and Appeal Board [PTAB], and I'm the Subcommittee Chair, so I will make a few introductory comments and turn it over to Scott and his team.

Certainly, the PTAB has been very actively working on closing the gap, and that is creating learning loops between the PTAB and the
Examination Division so that we learn from the experience. And so if there is art being cited in PTAB that wasn't before the examiner, then why did we miss the art during examination? And so that's one of the feedback loops going back into the search and the, forming a, you know, the AI search capability.

Same with training between the PTAB and the Examination Division, and vice versa. Those are important issues to try to close that gap so that we have a little more predictable and more reliable patent system overall, as patents transition from the front end of the system to the back end of the system, as I mentioned earlier.

So with that very brief introduction, I'll turn it over to Scott. He has some very interesting presentations and updates on a number of the issues, initiatives within the PTAB.

Scott, I think you might be on mute.

JUDGE BOALICK: Oh, the old, the secret double-mute was the culprit today. So while you missed my glowing thanks for, and praise for your
introductory remarks, but we have a couple of
folks here, you can see on the slide, you're going
to hear from today, in addition to Deputy Chief
Judge Jackie Bonilla and myself. We're going to
hear on a couple of items. If we could go to the
next slide, I'll give you an overview of what
we're going to talk about. Vice Chief Judge Janet
Gongola is going to talk about the brand new,
fast-track appeal pilot that we have for
COVID-19-related inventions.

Then we're going to hear from
Administrative Patent Judge Eric Jeschke on some
outreach programs, and Judge Mike Cygan on a
one-year study for ex parte appeals.

But before we get there, just one sort
of preview item, you know, forthcoming to whet
your appetite for August, we have been looking
into a number of things. One of the things that
we're planning to present in August is the results
of some ongoing case studies we have related to an
area known as what, the section 325(d), where art
or arguments were previously before the Office and
then again considered in an AIA [America Invents Act] trial and look at some of the outcomes there, presented with former case studies. So you have that to look forward to in August.

But the first item we have today, and I'll turn the floor over to Vice Chief Judge Janet Gongola, is the brand new fast-track pilot program.

JUDGE GONGOLA: Thank you very much. Next slide, please. Okay. Well, we are very pleased to bring forth, as of April 15, a new fast-track pilot program that's tailored to COVID-19 applications. This fast-track program is under the umbrella of our existing fast-track program. It runs on the same backbone. However, it has a few features that are different, so that's what I'd like to highlight for you today.

First of all, this fast-track program is free. An appellant who wishes to join the fast-track simply has to file a petition. There is no charge, and in the petition, the appellant needs to indicate that the application meets the...
definition for a COVID-19-related application. That definition is the same one that Patents applies in getting fast-track examinations in COVID-19-related applications.

The invention has to be related to a product or a process that is undergoing FDA review to treat COVID-19. Once the petition is received—and we are turning petitions around very quickly, on average within two days—the appeal will be placed in the fast-track program, which means it advances to the top of this docket for decision.

Unlike the regular program, our fast-track for COVID is not restricted to a certain number of petitions on a per quarter basis. Instead, we are accepting for all time [phonetic] a total of 500 applications into the pilot. And as far as receiving a decision under the pilot for an appeal, our average turnaround time currently stands around two months. Our goal is six months. So, presently, we are moving even faster than our goal to issue a merits-based
I will now turn things over to move into our outreach efforts. And I'll pass the microphone to Judge Eric Jeschke.

JUDGE JESCHKE: Thank you. I'm Eric Jeschke. If we could have the next slide, please?

I'm Eric Jeschke from the Patent Trial and Appeal Board, and I'll be discussing two different outreach initiatives by the PTO, and PTAB specifically, to independent inventors and new practitioners. The first, which you can see summarized on the left side of the slide here, is a new set of tools for ex parte appeals. The overall purpose of the tools is to provide generalized guidance to, independent inventors and new practitioners in drafting briefs and ex parte appeals.

And this is done with two different documents. The first, which is shown in blue on the slide, is a Microsoft Word template that essentially acts as the starting point for the appeal brief. The template has separate section
headings for the common sections in an appeal brief, such as real party of interest, summary of claim, subject matter, et cetera. And then after downloading, the template can be saved locally and treated like any other file on the user's computer.

The second document, which is shown in green on the screen, is a separate PDF instruction document. It will have the same section headings as the Word template. Each section of the PDF instruction document will, for example, provide some background on the section's purpose, will identify some important issues to consider addressing in that section. It will discuss whether the section is required for independent inventors and may include some cites to sections of the MPEP [Manual of Patent Examining Procedure] that may be relevant. And it also sometimes will include an example of what the section may look like in the final version of the brief. With that information, the PDF instruction document can provide jargon-free guidance to help users draft
each section of the Word template.

So as far as the expected usage, given the common section headings in both of the documents, they are intended to be used together with both of the documents open at the same time on the user's screen or, screens. They'll basically go down through each of the sections and in the end have an appeal brief that is ready for filing. As far as the current status of these tools, they're available now for download from the PTAB website. If you go to the PTAB website and then New to PTAB, there's a link for preparing an ex parte appeal brief.

Right now, we'll turn to the second of our two outreach programs by PTAB, to the independent inventors, and that is our Inventor Hour webinar series. This series will be similar to the current Boardside Chat webinars, which are generally an hour long and open to questions from the public. The purpose of the new series is to offer information about PTAB and the various proceedings that take place, with the information
being geared mostly toward non-attorneys, such as independent inventors.

