PARTICIPANTS:

TPAC Members:

MAURY M. TEPPER, Chair
DEBORAH HAMPTON
CHERYL BLACK
DEE ANN WELDON-WILSON
ANNE CHASSER
SHARON MARSH
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JUDY GRUNDY
ANTHONY SCARDINO
MERYL HERSHKOWITZ
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Union Members:

HOWARD FRIEDMAN, NTEU 245
HOWARD ROSS, NTEU 245
RANDALL MYERS, POPA

USPTO:

DEBORAH COHN, Commissioner for Trademarks
PARTICIPANTS (CONT'D):

GERARD ROGERS, Chief Administrative Trademark Judge

RAJ DOLAS, Portfolio Manager for Trademark Next Gen

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CHAIRMAN TEPPER: Good morning, everyone. I'd like to go ahead and call our meeting to order. Welcome to those of you here in the USPTO and those of you who are viewing online in the cyber world this morning, to this meeting of the Trademark Public Advisory Committee. We're glad to have everyone participating today. We are especially glad to have a government today. And it is a beautiful fall day in D.C. So at least for the moment, all is right with the world and we will enjoy that.

I apologize for starting just a couple of minutes late. We were getting our sound and all of our technology in order. So a bit of a close shave getting done on time this morning, but we will do our best to scrape by and see if we can keep things proceeding.

I would just like to remind everyone, this is a public meeting, so we will be hearing from presenters from the office today from various
groups. I will try to allow time at the end of each presentation. We'll have comments or questions from our committee members. And I will be sure to look and ask for any comments from the public. But if I miss you, you know, wave at me, raise your hand. And if you are participating online today, I would love to remind you, we welcome your questions and comments. And if you e-mail those in, they will be brought here to us. I'll try to make sure that we have everything read.

I'm not sure if I can award a prize if it's legitimate, but since we rarely get any e-mail questions, I will mail a snickers bar from my office to anyone, to the first person to e-mail us a question today. Tony has got a blackberry and I don't think I put any limitations on my offer. So please don't do it during your presentation. Tony will be our first presenter this morning, but absolutely. So we do welcome and seek your participation and your commentary during the meeting.
We'd like just to take a moment to introduce you to the members of our committee. We're sort of on a skeleton crew this morning. We've had a few folks who are traveling and actually one who fell ill last night. So I'll first mention, unfortunately not here because she is home trying to recover, Jody Drake. Jody is a partner with Sughrue Mion here in Washington, D.C.

Also traveling for a very good cause, he is training and working in a law school mentoring program, Ray Thomas. Ray is the owner of the Law Offices of Ray Thomas also here in D.C., but not today. Linda McLeod is here with us. Linda is a partner with Kelly IP. She resides in New York and we're very glad to have her here. Not present, Kathryn Barrett Park who is the vice chair of TPAC. And with apologizes, she is on extended travel. And I think this is a record. This is quite possibly the first meeting Kathryn has not been present for. So we greatly miss her participation and look forward to seeing her at our next meeting.
I believe the member who's traveled the farthest today, Dee Ann Weldon-Wilson has come up from Texas. She's counsel with Exxon Mobile. I'm Maury Tepper. I had a short little plane flight out from Raleigh yesterday. I work with the firm of Tepper and Eyster, so I am trying not to fire myself and hoping to maintain that as my day job.

Now, I worked a bit out of order because we have three members who this will be their final public meeting. Their terms will be ending December of this year. And I want to take a moment to recognize their service, their contributions. I have to say three years have really flown by. And this is an extraordinary group of folks. I know we may not be as entertaining on the microphone, but I cannot believe the amount of effort and work that has been accomplished over the last three years. I hope that the folks here at the PTO appreciate, as well. We have great respect for the staff here and for everything they do. And I think that we've received a lot of support. We've built some
very strong and positive relationships and I think that has been for the good of the trademark community. But that is due largely to all of the time and effort that are put in by these volunteers.

First we have Anne Chasser who is from the greatest town in the world, Cincinnati, Ohio. Anne is a strategic advisor with Wolfe, Sadler, Breen, Morasch and Colby. I wrote this down so I could get all those names in. Anne has done a number of interesting things previously including running the trademark operation. She is a former commissioner. And, Anne, we want to thank you. Debbie, would you like to say anything?

MS. COHN: Absolutely. Let me echo Maury's thanks to all of you. And, Anne, you will definitely be missed. You have been an extremely valuable participant. And, you know, whether in the office or out of the office, you have contributed a great deal and we really want to thank you. And allow me to present you with your certificate.
MS. CHASSER: Thank you.

CHAIRMAN TEPPER: These, by the way, are not only certificates suitable for framing, they are certificates that are framed. So this is a very small recognition. I hope it will remind you of our time here, all that you all have done.

As well, closest to me here is Deb Hampton. Deb is a senior intellectual property specialist with Katten, Muchin, Rosenmann in New York City. You know, she has some Ohio ties, too. She is a graduate of the University of Cincinnati. So you will note that I have a fondness for this particular city. And I think we started together, Deb. So it's been a quick three years.

She has had an extremely optimistic and positive attitude. She has taken the laboring oar on working with our CIO in particular. And for those of us who are just on the legal side and do not understand technology, it is quite a challenge to keep up with the jargon, with the lingo and the abbreviations. And that group in particular has done a tremendous job sort of helping us to
translate and understand, and therefore, be able
to give some meaningful input on the progress
going on. So, Deb, we want to thank you, too.

MS. COHN: Deb, thank you so much from
the PTO. It's been great getting to know you and
working with you. And again, you have just
contributed so much to the TPAC and to helping us
as we move forward, especially in the technology
area, so thank you.

MS. HAMPTON: Thank you.

CHAIRMAN TEPPER: And last, certainly
not least, Cheryl Black. I'm going to get your
firm name right this time, Cheryl, so bear with
me. She is coming up from Richmond, Virginia, so
one of our closer commuters. But she is a partner
with the firm of Goodman, Allen, and Filetti in
Richmond, Virginia. This is a tremendous firm.
And for the lawyers there, I apologize for
mispronouncing your name in July. I wanted to
practice that one this time.

Cheryl has also been working in our CIO.

She has experience with the trademark office in
the past. She has just been wonderful in terms of, you know, keeping a positive tone, being willing to do whatever needs to be done, and really helping us to forge some great lines of communication. So I can hardly believe it's been three years, Cheryl, but thank you very much. We are all the better for your service.

MS. COHN: Cheryl, thank you from the USPTO. It has been such a pleasure to have you back here with us. You were once with us as part of the USPTO and it's been even better to have you as a really valuable member of TPAC, so thank you.

CHAIRMAN TEPPER: I'm going to do something unusual. It's hard to tell when I'm standing, so I'm going to tell you in advance, I will be standing up. I think we owe these folks a hand. (Applause)

I would also like to remind the three of you, your terms don't end until December. And we have a couple of issues we're working on, so there will be some e-mails and calls and assignments that I look forward to having you help us finish
out with.

Well, with that, I do want to apologize. If you're following on the agenda, I did not speak over Acting Director Terry Ray's time. She is unable to be present today. She was hoping to participate at our meeting and travel has prevented that.

So I would like to move on forward with our agenda. There is also a bit of a change in order. Given recent events this week and sort of the impact that those events have had on the PTO's budget, we wanted to start off with our update from the chief financial officer. So we're very pleased to have Tony Scardino, our CFO, here today. I'll save a couple of observations for the end. But if you think you have a tough job, I'd like you just to give a listen and try to imagine managing things in the climate that Tony has been helping to support, the PTO's financial operations and planning and strategy. So with that, thank you, Tony.

