UNITED STATES PATENT AND TRADEMARK OFFICE

TRADEMARK PUBLIC ADVISORY COMMITTEE (TPAC)

PUBLIC MEETING

Alexandria, Virginia

Friday, November 4, 2022
PARTICIPANTS:

TPAC Members:
SUSAN NATLAND, Chair
DAVID CHO, Vice Chair
TRACY DEUTMEYER
JOMARIE FREDERICKS
JENNIFER KOVALCIK
TRICIA MCDERMOTT THOMPKINS
ADRAEA BROWN
DANA BROWN NORTHCOTT
RODRICK ENNS

Union Members:
JAY BESCH, NTEU 245
PEDRO FERNANDEZ, POPA
HAROLD ROSS, NTEU 243
MS. NATLAND: Good morning and welcome everyone to the final public meeting of the USPTO's Trademark Public Advisory Committee for the year. We are coming to you in-person from the USPTO Headquarters here in Alexandria. I am Susan Natland and I am Chair of TPAC and a partner with the law firm of Knobbe Martens. This meeting, like the last meeting, is hybrid and we are so grateful to be here in-person in this beautiful building with much of the USPTO leadership, as well as the staff that makes this meeting possible. This will be my last meeting as Chair of TPAC, and as a member of TPAC, because my term is ending; and I just want to say a few words about how incredible this experience has been for me to work so closely with the USPTO leadership, the great TPAC team and the USPTO staff these past few years.

It has been a real privilege and honor to serve on TPAC and work with the USPTO on the
common mission of protecting trademarks and the 
integrity of the U.S. Trademark Register. One of 
the goals I had as TPAC chair when I started this 
year was to continue to put the spotlight on 
trademarks to highlight the critical role that 
trademarks play in the U.S. economy, to foster 
innovation, competitiveness, entrepreneurship, 
economic growth, and even humanitarian issues. 
One of the ways we can do this is to honor 
trademarks and the role they play; and Director 
Vidal will discuss in a moment the first trademark 
award in the history of the USPTO for stakeholders 
called "The Trademarks for Humanity Award". This 
award will be given to brand owners, both small 
individual entrepreneurs and large companies that 
use registered trademarks to advance humanitarian 
issues. TPAC greatly appreciates -- greatly 
appreciates -- the support and role that the USPTO 
had in pushing this milestone award forward. I 
will forever be grateful for my time here on TPAC 
and will carry so many fond memories -- so many 
fond memories -- for the rest of my life. This
role has truly been one of the most fulfilling and rewarding that I have had in my professional career, and I will very much miss working with every single one of you.

Before I move on, I want to give a quick shout out to my kids who are watching this meeting via the link from California; Liam, Tate, Shea, your mom says "Hi"; this is what I do in D.C. when I'm gone. It's only 7 a.m. in California, and I know the kids are getting ready for school, so I wish you all a great day. Finally, I want to thank my wonderful TPAC colleagues; this has really been the best and most engaged group I could have asked for to work with. The level of engagement, thoughtfulness and dedication to trademarks is truly remarkable; so, thank you. And with that, I will introduce my TPAC colleagues.

First, my Vice Chair, David Cho; Assistant Vice President Senior Legal Counsel Trademarks and Copyrights for AT&T. Next -- in order of seniority -- Jen Kovalcik, Vice President
of Technology and IP Counsel at Community Health Systems; Jen is also rolling off of TPAC, so thank you, Jen for your amazing dedication and support of TPAC for the past three years. Tricia McDermott Thompkins, General Counsel Shoe Show who is also rolling off; Tricia, thank you for your contributions. Jomarie Fredericks, Deputy General Counsel and Chief Intellectual Property and Brand Counsel Rotary International. Tracy Deutmeyer, Shareholder Fredrikson & Byron. Adraea Brown, Vice President and Assistant General Counsel at H-D U.S.A. (Harley-Davidson). Dana Brown Northcott, Vice President and Associate General Counsel IP at Amazon.com. Rodrick Enns, Partner at Enns & Archer. Finally, our three Union Reps; Jay Besch who I think is coming online today, President of NTEU Chapter 245; Harold Ross, President of NTEU Chapter 243; and Pedro Fernandez,
President of POPA, the Patent Office Professional Association.

I now have the pleasure of introducing Kathy Vidal, Under Secretary of Commerce for Intellectual Property and Director of the USPTO. Director Vidal, you have already done so much in your first six months here; it is quite impressive. TPAC very much appreciates your engagement and leadership, and tireless energy and dedication to Trademarks. Director, over to you.

MS. VIDAL: Thank you. I don't how much time Liam, Tate, Shea have; is it three kids or is that - okay. I don't know --

MS. NATLAND: Three children.

MS. VIDAL: -- Three children, okay. You said that quickly, so I don't know how much time they have before school starts; so, let me start with you. I'd like to recognize those rolling off the TPAC, the TPAC generally, and to provide some welcoming thoughts; but I want to make sure that Liam, Tate and Shea do not miss their mother receiving an award. So, I want to
thank you for your phenomenal leadership over your
time at TPAC. The work on the TPAC is critical to
all the work that we do at the USPTO. It is a
committee that is -- it's dictated by Congress --
it's in the statute and is the primary advisor to
the Director on trademark issues; so, these are
the people that are advising on everything that we
do in the trademark space, they work very closely
with trademark management on everything that we do
and help us shape the country going forward when
it comes to brand protection. So, I want to thank
all of you. Susan, I want to thank you for your
leadership; I know that it's not the end, that you
believe in everything that we're doing and we're
going to continue the dialog. The Trademarks for
Humanity Award, that is something that Susan came
up with TPAC, and I want to thank you for that
because we do need to recognize the critical role
that trademarks play in protecting our brands,
especially when it comes to technology, ideas,
companies that are going to advance humanity,
whether they're in the green tech space, whether
they're related to immunizations, or anything that moves our country forward, that moves our world forward in terms of solving problems and making sure that those solutions are branded so you know you're getting the real thing; and that the investment in those solutions are protected with the brand; so, I want to thank you for that. I also want to thank you for our dinner the other night where you asked if we could expedite it -- we've done that -- so, it was -- we had a rollout that was going to take a little bit longer -- we now hope to roll it out in the next month -- thanks to you -- so that we can do it during your tenure. So, I can't promise timing because sometimes things are not perfectly aligned, but we are going to do everything we can to make sure that that award gets out there and the word of it gets out there during your tenure. So, thank you for that and thank you for all of your contributions.

I heard a comment by one of the PAC members that said that it's good that we roll
people off of the PAC, even though they have such
tremendous contributions because being able to
serve in that capacity really gives you exposure
to the excellence within the organization, to the
great work that we're doing, to the passion, to
the service that we're doing across the entire
organization; and when you're on the outside, you
don't necessarily see that. You may see different
initiatives, you may see different results, but
you don't live and breathe people staying up late
at night, working on weekends, doing everything
they can to improve every part of the system, and
listening from stakeholders on everything; and I
will say on that, that TPAC plays a critical role
in that because these are your representatives --
public -- that you can go to directly, you can
also come directly to all of us, but these are
also your representatives; so, feel free to always
have conversations with them for moving things
forward. So, thank you for that and thank you for
recognizing the great work that the PTO is doing.
To me it's something that -- there's nothing that
-- gives me more joy than hearing from the TPAC, from our other PAC, from stakeholders who just want to thank me and they mention people by name and say "Thank you for this great work"; whether it's helping somebody register a trademark and leading them through the process or whether it's getting rid of all of the scams so that we make room for the real brands. The trademark side of the house is doing such incredible work, I appreciate you recognizing them.

As -- and I will start with you -- I do have two other certificates to award, but because your children are on the phone I just want them to know what an incredible mom they have, that this is something that she's doing above and beyond her job, and what she's doing for your family; it's something that will have a direct impact on the entire country. So, this is work where her hours are not just the work she does, it's all the big ideas that we implement across 13,000 employees to advance the country, to make sure that we're protecting innovation, we're keeping kids safe
from video game components that might be flaw --
might have issues with them; and that we're
creating a brighter future for you. So, your mom
is part of that; she is helping to shape the
future for the country, including for children,
and I know she wants to continue to be engaged.
So, you've got an incredible mom, you are
very-very lucky; and on that, I do want to mention
a few things. So, Susan; you've been a member
since 2019 -- December 2019 -- including as Vice
Chair and then Chair. You served on the Trademark
Operations as the lead, Budget and Finance, and
the TAB -- on those subcommittees -- and on the
TTAB subcommittees. A fun factoid about you -- I
want to make sure this is kid-appropriate -- it
looks like it is -- a fun factoid about you is
that you are an avid boxer -- would love to hear
more about that and I'm sure, kids, you've seen
that -- and apparently -- I don't know if this is
her pet snake or yours -- but you have a family
pet snake named Lucy; so, I hope you all send me
pictures of Lucy, I don't know what kind of snake
it is, but I love that that's the name of the
snake.

So, with that; I want to present you
both with a certificate and a flag to thank you
for your immense contributions. I'm sure you'll
take this home and share it with your children.

So, let me first present you with the certificate
and then I will present you with the flag.

MS. NATLAND: Oh my gosh, thank you.

MS. VIDAL: And as the Chair, you also
receive the USPTO flag which I'd like to present
to you as well; and kids, it's this flag here in
the middle. So, thank you for everything; I
really appreciate it --

MS. NATLAND: Thank you.

MS. VIDAL: -- And all of your service.

MS. NATLAND: Thank you so much, thank
you. I just want to say thank you so much. This
means so much to me. I really-really love serving
this country and getting this flag and having it
is incredible. Thank you so much. Thank you
everybody.
MS. VIDAL: Thank you. Okay, now back to the top of the script again. So, I do want to thank all of the members of TPAC. Your engagement has been incredible; the work that you do with our trademark crew has been fantastic. I look forward -- as we move forward -- to engaging even more frequently and making even bigger changes for the country. I'll talk a little bit about some of the things we have in the works, but really welcome all your ideas. I know the individual subcommittees put together some really phenomenal ideas, I know Trademarks is assessing those, and we look forward to figuring out ways we can quickly and efficiently and sustainably change the processes to make them better for all Americans. So, really appreciate all that work.

I do have two other certificates that I have the honor of awarding. Let me start with Jennifer Kovalcik who -- as Susan mentioned -- is rotating off. She has been a member since December 2019. She served on the IT in E-Government subcommittees as the lead and a fun
factoid about Jennifer -- let me read it just in case the kids are still on -- okay -- she is world class turkey caller -- oh -- is that something we can hear or do you need a whistle for that?

MS. KOVALCIK: (Indicating)

MS. VIDAL: Oh, did you hear that? So, Liam, Tate and Shea; I hope you were on and heard that. I actually have turkeys in my backyard back home in California, so I might need to borrow you because that could be quite entertaining; and I hope everybody was able to hear that. So, she's a world class turkey caller and a former karate instructor -- karate -- am I saying it right -- instructor with a second degree black belt. Wow, between you and the boxer; maybe I'm happy you're leaving. So, if you wouldn't mind coming up, I would love to award you a certificate and thank you for your dedicated service -- again -- to the country; we are all very grateful.

MS. KOVALCIK: Thank you so much.

MS. VIDAL: And Tricia is also -- Tricia Thompkins -- is also rolling off of the TPAC.
Again, want to thank you for your service. You have been a member since October 2020. You have served on the Budget and Finance Committee as the lead, and the Policy and International Affairs subcommittee; so, thank you for that great work. Your fun fact is that you are a D.C. Metro native with Jamaican heritage, a former examining attorney -- yay for that -- so, thank you for both services -- both as in the USPTO and on the TPAC -- and you had a godfather that was a singer who performed with Bob Marley; wow, that's exciting. So, thank you -- again -- for your service. If you would come up, I would love to award you a certificate and thank you so much for all that you've done for the TPAC and for the USPTO.

I want to provide some other thanks as well. So, I've been six months on the job now and cannot tell you -- cannot say anything -- more about the great people that I work with. These are some of the brightest, most engaged people I've worked with over my entire career and to know that everybody is coming in every day to try and
make a difference for the country and to try and
make a difference for all of you; it's something
that -- it just -- warms me up and makes me want
to work harder, and do more for you and for the
country. So, I want to thank everybody here from
the USPTO for all of the great work that you do.
I also really appreciate our work with the Unions;
that it's something that I committed to before I
even got here. I called the Union heads even
before I was confirmed to say "Should I be
confirmed? I'm really looking forward to working
with you because you have -- we all have -- the
same interests in mind. We want to do what we can
for everybody at the USPTO and making sure that
that's front of mind in everything we do". So, I
know, Pedro; you're here in the room. We have Jay
Besch and Harold Ross on the phone. I will say
that not only are we working on behalf of all of
those at the USPTO, but in thinking about how we
can all collaborate together for stakeholders.
So, we are thinking about ways to lean in on that,
ways to collaborate with Trademarks and with the
TTAB -- or with the TPAC -- to make sure that we're doing even more. So, I'm looking forward to building on all the great work we've done so far and taking that to the next level. So, thank you to the Unions for all that you do and for being engaged partners in all that we do.