The first Inventor Hour will be held a week from today on Thursday, May the 13, at noon, and will generally be held on a quarterly basis thereafter. For the first Inventor Hour next week, we will present a lot more detail on the ex parte appeal brief template tools that we discussed a moment ago. We'll also be discussing each section of the two documents in detail and also explain a bit more about how to download the two documents that we introduce today.

And that's all for me. Thank you.

MR. CALTRIDER: All right. Thanks. We have Judge Cygan to fill us in on the one-year appeal study that we did, so I'll turn it over to him.

JUDGE CYGAN: Thank you. I want to talk a little bit about the timing for appeals, for ex parte appeals. And as Janet mentioned earlier, the Board has had a fast-track pilot appeals program, and it's been going for about three quarters now.
It's a one-year pilot program. And so far, we've had some excellent results, and the timing of that, where a decision on a fast-track case is rendered just over two months from the time the petition for fast-track is filed. And also taking into account the fact that PTAB's time to decision, from the time the case is docketed to Board, has been steadily decreasing, and it's reportedly (phonetic) about Months now. So with those two sort of shortened timeframes in mind, for the Board to render a decision on a case, we wanted to step back a little bit and take a look at the course of the entire appeal.

And today, I want to talk a little bit about what an appellant can typically expect for the time for an appeal to be resolved, not just from when the appeal is docketed at the Board but from when a file rejection or second or subsequent rejection on an application is issued. From that time up until the time the Board issues a decision on a case, what's the typical amount of time? And
how fast can that appeal go if appellant takes one
or two strategies that I'll talk about today?

Now, we call this the one-year appeal
because I think at the end, we, we're very curious
to see if it's realistic for an appellant to be
able to get a decision on an appeal within one
year from the time a file rejection is issued. And
I, our hope today, by setting forth these typical
and these accelerated timeframes for an appellant
to receive a decision, it felt like it made a
better planned expectation on whether to appeal
and, if they're going to appeal, how long they can
expect that appeal to take.

So if you look in the left column in
blue, we have a list of the main documents that
are filed or issued during an appeal. So an appeal
with, start with a final [phonetic] rejection or
second or subsequent rejection of a claim. After
the file rejection is issued, appellant will file
a notice of appeal to kick off the appeal. After
that, the appellant files their appeal brief. In
response to that, the examiner issues the
examiner's answer. After the examiner's answer issues, the appellant may or may not decide to file a reply brief. That's an optional paper. After the reply brief is issued or the time to file a reply brief expires, then jurisdiction transfers over to PTAB, and then PTAB will issue a decision.

In the orange column just to the right, we show the typical amount of time that's consumed for each of these phases of the briefing. So, typically, an appellant will take four months to file a notice of appeal and then take three months to file an appeal brief. These are much shorter than the maximum amount of time that an appellant is permitted to take, with a maximum of time being six months to file the notice of appeal and seven months to file the appeal brief.

After the Office receives the appeal brief, the examiner's answer is typically turned around within two-and-a-half months of receipt of the appeal brief. The examiner's answer is, in 95% of cases, is turned around within four months of
the time the appeal brief was received. So an
appellant can typically expect to receive an
examiner's answer in two-and-a-half months, and in
95% of the appeals, it will be issued within four
months of that.

And the four months is also notable
because every day longer than four months that the
Office takes to issue an examiner's answer, one
day of patent term adjustment will accrue on any
patent that issues from that case. And the typical
amount of time for a reply brief to be filed is
two months, and that, I think, takes into account
the fact that many appellants will not file the
reply brief, and that entire two-month window will
take place before jurisdiction is transferred to
the Board.

As I mentioned earlier, once the appeal
is docketed at the Board, the Board is sort of
closing in on a 12-month time for a decision. It's
a little bit over 12 months right now, but it's
been steadily decreasing in recent time. If you
add all those time periods up, the typical amount
of time that's being taken for an appeal right now, from the issuance of a final rejection to the issuance of a decision by the Board, is about 23 months. And there are two strategies an appellant can use to reduce that time in cases where they really want to push the envelope and have that appeal decided faster.

The first is by taking advantage of the fact that appellant has three of those time periods entirely under their control. So if the appellant decides, based on particularities of the case they have in front of them, how long they need to take to file each of the briefing documents. So, we've given some examples of an appellant, just by slowing down those briefing times, can reach 18 months from file to decision, and that would be by reducing the amount of time to file the notice of appeal from four months, from four to one month.

Another example would be reducing the amount of time for an appeal brief, to file the appeal brief, from three months to one-and-a-half
moths, and to file that reply brief in one month.
And if you add on the typical time to decision
that the Board is approaching, of 12 months,
that's how an appellant could expect to receive a
decision in 18 months.

Now, what if an appellant wants to go
even faster? An appellant has a case in front of
them that they would really like a decision on
within 12 months of the file rejection. Well,
appellant would not file those documents faster,
but appellant would take advantage of the PTAB's
fast-track appellant appeal program. And here
we've shown a decision being rendered in the
projected time of six months from the case is
transferred with forced [phonetic] jurisdiction.

But as Janet mentioned earlier, right
now we've received, we've noticed that the typical
amount of time that the Board takes in deciding
that, those fast-track cases is much less. It's
about two months. So even if the Board takes its
projected time of six months, an appellant would
expect a decision within 12 months of the time the
file rejection is issued, and if current trends hold and the Board keeps issuing decisions about two months from the time the PTAB's fast-track petition is filed, but that would be even less. That would be an expected file to decision time of about eight months.