MR. SCARDINO: Thank you, Maury. I'm
just trying to figure this out. Anyone know how
to work this? Steve? While we try to figure that
out, I'll start. So good morning, it's a pleasure
to be here. As usual, I want to go through fiscal
2013, '14, and '15 sequentially. You know, the
800 pound gorilla in the room, of course, is '13
into '14 was a bit challenging with the government
shut down.

So I'm sure you all know that we
continued operating. As a fee funded agency, we
were able to spend fee collections, monies that we
had collected prior to October 1, 2013. A lapse
in appropriation means that we didn't have the
authority to collect and spend any fees collected
after September 30th. We could still collect
them, we just couldn't spend them. So we were
able to spend all monies collected in prior years
that were sitting in our operating reserve.

Our operating reserve -- well, first of
all, '13 was a very healthy year on the trademark
side. We collected $264 million and spent $226
million. So we actually added to our operating
reserve. Part of that was due to sequestration.
We contributed some money there to sequestration.
And we also did less as an organization. In other words, in IT spending, there was some enterprise-wide projects that we did not continue to develop, and that actually saved money on the trademark side. So we spent less money than we would have, kind of an odd occurrence.

So preliminarily, because we're still closing our books for 2013, the operating reserve is about $156 million. And that money served us very well over the last few weeks when the government was shut down. We could spend that to keep operations going just as they normally would over the last, you know, 16, 17 days. We operated just normally, no shut down for us.

So these slides were actually prepared earlier this week. And at the time, we weren't sure if the government was going to reopen or not or when it was going to reopen actually. That's really where the mystery was. So we were trying to say here is that, you know, we operated, we
were maintaining operations fully, but we were also monitoring spending on the patent side, as well as the trademark side, because with defense, the operating reserve is actually less on the patent side, so we would have run out of money sooner than we would on the trademark side. So we were considering staying open on the trademark side past the period that the patents would have had to shut down.

So where we are with '14, of course, no one knows for sure. We have a continuing resolution until January 15th. And then the hopes, of course, is that we'll have a full year preparation after that. But beyond that, I certainly can't predict anything that's going to happen.

So in the meantime, we are moving forward, of course, with fiscal year 2015 budget. The committee has seen our budget proposal to OMB. It's been at OMB since early September. And eventually this will become the President's budget request by the first Monday in February for fiscal
year 2015. So we're still waiting to hear back from OMB because they weren't shut down like most other federal agencies over the last couple of weeks. But eventually you'll see -- before it's submitted to Congress, you'll see a copy again, as usual.

And the last thing I've got is the strategic plan. The draft was provided to TPAC, as well as PPAC, OMB, and Congress. They all got drafts of our strategic plan. This is a statutory requirement. Public comments are due by November 25th. And we will have an open session, public session on November 5th. So we whole heartedly would like to get any comments, thoughts, opinions you may have on our strategic plan.

It's not that different than what we've seen in the past, but it's certainly updated to represent accomplishments we have made, any new directions or any new initiatives we'd like to take on. And we, again, will submit that in February, 2014, with the President's budget, we'll submit that to Congress. So that's all I've got
in terms of a formal presentation, but I'm happy

to take any questions you may have.

CHAIRMAN TEPPER: Thank you very much,

Tony. You know, I want to remind everyone, on the

best of days, at any given time, the CFO is

looking at three different budget years, of

course, the year we're operating in they are just

now closing out, fiscal year 2013, working on the

new budget or the hopes of having a budget. We're

under a CR at the moment which also changes their

projections, and planning ahead on next year's

budget. That's confusing enough. If you throw in

all of the externalities we've had, I think taking

a look at the fact that we've managed operations,

that we are all here today and that the PTO is

open is nothing short of a minor miracle, so I

want to thank you for -- I'll never know how you

manage it, but we're certainly grateful for the

effort and that you guys are willing to operate in

such an environment.

You may wish to refer to the writings of

Louis Carroll if you want to get a picture of what
that must feel like. So do we have any questions for our CFO today? Any questions for Tony? Yes, Deb.

MS. HAMPTON: Good morning, Tony.

MR. SCARDINO: Good morning.

MS. HAMPTON: I just have one quick question. Do you have to replace the funds that were spent?

MR. SCARDINO: Yes.

MS. HAMPTON: -- during the shut down?

MR. SCARDINO: Yes.

MS. HAMPTON: Okay.

MR. SCARDINO: We will be able to replace the funds that were spent with -- the fees we collected, we'll now have the authority to spend them and will replenish our operating reserve.

MS. HAMPTON: Thank you.

MR. SCARDINO: You're welcome.

CHAIRMAN TEPPER: Thank you. Tony, and I hope you'll correct me on this. It may be useful just for anyone listening in to remember
that although the PTO certainly receives fees when
users file applications on the trademark side, for
example, you know, when you send in your filing
fees, we are, nonetheless, subject to
congressional oversight.

We are part of the Department of
Commerce, and therefore, those fees can only be
spent after Congress both appropriates and
authorizes the spending. So we need both of the
A's. We need approps and we need authorization.

And so with the government closed, Deb's question
goes to that. There was fees that had already
come in the door that had been authorized to
spend. But any new money, although it was coming
in the door and was here, simply could not be
accessed or used until Congress says so.

So now that we have a continuing
resolution, I believe that gives you the authority
to such fees. And I will hope that you will fix
any misstatements I just made.

MR. SCARDINO: No, that is our
understanding, as well. I could not have said it
CHAIRMAN TEPPER: Many thanks. Do we have other questions from the committee for Tony? Any questions from the public today for our CFO? All right. Thank you very much.

MR. SCARDINO: Thank you.

CHAIRMAN TEPPER: Well, with that, I'm going to exercise the Chair's prerogative. And before we move forward on the agenda, I'm going to take a step backwards. I was caught up in thanking our members who are finishing out their terms and I did not sort of flip over to complete the introduction of our TPAC members. I did not mean to shave them off of the list. I did not mean to create a hairy situation. So I would like to just take a moment to thank and to acknowledge for you.

Howard Friedman is an ex-official member of TPAC, has been longer than any of us. He serves as the NTEU Chapter 245 representative, as well as Randy Myers, who is here on behalf of the Patent Office Professional Association. And we
also have Harold Ross with the NTEU Chapter 243. I do not believe we have Harold with us today, but he is also an active ex-official member of the TPAC. So, gentlemen, I apologize for becoming distracted and not completing my introductions. And I hope to do better next time.

All right. Now to our sort of convoluted agenda. We're going to move back up to what would have been our top slot. We usually start with a legislative update. And I suspect you are all keenly interested in legislative developments and what's been going on.

I think that the information about our budget, how our funding has been impacted, and how we've managed forward was really relevant. It gives you a good backdrop for the next discussion.

Dana Colarulli is often here to do these presentations for us, and Dana is on the west coast today. I hope you will not take the fact that he fled to California as any sign of the state of affairs in Washington. But we're very pleased to have Judy Grundy here with us today to
give us our legislative update. Judy is an
attorney in the Office of Government Affairs. We
are proud to say she's also a former trademark
examining attorney. So trademarks is going to
claim credit for you there, Judy, and we thank you
for joining us today.

MS. GRUNDY: Thank you. I'm really
thrilled to be here. I've been gone from
trademarks for nine years, but I still consider
myself part of the trademark community. I
remember pounding on Cheryl Black's door many
times asking her 2D questions, and is this
descriptive, would you hold this descriptive, so
thank you.

In April of this year, Chairman
Goodlatte, during the World IP Day celebration,
announced a series of hearings and that his
committee would conduct a comprehensive review of
U.S. copyright law to determine whether the laws
are still working in the digital age.

So we went to three different hearings
in September, one on satellite televisions laws,
innovation versus regulation in the video marketplace, and the role of voluntary agreements in the U.S. intellectual property system. We expect there to be continued hearings this calendar year.