In addition to that, I want to mention Derrick; our Deputy, who is here. I want to introduce him; if anybody has not already met him, Derrick Brent joined the USPTO a few months back and has been instrumental in working right alongside me in everything that we do. He's been in the meetings with me with employees; so, one of the things that we started doing a little while back is having employee listening sessions so that we could hear from any employee in the entire organization who wanted to share their experiences and their ideas. We -- between Derrick and I -- we have both met with over 1,000 employees; we started using our lunch hours for that. We've had numerous listening sessions -- all in very small groups -- everybody has had a chance to sign-up
for those listening sessions and we've targeted
some of them to make sure -- making sure -- we're
hearing from everyone; so, not only the Trademark
examining attorneys, folks in leadership, folks in
IT, folks across the entire organization; and
there have been so many great ideas in that regard
and we're so happy to hear them. As a result of
that, we actually opened up a new portal inside
the USPTO where every single USPTO employee -- or
colleague -- which is a word I prefer -- all of my
colleagues are welcome to engage with me at any
time directly by emailing me through an internal
portal. So, we've received a lot of great ideas
that way as well, some of them are personal to
individuals and we're happy to take those up, as
well as big ideas for how we can be doing better.
That goes along with -- if you -- I'm sure you've
already heard -- but we also have the Engage with
the Director external portal, so in addition to
the members you have here that you are welcome to
engage with directly to share your ideas, in
addition to all of the folks on the Trademark side
that I know are out there every day at conferences and different forum listening sessions, hearing your ideas, disseminating them, trying to figure out how we can make this -- the USPTO -- even better for you; you're also at any time welcome to engage me directly through the Engage with the Director portal. There's a number of topics; if it doesn't fit into one of those, you can email me at director@uspto.gov. I don't do anything alone, so as you email us ideas we will all work on those together to advance all the great work we're doing. So, thank you. Welcome Derrick Brent as the Deputy and thank you to everyone.

In addition, I just want to mention some of the things that we are focused on, both as an organization and within Trademarks, and I very much look forward to this session today where we're going to talk in much more detail about all of this. Across the organization we are really trying to get out there in every area of the country and incentivize more entrepreneurship, more innovation everywhere; we want everyone to be
part of that innovation, entrepreneurship ecosystem. We are going to announce an entrepreneurship initiative in November that I'm very excited about, that I can't announce yet, so stay tuned for that; but through our Counsel for Inclusive Innovation we are defining the term "innovation" extremely broadly. It's innovation when it comes to brands, when it comes to creative products or business ideas, or technical innovation; it's all included and we are doing everything we can to educate children from the youngest ages, including through Camp Invention where there are kids ages 6, 7, 8 who are coming into their schools and learning about the value of innovation, the value of brands, the value of design protection, the value of creativity, and how that can be protected and how it must be respected; so, those are phenomenal. I share wherever I can that the kinds of questions we get from those kids are the kind that we would normally get from adults. There was one that I attended remotely and a 9-year-old boy -- I
expected him to ask one of the questions like you
used to see on "Kids Say the Darndest Things" -- I
was expecting those kinds of questions and he just
said "Look, how am I gonna protect my merch on the
internet?" -- just dead-face -- and just waited
for my response on how it's going to help him
protect it, so; and then -- you know -- there was
a young girl who asked about -- you know -- know
much it was going to cost her to get a patent and
there was a young girl, Hannah, in a school
locally here in Alexandria who was making a
flip-flop -- first of all -- she was very upset
that she wasn't allowed to make two flip-flops
for the design competition -- and then she wanted
to make sure nobody was going to steal her idea
for her flip-flop.

So, these are all the things we are all
facing and the more we can educate our children as
we move forward, we can grow that next generation
as we work to make sure that everybody gets
involved in the system now. It's important for
jobs, it's important for economic prosperity, it's
So, you will see more on the Council for Inclusive Innovation; we now have a Council for Inclusive Innovation subcommittee with the TPAC, so I'm looking forward to working with that group to advance our initiatives in that regard. You've also -- I'm sure -- heard about the work that we're doing on anti-counterfeiting. We also now have a subcommittee that's very focused on that -- you know -- we did a lot with the GoForReal Campaign this year; that is out there everywhere, we're going to continue to do more with that. We are engaging in more partnerships around that; and on that we need your help. We need your help to make sure that everybody in the U.S. as whatever part of the ecosystem they're in, that they can be part of the solution so that we can crank-down on this everywhere. So, it's so critical to our country, not only because of the harms caused by counterfeit products; whether it's drugs that are laced with chemicals that can cause death to fake airbags -- I mean -- across the board these
products are unsuspecting and you would just think
you're getting a better deal and you're not;
they're very damaging. They end up funding crime
syndicates and they take the business away from
all of the small to medium size enterprises that
we are trying to lift and support in the country;
they take away jobs and they take away GDP's. So,
we're very-very focused on that.

   Within Trademarks itself, inventory
needs to come down; we all know that, we're all
working on that. Trademarks is hiring new
examiners -- examining attorneys -- so, we're very
excited for them to come onboard; that will take
some time to integrate them. We're looking at the
use of non-lawyer professionals to come in and
help with some of the work, like paralegals, so
we're working on a program for that; and
obviously, we're developing our Trademark Academy
to better serve everything that we do; and I will
say on that, we are going to be working across
Trademarks and with the TPAC with trying to come
up with more creative ideas on what more can we do
to get that number down because it's imperative
that we do so.

TMA is going great. On a very positive
note, the implementation has been fantastic.
Thank you to all of you who've been really
involved in that; from setting it up from day one
in December of last year for its implementation,
to the next steps when it comes to the TMA. I'm
getting a little bit of an echo. In addition to
that, we need to -- did somebody change something
or -- okay, perfect -- excellent. So, we are
sorry for those who are listening in, there's a
little bit of feedback; I just wanted to make sure
we got rid of that before I continued talking.

IT modernization, phenomenal work by the
PTO on that as well; from the crossover to TM exam
to the TRAM retirement which I know was long in
the works. Really-really excited about all of
that. Again, in that area, we need to do more;
we're going to do more, we've been talking about
that. We need more tools; we need to make sure
we're using AI on the Trademark side for search
and for other things. A lot of those projects are in the works and we're going to try and lean-in as much as we can to bring solutions to the Trademark examining attorneys, sooner rather than later on that. Boosting the Trademark Register; Amy, thanks for all you've done and everybody's done in that regard. Just ferreting out all of the abuse has been a tremendous task. When I came in it was one of those things that delighted me that I didn't realize we had the capability of doing that and that we were doing it at scale. So, that's so important to everything that we're doing to cut-down abuse everywhere; and I think all parts of the organization can learn from Trademarks in that regard on how we can implement programs, including the special taskforce for improper activities, and make sure that we're not only cutting-down on the fraud we see now, but we're anticipating what may happen next and cutting-down on that as well.

So, that is across-the-board a lot of what we're working on. I could continue to talk
probably all day on all of our initiatives. What I would say is; if there is more we can do, if we can do better, if you have creative ideas; we are open to creative ideas from anyone anywhere. So, sometimes people put it in the press first -- happy to hear ideas anywhere -- you can communicate with any of us on that, you can communicate with the TPAC on that. Again, thank you for everyone; I look forward to an incredible day today and appreciate you all joining in.

MS. NATLAND: Thank you very much, Director Vidal; really appreciate those comments and -- again -- you've accomplished so much already and really look forward to seeing the continued wonderful work; and welcome Derrick as well, really wonderful to have you here. With that, we're going to turn it over to Commissioner Gooder.

MR. GOODER: Thanks, Susan. Good morning everyone; wherever you are in the country, early morning, afternoon, wherever. Today we're going to cover a number of things regarding the
business operations of the Trademark side of the agency, as well as some of the policy things happening, operations things, IT things, and the Trademark Trial and Appeal Board, etcetera. So, we've got a lot of material we're going to get to. Theoretically I do have control of this, all right. So, we'll start with business operations update and that deals with how filings are going, etcetera, staffing; and then we'll add a financial update from our Deputy CFO on how that looks from the big picture about Trademarks in the agency itself; and then what we'll do is move into the three areas we talked about, policy, admin and operations, and then after that we'll move onto other topics. So, without further ado; let's go into files.

So, this chart represents application filing levels by class and if you look at it, it's rather an interesting last couple of three years. As all of you know, the far growing line to the right is actually the budget -- or proposed predicted amount -- projected amount -- sorry --
for fiscal 23′ -- which we have started at the 1st of October -- we're now currently in fiscal 23′ and closed out 22′ -- but if you look at the three next to it you'll see kind of a topic that's good for Halloween which is a big tooth that sticks up in our flow and that obviously was the trademark surge in 21′. If you look at where we are this year as opposed to last year, it's obviously down -- I mean -- it couldn't help but be and it was about 16 percent below last year, but what' more -- I think -- valuable to look at in the long-term is we are actually about 6 percent above 2020 and that continues a fairly consistent curve over the past few years. The big question on everybody's mind is -- of course -- what's next? We are all watching the economy and just lots of predictions and we have to kind of balance a lot of that. What we do know is that essentially since March there has been a fairly slow gradual decline in filings; and that's consistent in other parts of the world as well, all over Europe, U.K., China, Korea, Japan; it's a very consistent drop. Now,
it's not like we saw in the pandemic, so imagine
it more of -- to borrow the analogy from our CFO
-- it's a bit like a tire with a nail in it and it
just continually loses a little bit of air; and
while that's helpful to us from a standpoint of
getting through our inventory of unexamined
applications, it does have a longer term financial
consequence that we're keeping an eye one; and
Sean will go into that in a little more detail.

In terms of where those filings are
coming from -- sorry about that -- there we go --
essentially we track this by every country and we
have people who come to us from over 200 countries
to file -- which is remarkable when you think
about it -- but literally everywhere in the world
-- and the U.S. is back to about a 64 percent
share of that, China -- which is the next line
down -- is back down to about 16 percent which is
more where it's historically been over the last
few years; the spike, obviously, was in 21'.
Europe is 11 percent, Asia Pacific -- not counting
China -- is 6 and the rest of the Americas is 4.
What's interesting is all three of those last categories are slightly higher than they were in the past. What may be a little more useful is when you look at this slide which breaks it each region separately and then by the last few years. You can obviously see with -- the bars on the left is the U.S and then China -- you can see the big spike in 21' and then you can see where they are now. What's interesting is the U.S. is actually either -- depending on how much you want to round the number off -- either flat or slightly lower than 20'. China is still a little up and the rest of the world is up a bit from last year. So, they're healthy numbers, but there are also ones that we're all watching very carefully, just like we are with everything else in the economy right now.

So, with regard to staffing -- our people -- we are a little over 1,000 employees, that doesn't account the 46 examiners who started about a week ago into our Trademark Academy, so that puts us slightly over 1100 employees. There
are -- again -- not counting the new class --
about 718 examining attorneys; by far and away the
biggest part of the Trademark workforce. We
telework a lot -- as people know -- and that has
actually increased through the pandemic and we've
worked on ways to make that more workable for our
people so that we can encourage more geographic
diversity. This map basically tells you that with
all but eight states we have examiners everywhere,
including Alaska, Hawaii; and that continues to
increase and we think that's a really healthy
ingo thing to -- it helps our customers who are in
different time zones, it helps just perspective;
so, we're very happy with this and how it's
moving.

Before I pass over to Sean for the
finance side, are there any questions from TPAC?

MS. NATLAND: Thanks, Commissioner. You
know, I just have one observation request going
forward. I think it would interesting to see this
data over time -- you know -- to see the changes
on the geographic diversity because I know
historically -- of course PTO is on the east coast
and a lot of the employees and colleagues were
based here or close to D.C. -- and I think it
would be interesting to see some movement over
time as things move to telework.