So one of the main take-home lessons here is that the appellant can look at the amount of time that the Office is consuming and then add on whatever time, amount of time that they project for that particular case. So for a non-fast-track case, they would expect the Office to issue the examiner's answer in two-and-a-half months, expect the decision in about 12 months. Therefore, about 14-and-a-half months for the EPO, plus whatever briefing time that they need for that case.

And, certainly, in most cases they don't, an appellant doesn't need to accelerate to this extent. Appellant, for example, may want to take advantage of the PPO [phonetic] Pilot Conference Program, which would certainly take a little bit of extra time in filing the appeal
brief after getting the results of that.

But I think, again, in summary, by looking at the typical amount of time that an appeal takes right now, for the entire phase, and I look at couple of these strategies an appellant can take, appellant can make a much, much more informed decision about the appeal process. Thank you.

MR. CALTRIDER: And we just have one other bonus feature here. Since I, we did want to give a quick update on our LEAP [Legal Experience and Advancement Program] Program, and for that, I'll turn it over to Vice Chief Judge Gongola again.

JUDGE GONGOLA: Thank you. And I'm always very excited to talk about the LEAP Program. LEAP stands for "Legal Experience and Advancement Program." It is a means by which we want to foster the next generation of patent practitioners by offering them stand-up in-hearing room opportunities to present arguments, as well as training to guide and promote their oral
advocacy skills.

Now, to be eligible for LEAP, a newer practitioner has two requirements to meet, freer [phonetic], fewer arguments, may it be for any federal tribunal, that would include PTAB, and seven or fewer years from Bar admittance, which includes the Patent Bar or license share [phonetic]. Now, in exchange for giving a LEAP practitioner the opportunity to argue in front of the Board, the party will receive on most instances 15 extra minutes of argument time. The party can allot that argument time however it chooses, provided that the LEAP practitioner is given the chance to present on a substantive issue.

To apply to the LEAP Program, we've made it very easy. We have a form on our LEAP website, USPTO.gov/LEAP. The form asks for some demographic information, name, address, and then the certification that the two eligibility requirements are met. One thing is we ask that you submit the form for a specific proceeding, not
general. And we also ask that you submit the form in that specific proceeding after your hearing date is set. That way, we won't mistake the form or lose the form, and we can grant it approximately the time of your argument.

So far, we have had the pleasure of hearing LEAP practitioners argue in 46 cases. Two-thirds of those were AIA trials, and the balance were ex parte appeals. In that 46 requests, there were 34 different clients represented. We have held on the training front thus far, a variety of sessions, from basic oral advocacy skills, to preparing for an oral argument, to three mock argument practicums—two for trial and one for appeal. And we have also included a session for those who watched our most recent ex parte appeal practicum, "a perfect argument."

So we took the same argument that the LEAPers presented and featured an experienced practitioner making the same presentation so that the LEAPers could gauge and compare what an
experienced practitioner did, how they organized
and handled the issues, in comparison to their own
argument.

On May 18, we will be celebrating the
one-year anniversary of our LEAP Program, and we
are hosting an event featuring Chief Judge Barbara
Lynn of the Northern District of Texas, along with
several practitioners, to talk about their
experiences with the LEAP Program. This is open.
We'd love for all of you to attend, and we'd love
to see more LEAP practitioners arguing cases for
both appeals and trial as we move forward.

JUDGE BOALICK: Thank you, Janet. It
looks like we may have a few questions in the Q&A
box, but I don't know, Steve, if there's any other
questions anybody had for us. But we have a couple
on some of the material that was presented here,

MR. CALTRIDER: Apologies for that. The
double-mute bug again.

We do have a few questions. I'll turn it
over briefly to Judge Braden and to Jennifer
Camacho to ask those questions. Judge Braden?

JUDGE BRADEN: Hi. I don't have a question, but I have shout-out for Eric Jeschke. He was one of my first interns some 17 or so years ago, and he taught me everybody I knew about patent law. But also to Janet—she preceded me as the President of the Giles S. Rich Inn of Court. And boy, the Patent Office has a lot of challenge. Thank you.

MR. CALTRIDER: Thank you. Jennifer, if you can field the questions from the public, take the questions from the public?

MS. CAMACHO: Sure. The first question is whether the PTO has made any decisions about renewing the fast-track appeals pilot program, which is apparently set to expire in July?

JUDGE BOALICK: So we are certainly currently evaluating that, you're right. The one-year time does expire in July. And we're currently, you know, evaluating it. And I can't say that we've arrived at a final decision, but, but we have had quite a few people getting to take
advantage of it. It's where, you know, we're going
to take a look at that, and, you know, I think
it's been pretty successful overall. So I don't
see at the moment, you know, what, that we
necessarily terminate it, but of course we'll,
we'll make a decision and let everybody know when,
you know, if it's been extended or not. But great
question.

MS. CAMACHO: Thank you, Scott. So we
have a second question that relates to appeals.
And it's a suggestion and then their question. If
appellant does not plan to file a reply brief, it
would be nice if there was a way for appellant to
waive the reply brief period. To allow a
jurisdiction to pass to the Board immediately to
potentially save two months. Is there anything
like this under consideration to speed the
appeals?

JUDGE BOALICK: So I am going to be
having Judge Cygan address this one since he was,
you know, the one who looked into our, sort of
one-year appeal.
JUDGE CYGAN: Thanks. I don't think we've considered that yet, but I would want to note that that time period is also the time period for paying the appeal-forwarding fee. So you'd also have to keep that in mind if you wanted to go, have sort of a waive time period to make sure that you didn't [phonetic] want to file off the, the appeal-forwarding fee. But it is something we can look into.