There was a green paper that came out in July of this year on The Copyright Policy Creativity and Innovation in the Digital Economy, which came out by the USPTO and the NTIA. Our office, led by Shira Perlmutter, was very involved in that. I'm not sure if a lot of people know because we don't actually register copyrights, but we have a top notch team of about five copyright attorneys in our Office of Policy and International Affairs. So if anybody has any questions about copyright policy, please let us know. We expect there to be a hearing on this.

Also, on October 30th, we were expecting to have a meeting to receive additional comments on the green paper. Unfortunately, this was a casualty of the government shut down. So this is going to be rescheduled to December 12th. I
don't know if anyone is interested in that, but if you need further information on it, please let us know.

In June of this year, the White House established a task force on high tech patent issues and announced major steps to stem patent litigation abuse. The White House announced five executive actions and seven legislative recommendations. I think Dana talked about this at the last TPAC, so I won't go into a lot of detail. Dana especially and others in the PTO have been holding various meetings with stakeholders. Also, there is the establishment of a software partnership roundtable, a partnership with the software community to enhance the quality of software related patents. That's where Dana currently is. Yesterday there was the third roundtable at UC Berkeley. This followed two other roundtables in February, one in Silicon Valley and the other in New York City.

There have been various pieces of legislation introduced, as well as draft
Chairman Goodlatte released a second
draft in September. This was in addition to his
first draft in May of this year. And
Chairman Goodlatte, the Chairman of the House
Judiciary Committee, and Chairman Leahy, the
Chairman of the Senate Judiciary Committee,
are expected to officially introduce some
legislation shortly on patent litigation abuse.
Hearings are also expected probably
sometime this calendar year. And there's a
possibility of some type of mark-up by the end of
the calendar year or the beginning of next year.
There have been various other pieces of
legislation introduced that we're monitoring since
the last TPAC meeting. I'm not going to go into a
lot of detail on any of these bills, but I
just wanted to make the offer that if anybody on
the committee is ever interested in a phone call
or a meeting with us to learn about various pieces
of legislation or the legislative process,
Dana or myself or anybody on our team,
will be glad to make ourselves available to you.
I know from time to time we do receive a call from
PPAC members. So we wanted to extend that also to
TPAC.

    Ranking member Watt, who is ranking
member on the House IP Subcommittee, introduced the
Free Market Royalty Act, which is the performance
rights bill which would force radio stations to
pay artists for air play. This is something that
has been introduced for many congresses. And
there's been real strong support for it, but it's
also strongly contested, as well.

    So this was introduced again this year.
The Playing Fair on Trade and Innovation Act. This
would prevent the President from granting trade
benefits to countries that discriminate against
American manufacturing and jobs.

    The Public Access to Public Science Act
was introduced, and requires covered federal agencies
to develop public access policies. The Protect
Advanced Communications for Emergency Services was introduced by Senator Cardin. That would require the government to be liable for patent infringement against wireless carriers providing 911 or other emergency services.

And one bill that I don't have up in my slides is HR 1278. I think Dana talked about this at the last TPAC. That's the Redskins legislation. No hearings were held on this, but since the last TPAC, several more co-sponsors signed onto the legislation. So now we have 19 total co-sponsors for this. And I know that the Congressional Native American Indian Caucus has been pretty outspoken about this. Gerry Rogers is here. He may want to talk about the timing of the petition to cancel. But that's the status of the legislation.

We continue with our AIA reports to Congress. We just submitted a report which is required every two years. We're to provide a short description of certain incidents made known to an officer and employee of misconduct before the
We've also received a lot of interest on our satellite offices which is patent related. I know trademarks at this point hasn't been involved with the satellite offices. But in July of this year, we celebrated one year of the Detroit office being open. They've hired over 100 examiners. They have 5 managers there, 10 judges, and at this point, they have approximately 120 employees in Detroit.

Silicon Valley and Dallas unfortunately are postponed. Next in the cue is Denver. We're hoping to get that office open in 2014. You never know, but that's our hope. We still partner with the Smithsonian. That's ongoing. And, of course, we still continue with our meetings with the Judiciary Committee.

We used to mostly just meet with Judiciary and Appropriations. But now there's been an interest in various committees. The Small Business Committee and the Energy and Commerce Committee have held hearings. As far as the caucuses, we work with the Internet Caucus, the
China Caucus, the IP Caucus, the Anti-Piracy Caucus.

We're also beginning our discussions and meetings to talk about TEAPP. TEAPP is currently a pilot program that passed in 2010 for seven years. So it's already been three years.

MS. COHN: Judy, could you describe what TEAPP actually stands for and what type of program it is?

MS. GRUNDY: Oh, I'm sorry.

MS. COHN: Thank you. No problem.

MS. GRUNDY: TEAPP is the Telework Enhancement Act Pilot Program. That's our telework program whereby we have individuals living throughout the country. I think there are about states whereby trademark examiners live. And it's my understanding at this point nobody has been called back to the office. They're to come back from time to time up until I understand four times and possibly one time for ethics training, and possibly one additional time.

This was a pilot program designated
for the USPTO which passed in 2010
for seven years. We would like
to see that made permanent. Since 2010, there
have been a lot of changes on the Hill. Some of the
members
and senators we worked with are no longer there.

For example, we worked real closely with
Senator Akaka. And we work closely with Senator
Voinovich. They've since retired. Other members
such as, Congressman Connolly or
Congressman Sarbanes, they're still members, but
their key staffers have changed. Debbie
knows because I had her schlep up to the Hill with me on
several occasions. Howard knows because we
brought back dozens of congressional staffers to the
USPTO. I
think the key to our success was building good
relationships. We brought back staffers on
many different occasions and partnered with
NTEU and their legislative people. It took
us approximately four years to get it passed.

Hopefully to make the program
permanent, it won't take as long. But we're
starting meetings educating people about telework
and hopefully in the near future will start talking to
them about making the program permanent.
That's all I have for now. But I'd be glad to
answer any questions.

CHAIRMAN TEPPER: Judy, thank you very
much for that overview. As you can see, it
continues to be an active time on the Hill. I'm
glad that there is a Hill for them to go back to
now to talk with our representatives about. And
so we'll be back to work continuing to promote the
IP agenda.

In particular, you just heard an update
on TEAPP. In the old days, of course, there's a
limitation on needing to live within 90 miles of
the PTO and to come here physically a day a week.
So that has been removed since 2010. I am hopeful
that none of you have noticed the difference,
which means things are working quite well. It is
nice for the office to be able to retain talent
throughout the country and to have them
successfully working there. So we'll stay tuned
for developments on that. Do we have any
questions for Judy today? Yeah, please, Cheryl.

     MS. BLACK: I have two questions. One is about TEAPP. You mention that there are 28 states. I don't know if you know how many employees are participating and if there is the opportunity that there will be additional employees in that pilot program.

     CHAIRMAN TEPPER: I think we might have an answer.

     MS. COHN: Cheryl, I've asked my trademark telework person, Meryl Hershkowitz, to fill us in on the numbers that you've requested.

     MS. HERSHKOWITZ: Hi. Thanks, Cheryl. TEAPP is working wonderfully. One of the things the legislation required is that there be an administration for TEAPP which is a partnership between all the unions and all the management units at the PTO and that's worked out great. And as a result, we probably have over 1,000 people from the agency working across the country. In trademarks, we have about 70 at the present time and we're constantly expanding. We are as far
away as Washington State, Seattle. We have the
most people residing in Texas and Florida. But
it's worked out very well and I do think it's
transparent to our customers. Is there any other
questions, Cheryl?

MS. BLACK: Not about TEAPP, but thank
you.

CHAIRMAN TEPPER: And thank you, Meryl.
While we have her here, other than reminding those
of you who are speaking, please do remember to
turn your mics on and apparently face into them.
We are taking a transcript for today. Those of
you who would like to order one and read various
people's lines, you're welcome to do so.