MR. GOODER: Yeah, it would --
interestingly -- this year marks the 25th
anniversary of the Trademark Office teleworking.
We didn't start during the pandemic; we started
about 25 years ago from a project that came from
one of the Federal Executive Institutes where
people -- you know -- like you would go to an MBA
kind of offsite program, etcetera; and they came
up with this idea of teleworking that would save
commuting costs, congestion on highways, real
estate space, all that kind of thing; and it was
put in place through a lot of negotiation, a lot
of work -- contribution -- by examiners, by
managers, and it had to be passed as a pilot
program by Congress. It's now a permanent
program, but when we heard a lot of people say
"Wow, it's amazing you all were able to just go
through the pandemic with just -- we didn't notice
a change -- that's because the Trademark Office
had been doing that for a long time. We're doing
it more now than we were, but to the credit of our
CIO and the ability to stay functioning as well as
they did was just -- combined with that -- was
flawless. The stories you hear from people who
teleworked in that early-early time -- we're
talking back in the dialup days -- and -- I don't
know -- David and Tricia, was that after your time
at the office?

MR. CHO: Yes, after; I'm old, but not
that old.

MR. GOODER: Yeah, so -- but you're
right, Susan; that would be interesting to see how
it has migrated because we have been very -- sort
of -- Mid-Atlantic centric.

MS. NATLAND: Exactly; I just think of
the population of some of these states -- you know
-- and it's not exactly reflective, but it's
great. It's great to see these numbers and
representation all over.
MR. GOODER: Okay. With that, I will turn it over to Sean Mildrew who is our Deputy CFO. Sean?

MR. MILDREW: Great. Thanks, Dave; appreciate that. I'm Sean Mildrew; I'm the Deputy CFO here at USPTO. Jay Hoffman -- the CFO -- couldn't make it today, but he joins me in extending our best wishes for those TPAC members rolling off this cycle; and especially Susan and Tricia, we want to say thank you for your service on the subcommittee -- the Budget and Finance subcommittee -- a real working partnership and we certainly do appreciate all of your thoughtful feedback, comments, and really feel like we've made a lot of good progress in a very short period of time; so, appreciate that all. Thank you.

Okay. So, let's -- I've got a few slides here -- I'm going to talk a little bit about the yearend wrap-up for fiscal year 22' which -- as you heard from the Commissioner -- closed on September the 30th; so, we've started a new fiscal year on October the 1st -- fiscal year
23' -- give you some status on that; and then a little sneak peek on what's on the horizon. Okay. So, our first slide gives you a perspective here -- really, a full agency perspective -- broken into our two business lines; the Patents business line and the Trademarks business line, and you can see in the middle column there -- the Trademarks column -- and then those two add to the last column on the right, the USPTO agency-wide perspective; and so, just a couple of numbers I want to highlight as you look at this, our appropriation for fiscal year 22' for Trademarks was $450 million dollars. We actually collected a little bit more than our appropriation -- that's what that $8.2 million dollar amount is -- that's actually collections over the appropriated level -- that gave us a total yearend fee collection for Trademarks of $458.3 million dollars; and so, you probably are wondering "Gee, your appropriation was for 50, you collected more than that. What happens with that extra"? I'm proud to say because of the AIA legislation we're able to
retain that additional amount -- that $8.2 million dollars -- in a special fund called "The Patent and Trademark Fee Reserve Fund" and those funds become available to us through a congressional reprogramming action. So, all of our fees collected go to all of our activities to foster innovation and IP security for the country. So, good news there, but we back it out because it's not currently available, we're in the process of working with the department and OMB to transmit that reprogramming to the Hill now, and so, that's on its way; and we have an operating reserve and some other revenue to the tune of $214 million dollars. So, working the way down that middle column gives you a total funds available of $664.4 million dollars. Out total spending -- end of year spending -- is $455.5 million which would leave us then -- if you follow the math -- all the way down to an end of year operating reserve of $208.7 million dollars which is a really healthy strong operating reserve, which is great for an uncertain economic climate; so, I want to say
kudos for us for that.

Okay, the next slide. So, looking at agency-wide spending, you can see we spent 93 percent of our plan; so, our plan is set by those various components there that you can see along the X-axis, the compensation, rent, printing, contracts, equipment and other. So, the blue bar represents our plan -- our spend plan -- our operating plan -- and the red bar is our actual spend. So, you can see that we've actually spent a little bit less in each one of those major categories and that's why we ended up with overall an agency spend of about 93 percent of our plan.

The major difference is, in compensation, we had approved vacancies that we didn't fill -- didn't get a chance to fill -- this fiscal year; those continue on, so hopefully we'll get those filled soon enough. So, that is about $148 million dollar difference and then contracts is another big area where about 40 million of that is needed contracts that just didn't get executed by the time September 30 rolled around, but they continue
on; so, that's a need that will be filled in fiscal year 23'. The majority though are changes in direction from our programmatic areas, contracts we no longer need. So, we planned a little bit more and we actually needed a little bit less.

Okay, so this is looking at -- this slide here -- looks at the Trademark spending levels compared with the revenue; and the red bars represent the spend by month from the beginning of the fiscal year -- again -- this is fiscal year 22' -- the year we just closed -- from October all the way to September 30th and you can see by the bars our spending goes up and down, it's not exactly linear, and you can see that revenue does the same, very small changes throughout; and you can see at the very end of the year in September we closed the year with just a little bit more revenue than we had spending; and if you remember the chart that we started with, it's about $8 million dollars and that's the surplus over the appropriation amount.
So, Trademark fee collections; as you can see we make some plans at the beginning of the year and throughout the year we continue to look at the economic conditions and our collections, and revise that forecast through various elements throughout the year as we continue our planning process, including a mid-year review; and we actually closed the year with end of year collections at $459 million dollars, that includes that $8 million dollars of surplus over the appropriation amount, which is the green bar there -- the green line is the $450 million dollar appropriation amount -- so you can see that we closed with just a little bit higher than that; but overall -- as Dave had mentioned -- Jay had talked a little about -- previously -- that -- Jay Hoffman -- our CFO -- talked a little bit about how there is a little bit of softening going on with your revenue, and our estimates and plans reflect that.

MS. THOMPKINS: So, Sean --

MR. MILDREW: Yes, mm-hmm?
MS. THOMPKINS: -- If I may? First of all; let me say that it actually has been -- and I say actually not in a pejorative way, but in real terms -- that it's been a pleasure working with your team this year. I joke with Susan that -- you know -- I was an English major because I didn't want to do that much math and here I am. However, your team has made it extraordinarily easy to understand the information, so I wanted to commend you on the work that you've done thus far. As we look at some of the trends that you're sharing with us and in context of the operating reserves, as well as just our collections and revenue relative to our spend; although, we had an uptick on the monthly basis in September. Can you share a little bit with us -- at least to the extent that you can -- please share with us some of the work that you have done to -- you know -- acknowledge the trend between the spending and the revenues and fee collection to mitigate what could be a downward trend in fee collections?

MR. MILDREW: Sure, great question;
thank you, Tricia. Also -- you know -- we truly have enjoyed working with you guys and feel like there was a true collaboration and exchange of ideas and information, and that makes us all better; so, we always appreciate that. You know, as a fee-funded organization -- we're 100 percent fee-funded -- so, we're very different than most Federal Agencies that receive a direct appropriation from the Treasury. So, we really have to live within our means; and so, the Director, the Commissioner -- in fact -- everyone here at USPTO is very conscientious of that relationship -- you know -- we need to make sure we balance the revenue forecasted and collected against the needs of the agency; and so, we're always looking for innovative ways -- as you heard the Director say -- looking at technology, looking at retiring legacy systems, moving to the Cloud, using AI to help streamline our own internal processes so that we can be maximally efficient and optimize the incredible talent and workforce that we have -- truly knowledge workers -- here at
the USPTO -- again -- something different than I think what you find at a lot of Federal Agencies; that uniqueness really does put a really -- you know -- a green eyeshade on all of us -- to use the phrase from long ago -- you know -- the bean counters with the green eyeshade. I think we all feel a duty to make sure that every dollar collected from our fee payers really does go to benefit them directly through the products and services that we have, including -- you know -- looking at our real estate footprint as well. So, we're actually looking at that and taking action right now today to shrink that footprint and have been doing so over the last couple of cycles, and will continue to do so. So, we really do look for every dime under that cushion -- sofa cushion -- and make sure that we recover it and use it to really foster incredible IP activity here in the country and at USPTO. I hope that answers your question.

MS. THOMPKINS: It does, thank you; and I think even in context of what Commissioner
Gooder shared about telework and that we were so-so-so far ahead -- 25 years -- I can't believe it's been 25 years -- and I too, Commissioner Gooder; am not that old, I do remember it in law school though where I had a dispute with my roommate about sharing the phone; but nonetheless, I do think that your office has demonstrated that it's ahead of the curve in that regard, along with the other members of the USPTO; so, I commend you on the work. Thank you.

MR. MILDREW: Great, thank you. Okay. So, the next slide here; just looking at the Trademarks end of year collections that were above and below our plan -- again -- our plans are made and adjusted throughout the year -- and it looks like maintain exclusive rights, 2.3 percent above plan, but then intent to use fee is down 5.8; and you can see some other fees are down from our plan, which is -- again -- those numbers aren't atypical from a trend or a previous fiscal year.

So, looking at the Trademarks operating reserve; you can see that very top line shows our
The optimal operating reserve balance is $271 million dollars, which is about six or seven months worth of operating activity. This fund will cover about six or seven months of operating activity. We have a minimum required operating balance of $120 million dollars, set at about three months of operating activity. We strive to maintain an optimal balance and use this reserve as a rainy day fund. Throughout the fiscal year, we've seen a steady growth in our operating reserve, which is crucial for economic downturns. GAO recommends that fee-funded organizations like the PTO maintain an operating reserve for business cycles. We've all seen how business cycles occur with ups and downs, and this reserve helps ensure we maintain normal operations and can respond to financial challenges.
make sure that we fulfill our promise to the
American public and to the world -- IP world.

So, looking forward to fiscal year 23'
-- we started this fiscal year October the 1st --
as I mentioned -- we're currently under what's
called a "continuing resolution". Congress has
not passed full year appropriations for the
Federal Government, so all agencies are under a --
what we call -- a "continuing resolution" which is
scheduled to last through currently December the
16th; and unfortunately, what happens when you're
under a continuing resolution is you're held to
last year's spending. Now, that may not be bad if
you're not a growth agency; but as you all know,
USPTO is a growth agency -- and you can see by the
number of filings that the Commissioner showed
just at the top of our presentation here - so, we
are a bit constrained in the amount of money that
we can spend between this period of time -- from
the start of the fiscal year October 01 through
December the 16th. Now, what's also interesting
is that this is not an anomaly, this is actually
more typical -- in fact -- I think we've started
most fiscal years -- in recent memory -- under a
continuing resolution of some length of time -- so
-- again -- another great reason to have an
operating reserve to help us continue normal
activities in a growth mode while we're
constrained through the appropriations process at
last year's levels. So, that's a really great
nuance to really understand and appreciate the
operating reserve. We are also authorized to
spend our carryover, which is our operating
reserve -- as I mentioned -- and that the fee
revenue in excess of our appropriation -- the $450
million dollars that I had mentioned -- a total
for the agency of just over $31 million dollars --
8.2 of that -- $8.2 million dollars -- is for
Trademarks and will be available once the
reprogramming process is concluded.
And then, just a quick look for on the
horizon; we've submitted our fiscal year 24' budge
request to OMB and so, they're reviewing and
working on that right now and we anticipate that
we will release the President's budget for fiscal year 24' in the February timeframe. By law the President has to transmit the budget request for the next fiscal year by February 1st, so we'll see if that date sticks. There has been some -- in the past -- there has been some wiggle room on that date, but by law it is the first Monday of February, so we'll see if that sticks; and then, the USPTO plans to release its new strategic plan, we're working on that right now, sometime this winter. So, that'll be very exciting and I think will really resonate with the IP community. And I believe that's my last slide. So, thank you, appreciate it.

MR. ENNS: Sean, may I ask a question?

MR. MILDREW: Sure.

MR. ENNS: I just wonder if you might comment a little bit -- I'm struck by the similarity between the comments you and Commissioner Gooder have made -- about starting to see some softening in filings and revenues, although they aren't necessarily reflected in the
full year results yet; and it sounds to me a lot
like what we hear the Fed saying what they're
seeing in the economy in general and I know that
in general it's been said that -- as compared to
Patents -- Trademarks tend to be much more
sensitive to changes in the economy. So, in using
your crystal ball and doing these projections; to
what extent do you see at least the goals of the
Fed and the projections for the economy in general
and the target of a soft landing; how much do you
take that into account in trying to project the
performance of Trademarks, which are very variable
and sensitive, and how does that impact the size
of the operating reserve that we need?