MS. CAMACHO: Thank you.

MR. CALTRIDER: Great. Thank you, Scott and team for an outstanding discussion and presentation. Let's move on. We are next going to shift to a legislative update, and Judge Braden and Dan, if you could make any introductory comments.

JUDGE BRADEN: Well, I think what we'd like to do is turn over quickly to Kimberly. But I would say one thing. With the large number of initiatives on the Hill in this area, we're probably going to need some more staff here at the PTO. But if-Kimberly, are you there someplace?
Steve, I don't see where she is.

MR. CALTRIDER: Okay.

JUDGE BRADEN: Oh, I see a proposal up, but I don't see either Kim or Tammy [phonetic]. Do you see them?

MR. CALTRIDER: I do not. Jennifer Lo, is this another time when we need to promote someone to presenter? Kim is not on. I don't see her.

JUDGE BRADEN: I believe Kim is trying to get on now.

MR. CALTRIDER: I mean, Kim is dialed on, dialed in. I see her.

JUDGE BRADEN: She might be on mute.

MS. CAMACHO: I think you're muted, Kim.

MS. ALTON: Okay. Can you hear me now?

JUDGE BRADEN: Yes.

MR. CALTRIDER: We can hear you now.

Fantastic.

MS. ALTON: Okay.

JUDGE BRADEN: I was about ready to take over your job.
MS. ALTON: Oh boy, I am here.

Apologies.

JUDGE BRADEN: All right.

MS. ALTON: I was using my cellphone.

But good afternoon, everyone. I'll jump right in and get started on some, share some of the things that we are working on within the Office of Government Affairs [OGA]. So we can please move to the next slide? Great.

Just last week, the Civic Judiciary Committee marked up and approved the Idea Act, and this is a bill—I know you've probably heard me talk about this before—it was introduced in 2019. It was just reintroduced this past March. And this is the bill that would require the PTO to collect demographic information—so that's gender, race, veteran status—of our patent applicants. So the Agency would be required to request this information, but the applicants would voluntarily give this information, so it would not be a requirement for them to share that information but a requirement for the PTO to request it. It was
approved by a vote of 15 to 17 last week, so the
next step is the bill will advance to the entire
Senate for a vote, and then on to the House of
Representatives. So we will continue to track that
bill and to provide updates. Next slide, please?

Another item that we are watching
closely—and it has some momentum in Congress right
now—is a bill entitled the Endless Frontier Act.
This is a bill that is really being championed by
Senator Chuck Schumer and by Senator Todd Young.
And the two of them are working together. It has
bipartisan support. There were hearings held last
month in the Senate Commerce Committee, and this
bill is really looking at how to invest, how to
sort of retool the different federal agencies that
have science and technology as part of its
mission, so really ahead in terms of the types of
investments that are needed in terms of R&D,
innovation, manufacturing. And one of the
components of the bill that we are really focused
on within OGA is a section that would require the
Commerce Department to establish regional
technology hubs across the country. So the bill would authorize $10 billion over five years to create these hubs.

And the thinking is that these hubs will really sort of position different communities to be really sort of global centers for research, development, workforce training, and entrepreneurship. And so we certainly think that that function aligns very closely with the work that we're doing at the PTO, and so it's our plan to work closely with Commerce as this bill continues to move through Congress. At some point, we will see if it is enacted and becomes law. So we will certainly be tracking that.

And then you'll see the next bullet is drug pricing. And, again, this is an issue that we continue to watch very closely. Back in 2019, we saw a lot of bills that were introduced in Congress related to how to lower drug prices and how to increase competition with generics and brand pharmaceuticals, brand-name drugs. And so we provided a lot of technical assistance working
with the subject matter experts at the PTO within our policy shop. And so we are continuing to do that.

There have been hearings, actually this week and last week. The House Judiciary Committee, they have an Antitrust Subcommittee that just looked at this issue last week. They had a hearing, looked at different bills, trying to address anticompetitive practices that may lead to higher drug prices. So we are certainly monitoring that. The House Energy and Commerce Committee also held a hearing this week focused on this issue.

So, again, the PTO, our role is to really help the staff sort of understand the role that patents play and provide technical assistance, and really serve as a resource to these congressional offices.

Next slide, please? And I just want to flag for you all, my colleagues at Main Commerce and the Legislative Affairs shop are really busy. They are very focused now on some of the confirmation hearings that have been scheduled for
high-level officials within the Department. Mr. Don Graves has been nominated to be the Deputy Secretary of Commerce. The full Senate is expected to vote on his nomination. The thinking is that may, that vote may happen next week. And then, of course, Ms. Leslie Kiernan to serve as General Counsel at the Commerce Department. Her nomination is also working its way through the Senate. So we continue to watch and provide assistance to my counterparts at Main Commerce.

Next slide, please? A couple of final things I wanted to share. Just last month, the Senate Judiciary Committee held a hearing on inclusivity and diversity within the patent system, and it was really sort of a continuation of a hearing that was held back in 2019 on a similar issue. The hearing—we were really pleased—the hearing did really highlight the work of the National Council for Expanding American Innovation. In fact, one of the witnesses, Marlene Yang, is a member of the National Council for Expanding American Innovation. And I know that
Angela Grayson from AIPLA [American Intellectual Property Law Association] was also a witness at this Senate Judiciary Committee hearing, and we have worked closely with AIPLA and with Ms. Grayson.