But, Meryl Hershkowitz, we're glad to --
I'll just let you stay on, but I want to say thank
you. In addition to being our teleworking expert,
Meryl has been wearing lots and lots of hats. And
you will hear later, she has been helping and
working with Chief Judge Rogers on the TTAB.
She's been doing lots and lots of good things. I
just wanted to take a moment to tell you how much
we appreciate that. And you'll hear some of that
news later this afternoon when we get to talk
about the TTAB. But thanks for filling us in
today. Are there legislative questions?

MS. BLACK: Okay. My second question,

Judy. You mentioned the Redskins legislation and
that there is additional sponsorship now. I was
just wondering if you had any thoughts or
predictions about the likelihood of that
legislation moving forward.

MS. GRUNDY: Yes. Thanks for the
question. There has been a lot of discussion
about it, but I would guess the chances of it
actually moving and passing would be very slim.
Thank you.

CHAIRMAN TEPPER: I'm not going to ask
anyone to predict the likelihood that Bob Costas
will run for office, but obviously this is a topic
everyone is following very closely. All right.

Any other legislative questions from the
committee?

MR. FRIEDMAN: I have a couple comments.
CHAIRMAN TEPPER: Howard, sure.

MR. FRIEDMAN: First off, it's always going to be a successful Trademark Public Advisory Committee meeting if you can use the word schlep, particularly coming from the person whose last name is Friedman, so I think that's very commendable. I think the other thing I want to point out about TEAPP is, it works not only for the people we represent, but it works for the agency. And people become more productive or as productive. But the other thing I don't think was touched upon is, it's allowed this agency, through TEAPP and through its regular telework program, to save millions of dollars in real estate cost and I think that's very important to point out.

Additionally, I have to commend Judy. I think this is the first time she's spoken before this committee. So I don't think I've ever had a chance in this public forum to thank her going back to 2010. She was very, very instrumental in getting legislation passed. We had a number of discussions going back a number of years before
2010 and during 2010. So I just want to thank Judy for helping the effort in allowing that legislation to pass.

MS. GRUNDY: Thank you.

CHAIRMAN TEPPER: Thank you for that, Howard. Do we have any questions from the public today for Judy? Judy, thank you very much then. I suppose you're off the hot seat. I would summarize it as saying it was a close scrape, but Congress is open for business again. So we're glad that you'll be following up on some of these issues.

MS. GRUNDY: I wanted to add that I heard Senator McCain say that there will no longer be gridlock in Washington and there will not be another government shut down, so we're hopeful.

CHAIRMAN TEPPER: I'll leave it at we are certainly hopeful. I was going to create a rumor they heard on the internet there was free Starbucks for everyone today, but I was afraid of causing a panic and having you all leave the room. But let us always continue to hope for the
process. It is a remarkable thing that we have people who can work together to solve things, sometimes just barely when we need to get it done, but so far always when we need to get it done and so we are glad for that.

I'm going to turn now to our trademark operations update. Commissioner Debbie Cohn is well known to everyone. I want to just sort of mention, as you will see, against the backdrop that has just been presented, trademarks is not just the little engine that could. I think that really understates their ability to continue not only to deliver, but to always raise the bar and keep meeting those raised expectations. And in a year like this, I think it is particularly extraordinary. So, Debbie, we're glad to have you here today and I'm happy for the news you'll get to share with us.

MS. COHN: Great. Thank you so much, Maury. And, Judy, I just want to say before I get started that I was very happy to be schlepped up to the Hill. And I, too, thank you for everything
you did for telework. I'm going to talk first about performance statistics and then go into some of the highlights of some of our current initiatives and things that you might have already seen, hopefully have already seen, and give you some status updates.

So trademarks had a very good year. In fact, we met and exceeded all of our performance goals. And I'm going to go into those in a little more detail. But before I do, I want to take this opportunity to really thank all of the trademark employees.

You know, we report out on a few goals, pendency, quality, e-government. To make those goals possible, we need the work and support of all of our trademark units, all of our trademark business areas. And each and every trademark employee has contributed to the success of our organization. I'm going to go through the statistics. But as an overview, you'll see each and every area within trademarks has met and exceeded their goals. And this is why we've been
successful this year. In the face of, you know, all of the turmoil throughout the government and in the face of rising filings, we have managed to have optimal quality, optimal pendency, and increase our e-government percentage. So let me just again thank all of the trademark employees and all of the USPTO employees who have helped and supported trademarks in this effort. I'm really proud of all the work that everybody has done, so thank you.

Okay. So let me go through a little bit. You've got it up there. I hope it's legible. I'm going to start with quality. And our quality goals for first action and final compliance were 95.5 percent and 97 percent respectively. And we came in ahead of both of them, 96.3 on first office action compliance on quality and 97.1 on final action compliance.

And I do want to emphasize that these are not easy goals to meet. They are stretch goals. And so, you know, we're not exceeding them by leaps and bounds, but I'm very happy to say
that we did exceed them.

The exceptional office action, this we did exceed. This also is a stretch goal. It's a bit of an unknown because it's fairly new and it requires excellence in a number of different areas in order for office actions to be considered in this pool of cases. And so examining attorneys have to achieve excellence in the office action search, in the evidence, in the writing, and in the legal decision-making. So the 35.1 percent that we've achieved is really quite remarkable. We've done an excellent job. The examining attorneys have done an excellent job in this regard.

Moving down to e-government, we have right now 79 percent of our filings are processed completely electronically from beginning to end, from coming in the door filing to registration, abandonment, or notice of allowance. So that means no paper goes out from us or no paper comes in from the applicant or registrant. And that's a pretty big achievement I think.
Last year we ended at 77 percent. So you might say, well, you know, 2 percent, no big deal. It is a big deal because you have to do a lot to change people's behavior. We've been working with our customers to figure out what we can do better with our electronic systems to encourage electronic communication. And we're going to continue to do that. We have a campaign waged for this year that Mary Dennison, our Deputy Commissioner for Operations, is heading to try to get those last vestiges of people who, for whatever reason, don't want to communicate electronically or file electronically or receive electronic filings from us. So hopefully you won't be receiving a phone call from Mary. But if you do, I urge you to have a discussion and be open to those possibilities.

Filings, we came in at 433,654 classes for new applications. And if you'll see our target was 433,000. Now, our target is really just our estimate of what we think we're going to get. And so I think it's pretty amazing. We were
very, very close to our estimate and I want to thank Karen Strohecker, Nabil Chbouki, and our budget team for providing us with accurate estimates so that we could actually, you know, plan.

This estimate is used in our planning for hiring, for overtime, for a great many things so that we can keep the work at optimal levels and keep pendency where it's supposed to be.

Examiner production came in over the mark. Examiner FTE, that's full-time equivalent, as you can see, we now have 389 full-time equivalent positions, 409 actual people on board. I'm just going to run through this page really quickly and highlight. Pendency to first action is at 3.1 percent, I'm sorry, 3.1 months, so 3 months and 3 days essentially to first action from when the file comes in the door. Pendency to disposal, if you include suspended and interparties proceedings, we're at 11.7 months. And if you take those interparties proceedings and suspended cases out of the mix, we are at 10
months to disposal pendency, total pendency.

Our efficiency number, that is the total cost of trademark disposal. So that includes all of the costs in other areas of the agency, whether it's rent, or computers, or every cost that gets figured into the cost of doing business in trademarks. And so the lower the number, the better. We came in at $552 per disposal as opposed to our target which was $621. So we did well in that regard this year.

The next couple of pages really are what I was talking about earlier with respect to the support of the entire trademark process from all of our different areas. ESU stands for Examination Support Units. Those are the people who process the amendments and who look over the approvals for publication to make sure the data is correctly entered into the system. Their pendency was terrific, as you see, 4 days and 10 days. And their quality was right on target.