MR. MILDREW: That's a really great
question. We take all of that information into
account and unfortunately, nobody really knows
what's going to happen -- I mean -- this is really
somewhat unchartered territory; so, you've got a
lot of folks thinking a lot of different things at
this time. So, it's hard to kind of sort through
the noise and kind of figure out exactly what's
going on here and how best to plan for it. My
only suggestion is the best way we can plan for it
is to continue to strive to hit our optimal
operating reserve. As you said -- you know --
when you look at the two business lines, Trademark
business line tends to be a lot more sensitive to
fluctuations in a macro-economy; so, we have
noticed that and we do take that into account, and
that's why the maximum -- the optimal -- operating
reserve for Trademarks is so much greater in time
-- length in time -- about seven months right now
-- than it is for Patents because they tend to
react slower and less dramatic to those types of
macroeconomic changes; but, we're definitely
keeping an eye on it. It's something that we
always do, we always are keeping our finger on the
pulse, trying to understand where CBO is
forecasting; keeping in mind other indicators that
may indicate one way or another where the economy
is headed so that we can best plan a spending and
revenue projection through the budget process in a
way that continues operations on a normal basis;
and that's what we really strive for, is to continue normal operations despite all the noise, despite -- you know -- if Congress can't pass an annual appropriations bill on time -- you know -- we try to cover all those risks and we've done so very successfully; and that's why you see -- that line chart that I was showing you between the minimal and the optimal operating reserve -- edging up. As risk tends to increase in the macro-environment we like to make sure that we fully fund our operating reserve to weather those storms. So, I hope that answers your question.

MR. ENNS: Yes, thank you, appreciate it.

MS. VIDAL: And I'd just like to add that I think I probably speak for TPAC, but we 100 percent agree with that approach and I think Rod's question was a great question and I think it just underscores the need to try to stay closer to the optimal level given the uncertainty.

MR. GOODER: Okay. Thank you, Sean. Now we're going to move to other parts of the
business and to set that up I want to just remind everyone -- you've heard this from us at successive TPAC meetings if you've been here and you all of TPAC itself -- but we have essentially five big priorities in Trademarks this year; and the first one obviously, is to knockdown the inventory -- that means obviously that has an impact on patency -- so reduce patency, knockdown the inventory, they're all related topics. That is the single biggest priority. You're going to hear more from Dan about that shortly.

The next one is that we are fully -- this fiscal year by the end will be completed -- is fully implement the Trademark Modernization Act. So, the last pieces coming, which you'll hear from Amy or Dan, will have to do with the change in response times for -- responses to -- preregistration office actions -- post-registration office actions will come later in the year -- but that's one of our five priorities.

The next one, which you'll hear from
Greg and Glenn here throughout our meeting, is intensifying the modernization of our IT and you've heard this a couple of times already about retiring legacy systems, and that is one of the biggest pieces of modernization is to get that out of the way -- and you'll hear more about that -- because that leads us to much- much better IT, better interfaces with the public, with the examiners, etcetera. So, that is number three.

The fourth biggest area is boosting the effort and how we go after protecting the register from scams, from deadwood, from all the things that all of us in the Trademark community don't want on the register; and that has become an enormous mission of ours to do, especially as scams proliferate, and we ran into a new one yesterday actually; and we put them immediately up on our website, we take a great deal of action with regard to them, but when you look at them -- you know -- you're constantly reminded that just like counterfeiters, scammers adapt, they change, they try new things, etcetera; and we're doing
everything we can to see that our customers don't
get scammed by it. So, that's the fourth area.

The fifth area is just some projects
that we'll talk more about in the next TPAC
meeting in January or February timeframe; and that
has to do with projects that are helping us look
at our organization and our flow of how
applications move and both are designed to reduce
pendency, but also to take into account the fact
that our systems, our organization, etcetera, was
built when we were much smaller; and now -- you
know -- we're a half a billion dollar company
operating with customers in 200 countries and 1100
employees. So, how we worked in the past and how
we set it up in the past is not how we need to be
doing it in the future and that's that project as
we evolve.

So, with those in mind you'll hear us
constantly referring to those over the next year,
over the next two or three years; these are big
projects. So, with that; I'm going to turn it
over to Amy Cotton who's our Deputy Commissioner
for Trademark Examine Policy and while that sounds like a title that's limited to Policy, she wears probably more hats than any of us in this organization. So, Amy; over to you.

   MS. COTTON: Thank you, Dave. So, this morning we saw a World Trademark Review article that highlights a scam that -- this is the letter actually -- a scam letter that is meant to impersonate the USPTO. Now, I realize that's very-very small, but I wanted you to see what it looks like. So, this is a letter that is sent out to some applicants from one of the scammers and then the scammer offers to do the attorney services to back it up. The cost for filing listed in there is $1800 dollars with a 15 percent federal tax and at the very -- not at the very top -- but on the right-hand side it says "U.S. Department of Commerce", so there's certainly some clues in there that it's not the USPTO; and you all know this and you can tell whether -- you know -- a notice is a scammer or not, but a lot of people can't. So, what the message - the top line
message - for you guys to spread the word on and
for us to spread the word, call TAC -- call the
Trademark Assistance Center -- they will walk you
through the TSER record and they will tell you
whether something is something we sent or
something that we did not send; and they are
really knowledgeable about that. We also have web
pages up that we want folks to use to get more
information about how to protect yourself from
scams.

So, let me jump to TMA -- nonuse
cancellation -- very briefly because we have a
special guest here today and I want to leave time
for him. So, when you're doing a mark clearance
search and you find a prior mark that's not in use
or you've got a 2D cited against you and you don't
think that mark is in use; what you do you, what
are the tools that the USPTO has for you?
Certainly, you can go with the wait and see
approach and see if a maintenance filing is not
filed or filed, that requires patience, I don't
have that; so, there are two other options for
you. You've got the TTAB -- Trademark Trial and
Appeal Board -- Petition to Cancel for any of
those elements up there; and now you have the TMA
Petitions to the Director for Expungement and
Reexamination; and these are tools to attack a
registration for nonuse by providing evidence to
us that the mark is not in use and then we decide
whether a prima facie case is made. If a prima
facie case is made, then we will institute
proceedings; we can also institute proceedings on
the Director's own initiative if we find that that
there's evidence out there that wasn't in the
petition or on our own initiative.

These are the stats for you. Like I
said, I'm going really fast here, but the TMA
webpage on the USPTO site is great for finding
petitions; we're going to improve it, we've got a
database coming later this calendar year where you
can search these decisions more easily. I do have
some "do this, not that", but that's really small;
sorry about that. My "do this, not that" for
petitioners -- the main thing I want to highlight
there is -- if you are a lawyer and you want to
petition, use your law firm as the petitioner, use
your law firms address as your domicile address --
little tip for you -- that way then you as the
lawyer don't have to provide your domicile
address, you can provide the law firm as the
domicile address. If you give us one bad
specimen, we're only going to be able to institute
on that good. We can't institute on everything,
but if you give us a bit more that we can infer
nonuse from other pieces of evidence, then we can
institute on all of the goods or services in the
registration; so, make sure that you give us a
little bit more than a bad specimen. If you have
evidence that this particular registration has a
specimen that came from what we call a "specimen
farm"; this is one of those shady e-commerce
retail websites where there's disparate goods all
over the place, the product descriptions don't
match the products, there's third -- you know --
you see a Fisher-Price toy with somebody else's
mark on it; give us evidence of that. We like
that evidence because we definitely will want to institute on those cases because we can certainly infer nonuse. If you have a registration where there's an attorney that has been sanctioned, please give us that evidence; we know it's been sanctioned, but we want to see that in the petition. So, these are the main things. The other thing on the "not that" side; don't just give us an investigator's report, which is testimonial evidence, unless you give us the documentary evidence that the investigator found. I had that the other day -- I'm like argh -- I want to institute because the investigator's report is good, but it's just testimony; so, there's not enough there for me.

On the registrant's side "do this, not that", we don't have a whole lot of responses from registrants yet because they're defaulting -- yay -- so, that's great, but I don't have a lot of experience yet; when I get that, then I'll have more "do this, not that's" for you. Certainly though, if you just give us the original
specimens, that's not going to work -- and again
-- don't provide testimony without documentary
evidence. Okay. I've got eight seconds left.
Okay.

So, here we go. All right. When you
submit a TEAS or a TEASI form you are clicking a
validate button. The validate button means you
are certifying that everything in that submission
is true and accurate, has evidentiary support, was
not made for improper purpose or harassment. Now,
if that turns out not to be true, under a
37.CFR.1118 we can sanction you. These people
have been sanctioned. These are mostly foreign
filing firms who are responsible for submissions
that violate rules. So, we're really going after
the big ticket scammers -- you know -- the big
ticket rule violators -- and we have a webpage
with all of our sanctions on it. One of the
sanctions is that we can refer a practitioner to
the Office of Enrollment and Discipline; and so,
we're going to do that. Now, the top two there
are in the matter of USPTO.gov accounts sponsored
by Julian Haffner and Grace Lee Huang. So, those
U.S. attorneys sponsored foreign agents for a
sponsored attorney -- an attorney sponsored --
support staff account. In the Terms of Use in the
Verified Account Agreement it says "You cannot
sponsor foreign agent for a sponsored account".
So, what did we do? We took down all of those
sponsors accounts by those attorneys and we sent
those attorneys over to the Office of Enrollment
and Discipline for investigation and possible
discipline.

So, I want Will Covey who is online
today and who is going to share with us what they
do on their side of the house once we send over a
name and evidence of rule violations. So, Will; I
am passing the buck over to you, but I will
advance your slides for you.

MR. COVEY: Okay, thanks. Can you hear
me okay?

MS. COTTON: Yes, we can hear you.

MR. COVEY: Okay. Yeah, I'll try to do
this sparingly on time. So, I'll give you a
high-level review -- if you look at the date of this -- I don't read Chinese but -- you can see some of the information here is in March of early this year right as the PTO announced that we were getting ready to go forward with the ID.me and they're looking for USPTO -- those who have the credentials -- and who have the ability to kind of interact with the USPTO. We had this translated -- and also -- one interesting thing is whoever sent this email was looking for attorneys in the United States who had the credentials who also has -- I think something like -- it says "non-Chinese sounding last names". There was a notion -- I've gotten this question -- "Hey, are we targeting Chinese - "those with Chinese" -- "last names" or what have you; and the answer is no, we're taking everything that comes through the door for us as far as cases - and I'm going to show you a couple sounding names -- but I think it's interesting that -- I think -- that these foreign actors are thinking that we are targeting or we're going after different types of names to kind of see who
we're going to investigate and things; that's certainly not true, but it's interesting that they're reacting -- they're staying on top of -- what's going on at the PTO to -- they want to continue these business operations that they were -- and schemes -- that they were basically involved in. Next slide, please.

Okay. So, this is just kind of a list -- a rundown -- of local council cases that we have pushed through our system -- through the OED system -- in the last roughly year-and-a-half. The first one was -- it says at the top there -- Mr. Liu -- he was in May of 2021 -- and you can see we got a couple others. These are thousands of applications, signature issues, specimen issues, that are kind of called into question; and they're very intensive-type cases for us to kind of put together because it's a huge volume of cases to kind of make the case as we kind of package the information in the investigation to make sure that we can present it to a third party judge who can then understand it and understand
the gravity and what the significance of what the attorney was engaged in. So, many of these cases involve settlements which I think is good work by not only OED, but also by the Trademark operations, kind of helping us kind of gather the data and information and kind of put into an understandable format that we can present to a third party; and I think when we lay our cards on the table with these attorneys many of them realize -- many of them deny -- that they did it or they claim that they were looking at all these applications, but when we go down and we pull data -- for example -- we can see how quickly applications were signed and they were submitted to the office. Sometimes there's only a few seconds between applications and it takes a lot of effort to kind of pull that all together and present that kind of story to the attorney, and obviously then they realize that "Hey, yeah; I need to settle this case" and we've entered into these types of settlement agreements. Thousands of applications -- 5, 6, 7,000 -- next slide --
the highest one is Jonathan Morton; I think it was
32, 34,000 applications filed over a one-and-a-
half-year time period. So, it's a massive amount
of cases being pushed through the system and we
then worked with Trademark operations to make sure
-- the Trademark policy -- to make sure that once
we enter into these agreements that the proper
steps are then taken with these applications. We
still do have -- and I do talk to the Bar across
the country about these cases to kind of alert
them as to; one, what's going on as far as OED's
actions against attorney who are engaged in this
type of conduct. Unfortunately, we're still
seeing a steady stream of this type of conduct,
but we're basically handling that so far at this
point and I don't -- unfortunately, I do -- see
this continuing into the future; what we're
seeing. Next slide, please.