So we were really pleased that this hearing was able to really highlight and showcase the work that Valencia and her team have been doing as it relates to expanding innovation.

And, again, quickly, letters from Senators—I think Drew touched on this and is opening just the correspondence that we have received over the past couple of months from Senators related to subject matter eligibility. I knew Drew talked about the study that's being undertaken now, sequence examination. There's a pilot, that they are working through some of the details. And then a letter that we received related to the Patent Bar and expanding eligibility for the Patent Bar. So that's something that we're certainly focused on. And I think we've received positive feedback from the
Senators in terms of our response and Drew's plans to really move forward and be responsive to the requests that we have received from these members. Next slide, please?

All right, well, that wraps it up from Government Affairs. I'm happy to answer any questions. Please feel free to send them my way.

MS. MAR-SPINOLA: Kimberly, this is Julie Mar-Spinola. Can you hear me all right?

MS. ALTON: Yes.

MS. MAR-SPINOLA: How are you?

MS. ALTON: Well.

MS. MAR-SPINOLA: Thank you, you too.

MS. ALTON: Thanks.

MS. MAR-SPINOLA: To the very last point that you made on the, with the letters, the one, the letter regarding accessibility to the Patent Bar. Was it specific to or was it limited to gender, closing the gap on gender, which is what I read on the presentation? Or was it just opening it up to different technical degrees or, you know, soft degrees?
MS. ALTON: The way that we responded to the letter is expanding the eligibility. So in terms of the types of degrees and who, if you have a certain degree, either an undergraduate degree or a graduate degree, taking the steps so that if you possess this degree, you are eligible to sit for the Bar. So it wasn't so much that the steps that we are doing are related to any sort of gender gap but more so expanding who is eligible and the types of degrees that are eligible to sit for the Bar.

MS. MAR-SPINOLA: Okay. But the letter, the request letter was specific to gender?

MS. ALTON: It touched on gender, but it also touched sort of more broadly on can you please consider opening it up so that other, and a more expansive list of, degrees are eligible? And as a result of that sort of expansion, the thinking of the Senators is that you'll see more gender diversity when you open up the number of degrees and the types of degrees that are able to sit for the Bar.
MS. MAR-SPINOLA: Okay, I see, all right. Thanks for that clarification.


MS. MAR-SPINOLA: Thanks.

MR. CALTRIDER: Any other questions?

[No response]

MR. CALTRIDER: Very good. Thank you, thank you. Let's move on to Finance and Budget. Barney, are you with us? I know we've had some tech difficulties today.

MR. CASSIDY: Can you hear me?

MR. CALTRIDER: Yes. Great.

MR. CASSIDY: Great. So I'm going to introduce Jay Hoffman, the Chief Financial Officer, who, together with his team, has done some terrific work. A part of it is the routine work of reporting to this Committee and to the public on the financial status of the Patent Office, which is obviously important, and we'll go through in some detail. But I also think that in addition to that important information, there is urgent information about unavailable funds that
have been paid by applicants and patent holders that are basically entombed in the U.S. Treasury and not usable by the Patent Office.

And those have been researched thoroughly by Jay and his team, and we're going to talk about those. And I think this is an urgent matter for the Committee and for the public to understand. So with that, I'll turn it over to Jay.

MR. HOFFMAN: Great. Thank you, Barney. So we're going to turn it over to Brendan Hourigan in just a moment. But just a couple of introductory remarks before we go through our slides to give the public and the members in the PPAC a bit of an overview.

First, I can tell you that the revenue uncertainty that we experienced last year due to the economic impact from the pandemic seems to have abated. I can report that the demand for USPTO services, which is measured in fee payment, is currently in line with revenue forecast for the year and, in fact, is actually, it's showing a
slight upward trend. Spending is largely in line with budgeted levels, and the patent operating reserve is above the designated minimum levels, which are defined as one month of expenses. So overall, the financial position of the USPTO is positive and stable.

With that, I'd like to have Brendan Hourigan walk through some of the detailed information that supports these conclusions. So, Brendan, if you're on, could you walk through the slides, please?

MR. HOURIGAN: Yes, absolutely. If we, could we move to the next slide, please? All right. So, we're going to cover the FY '21 Financial Position and Status of Business, and then the next steps related to our budgets for '22 and fiscal year '23 formulations to move forward. Next slide?

At our last meeting, we shared our financial outlook based on the most assumptions we have. We constantly review our estimates, so our financial outlook today is a bit different. One
of the main changes to our outlook is that Congress approved our reprogramming request to transfer the funds deposited into the Patent and Trademark Fee Reserve Fund, into our [inaudible] expense account. So the $232 million in revenue that we collected last fiscal year, that was above our appropriated authority. We are now authorized to spend those funds.

If you look at the last line of the table, you will see what the approved funding does to the end-of-year operating reserve. We are currently on a path to be above our minimum operating reserve level, which is at $300 million, and we expect to end the year at $326.8 million in reserves.

We also just completed a midyear review of our agency spending, where we take a deeper dive looking at the spending requirements for the remainder of the year, identify surpluses where we reallocate and reprioritize funding. The results of that assessment is reflected in our total projected end-of-year spending model [phonetic].
While we plan to spend more than we collect this year, with our Patent and Trademark Fee Reserve Funding, and the existing operating reserve, we'll be in good position.

Our estimated patent collections is $3.098 billion [phonetic]. Through March 31, 2021, total revenue collections are 2.2% or $30.8 million above the year-to-date claim. Year-to-date maintenance fee collections are 4.5%, or $23.5 million above planned level. Next slide, please?