Our Trademark Assistance Center just did gangbusters again this year as they've done in
recent years.

Percent of the phone calls are answered within 20 seconds of receipt, 92 percent.

Our Madrid Processing Unit, their pendency was one day. I'm not sure how they're going to be able to improve on that. Maybe we can start measuring them in hours or minutes or something. But they did a fantastic job. Pre-examination unit, they were at four days. Again, terrific result. And our Post Registration Unit, which has had a few bumps along the road, ended the year doing just a fantastic job of 4 days and 10 days pendency for their various areas of responsibility.

And so, again, these are all of our internal measurements for our support areas. I also want to take this opportunity to thank not only them, but our Office of Program Control within trademarks who handles all of the technical issues and works very closely with our Office of the Chief Information Officer and makes this web cast and this meeting possible, so thank you to
all of them. So that is our performance update. And I just want to take this opportunity. First of all, you know this is the end of the fiscal year, obviously, so these numbers mean a little bit more than they do during the year. This is our final performance results. So I want to take this opportunity to give you a chance to ask questions, if anybody has any, about what I've just said.

CHAIRMAN TEPPER: Thank you, Debbie. Do we have any questions for the Commissioner? Deb.

MS. HAMPTON: Good morning, Debbie. It's not so much a question as a comment. I'm just very pleased and give big kudos to you and to the office for what you've done and particularly with the e-government. I remember coming in three years ago and the goals and objectives that were set. So to be at 79 percent three years later is just phenomenal. So it's been a pleasure and congratulations.

MS. COHN: Thank you, Deb.

CHAIRMAN TEPPER: All right. Any other
questions, comments? I'm going to echo something that Debbie mentioned. I suspect, for those on our examining core who may be listening or monitoring today, when you call us with an amendment or an office action, we probably do not stop and tell you this, but thank you. Thanks to all of you. These statistics are impossible without everyone working very hard. And so on behalf of those attorneys who may not sound as appreciative when they are receiving news from you about their filings, often of which I'll admit is correct, and you're probably right, but we can't tell you that, we do want to let you know, we recognize how hard it is to achieve this level of quality, this level of responsiveness, and so we do want to say we appreciate that very much.

MS. COHN: Thank you very much. Okay. Let me move on to a few other items. First I want to just let everyone know that at the end of this month, on October 30th, you will be seeing an update to the TMEP that will be coming out. And just to highlight a couple of the areas that
you'll be seeing, we're actually adding some
guidance regarding determination of registrability
of hash tag, marks that contain the term hash tag
or the actual hash tag side. So we're entering
the 21st century here in the trademark operation
and providing that guidance to you.

We've also expanded our guidance
regarding 2A disparagement and false association
refusals relating to government agencies and
instrumentalities. We're giving some more
guidance on the procedure for those refusals. We
have Chapters 1100 and 1700 of the TMEP up on our
idea scale tool. And I don't know whether you all
are familiar with that tool, but if you're not, I
would highly encourage you to take a look at it.
You can look at Chapters 1100 and 1700 and make
comments on them, as well as examination guides
that we post in draft.

And one examination guide that we
currently have posted for comments is on generic
top level domain names. We have an actual draft
exam guide that you can make comments on. And the
way you can access that is by looking at our news
and notices page on the trademark website, look at
user input, and you can get to the examination
guide, and within the guide you'll see, there's a
way to click on so that you can actually provide
your comments.

We look at every comment provided. We
found this is a really good tool for us to see
what the public thinks before we make our
examination guides final. So I really hope that
you take the time. You have until October 23rd to
do that. The comment period closes then. We will
be posting additional exam guides as we prepare
them in the future. So again, the tool is called
idea scale and please take a look at that.

Let me turn now to the Identification of
Goods and Services Manual. We are in the process
of redesigning our manual to help it serve
everybody's needs a little bit better than it has
been. So we've been reaching out to our examining
attorneys and then also reaching out to our
stakeholders. We are looking right now to
increase the -- or to further -- to have better
quality I should say in some of the
identifications of goods and services relating to
some of the rapidly changing fields, and I'm
talking about specifically fields like social
media, finance, computer terminology.

We're actually working with stakeholder
groups, with INTA, and with IPO, with their
industry experts, to try to have them provide us
with some expert information and guidance on
changing the ID's and updating them so that
everybody has better information in the

We're going to be continuing to try to
find ways to improve the manual. And if people
have suggestions, please let us know at TM
feedback, e-mail box TMfeedback@uspto.gov.

One of the things that we recently did
was to deploy a new tool in the ID manual and
that's specifically for our regular TEAS form, and
it's called ID Assist. It allows you, when you're
in the regular TEAS form, to enter a particular
identification, and you will immediately see whether it's acceptable in the manual, whether it's not acceptable, or whether it's a possible match. So we think that's very helpful for people. It should be very helpful if you haven’t yet used it. And again, just for the regular TEAS form. For TEAS Plus, obviously you have to use the manual, so I wouldn't apply there. But take a look at that. And let me just emphasize that this is a limited first step. We're going to be improving that tool as we go along.

Let me shift now to a request for comment that was recently posted. And this has to do with identification. It's a request for comment on post registration identification changes. Some stakeholders have requested at post registration time that they be allowed to change identifications due to changes in technology.

Normally, of course, this would not be allowable unless it's within the scope of the existing identification that's been registered. So an example of this is going from pre-recorded
audio cassettes to pre-recorded compact disks, we
would not allow that. We issued this request to
comments to see whether the public, whether users
would like us to reconsider that policy somewhat
to account for changes in technology. And we've
asked some specific questions in the request for
comment, and I really hope that some of you or all
of you get a chance to take a look at this. It
closes on December 1st. And we will be closely
looking at the comments and deciding how to move
forward. We will be having additional discussions
on it and additional discussions with the public
once these comments are received.

And I just want to go over a couple of
the questions that are contained within the
request for comment to get you to start thinking
about them. One is, should we allow the
amendments to identification of goods and services
based on changes in the manner or medium by which
products and services are offered for sale and
provided to consumers? Should we make a
distinction between products that have been phased
out, such as eight track tapes, and ones where
technology is just evolving, like online
magazines, where the print magazines are still in
existence?

Also, do you believe that the scope of
protection is expanded if we're permitted to alter
the medium? And finally, what about the dates of
use? How should the original dates of use be
treated in this type of a situation? So, you
know, there are a few more questions on the
website. Take a look, please. Let us know what
you're thinking. This is a really important area.
We get a lot of requests in this area. And I
think when you start thinking about the issue,
you'll realize that there are many considerations,
but we do want to hear from you about it.

Next I'd like to turn to the enhanced
electronic OG. And I hope that many of you have
had a chance to take a look at that. We deployed
it on September 24th. And I do want to emphasize
that this is an initial version. We have some
enhancements planned for later in the year. But
what we've deployed on September 24th is a huge, huge change and a huge improvement from the pdf version that you've been used to seeing all these years. And as you probably already know, the print version is long gone. That's been done away with as of last Christmas.

So I'm not going to go through all of the improvements that we've made. I really encourage you to get on the website and take a look, and when you have a mark where you have a link that's been sent to you because you have a mark that's published, you know, you have a choice between the traditional pdf OG and the new enhanced OG. Please take a few minutes, look at the enhanced OG. I think you're going to find it a huge time saver and a much better tool for many different purposes. And we're going to continue to have the pdf version for a while, not forever, but for a while. So you'll be hearing more about that in the future. Any questions about the OG, by the way? I know that some of you probably have already seen it.
And by the way, I do want to mention, I had a discussion this morning to make sure I understood, and I want everybody else to understand the supporting browsers for this new enhanced electronic OG. So they include Internet Explorer 9, the latest version of Firefox, Chrome, and Safari. So these are the browsers that we've tested so far.