And just as a side note, I will mention
that all of those cases that we mentioned, they're
practicing before the PTO; they're all attorneys,
we then coordinate with the State Bar so that they
can look at reciprocal action. For example, if you are a New York attorney or Connecticut or Virginia, many of those states have -- across the country -- have what's called "Reciprocal Disciplinary Processes", so they will then take our cases and we'll work with them; we'll offer up our evidence, we'll help them understand the cases, we'll offer to provide witnesses -- basically if they need help presenting the case to one of their -- to whatever their process is in their state -- so they can also take similar type action against these attorneys and get the word out across the country. So, with that -- and I do mention that we do offer attorneys the -- and the public -- anyone who has questions -- you can always call OED; we have some of the investigating attorneys who answer questions and kind of help attorneys navigate -- you know -- the professional responsibility rules that apply to them as they're kind of handling these types of cases; and we do get questions about "What are the requirements? Do I actually have to physically sign the document
or can I allow my assistant or my paralegal sign this"? So, we do still get those types of questions and we try to educate the public and help them understand what their obligations are.

So, with that; I will close and open up if there are any questions. Let me say thank you, TPAC for inviting me to speak about what we're doing as far as enforcement actions against the attorneys.

MS. VIDAL: Any questions from TPAC?

MS. BROWN: Hi. Well, I actually don't have a question for you; I have a question for Amy. Just quickly going back to that scam letter that you shared, the one with the U.S. Department of State; can you just remind me, what actions does the PTO take against people who are using the logo -- the Seal -- like -- do you guys investigate them and do you take action against those actors as well as warning the public?

MS. COTTON: Great question. We do not have law enforcement authority, right? So, if there are any -- you know -- civil or criminal
statutes that are violated by that action there's not much we can do about that, except to raise it with law enforcement. In that particular instance, we've seen that letter before. Folks have sent to TMscams@USPTO.gov, so we knew what the scam is; it's very similar to a party that we've already sanctioned and that we were going to continue to sanction. So, we're aware of what's going on there. We are trying to put that up on our website, but I got people pushing back saying "It looks like it's us, it's going to confuse people that it's us"; I was like "No, it'll say Department of Commerce", but we are trying to put that up on our webpage so people will know that that's a scam. We have already referred that matter to law enforcement through various channels, through our Office of General Counsel, then they go to the Office of the Inspector General for the Department of Commerce, and then they liaise with law enforcement. So, that's what we can do in terms of the criminal side or the civil side. The Federal Trade Commission actually
has authority to go after those who impersonate
government agencies; they actually have a Notice
of Proposed Rulemaking on that to make it easier
for them to go against those sorts of folks; so,
we certainly support that effort. We have limited
enforcement, they have enforcement "Yes, go after
that". So, all we can do is raise awareness with
our stakeholders not to fall for these scams, tell
people to call TAC, find out if this thing is for
real or not; certainly if it says "Department of
Commerce" it probably isn't, but -- you know --
for those who want to make sure. So, those are
the actions that we can take.

MS. BROWN: Thank you, appreciate that.

MS. COTTON: Yep.

MR. GOODER: Okay. Any other questions
for Amy or Will? Thank you, Will for joining us.

MS. NATLAND: Thank you, Will.

MR. COVEY: Thanks, Dave.

MS. NATLAND: Great work, thank you.

MR. COVEY: Okay, bye-bye.

MR. GOODER: Now, I'll pass the mic to
Dan Vavonese who's Deputy Commissioner for Trademark Operations.

MR. VAVONESE: Good morning everyone.

So, we've heard a lot about filings and where we were in FY 21' and filings in FY 22', which while they were down compared to 21', we still had over 780,000 application classes. As we went through FY 22' our pendency did rise -- continue to rise -- over our seven-and-a-half-month goal, it got up to 8.3 months by the end of the fiscal year.

Similarly, with our disposal pendency -- which you can generally add about six months on to the first action pendency based on the six month response period -- we ended at about 13.8 months for disposal pendency. So, when it comes to the inventory, what I want to point out is that -- you know -- you've seen this continuous rise ever since -- you know -- ever since -- you know -- mid 2020. The good news as far as our inventory is concerned is that we have leveled off -- you know -- it's been a long time coming and we've been working a lot on that; but it is leveling off, it
is slowly starting to go down, but the thing we
have to remember is that it's a huge number of
classes that we're trying to get through and the
age of the inventory is what we're dealing with
right now because the oldest cases in the
inventory -- a large amount of those -- that's the
age that's really getting us with this 8.5 --
close to 8.5 -- month pendency that we have right
now.

MS. NATLAND: Hey, Dan; would you mind
just going back a slide --

MR. VAVONESE: Yeah.

MS. NATLAND: -- Or can we just go back?

So, I do just have a question on pendency as we've
talked about it -- you know -- it's a priority and
it's a big issue for stakeholders; and we've seen
that first action pendency has just kept going up
and obviously disposal is tied to that, so that
also goes up. So, my question to you is; has the
PTO thought about what the goal really should be
realistically given stakeholder concerns and the
benefit of shorter first action pendency for many
reasons that we've already discussed, that's my first question; and then my second is, once that goal is set is there any thought to give milestone dates to hit that goal? So, whatever the goal is -- you know -- six months we'd like to do this, in a year we want it to be this? That's my question.

MR. VAVONESE: So, we are doing still a reevaluation of all of our metrics to determine what is the ideal pendency going forward -- I mean -- we've had three months for years because that was what -- you know -- 15, 20 years ago that's what our stakeholders were looking for. Is that really the number that our stakeholders need? What we've heard a lot more recently is it's in that five to six month range that's really -- you know -- so that you can file overseas, so that you can make those determinations getting product to market. So -- I mean -- this fiscal year -- based on our -- the age of our -- inventory and based on our projections in the filings for this year it's likely that we're going to stay in this eight to eight-and-a-half-month range. Now, that said;
we're doing everything we can to get that number
down sooner rather than later, but over the next
couple of years getting that pendency down -- we
don't have those milestones set yet -- but
generally that's what we're looking at, about a
month each year for the next couple years; but --
again -- we've got a lot of things that we're
getting into place, not only with our hiring, but
also with some of our IT improvements and our
process improvements that we hope is going to be
able to accelerate getting this number back down.

MS. NATLAND: Okay. So, it sounds like
there's been some thought as to the type of range;
although, I still think that could be fine-tuned
probably a little bit --

MR. VAVNONESE: Right.

MS. NATLAND: -- Just because -- you
know -- sometimes foreign filings -- if they're
larger -- can actually take some time with formal
documents and all that stuff, so; and then in
terms of the milestones -- yeah -- I just think it
would be helpful to have a little bit more clarity
on what the expectation should be and more dates
in between -- I think -- would be great.

MR. VAVONESE: Yeah, understood,
definitely.

MS. NATLAND: Okay.

MR. VAVONESE: And -- you know -- we have continued to hire and -- you know -- this kind of shows -- this graph -- just shows our trend in examining attorneys being hired over the last several years. The last few Bars are really by quarter so you could kind of see when we've hired and also some of our attritions because -- you know -- also -- I mean -- we say we hired 93 examining attorneys, but we also have attritions -- we also have a lot of -- almost a third of those attritions are examining attorneys getting promoted into other areas of the office -- you know -- they are -- our examining attorneys get trained extremely well and then they have a lot of career development opportunities in other areas of the office. So, we ended up at about 718 examining attorneys by the end of the fiscal year.
Our quality -- I want to emphasize this -- you know -- with our pendency where it is, our quality continues to be stellar and that's due to the hard work of all of our examining attorneys focusing on making sure they're making the right decisions on their cases, especially when it comes to substantive refusals; and then as far as the exceptional office action -- the overall look of the entire office action -- the decisions they're making when it comes to evidence, when it comes to the arguments they're making. So, I want to commend our continued work in the quality area. Our processing timelines -- we've already talked about first actions and disposals. The one other area that we're still seeing challenge is probably due to continued increases in our maintenance filings -- is in post-registration -- we're currently at 100 days. I'll talk in a minute about -- you know -- what we're doing in post-registration, but I also want to continue to point to the processing times all being available on our website. We have a dashboard that looks at
quarterly and then we also have processing
timeframes across our different services units.
This is updated monthly, but it's generally about
a month behind; so, we've gotten a lot of requests
to get more real-time information onto our website
and that's something we're working very hard on,
is to get more real-time information so that
you're not just looking at a month ago, you're
looking at almost to the day or at least to the
week, so it's more timely.

Hired 93 examining attorneys last year.
We have two classes coming in for FY 23', so
probably going to be somewhere in the same range
of examining attorneys total. Our Trademark
Academy; it's been a huge accomplishment for us
this past fiscal year. We stood up this academy,
it's the entire first year of the new examining
attorneys, they are in this academy, it's done a
lot to help us with improving the training,
improving the consistency of the examining
attorneys that are coming in and learning; and
then after that one year -- which the fist
graduation just happened a few weeks ago -- they
go back to their home offices and we just hired a
new class that came in two weeks ago now, so
welcome to the new attorneys that are in that
academy as well. Post-registration; we are in
the midst of hiring more post-registration
specialists to assist with this backlog. We are
also going to be looking at other process
improvements in post-registration as well to deal
with this backlog. Our TM Flex contract; we are
continuing to utilize that for bad faith
investigations to help us upfront with identifying
the issues and we're also looking to expand TM
Flex to deal with other non-examination help where
we can use it.

I also want to point out that the
examining attorneys are all transitioning to an
entirely new examination system; they have for the
last six months, it's been a rolling transition
over. December 1st is the cutoff date where they
move from our old legacy system to our entirely
new TM exam system. We're very excited about
getting onto this modernized IT system and we're in the homestretch with just a few weeks to go. So, we're excited to finally get that done and Glenn and Greg will talk a little more about that and our IT planning.

Last, I want to point out another December timeframe we're talking about is our move in the Trademark Modernization Act phase II to flexible response periods; specifically, preregistration responses to office actions moving to a three month timeframe for responding to your office action for any office action issued on or after December 3rd. We've sent out a lot of reminders on this, I want to keep reminding people you have a one-time request for a three month extension before the response date comes and this does not apply to 66(a) Madrid Protocol office actions; you still have the six month timeframe for that; and post-registration, we are delaying the implementation of the three month response period, that will be on October 07, 2023. That was my quick review of operations; any other
MR. CHO: Dan, real quickly on the Trademark Academy; I think one of the big goals was the revamping of it, was to give better training so that the new examining attorneys can then be more acclimated and be more productive sooner; is that correct?

MR. VAVONESE: Well, it's a combination. It's both quality and production -- you know -- it's more about the consistency -- making sure that they're all being trained consistently -- and getting them up to speed so that by the time that first year is done they are ready to go back to their home law office and they're ready to roll. They are examining towards that entire first year, it's a ramp-up period that first year.

MR. CHO: Right. Thanks for the explanation because the quality is important because if it's a better examination done, then there's less kind of going backwards and correcting things, especially in this pendency environment --
MR. VAVONESE: Correct.

MR. CHO: -- Thank you.

MS. NATLAND: Any other questions?

Nope, okay.

MR. GOODER: Okay. At this point, I think we're supposed to take a break.

MS. NATLAND: I think we are.

MR. GOODER: And we're back on schedule.

MS. NATLAND: Yes.

MR. GOODER: Which is great.

MS. NATLAND: It is. Thank you guys, great job getting us on schedule.

MR. GOODER: We'll resume at what, 11:45?

MS. NATLAND: I think we're set for 15 minutes, does that work?

MR. GOODER: Yep.

MS. NATLAND: Okay. We'll come back in 15.

MR. GOODER: See you all shortly.

MS. NATLAND: Thank you.

(Recess)
MS. NATLAND: Okay. We are back from the break and I think next on the agenda is Chief Judge Rogers with the TTAB; is that correct? No, we should know better; I will let you take over.

CHIEF JUDGE ROGERS: All right, thank you. I'm a little flustered and surprised; I'm usually later on the schedule, I have to get used to this; but thank you for having me and thanks to all the TPAC members we worked with throughout the year, it's been another good year for TTAB. So, let me just run through some of the numbers and get right into it. You will see -- I'm just going to give you a little bit of context -- I've done this before -- but I think it's worth remembering that things started changing during the pandemic and so we started seeing fewer cases coming in during the pandemic while Trademarks was seeing cases go up -- new applications were going up in Trademarks -- during the latter part of the pandemic and into 21'; but for us, during the second part of fiscal 20' we started seeing moderation. Now, ex parte appeals increased that
year, but extensions of time-to-oppose oppositions went down and petitions-to-cancel -- although they increased -- were increasing at a much slower rate than they had years prior to the pandemic year. So, in 21' this trend continued; ex parte appeals still grew, but much less than the prior year, and then extensions of time-to-oppose also went down. Oppositions kind of stabilized in 21' and so we got the same -- almost exactly the same -- number of new oppositions as in 20', but petitions-to-cancel went down and that was the first time in many years we had seen a decline in the number of petitions-to-cancel.