This chart looked at our revenue change, comparing FY '21 to FY '20. The green line is the 10-day moving average as a percent of change, and the yellow line is the 40-day moving average as a percent of change. You will see that earlier this year, our revenue collections were a little slower after the accelerated payments that we saw on October 1. So, recently, we began seeing an increase in our collections as well.

Next slide, please? The graph here takes a look at how projected annual, how Patents'
annualized revenue and our end-of-year projections are coming along. The annualized estimate is based on a 25-day daily average. This looks at how fees would be paid for the year if they came in at the same rate as the last 25 days. The y-axis is in dollars. The blue line is the annualized revenue. Pink is the end-of-year projection. The spike seen around December 21 is due to a greater than normal maintenance fee and patent filing collections. There are spikes seen toward the end of February and March that are also attributed to both maintenance fees payments.

Next slide, please? So related to our next steps for the budget, we are working to finalize the FY '22 budget request. The submission to Congress is tentatively set for later in May. We have kicked off our '23 budget formulation process, and the process includes re-baselining FY '22 requirements and revenue estimates. We will also evaluate aggregate revenue and aggregate costs for decisions related to initiating a new fee-setting effort. Slide?
And that wraps up our finance update.

Back to you, Jay.

MR. HOFFMAN: Okay, thank you very much, Brendan. Are there any questions for Brendan before I address Barney's introductory comments?

[No response]

MR. HOFFMAN: Well, okay. I'm just going to speak to the unavailable fees [phonetic] to the group this morning, so I'll, I'll be brief on that. So just as a reminder in terms of what the issue is—so between 1992 and 2011, before the America Invents Act, I think we're actually going to try to put up a slide so that you can see this here. The Agency collected approximately $1.17 billion more than the Congress ultimately appropriated to the Agency to spend.

Now, what's interesting about these amounts, for those of you who are not familiar with the issue, is they were not swept up. They were not used for other purposes. The amounts remain in the USPTO's account at the Treasury Department. We have verified that they are there,
and each year, in fact, the balances are audited
by an independent auditor.

The amounts are in three categories.

Here's the slide. And hopefully, y'all can see it.

The first are fee surcharges that the Congress
imposed through legislation. The second had to do
with amounts that were sequestered in 2013 as part
of the Budget Control Act process. And what's
interesting, I think, about the sequestered
amounts was that that law was really intended to
sequester taxpayer dollars, not, not fee dollars.
And at least one agency was successful in making
the case to get those fees returned to them. So
there is precedent for that.

And then the last, the last category is
the $790 million in essentially fees that were
collected above the appropriated amount. So the
history of that is laid out here on this slide.

What the subcommittee has requested of the USPTO
is to begin putting together options for what the
Agency would do with those funds if they were made
available to the Agency. We've had very
preliminary conversations on that, that are continuing, actually, in the next couple of weeks.
But I can give you a little bit of a highlight there.

In a nutshell, we're really thinking about using the fees in three, three broad categories if they were made available to the Agency at some point in the future. First, I think there's a lot more that the Agency can do to expand our information and education campaign to support the innovation economy. I think the PTO has a lot of great services that we offer to innovators. The trick is being able, for the innovators to find our services and use those services, so we'd like to, we'd like to augment that.

The second thing we'd like to do is we'd like to improve the operations of the Agency. Now, you've heard today in previous presentations about the prospect for things like artificial intelligence, moving to the Cloud, making it a similar [phonetic] resilient agency. And we'd like
to make that investment sooner rather than later, to boost the efficiency of PTO.

And then lastly, these balances would certainly strengthen the financial position of the Agency. It would add to our operating reserves, would get us to our longtime goal of moving to optimal. And think ultimately, depending on what the long-range forecasts look like, it probably enables you to slow down and/or walk fees in, fee increases in for an extended period of time. We would—I guess what I'm trying to say is it wouldn't need a fee increase for potentially an extended period of time, depending on, depending on what the financial projections look like.

So that's sort of an overview of work that's ongoing right now at the PTO. I had promised you to report back on that, and I wanted to be responsive, Barney, to the question that you had asked at the outset. So I'll stop there and see if there's questions or if you want to, Barney, weigh in on anything I've said?

MR. CASSIDY: Well, I think this is an
important topic the, our Committee should take up, and we're planning on having a separate meeting at some point to do that. But I would like to hear if there's any questions or comments from the public or from other members of the PPAC at this time.

MS. MAR-SPINOLA: Barney, this is Julie Mar-Spinola, and I would like to ask the question about, you know, there are new initiatives. I came in when Janet had, had talked about the Idea Act, where the Patent Office is being asked to provide or to collect more data on diversity, and et cetera. And so the question is, when the Patent Office is asked to do these additional surveys or change a sequence of applications or whatever, are we looking at what the cost would be to the Patent Office to do that, so as to help identify some of these tasks or initiatives or programs that we can pinpoint how these funds would be used?

MR. CASSIDY: I think that the simple answer is yes. I mean, as you know from other briefings that we've had, we have a very sophisticated, activity-based information system,
where we're looking at costs and with the patent and trademark side at a very granular level. And so anytime these new proposals come up, if we think that they're going to have a material impact on our costs, it's something that we track, and we try to appropriately allocate as is required.

So you're really hitting on an important point. As we try to expand the breadth of services that the Agency may offer to support the entrepreneurial community, the money has got to come from somewhere. [Laughter]. It's either going to come from the aggregate fees that we're currently collecting or, you know, potentially could come from other sources, one, you know, one example being these previously collected fees.