If you're using a different one and it doesn't work for you, you can get one of the browsers that it does work with from the internet. So we're not recommending any particular browser, but these are the ones that it's been tested with and works with thus far.

Okay. I'm moving on to outreach now. I want to talk to you a little bit about some of the things that we've been doing and something new that's actually on our website. I've talked about in the past few years our new Trademark Educational Outreach Program, where we're actually trying to engage people who don't know anything about trademarks, but should, because they're
opening businesses, they're small businesses,
they're entrepreneurs, and so we try to engage
them earlier in the process.

And our outreach manager, Craig Morris,
has been going around the country giving
presentations and they have been extremely well
received. We've been getting great feedback on
it. So we're continuing to do that.

But the other thing we did was,
realizing we can't reach every single person, we
actually recorded a video of one of these
presentations. It's called Trademark Basics, What
Every Small Business Needs to Know Now, Not Later,
and I think that's a great title, Craig, I think
it's a great mark. And it's now available on our
website in the trademark basic section. And we've
had more than 4,000 hits in the first 2 weeks it
was posted.

So it's not a short video. It's about
42 minutes long. But it's really comprehensive
and some of you might want to show it to your
clients or others. Take a look when you have 42
minutes. It's really a very well done presentation.

Our outreach to our stakeholders, to our trademark stakeholders, through the INTA roundtable series continues. We are hosting a number of roundtables around the country where we're talking to experienced practitioners. We have smaller group discussions so we can talk about specific issues, talk about practice tips and whatever is of interest to them, hear about problems firsthand and give them feedback, as well as getting feedback.

Our latest stops included Minneapolis and New York City. We will be in Miami, Florida and St. Louis, Missouri also this calendar year. And we have additional plans for next year.

Another outreach program we're planning is a seminar which is actually next week on October 23rd. It's on advanced Madrid protocol basics. It's an advanced Madrid seminar, I should say. And the target audience is practitioners who have already used Madrid and are familiar with it.
But I think, you know, anybody who's interested should join in. It's going to be here at the USPTO, but it will be web cast, and the web cast instructions will be posted on our website if they're not already posted. If you want to attend in person, the deadline is today. So you can send your name to TMfeedback@uspto.gov if you would like to attend. So again, it's Madrid protocol advanced training.

You know, Maury, I think that's all I have for everyone today. And again, I'll be happy to answer questions that anyone might have. And I think I'm actually right on time. Thank you.

CHAIRMAN TEPPER: That's perfect. Thank you. That was a tour de force, Debbie. I would like to encourage you all, maybe take a few minutes away from youtube videos of cats and spend some time on the PTO website. Now, I counted six separate opportunities for you to comment and have input on developments, exam guides, proposals.

As my mom used to say, speak now or forever hold your peace. I think it's
extraordinary and commendable that trademarks
seeks input from the user community. Those do
make a difference. So if you have not yet found
the tool, you know, go to news and announcements
and take a look at idea scale. It is surprisingly
under utilized and it is I think exceptionally
important. If you would like to have the ability
to shape policy to make your views known on how
these ought to look, I encourage you to take the
PTO up on its offer.

I'd also like to take just a quick
second to thank Craig Morris. I want to check out
his video. I think that will be an engaging and
entertaining presentation. And we can often
underestimate because these are the folks that we
don't call.

It's not the clients who call you with
names, it's the fact that Craig has reached that
small businessman who thought that Gillette facial
care was really great, since his name is John
Gillette, and, you know, we can avoid those
problems which are, of course, disastrous for
entrepreneurs and also costly for established businesses and trademark owners. So it makes a big difference for all of us. And we appreciate the ongoing effort. And I want to check out the video.

So you all are welcome to e-mail me with your comments and reviews, as well. I don't think that the PTO has a box for that one just quite yet. But please do take the time. And if I've miscounted, I think it is at least six opportunities that you have right now. One of those will close out on October 23rd, so, you know, take care of that before you come into the advanced Madrid seminar. But do take a look and make your views known. Yes?

MS. COHN: Just one more comment about giving us feedback. You know, we do have a number of mailboxes set up. We have TEAS@uspto.gov for TEAS issues. But if you don't know where to send something, please send it to TMfeedback@uspto.gov. Anything at all can go to TMfeedback. We will make sure it gets to the right place promptly. We
look at that mailbox every single day. So thank you.

CHAIRMAN TEPPER: Great. Do we have any questions now that I've issued my challenge?

MS. BLACK: Debbie, I do want to say I appreciate you looking at the issue of the ID's with the, you know, those items that maybe are no longer in existence and what do you do about that, so I appreciate the office really taking a look at it. The implications and the impact of that could be huge. And so I do think it's important that the public reaches out and addresses this issue.

My question for you is, in the process, is there a process of what the office is looking? Are you looking for feedback now? Are you planning on making decisions about that in the future? What's the plan for this issue?

MS. COHN: Cheryl, you are absolutely right, this is a huge issue. And the plan is to gather the feedback and then have further discussions. We will not be making any decisions based on the feedback. It's important for
everyone to know, when you start thinking about this issue and realizing what the implications are, you know, there are some real issues, as you've pointed out.

You know, we're doing this in response to numerous requests from the public that we make these changes. I'm not sure that people, when they're making these requests, understand the implications of a policy decision. But I believe it's our responsibility to explore the issue and make sure we, you know, we understand both sides of it and how trademark practitioners and the public feel about it before we do anything.

Now, we may do nothing, but at the very least, we'll have further discussions about it. And I don't think anybody will be surprised when, you know, if something does happen, it will be after long discussions and a lot of back and forth.

MS. BLACK: Thank you.

CHAIRMAN TEPPER: Any other questions?

All right. Do we have questions from the public
thought we were going to have to shave a minute or two off the agenda, but we are right on time. I'm pleased to move forward. I personally wish we could revisit the issue about phasing out eight track tapes, but I'm told they're not coming back. So do be thinking about it. I'm glad we're working on these important issues.

We're going to take just one last set of few minutes before our break. Our Deputy Commissioner for Trademark Policy, Sharon Marsh, is going to I think give us an update on a couple of ongoing projects and maybe talk about a new initiative or two.

MS. MARSH: Thanks, Maury. I actually have very little to add to Debbie's report. But I did want to touch briefly on two issues today, the first, Madrid protocol. I took a look at the, you know, it's the end of the year and we're collecting all of our statistics, so we took a look at the stats for Madrid filings this year, and it's kind of interesting.
There is a significant increase in the request for extension of protection to the United States, what we call the 66A applications. In FY '12, there were about 13,000 66A applications. In this past year, that went up to 18,000, so that was a significant increase. And the only other thing on Madrid, at the end of the month, there is a meeting of the Madrid Working Group in Geneva. All of the members of Madrid protocol will be meeting. And if you're interested in this, all of the information, the agenda, all of the issues that are going to be covered are posted on the WIPO website.

There's also an interesting report there. The International Bureau has finished a report on trying to get a sense, and there were 29 participating countries I think, a sense of how many international applications have a ceasing of effect because of somebody using the central attack feature of Madrid. You know, the idea that if you attack the basic and that's knocked out, then all of the designated country applications
also have to end. So anyway, if you're interested
in that, take a look.

The other thing I guess I wanted to
mention is the TMEP. As Debbie noted, we're going
to be issuing the update at the end of the month,
and it's very good, includes all the new case law,
the result of a lot of hard work on the part of
our legal policy staff. And in addition to the
exam guides that are currently posted on idea
scale, in the coming few months, we should have a
couple news ones. We're working on one on
repeating patterns. We're also working on an exam
guide on web specimens. If you recall last year,
we issued an exam guide on specimens for goods
that are web specimens and now we're working on
the service mark version of that.