So, what did we get in fiscal 22'? We continued to see a decline -- continued to see a drop-off -- and interestingly, appeals were down -- new appeals being commenced -- were down 9 percent compared to 21'. Extensions of time-to-oppose and oppositions -- again -- kind of stabilized in 21' and 22', so they're pretty steady. Petitions-to-cancel also went down just like appeals did. So, those are things that are
just coming in the front door of the TTAB -- so to speak -- the new filings -- it doesn't mean there's not a lot of work for our paralegals and our attorneys and our judges to do that are already in the pipeline from other years; and you'll see on a visual representation of filing levels in a couple of slides, the part of the work that's still in the pipeline that we're working on.

So, these next few slides just present visual means for looking at some of this data. So, on this chart you can see -- looking at it over a two year, three year period -- the fluctuation in the filings. So, oppositions -- which are at the top -- tend to go a bit more up and down, although they've been pretty steady -- you can see at the tail-end of the opposition line -- they're trending back upwards. Appeals and cancellations -- while I talked about things generally declining -- when you look at them on a longer timeline as this slide does, they're pretty stable; and so, there's plenty of work for us to
pay attention to that’s in the pipeline, and this
-- I think -- really illustrates that. These are
just like the average pending balances of all
three types of cases when you look at the -- take
the -- snapshot at the end of each quarter; and
so, you can see these trend lines are pretty
steady with the opposition one trending down, but
on the previous slide we just saw that oppositions
were starting to trend up, so this probably won't
go any lower than it has.

This representation of some of this
filing data shows -- I think -- in a more dramatic
fashion -- these are percentage decreases or
increases that we saw each year. So, the
opposition and cancellation lines -- or bars --
you can see were pretty high for a number of years
and it's only the recent years -- from the
pandemic on -- where we've seen declines in the
new oppositions and cancellations; and so, all of
those increases we saw leading up to the pandemic
year represent the work that's still in the
pipeline; the appeals and the trial cases that our
attorneys are working on and our judges are
working on.

So, let's look at how they're doing in
that respect. In 21' we got through the work that
needed to be done by the attorneys on contested
motions -- under goal -- we have goals and the
goals were the same in 21' and in 22' -- getting
contested motions decided in under 12 weeks on
average and we were able to meet that goal in 21'.

We also met the goals for processing appeals and
these are goals for processing appeals when they
have been completely litigated and they're ready
for decision by a panel of judges. So, the goal
there -- again -- is to get the appeal decisions
out in 12 weeks or less; and for trials, the goal
is to get the trial decisions out by panels of
judges in 15 weeks or less. So, you might look at
these numbers and say "Wow, you were way under in
21'", but we knew from the previous slide how much
work was in the pipeline and was going to still be
coming; so, it was a buffer, we were trying to
push those numbers down because we knew that
eventually they were going to go up; and so, in
22' these numbers all climbed a bit -- still well
under goal -- and that's what we're trying to do
is make sure that we can stay under goal and plan
accordingly. So, motion decision pendency was up
a bit in 22', but still under the goal of 12 weeks
for processing contested motions. Appeal
decisions -- again -- up a little bit from 21',
but still well under our goal; and trial decision
pendency still under goal.

So, we're in the enviable position of
having a docket that is not surging in terms of
new cases coming in, which gives us time to work
off the cases that are already in the pipeline;
but we are cognizant of the fact that eventually
that trademark filing surge is going to result in
more work for us and the Trademark Modernization
Act Appeals from Expungement and Reexamination
Proceedings -- which we have not seen one yet, but
we do expect that over time we will begin to see
some of those as well. So, that's why we're kind
of actively monitoring the incoming filings and
the status of what's in our docket waiting for
decision by attorneys and waiting for decision by
judges. Susan?

MS. NATLAND: Yeah, just a quick
question, Judge Rogers. With respect -- and you
hit on the head -- with this inventory that's
making its way through the system, are you
planning on any personnel increases at the TTAB to
be ready when these all come in?

CHIEF JUDGE ROGERS: We are and actually
we've been planning on them -- excuse me -- in the
budget plans that we put forward for the agency
for a number of years; so, we have positions for
attorneys and positions for judges in the budget.
We also have positions in the budget for Business
Intelligence Analysts because we want to get
better control over our data for forecasting
purposes in terms of staffing levels and to try to
stay ahead of trends -- if we can figure out what
the trends are and what the relationship is
between our trends and Trademarks trends and the
macro-economic trends -- and we don't -- a lot of
that is just kind of tea leave reading now by
myself and Deputy Chief Judge Mark Thurman, but we
hope to get better at it and more analytical at it
and more scientific about it with the Business
Intelligence Analyst hiring; and we just had a
vacancy announcement close recently for the judge
position -- we did have two judges retire in the
last fiscal year and we didn't rush to replace
them right away because as we just saw on those
numbers that we were looking at, we were keeping
pace with our goals and we've heard today about
the USPTO being good fiscal stewards of our
stakeholders fee payments and we never want to
hire more people than we need to keep pace with
the work, so we didn't rush out to replace those
judges right away; but, we are pretty cognizant
that -- again -- the numbers went up a little bit
in terms of the pendency this year and we know how
much work we still have in the pipeline, so we're
going to start gearing up. We also know we have a
number of judges who are at or soon will be
retirement age, so it takes a while to get new
judges onboard -- and new attorneys -- and we just
brought three new attorneys on in the last few
months -- get them up and running and really
familiar with Board practice.

MS. NATLAND: Thank you.

CHIEF JUDGE ROGERS: Sure. The other
numbers that we report -- and all of these numbers
that we've been covering on these slides -- are
available on our website, we update them
quarterly, there are charts showing median
average, end-to-end processing time. End-to-end
processing time is not something that we set goals
for because we don't have complete control over
the time between commencement of a case and
eventual disposition of a case, there's a lot of
time that can be taken up in ex parte cases by
Request-For-Reconsideration, remands and things
like that; and in trial cases, of course we could
have many contested motions. The parties, also we
know in our trial cases, like the Board to be
flexible with the granting of extensions and
suspensions to accommodate settlement talks, so we
report this information because we know it's valuable for client counseling, but we don't actually feel we can set goals for without being put in the position of having to tell people that they need to move faster; and sometimes they don't want to move fast if they're talking settlement.

Quickly, oral arguments were resumed in August and parties can still choose the virtual option -- all arguments in-person we were conducting all along in the pandemic -- but completely virtual, many people are still requesting the virtual option, we had 13 proceedings oral arguments and proceedings in October, only three of them were in-person, most of them were still virtual; and many panels will still have a judge participating virtually or a party participating virtually. We do participate in a number of outreach programs where we have arguments heard in one of our hearings. So, our hearings are relatively few in number compared to the number that the PTAB hears in their patent cases, but if you're interested in seeing how the
hearings work, you can do it sometimes at some of these live program that we engage in and sometimes they're broadcast; so, these are just examples of programs that involve TTAB hearings.

We've also talked in various meetings before about the Final Pretrial Conference Pilot Program that the Board is standing-up -- or is getting ready to standup -- and so, we've begun receiving customer input and we continue to seek as much customer input as we can get. We most recently got comments just last week from the ABAIP section; those were added to the comments previously received from IPO and AIPLA, and we'll get those all posted up on our website sometime very soon; but throughout the process of standing-up the pilot we will continue to accept comments as we go along. So, the benefits of this pilot -- when we begin it -- will -- we hope -- allow parties to put their best foot forward in their trial cases and will support effective presentation of their cases, avoid redundancy, avoid mistakes; and if you read our decisions on a
regular basis, don't just read about them on the
TTAB blog, read some of our decisions every once
in a while and we're working on a new precedence
page that will include links to our precedential
decisions, and we have a reading room which is
really intuitive for searching; but if you read
our decisions on a regular basis you will see how
many cases we talk about parties arguing over
un-pleaded issues, objections to evidence and
evidence that doesn't get considered because it
wasn't introduced properly; and so, the whole
purpose behind the final pretrial conference when
we stand that up is to help parties do a better
job in cases where we think they're going to need
the assistance going into trial.

So, that's it and my good friend, Mickey
Grammatica Fletcher -- who left TTAB to go to
Trademarks -- we are sad to say -- but is doing a
great job for Trademarks -- has told me my time is
up.

MS. VIDAL: Thank you, Judge Rogers; and
thank you Mickey. Any questions for Judge Rogers?
Yes, Rod?

MR. ENNS: Judge Rogers, thank you. I think a lot of practitioners will be very interested in the advent of the Final Pretrial Conference program; and I understand that as it's proposed now, it still will be a pilot once it's stood-up, so it will only be selected cases that participate; is that --

CHIEF JUDGE ROGERS: I think even -- that's true -- it may always be a situation -- even if we change it from a pilot to something that becomes permanent, that only certain cases are going to be coming into it; just like we ran a pilot previously -- the Expedited Cancellation pilot program that you may have read about on our website -- and that was focused on dealing with cancellation cases that only involved nonuse or abandonment claims and we wanted to figure out if there were ways we could expedite those cases to get those unused marks off the register; and so, those by definition were focused on only certain types of cancellation cases with certain types of
claims. The Final Pretrial Conference pilot will not be focused on certain types of cases with certain types of claims. Any kind of case, any kind of claim, could come up, but it's going to be focused more on the issues that are presented, how the case has been conducted during pleading, during discovery, and does it show signs of potentially resulting in one of those decisions that we would have to draft where we would have to be discussing arguments on unpleaded claims, improperly introduced evidence. If we think that this is where that case is going, that's when we might step in and say -- you know -- "Join us in the pilot, let's talk about the case and what the parties need to focus on at trial".

MR. ENNS: Well, I guess that's what I was going to ask. Those that litigate in Federal Court, I don't think I've ever gone to trial in Federal Court without having a final pretrial conference first, it's a de rigueur part of the process; is there any thinking long-term as to whether there would be benefit to having a final
pretrial conference as just an automatic part of
the process because I -- the benefits you've
described -- I think -- might apply to a
wide-range of cases?

    CHIEF JUDGE ROGERS: I think that there
are cases that will not be pulled into the pilot
the way we're envisioning it because they will not
have had sloppy pleadings; they will not have had
too much contested motion practice, they will not
have had motions for some summary judgment that
sought judgment on unpleaded issues, they will not
have any of the red flags that would cause us to
pay attention to it; and so, we are going to be
looking for cases and we're not always going to
catch the cases that could benefit from it, but we
also know that there are many cases which don't
need our intervention; the parties don't engage in
motion practice, they go to trial, they put their
evidence in, there are very few objections about
evidence; all they really want from the Board is
the decision and I docket these cases as they
become ready for decision every month and need to
be assigned to panels of judges; and I see them
run the gamut from very small record, very focused
trial proceedings, and then very-very large trial
proceedings that are sometimes unkempt -- I might
say -- and so, we're going to do our best to kind
of put our bang -- get the best bang for our buck
-- and by focusing on certain cases -- and I don't
think we have the staffing or the resources to
step in and do this with every trial case when
many of them really just don't need it.

MR. ENNS: Thank you.

CHIEF JUDGE ROGERS: But one thing we
hadn't thought about was the possibility of -- and
we can think about this during the pilot -- is
parties asking to be involved in a conference if
they think that they see parties who have been
involved in it are getting benefits that they
would like to share in, then perhaps parties will
be able to opt into these conferences in the
future.

MS. NATLANDL: Great. Thank you, Judge
Rogers.
CHIEF JUDGE ROGERS: Sure.

MS. NATLAND: As always, great presentation, look forward to seeing how the pilot progresses. The next topic -- the next area -- we're going to cover is from the Office of the Chief Information Officer. You guys always make IT fun and interesting. Debbie Stevens and Lisa Hilton, over to you.

MS. STEVENS: Thank you so much. Good afternoon everyone and -- again -- thank you for allowing us some time here to share some of our updates. Since the last TPAC we continue to have strong collaboration across our teams, delivering business value and improving our resiliency. We've made steady progress on our migrations into our new data center and our latest data shows we are on track and ready to complete that in the latter part of fiscal year 2023.