MS. MAR-SPINOLA: Okay. And one other question, and you might not be able to answer this, but let me pose it to plant, I guess, some seeds into maybe future topics. But assuming that in the pharma space [phonetic], and on particularly COVID, where there's a movement to have COVID-related patents waived, do you
anticipate that that will have a large impact on
the Agency's revenues?

MR. CASSIDY: Well, I haven't done any
analysis on that, so I'll take that as a planting
of the seed question.

MS. MAR-SPINOLA: Yes.

MR. CASSIDY: Just sort of knowing how
our technology breakout is in terms of where we're
receiving patent applications, you know, it's not
insignificant, but it's not the largest
contributor. So I will just answer it that way for
now.

MS. MAR-SPINOLA: Okay. Thanks, Jay.

MR. HOFFMAN: Thank you.

MR. CASSIDY: So I think this is a topic
that we're going to have to pursue. We have a new
administration. There's a number of new
legislative initiatives out there. I believe we
will need to get the cooperation of the Congress
to have these fees taken from the Treasury and put
into the hands of the Patent Office. So stay
tuned. There's more to come.
Unless there's questions from the public, Jennifer, maybe we can wrap this up.

MS. CAMACHO: No questions from the public. Thank you.

MR. CASSIDY: Okay, Steve, back to you.

MR. CALTRIDER: Great. Thank you, Jay.

Thank you, Barney. And congratulations. His organization has been, the financial house of the PTO is in order. And given where we were, I think even in our last meeting with revenue projections, that's just kind of a remarkable thing to say. So, it pleased, I'm pleased to see filings are up, so their fees are where they, where we hoped they would be, but it was just a hope at the time, in February when we were doing some of that planning. So thank you.

Let's turn now to Bismarck. And, Bismarck, I'm really looking forward to your presentation. Drew gave you some accolades earlier today, so it's a, you have a high bar to meet, but you know, I am confident you will meet it.

Bismarck, are you on mute?
MR. MYRICK: Hello. Can you hear me?

MR. CALTRIDER: Yes, we can hear you.

MR. MYRICK: Thank you very much for that introduction. My name is Bismarck Myrick, and I work in a small office that part of the USPTO called the Office of Equal Employment Opportunity and Diversity. While most of my efforts are focused internally at USPTO employees, Drew has asked me—Commissioner, the Acting Director of the Office—has asked me to lead the Agency's response to Executive Order 13985. It's entitled Advancing Racial Equity and Support for Underserved Communities Through the Federal Government.

The next slide, please. This executive order has two major components. The first component is that it requires that each agency of the Government conduct an equity assessment. This equity assessment is a self-assessment. And the second part of the executive order is to develop plans to address any identified barriers to equity in the services provided by agencies.

To assist us, the administration has
provided an extensive questionnaire to help us to identify areas where equity could be improved. And in carrying out this task under the executive order, we have a prestigious group of agency leaders who are forming, who have formed our steering committee. The steering committee then is assisting each business unit within the USPTO in conducting an audit. We have a very ambitious timeframe, with some preliminary information due to the Department of Commerce by June 15.

Next slide, please. Just to give you an idea about where we are, we have established our steering committee. Each business unit has a team working on self-assessments. Those assessments are underway right now, and, again, you see our timeframe is June 15. Obviously, when we identify ways to improve equity, we will definitely provide updates to the PPAC. One of the, you heard throughout the day today many efforts that are already underway, designed to improve equity and access to USPTO services, things like the pro bono program, the law school clinic, training
assistance that we provide, the work of our regional offices, and then, of course, the work of the National Council for Expanding American Innovation. While those important efforts continue to proceed, we will also look and see if there are additional ways for us to improve access to PTO services.

And to the next slide, please. I wanted to shift gears because that concludes, really, the update on USPTO's efforts to comply with Executive Order 13985.

I wanted to shift gears and talk a little bit about a special program that's also within my portfolio. My office is responsible for nurturing and overseeing internal employee organizations within the USPTO. About 15 years ago, we started with three employee organizations, Blacks in Government, Lambda PTO, and the Asian Pacific American Network.

This group of affinity groups has expanded dramatically. Today, we have 19 voluntary employee organizations. They are helping us with
the recruitment, retention, career advancement of our employees. They are also helping us get information about intellectual property protection out to their respective communities, and they're doing this on a volunteer basis.

Our veteran's organization, which is one of our larger employee organizations, is helping to inform how we recruit and then transfer the benefits of our veterans who are employees of the PTO. Our very large Asian Pacific American Network, it's not just helping us to put on programming, sharing important cultural information with the employees of PTO, but they are also doing work to help put on career advancement programs for our employees.

So, I wanted to share this with the PPAC because I think that these groups are doing a lot to hold our organization together during these unprecedented times. They have pivoted from largely in-person events to holding virtual events where they're engaging our workforce, and that engagement I think is critically important to our
efforts to retain a diverse workforce, retain and advance a diverse workforce.

That concludes the information that I planned to share with PPAC today. I'm available now to answer or try to respond to any questions.

MR. CASSIDY: Bismarck, I think I'll start with the first one, if you don't mind, and then it goes back to the executive order. In context of the executive order, what's intended by equity? When you're looking and doing that assessment, what are you looking for in terms of equity?