And when we do get a draft completed, it
will be posted on idea scale. And so I would
reiterate Debbie's suggestion that you check the
USPTO web page under trademarks, either news or
notices or user input periodically, because when
these go up, you know, they'll be up for maybe,
you know, it depends, but maybe about a month, and
we really, really, really appreciate the feedback
that we get.

MS. COHN: Sharon, this might be a good
time to put in a plug for TM Alert.

MS. MARSH: Well, yes.

MS. COHN: That way you'll know if you
subscribe to TM Alert, which you can get to
through our front page on the website or through
the trademark page, subscriptions, you will get
notice when these things happen. You'll get lots
of different notices. They won't come too often,
not every 10 minutes or anything, but you'll get
importance notices, and it'll reduce the time that
you have to guess, you know, is it time to look at
the USPTO website.

MS. MARSH: Right. And you can
subscribe by, again, going to uspto.gov. Unless
there are questions, that's it.

CHAIRMAN TEPPER: Great. Thank you very
much. Are there questions for Sharon this
morning? The committee? I might just mention
just for folks general awareness, you all will recall that there is a pilot going on for the office to review post-registration filings. I believe that 500 registrations were selected at random. I know it will be a while before we hear, but I think it's safe to say, is that right, Sharon, that those have all been notified? And if you have not heard from the PTO, you don't need to worry about hearing from the PTO as a part of that pilot?

MS. MARSH: Yes. The 500 lucky winners have received their letters.

CHAIRMAN TEPPER: Thank you. Now, the IRS is open, again, I can't talk about your chances of an audit, but if you did not receive a PTO request, then at least know that, you know, we'll look forward to hearing the results, but you will not be selected.

MS. MCLEOD: I had a question for Sharon. What are the next steps in that pilot?

MS. MARSH: We will review the information. And my guess is, we're probably
going to decide whether or not we need further public comment about whether changes are needed. In response to the discussion the first go around, we were told that we should collect more information about the extent of the problem of identifications of goods and services in registered marks. And so that was the purpose of this pilot, to assess the accuracy of the register. If it appears to us that there is a significant problem, I think we will be beginning further discussions with users about what some alternatives are to try to improve the situation.

CHAIRMAN TEPPER: Thank you, Sharon. And I will remind everyone, you know, stay tuned and watch this space. If your clients or your company have not worked on clearing a new mark recently, I will let you know that I, you know, certainly rely on data in the PTO register. It is a you space register, so we certainly encourage their looking at the accuracy of the register and what we can see. Anything we can do to improve that I think is going to obviously improve
searching, improve the reliance that we place on
that information. So I know it will be a while.
But I did at least want to make people breathe easy
if you were worried about am I going to be asked
that question when I file my next Section 8 or my
renewal. So I know we'll wait and see what good
information we can get from that project. Are
there any questions? I'll warn you, you're
holding up our break, but any last questions for
Sharon before that? Well, in that case, thank you
very much, Sharon, for the update.

And onto the most popular part of the
meeting, we have a 15 minute break scheduled. I
would like to keep this on time as best we can.
So if I can ask everyone to reconvene here at
10:25. And those of you who are watching on the
internet, certainly enjoy those videos. But you
would be better to use your time looking over the
PTO website. So here's your 15 minutes to do so.
And we'll reconvene at 10:25.

(Recess)

CHAIRMAN TEPPER: All right. I am going
to ask everyone to go ahead and if you'll please
take their seats, we are going to start back up.
I am glad to see, by the way, that everyone enjoys
the break just as much as I do. It's nice to see
a lot of collegiality and good discussion. But if
we don't start, we can't finish. So let me bring
us back on time and I'm going to move on forward.
I'm pleased now to turn to an update from the
TTAB. I think you already heard maybe one
presaging comment. But we're very glad to have
Chief Judge Gerry Rogers with us today. Gerry, I
suspect you are looking forward to this
presentation as much as we are, so I'll get to
this.

CHIEF JUDGE ROGERS: Thanks, Maury.

Thanks for bringing me back. And it is certainly
a pleasure to be here for a meeting when we can
report such great successes kind of across the
board.

And obviously we heard from Debbie
earlier about how every part of the trademark
operations performed well this year and I think we
can say the same thing about the board, whether it's the judges dramatically increasing their production of the number of cases decided on the merits, or the attorneys reworking the docket of pending contested motions to bring down the average age of the pending motion so that we're working on more current motions on a regular basis, or even the paralegals taking on additional responsibility for handling uncontested matters and consented matters that increase during the year. So it's been, you know, across the board. Everyone pitched in to help us realize the successes that we've obtained this year. And even the administrative staff providing the hoteling operations for a great staff of teleworkers and providing all the administrative support so all those other units could get the work done that they needed.

And, of course, Meryl as our consultant from trademarks was of great assistance, whether it was working on performance appraisal plans and PAP's with the paralegals and the attorneys or
sitting in with me and working on changes to the judge's PAP's. You know, anything that she could provide assistance on, she was willing to provide assistance on and it was great to have her.

Unlike the Patent Board, which has a deputy chief and a couple of vice chiefs, it's kind of me and Ken Solomon, the managing attorney, and so we're a much smaller staff, and it's been great to have someone else to bounce ideas off of and to discuss things with Meryl.

So with that introduction, I'll get into the statistics. And I think the presentation as we work through the slides will cover pretty much everything that's on the agenda.

CHAIRMAN TEPPER: That's great. If I can just pause for one acronym alert here. You might want to just let everyone know what a PAP is.

CHIEF JUDGE ROGERS: Oh, I thought I had said Performance Appraisal Plan, but if I hadn't, yeah, the PAP is the Performance Appraisal Plan. And, of course, everybody at the PTO has one.
have one. Debbie has one. The attorneys, the judges, the examiners, everybody has one. But they need to be tweaked from time to time as we redefine our goals, given the circumstances that we're facing and the case loads that we're facing, and so it's useful to revisit them from time to time so that the PAP's are aligned with office goals or business unit goals as the case may be.

Okay. So the first slide we have just focuses on what's been coming in the front door. And, of course, given the increases in filings in trademarks in recent years, it should be no surprise that we saw modest increases kind of across the board with appeals, oppositions, and cancellations. It's kind of remarkable that extensions of time to oppose with such a high number, almost 17,000, were within 7 of the previous year. But anyway, just a little factoid for you to take away from the meeting.

If those numbers go up additionally during the coming year based, again, on the increases in work that the trademark operations
have had in the previous couple of years, we'll be
well positioned to handle it because our staffing
is right, our judge staffing is right, our
attorney staffing is right. And we'll be hiring
some paralegals during this fiscal year. That's
one area where we need to add a few, but
otherwise, we think we'll be prepared for any
additional increases that will come in.

On the other end of the process,
decisions on the merits, this is, of course, where
we saw some very interesting figures. The number
of cases decided, I challenged the judges hoping
for a 20 percent increase in production during the
year and they far exceeded my request and they
were able to get to almost a 27 percent increase
in production, which was really tremendous. And I
think, in my recollection, it's the third highest
year of production that the judge's have had, so a
tremendous year for them. One of the interesting
things on this slide to note, however, is that the
number of cases, and this includes appeals and
trial cases maturing to ready for decision
actually went down some during the year and that was a bit of a surprise to us. We had kind of staffed up for this year anticipating that we would have a rate of cases maturing to ready for decision by judges at the same rate as the previous year.

We're not sure whether this was just an aberration. You can see from this slide the first quarter was particularly low compared to the other quarters. And again, we'll have to just kind of keep an eye on it. If it does pick up again and go back to the FY '12 levels, we'll be ready for it. The staffing is right and the inventory, as you can see at the bottom of this slide, is pretty low. We don't really want it to go much lower than that because we want to have cases for all our judges to work on.