And lastly, as Director Vidal mentioned earlier in her opening remarks; our focus is on retiring TRAM this fiscal year; so, it's a huge undertaking and one our team's have rolled up
their sleeves and are ready to accomplish that

 task. So, now I'll turn it over to Lisa; and

 she'll give us more information. Lisa?

 MS. HILTON: Thanks, Debbie. First I

 wanted to say a big thank you to the TPAC IT

 subcommittee as they continue to support us as we

 move our efforts forward, providing guidance,

 giving us feedback as we move the products

 forward. Next slide, please. All right. So,

 further update on where we are with the data

 center migration. As Debbie mentioned, we are

 over 30 percent done with that migration and to

 date all the migrations that have happened thus

 far have been successful with no issues; and

 specifically on the Trademark side -- Trademark

 exam -- as well as the TTAB ESTTA database and

 TTAB's database successfully moved to the new data

 center in August the 31st and CMS system just

 moved October 21st. The next system up -- and

 we're keeping our fingers crossed -- and we have

 our teams on alert -- is actually this weekend.

 TEAS and TEASI will migrate to our new data center
tomorrow; all hands are on deck from the business side to our technical team to our infrastructure team, making sure that move -- which is a big move for us -- will be successful and there won't be any impacts to any of our customers; and as Debbie mentioned, TRAM is on all of our minds and that is our focus and our team's focus, and a lot of the foundation of things that the teams have done this year helped us to build that foundation toward a successful TRAM retirement; and we look forward to that effort into FY 2023. What I will do next is turn it over to Glenn Brown who is the Trademarks Information Technology Group leader and he will give you more information on the specifics of what will be happening with our teams this year. Over to you, Glenn.

MR. BROWN: Thank you, Lisa. Thank you, Debbie. I'm going to go over the Trademark IT priorities. We have five plus -- you know -- one near the end -- it kind of fits under two of those -- but, basically back in July we established TRAM -- as we've all been talking about today -- we've
established TRAM as our -- TRAM retirement -- as
our number one priority with a date of September
2023 -- our plan -- we've already been able to add
more resources towards that endeavor and realign
resources that were already on site to meet that
goal. The next priority that we have is continued
TM exam modernization. Our goal right now is we
-- you know -- on December 1stt we are going to
have all our examining attorneys switched over
from the legacy fast one app to the new modernized
platform -- they've already been adopting the tool
-- so, that -- but on December 1st they will be
fully on the new tool -- the new platform -- and
that helps with the TRAM retirement as well.
We're also going to be right -- a couple days
later -- on that new platform we'll be
implementing the Trademark Modernization Act
flexible response times for pre- examination
activities on December 3rd and -- you know --
those two goals kind of go hand-in-hand; and then
we'll continue -- we started building on -- you
know -- the Petitions Office and the
Post-Registration Business Unit Office within Trademarks -- we started building them -- capability on the modernized platform to support TMA and also to get them off TRAM and we're going to continue that work throughout the next fiscal year.

Under E-File; we're modernizing and consolidating the initial application forms, we expect to be fully deployed with that with a consolidated -- you know -- modernized form in August of 2023. That also removes those forms from their interaction with TRAM and instead they'll interact with the new platform -- again -- advancing the TRAM retirement effort. TTAB center, they're modernization effort continues and they're focus right now is on the Notice of Opposition form, so that priority number four is going to continue as well; and then finally -- as the numbered priorities anyways -- we also want to continue to of course support any international treaty obligations and the first one -- and really the only one that is on the books right now -- is
the Exchange of MP3 audio and MP4 video formats with the International Bureau. We -- the development for that is underway -- and we expect -- I believe the date is February -- when that treaty obligation will be met and implemented.

And then the last one is -- it kind of falls under two categories -- but we also have to replace the search system -- the backend search system -- that both the examining attorneys use and the public use. Internally it's known as X-Search, externally it's known as TESS; we'll be implementing a solution by September of 2023 so that we can -- you know -- cease using the open text BRS solution. We'll probably have -- you know -- I believe it's in July -- is when we'll have an initial beta available for production use. The systems will run in parallel, both internally and externally, and then we expect to basically turn off the old systems by September of 2023.

On the next slide -- I just wanted to -- you know -- kind of drill down a little bit more on a couple externally facing efforts for E-File
modernization. Again -- as I mentioned on the
first slide -- E-File is going to be focusing on
consolidating the initial application forms.
There will be a beta in May of 2023 for the 1B
initial application forms and then by August of
2023 we expect to have all the initial application
forms consolidated and deployed into production by
August of 2023.

And then, TEAS -- of course -- has
another deployment and -- you know -- to support
the Trademark Modernization Act flexible response
times for initial application -- or --
pre-examination -- and that deployment will go
live on December 3rd. So, that's all I got.

Thanks. Any questions?

MS. KOVALCIK: Thank you so much, Glenn;
and first of all, I want to say what an honor it's
been serving on the IT subcommittee and working
with you and Lisa, Debbie, Jamie and Greg. You
guys have done a tremendous amount of work over
the past years and it is not lost on me and I hope
it is not lost on the public what a colossal
effort this has been -- I mean -- you guys are working all systems simultaneously; you're doing data center updates, you're doing database retirement, move to the new database, you're updating the search system, you're updating the filing system, you're updating the examiner system, you're updating what we as the public see and so much is happening on the backend; it really is extremely Home Makeover on the IT side and a lot of it goes unsung because it happens without the public seeing it, but we do see it, we appreciate it and we commend you on the progress that you have made and the continued implementation efforts for all of these things to move seamlessly and simultaneously; so, thank you. With respect to E-File, I am very excited about the new application form that's coming out and can't wait to see how that goes. With all of the efforts that IT has put into examiner efficiency with the BOT, with automation, with artificial intelligence; I would imagine that this new filing form will also contribute to examiner efficiency
and perhaps contribute as well to pendency reduction. Commissioner Gooder, would you imagine that would be the case as well?

MR. GOODER: Absolutely. Yeah. We know that the better quality the application coming in, the more efficiently it goes through the system and the new E-File will really help that. It helps -- it'll be easier to work with for -- applicants will get better -- the aim is better quality of the application coming into the examiners theoretically has less to do -- the bots help -- a lot of the things help -- it also helps take things off the examiner's plate that they're having to deal with now to verify things, etcetera; that's also partly why we're piloting a project to bring more non-attorney people into that process like paralegals, etcetera; is to aim at both of those things efficiency, reduce pendency, everything.

MS. KOVALCIK: Great. Well, thank you. Obviously, it's a huge priority for TPAC and for the office to keep pendency down and have
efficiency; so, thank you for every IT thing that contributes to that.

MR. GOODER: Can we quote you on the Extreme Home Makeover; it's the best analogy I've heard?

MS. KOVALCIK: Yes.

MS. NATLAND: Great. Thanks, Jen; great comments. Any other questions from TPAC? Okay. Well, thank you, Debbie, Lisa, Glenn and Greg for all that great work. As Jenn said, a lot of it's behind the scenes and it's kind of the type of thing where -- you know -- it's all good until it's not good. So, thank you for keeping it all good for us, keeping things moving. Next, we have an update from the Office of Policy and International Affairs -- OPIA -- Nancy Omelko and Brandon Ritchie; over to you.

MS. Omelko: Hi everyone. I'm Nancy and Brandon's sitting over here. I'm going to start with the updates for our office. We participate in a number of international meetings and we're going to do a run-through of the ones that are
just past and the ones that are coming pretty soon. The first one is (inaudible). There was a meeting of the 75th general meeting in September of this year. There's still ongoing debates about domain name system abuse which doesn't have anything to do with counterfeiting and infringing, unfortunately; it has to do with malware and -- excuse me -- Botnets and phishing and farming and spam; so, there were discussions going on at that meeting about those things. Also, the WHOIS Disclosure System is an ongoing conversation there and there was no mention of the UDRP, which we'll probably resume discussions in 2024; and they're still reviewing plans for the new round of GTLD's possibly now -- excuse me -- in 2026. Oops -- yeah -- oh -- excuse me -- so, this is what we're talking about --

MS. FREDERICKS: Excuse me, Nancy; could I just ask you a quick question?

MS. OMELKO: -- Sure.

MS. FREDERICKSK: Hi, nice to see you.

Our earlier discussions, they were thinking that
the next round of new TLD's would be in 2024'
that's off the table now, it's not until 2026?
   MS. OMELKO: Yeah, apparently it's been
pushed back, yes.
   MS. FREDERICKS: Thank you.
   MS. OMELKO: Mm-hmm. Okay. And next is
the standing committee for Trademarks Industrial
Design and Geographical Indications; that's going
to be held in Geneva in November -- this month --
around Thanksgiving -- they always do that to us
-- Thanksgiving and Fourth of July usually are big
dates for meetings in Geneva; and so, this time
we're continuing to talk about country names and
also there'll be a side event for discussions of
geographical indications as they are applied to
services, and also another session on non-
agricultural products. The EU is introducing
crops and industrial products, so they will
probably be leading that discussion. There is
also the Design Law Treaty is going into a
prep-con -- a preparatory -- meeting all of next
year, so the standing committee for Trademarks
will not be meeting on the usual subject matter
that we're used to; they'll be really preparing
for that diplomatic conference.

Let's see -- and then -- very exciting
next week the Madrid Working Group is convening
again; they're going to be talking again about
many of these subjects that we've heard about in
previous TPAC meetings. One is dependency;
there's a vast array of proposals getting rid of
the basic application, delinking from -- you know
-- the central attack piece of it and then a
couple things about reducing dependency to three
years and only claims of fraud can be used against
-- for the -- central attack claim. So, that's
ongoing. We are going to be holding the line; we
think that there are still discussions that have
to be had on that front.

There's also languages -- very
controversial because Russian is one of the
languages that is proposed to be introduced along
with Arabic and Chinese; and so, what the U.S. is
pushing for is some type of criteria to make sure
that we just don't let any language come in without some sort of reason behind it. It's very expensive to introduce a new language, interpretation and translation fees among them -- among the costs. Also, there is -- let's see -- the examination for SCOPE. Usually, this has to do with limitations -- and I'm not going to go into too much detail -- but which office -- the originating office or the office where the protection is sought -- who should see whether the limitation that is sent through the Madrid System for less than all the goods in the international registration should be examined by which office.

And then -- let's see -- there's also talk about the possibility of convening a diplomatic conference on the issue of dependency. Again, the U.S. is not ready to start those discussions because we haven't really decided which way we're going on that.

MS. FREDERICKS: Nancy, if I could; just a quick question? So, with respect to the languages that are being proposed and I understand
the controversy, especially with respect to Russia; but you had mentioned and we had previously talked about the U.S. in favor of setting criteria. So, would it be a matter of not considering any languages, including these three, until criteria were set and then those criteria would carry forward for any language that might want to be proposed by anybody down in the future or are they going to move forward -- do you think -- with consideration of these languages and then simultaneously -- or next -- or something -- hear a proposal about coming up with criteria because those in themselves could take a long time to get agreement on?

MS. OMELKO: Right. And our position is that we would want to have criteria first before we even consider these additional three languages. Chinese is actually one of the languages that would probably be considered under the criteria to quality because it is the largest office, it has the most filings, etcetera; so, it probably would win that, but we want to have those criteria first
in place and then if China qualifies for that, then we would -- you know -- certainly let them have that language, in addition to the other ones that are currently available.

MS. FREDERICKSK: Is there much support for the idea of criteria beyond the U.S. at this point?

MS. OMELKO: The way WIPO works is there is a group B; it's developed countries -- Russia's not included in that group B collaborative effort -- and we've come up with a statement that we will intervene at the beginning of that particular discussion point and we have come up with like a two page statement about the criteria and so forth that is important for all of us on that group B committee to adhere to.

MS. FREDERICKSK: Thank you.

MS. OMELKO: Mm-hmm. Okay. So, next is TM5; that meeting was held a couple weeks ago in Brussels and then there was a user session; and this was the 10th anniversary of TM5; so, that was celebrated and I think Director Vidal actually
videotaped some remarks for that occasion. The accomplishments -- you know -- each country has a special project or two that they're working on and those were -- you know -- pushed forward, but some of them are still ongoing; and then also, there was publication of the Trademark TM5 Nontraditional Marks Search Guide which is available on TM5.org and when we met with the intersubcommittee on nontraditional marks last month they saw this for the first time and were very impressed with it; so, it's probably a very good tool for others to use when trying to apply for marks in the TM5 countries.