MR. MYRICK: Well, you know, equity is a newer concept for an organization like ours. Previously, we've been focused on areas of equality, and by equality we wanted to make sure that everyone gets exactly the same thing. But those of us who were providing services in the Federal Government also recognize that the needs of our stakeholders are diverse. We have sophisticated users, for example, of our systems, and then we have novice pro se users of our
services. So being able to meet our stakeholders where they are is what that push towards equity is about.

MR. CASSIDY: Great. Thank you. Other questions from PPAC, or, Jennifer, have we received any questions from the public?

MS. CAMACHO: We haven't any questions from the public, but I did want to thank Bismarck. I thought that was terrific. I enjoy hearing everything about what you're doing, and that is a, an amazing collection of affinity groups. I just, I couldn't be more happy about that. Thank you, Bismarck.

MR. MYRICK: Thank you for those words.

MR. CASSIDY: Other questions? Go ahead.

MS. MAR-SPINOLA: This is Julie. I just wanted to echo what Jennifer just said. Bismarck, I think your team and your division and your leadership has been on the quiet side. And so we're glad to feature you in PPAC. It's very timely, what you're doing. We probably expect you to be a lot busier coming up, with all these
awareness and, you know, the things that need to be done. So, you know, I think that PPAC, speaking for PPAC, we applaud your efforts, and please, please, reach out to any of us and let us know how we can assist.

MR. MYRICK: Thank you very much.

MR. CASSIDY: Thank you, Julie.

MR. MYRICK: And I'd also like to thank my partner, Valencia Martin Wallace, who is so important to these efforts at ensuring equity with her leadership of the National Council for Expanding American Innovation.

MR. CASSIDY: Thank you, Bismarck, and thank you for adding that because I think leveraging affinity groups as part of the agenda for expanding innovation is really a clever idea. I don't know that I thought of that immediately, but I think that's one good way to have a very natural outreach program. Now, thank you.

Any other questions?

MS. MARTIN WALLACE: Yes, just one minute [phonetic]. I don't have a question, but I
want to reiterate something I said to the executives yesterday. And I think you said it, you know, with the quiet strength in Bismarck's team. They do so much that we just don't know. But I, I mentioned when he first came on, there was less than a handful of affinity groups, and then in his short tenure as the Director of EEO, he, he's made it about three dozen. That's pretty powerful, and it's an active group that's strengthening and improving our Agency. It, it says a lot.

MR. CASSIDY: Thank you, Valencia, and thank you, Bismarck.

MR. MYRICK: Thank you.

MR. CALTRIDER: Okay. Well, we will transition for closing. I don't have very many closing remarks. I have just one, and it's really just a reminder that the program that Jennifer mentioned during her remarks, it's in conjunction with the National Inventors Hall of Fame Event on May 14, at 11 a.m. Our own Julie Mar-Spinola is hosting and moderating the panel discussion. I would encourage everyone that's interested to
please join that program. It should be outstanding.

Julie, I don't know if there's any more you want to say on that, but I also, since you were able to join us here at the end, I will turn the floor over to you for any closing remarks as well.

MS. MAR-SPINOLA: I wasn't prepared for that, Steve. I guess that's payback. But thank you, everyone, for this meeting. I apologize that I was not able to attend the full meeting, but let me give kudos to Steve and to Jennifer Camacho for running, running the show smoothly and seamlessly and effectively.

I would like to encourage everyone, as many as possible, and I'm not sure there's any limit, as to who can attend the panel for the AAPI [Asian American and Pacific Islander] inventors. We have three inductees, and there are two panels, three inductees in the first one, inductees to the National Inventors Hall of Fame, very impressive folks. And then also the second panel would be a
different generation, the younger generation of
innovators who are doing some great things related
to COVID-19 innovations.

It's not only about innovation. This
panel gives us the opportunity to see the faces of
Asian Americans, Pacific Islanders, who are, you
know, all so quiet and heads down, but they're
giants in the innovation. And they typically
haven't chosen to be very vocal about it.

But this is our opportunity to celebrate
not only their successes, but as you all have
heard me over at least a year or two, with respect
to patents I like to use the word "durable." Well,
this panel will feature very durable innovators
who have gone through a lot of life challenges but
are able to rise to the occasion. So please
register and listen to what they have to say, how
they conquered all, if you will.

And then listen to the young generation
on the second panel, where they're doing a lot of
things differently, like funding from Kickstarter,
to get going. Five years ago, I'm not sure that
that could have succeeded, or maybe 10 years ago.
So I am pushing it, not because I'm the moderator,
but because of the panelists. Thank you.

MR. CALTRIDER: Great. Thank you, Julie.

MS. MAR-SPINOLA: One other thing, one
other thing, I'm sorry, and that will be for our
next meeting, which will be our last meeting for
the year. Like last year, I'd like for us to focus
on the annual report, and looking at this year,
going backwards, and also maybe having a brief
discussion about what to expect the following year
under Steve's leadership.

MR. CALTRIDER: Great. Thank you, Julie.
I want to thank everyone for their engagement
today. I thought the presentations were
outstanding, concise, very on-point. I appreciate
it's a long meeting, and I think everybody was
engaged, and I appreciate everybody's
participation. We will close this without further
comment unless there's some new business by
anybody on PPAC?
I don't hear anybody or see anybody's
hand up, so thank you very much, and I look forward to seeing everyone, everyone in August.

(Whereupon, at 3:36 p.m., the PROCEEDINGS were adjourned.)

* * * * *
CERTIFICATE OF NOTARY PUBLIC

COMMONWEALTH OF VIRGINIA

I, Debra Derr, 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.

(Signature and Seal on File)

Notary Public, in and for the Commonwealth of Virginia