And then, training; a lot of the training we've been doing has been virtual; this year we are starting to travel a bit now. The one in India was pretty much because they had a 12 year backlog in oppositions and we brought a Trademark Trial and Appeal Board Judge with us and he really did a great job of -- both on the diplomatic end and also -- obviously -- the depth of knowledge he brought to that group and they
were very appreciative of it. We also talked --
got to Mumbai and talked -- with the Controller
General about GI's -- geographical indications --
in general and had a very good meeting with him as
well. And then, we've done virtual training
mostly in Latin America and I think that means I
turn it over to Brandon for the NFT study.

MR. RITCHIE: Okay. So -- yeah -- we'll
talk about the NFTA study. As you know, the
Senate subcommittee on Intellectual Property
Chairman Ranking Member asked the USPTO to do a
study on NFT's and their impact on IP right; and
we -- at the PTO -- had been studying that already
and it was welcomed; and so, we have started that
work now on a formal study and we are working on a
Federal Register Notice that will provide some
details about how stakeholders will be able to
provide input because we really want robust input
from stakeholders. This is such a dynamic issue;
NFT's and their uses are changing and constantly
evolving; we're learning a lot and we have a lot
of knowledge at the PTO as well, but we definitely
need to hear from the experts in the industry, both Technologists, IP practitioners, IP holders, and the like. So, there will be robust opportunities for that. This Federal Register Notice, we expect will be published very soon and so stay tuned for more details; but that is the update there. We'll also be doing independent research and talking with the experts here at the USPTO. So, looking forward to your input on that project when the time comes. And I think that is it.

MS. NORTHCOTT: Before we move on, may I ask a question please? Nancy and Brandon, let me just say that it's been a tremendous pleasure for Jomarie and I to work with you and your team this year. As we expressed on Wednesday, you are on the road a lot; Fourth of July, Thanksgiving, India, Geneva; and that takes -- you know -- a lot of time and attention, and a lot of work on the weekend and a lot of time away from your families; and so, thank you on behalf of brand owners for what you're doing domestically and
internationally. My question is about NFT's and it's to both of you, internationally and domestically. I understand that at the latest TM5 meeting and in other fora, there have been discussions about how to classify NFT's and other virtual goods -- whether or not they go into class 9, which is already a very crowded class for brand owners -- or if they belong otherwise; and so, could you share a little bit more about those discussions and your views?

MR. RITCHIE: Sure.

MS. OMELKO: Yeah. There was a discussion at the TM5 user group meeting and the concern was it seems logical that these virtual products would be placed in class 9, which is overloaded -- as it's getting even more so now -- and so, the TM5 is just a place where we can talk about things, but the real action happens at the World Intellectual Property Organization -- WIPO -- during the Nice classification meetings and there's a process where countries will -- member countries -- those members of Nice -- will be able
to submit suggestions and suggestions have been made with respect to class 9. The U.S. -- about -- I think -- it was in 2019 -- and I do have the URL for that -- submitted some information to WIPO suggesting how class 9 could be reduced somehow -- generally speaking -- this is way before virtual products came onto the scene -- and I could show that link to you so you could see what suggestions have been made -- but it's really something that we have to engage with WIPO on and probably the most important thing is for you to tell us how we should be directing this conversation in Geneva.

MS. NORTHCOTT: Thank you. We look forward to the dates for the roundtables, appreciate it.

MS. NATLAND: Great. Any other questions? Nope, okay. Well, thank you, Nancy and Brandon; for your time today. Great work; I look forward to seeing the results of the study. Those were some pretty broad questions in the letter, so it will be very interesting to see how we approach it. Thank you so much. Okay. So,
next we're going to have some comments from Jay Besch who is President of NTEU 245. Jay, over to you.

MR. BESCH: Thank you, Susan. First of all; I just want to say a couple of thank you's. I'd like to thank you, Susan; Jen and Tricia for your time on TPAC, it's been a great honor to work with you. I also would like to thank our Trademark examining attorneys for all of their hard work and I really enjoy being the representative to President of the Union that represents these employees; they make it easy and they're a tremendous asset to me in doing this job and to our Board; and they're just really an impressive group of people.

Finally, I'd like to thank our NTEU 245 representatives and Executive Board members who really have stepped up this year and there is so much going on and so much work for us to do -- you know -- this is all a bunch of volunteers and they've done it together with me and this is beyond our Board -- and really -- I mean -- with
Trademark exam -- the TMA -- dependency concerns --
we're negotiating a CVA -- there's so much going
on and so many people we need to do this work and
everybody's stepped-up. So, I'd just like to
thank them.

Also, I'd just like to kind of touch on
a few things -- you know -- we really appreciate
the Director's office actively engaging our Union
and our Bargaining Unit employees; it's been a
really good thing that I think is going to start
to produce a lot of fruit down the road; and I
think relatively soon. We look forward to working
more closely with TPAC, the Director's Office,
Trademark management and others in the agency to
address our challenges and really kind of seize
the opportunities to improve what we do. We
believe that our employees in the Union are really
an excellent resource and are uniquely positioned
to address a lot of the challenges that have been
brought up today; and really just improve our
ability to meet the agency's mission. So, we --
you know -- again -- we look forward to being more
involved and appreciate the office's renewed focus on that involvement.

You know, our employees have been doing a lot to help meet these challenges and I want that to be very clear; our employees are working extremely hard to meet the challenges of pendency -- you know -- there's a lot of things going on that are changing that they have to adapt while we're trying to do this as well -- you know -- this new TM exam system is really a change in the way they're doing their work and -- you know -- our Union and our employees have been really instrumental in providing input and feedback, and making sure that the development of that system is in the best position it can be by December and beyond; and -- again -- our Union facilitated and worked with Trademark management to increase adoption over the past several months through incentives, flexible training time, examining attorneys that are working as ambassadors to provide -- you know -- valuable point of expertise to others who are using the system or trying to
get acclimated to the system; and at a broader level, we continue advocating for ways to improve the efficiency and quality of our examination by looking at processes, looking at technology; and will continue to advocate that we prioritize looking at the examining attorneys as the point of where we can best address pendency and have a stable place where pendency is so that we're not going up and down and kind of chasing after pendency one way or the other.

And then finally -- you know -- the one thing that I think the Director's Office has really been focused on is taking a really deep look at the employee experience at the USPTO and how to make strides in improving opportunities for career development, improving work-life balance, and continuing to be a leader in telework by focusing on the optimal ways to remotely engage our workforce; and I think all of these things will help to improve our ability to address pendency by recruiting and retaining the most talented and hardworking employees that we can
because they're essential to this agency's mission with respect to Trademarks.

So, with all of that; that's really all I had to say, but -- again -- Susan, Tricia and Jenn, great working with you and I hope to be able to catch up with you in-person at some point, even though you're leaving TPAC.

MS. NATLAND: Thank you, Jay. It's been a real pleasure working with you as well; and I just want to add to your comments on thanking the examining attorney core -- they're the backbone of Trademarks, they examine hundreds of thousands of applications a year and they're the face of Trademarks. So, just really appreciate all the hard work that's going on in the examining attorney core. So, thank you very much. Is there any questions for Jay from TPAC? No, okay. Thank you so much, appreciate it. Next, we have some comments from Harold Ross who is President of NTEU 243. Harold? I'm not sure if he's on or not. Okay. I think -- let's see -- let's give him a second to pop on. Okay. I think what we'll do at
this point is, we're going to go ahead and take a
five minute break; we're pretty much on time and
we'll try to connect with Harold and then we'll be
back in five minutes. Thank you.

(Recess)

MS. NATLAND: Okay. We are back from
our break. Welcome everybody back. We are now
going to turn to questions that have been
submitted and I will turn it over to Commissioner
Gooder to address some of the questions.

MR. GOODER: Thanks, Susan. A number of
questions regarding pendency and our academy, et
cetera; which between Dan and I will get answered.
The first question has to do with -- you know --
what action -- stated singularly -- are we doing
to reduce time? The answer is, there's probably
10 to 15 things that are being done; we've talked
about them at different points in the year at TPAC
presentations from bots that help eliminate burden
for examiners and realigning things. One of the
things also we mentioned at an earlier meeting was
that we engaged one of the large consulting firms
to literally take our process apart -- literally
take the car apart -- and then give us the data on
what can be done with that. We now have the
results of that back and Dan and his crew are
going through a lot of that data to pick out where
can we actually make changes. Timeframes are in
the process from leftover days of paper and things
like that, that will speed things up. There's a
lot of creative ideas being thought about, but
I'll leave it at that for the moment. We will
plan to go into this in more detail at our next
meeting and I know Susan, you'll be tuning in
because this is a favorite topic of yours; so --

MS. NATLAND: Yes, it is.

MR. GOODER: -- Dan, you want to add
anything to that or is that covered?

MR. VAVONESE: No, I think you covered
it.

MR. GOODER: Okay. Second question is;
talking about if we've diverted people out of
production into the academy and it's impacted that
--
MR. VAVONESE: We've always had examining attorneys assist and supplement our training of our new attorneys. We have managing attorneys and senior attorneys that train; we also have examining attorneys, especially during very big hiring years like the last couple of years. So, we've always had examining attorneys -- more experienced examining attorneys -- assist in the training and with the additional hiring we've had more examining attorneys over the past year assisting in the academy with the training.

MR. GOODER: So, it's really not pulling resources out of the examination that we weren't already --

MR. VAVONESE: Correct.

MR. GOODER: -- Utilizing. Okay. Next question is about how our teachers -- or mentors -- at the academy are chosen.

MR. VAVONESE: So, the instructors generally come from our Office of Trademark Quality Review and Training; so, thanks to Amy for helping us there with providing -- you know -- and
they are experienced trainers in that unit that are helping in the academy; and then as far as the mentors are concerned -- you know -- we have work projects with our examining attorneys and they apply, and we look at various factors of their examination, their production, their quality and -- you know -- just how they work and from that make selections on the mentors into the academy.

MR. GOODER: So, it's not just based on things like how high a producer you are --

MR. VAVONESE: Correct.

MR. GOODER: -- Or --

MR. VAVONESE: We look at the entire picture.

MR. GOODER: -- Okay. The last question is; how do we go about essentially evaluating the quality of the -- well -- any new examiner -- the ones in the academy are the current way to look at it, but even in the past; but, how do we do that generally?

MR. VAVONESE: Yeah -- I mean -- you know -- we have mechanisms in place to assess the
quality and whether that's from our Office of Trademark Quality Review that does independent polls of cases, so we look at that data that's coming in, and then we also have the managers within that office and we have the mentor reviews as well to look at how the quality is coming in. Based on that, it's a continuous training of the attorneys to look for the issues -- where there's the biggest issue -- with having everybody in an academy we can kind of centralize what the common issues are and focus the training where we need it.

MR. GOODER: So, they all kind of learn from each other or learn from the group as they're going through?

MR. VAVONESE: Correct.

MR. GOODER: Susan, that was the end of the questions.

MS. NATLAND: Great, thank you. Does TPAC have any final questions for anybody who they haven't asked already during the week? Nope, okay. GI would like to thank the USPTO staff,
Mickey, Judy and the entire AV team for helping us run this meeting and helping us run TPAC; as we're doing some claps in here. None of this could happen without you all, so thank you so much for your support. Next -- hmm?

MR. GOODER: And Chet.

MS. NATLAND: Oh and Chet; yes, Chet. Hopefully you're watching; hi, Chet. Thank you; yes, Chet; how could we forget you, you're amazing, thank you. Next, Commissioner Gooder and his team; Amy, Dan, Greg; it's been such a pleasure to work with all of you this year. The quality of leadership and the quality of ideas and actions is truly impressive. It's been one of the great things I've been able to take from my role in TPAC is being able to really see the level of quality at the USPTO; it's really amazing. So, thank you very much for all of your hard work and so much goes into what you do. And finally -- you know -- this is it, I'm out of here. I am really sad, I'm not going to lie, I am really sad to leave TPAC. This experience -- I tell everybody
-- has really been a highlight of my career, it's been so fulfilling to have this role; and mostly to work with all of you people. I've learned a lot, which is great, I always like to learn and so it's another area for me of professional growth. So, thank you so much to everybody and the entire TPAC team. I'm going to really miss working with you all, but I will be watching and -- y seeing what you guys do in the years to come and I can't wait to see what's next for the USPTO. So, with that, we will adjourn this meeting and wish everybody a wonderful weekend. Thank you so much.

(Whereupon, at 12:50 p.m., the PROCEEDINGS were adjourned.)

* * * * *
CERTIFICATE OF NOTARY PUBLIC

COMMONWEALTH OF VIRGINIA

I, Thomas Watson, 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

My Commission Expires: September 30, 2025

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