And anyone who's paying very close attention to both the slides and the one page handout that I provided will note that there is a two case discrepancy in the inventory. And it's actually not an arithmetic error. Another little
factoid you might want to take away from the meeting today is that we actually had three concurrent use cases mature to ready for decision on the merits. Almost always concurrent use cases are settled. This year, quite remarkably, we had three cases mature to ready for decision. They were actually tried by the parties. One of them was handled during the year so it doesn't appear in the inventory and that's the discrepancy between the two sheets on the inventory. One doesn't track the concurrent use cases and the other one does. I didn't want anyone to think our math was off. There's an explanation for that.

The next slide, this is kind of the aspect of board practice that I think most practitioners are familiar with. Not everybody gets involved in trial cases at the board. Sorry, I went one too far. It's a very light touch button today.

The appeal processing, more people are involved in appeals I think than trial cases. So I just wanted to quickly cover the end to end
processing in appeal cases. You can see that we brought the average total pendency down in appeals.

The percentage drop in this figure is probably more dramatic than you would see in a normal year and that's because FY '12 had a lot of older cases that were worked off and the average was up. So I think you're not likely to see 35 percent drops in end to end appeal processing on a regular basis. But we're certainly happy to go from the elevated figure of last year down to a figure that's more in the normal range for end to end appeal processing. And I think we will also be focusing on trying to extract in the future additional savings out of end to end processing. That's something I'll get to in a moment when we talk about the board's next roundtable and kind of goals for this year. It's a good figure, but if we can realize additional time savings in end to end processing appeals, then we would certainly like to do that.

Contested motion practice, we've talked
about that a little bit. And this, of course, was
a modest increase in production from the
attorneys. But I don't want you to think that the
modest increase in production wasn't a dramatic
reworking of the docket.

It was a dramatic reworking of the
docket because the cases that involve contested
motions and are pending, awaiting decision, when
we started six months ago on a pilot performance
plan with the attorneys, we had cases that were a
year -- had been pending with contested motions
for a year or more. Now we don't have one that's
over 16 weeks. And the average of the contested
motions that are pending is well under 10 weeks.
So we're working on not only a reduced inventory,
but a much more current inventory, and so that's
really good news for anyone who's involved in
trial cases and contested motion practice.

Now, one thing I also wanted to note on
this slide, because some people may take note of
it and think that there's been a significant
change for a reason, and that is the percent of
contested motions decided after there was some kind of a phone conference.

The percentage figure is down. But I don't want anyone to think that this means that the attorneys are any less committed to helping parties resolve contested motions by phone conference if that's necessary.

In part, the figure changed because of our focus on working off older motions, many of which were potentially dispositive and needed to be decided by a panel of three judges in conjunction, in consultation with the attorneys. And those are motions which cannot be handled by phone conference.

And so, in part, this is a function of the specific work we targeted during the last six months of this fiscal year. But certainly the attorneys are always available to parties that need to engage them in phone conferences to help them resolve their discovery disputes or any other contested motions. And I just wanted to make sure that everybody on the committee understood that
there's been no change in our commitment to having attorneys be available for phone conferences.

Overall trial processing, again, echoing the theme for this year for us at least, everything is down. The average pendency for trial cases is down. The median pendency for trial cases is down. Not dramatic figures, but nonetheless, significant for us, and again, something that we will try and continue to focus on, because I think the earlier slides have shown that the judges have a good handle on the work that they have to do in terms of deciding cases once they're ready for decision on the merits.

The attorneys have gotten a good handle on the contested motion practices. So those discreet chores that certain parts of the board have to do are well in hand. And what we really want to be able to focus on during this year is the more holistic end to end processing of both appeals and trial cases. So we'll be looking for everyone, paralegals, attorneys, judges, everyone to get involved in stakeholders, external
practitioners who practice before us to get involved in helping us figure out ways to reduce end to end pendency. Of course, one way in the current environment that you can reduce end to end pendency is by electing ACR for your trial proceedings. And as has been true in every presentation where I've compared ACR trial processing to traditional trial processing, the end to end numbers for ACR cases are always lower than traditional discovery trial and briefing of trial cases.

The number of cases tried under some form of ACR was about the same this year as last. It's a number we would like to increase. And we continue to talk about ACR at conferences, at CLE programs, in anything that a board attorney or a judge participates in. We're always stressing ACR.

And I think anyone who practices before us in trial cases has probably received an order from an interlocutory attorney disposing of a motion or an order on a summary judgment motion
which says we can't grant you summary judgment now based on the circumstances of the case, but this case seems to be a good candidate for accelerated case resolution, and if the parties are willing to consider it, the board stands ready, willing, and able to assist you in crafting an ACR alternative to traditional trial and briefing. So that salesmanship, if you will, is something that I think is pretty typical now in most board orders and so we hope that more people will sign on as we move forward. Actually, before I discuss transparency and outreach, if there's any questions about any of these numbers I've run through, I'll be happy to take any questions now.

CHAIRMAN TEPPER: Thanks, Gerry. Do we have any questions for Chief Judge Rogers? All right. Well, I have to pause and mention how extraordinary the change you've seen. And when Gerry says everything is down, that's a good thing, by the way. In this context, down, that is very helpful. But I want to compliment your group, Gerry, you and Meryl, of course, but all of
the administrative law judges, the interlocutory attorneys who have rolled up their sleeves.

I'm sure I'm the only person guilty of this, but when you have that pile of things on your desk, the deeper in the pile that things get, the harder they are to deal with, and you all have done the opposite of what I would do, and that is, you've dealt with the difficult, old, and time consuming matters first, and I think that's really not only admirable, that will pay dividends I think in how we're able to watch sort of the rest of the numbers follow. So I suspect it's a great feeling to have finished. I know it was a difficult thing to have gone through and so I'm very pleased to be able to hear about that today.

So if there are no questions, I'll let you proceed.

CHIEF JUDGE ROGERS: Okay. On the first of these two slides on transparency and outreach, you might wonder, well, why am I still posting on a slide before the TPAC the fact that we had a roundtable on metrics and performance measures in
2011. Well, the reason I remind everyone that we did that is that we continue to be interested in fine tuning our performance measures and our metrics.

We post our statistics on a quarterly basis on the website. And earlier this year, we posted our new dashboards reviewing some of these performance measures and metrics. And we have an opportunity again, following one of the themes from the earlier presentation, for the public and the stakeholders to comment. And we have not really received many comments on the TTAB dashboards.

I've received many offers from China and other places to purchase things. We received various sweepstake notifications. But we'd really like to see the mix in that in-box change and get some comments from practitioners and stakeholders. So I just want to plug that opportunity for people to continue to dialogue with us about our performance measures and our metrics and how we report our goals and the measures as we move
We also want to remind you that we've updated the TBMP. I mean this was something that was done earlier in the year. We have followed the trademark's lead. And I just want to make sure I have the right slide up there. We also have a chapter of the TBMP up for public comment in idea scale. Again, we haven't had a lot of comments yet, but it's there and it's available.

The first chapter that's been up there for comment is Chapter 1200 which is the chapter that covers appeal processing. We will in the future move towards posting chapters that involve trial cases and provide opportunities for people to comment on motion practice or presentation of evidence at trial or other things.

We upped the number of precedence. Oh, before I get onto precedence, I wanted to mention, too, that we have made significant progress in getting the TBMP into the RDMS system, which is what trademarks has been using to update the TMEP. And again, we have to kind of thank trademarks for
doing a lot of the hard work along with patents.

And so the two teams that produced the MPEP and
the TMEP have done a lot of the beta testing and a
lot of the hard work to get RDMS to be a very
useful system. And now we are going to be
following in and joining the group and getting the
TBMP into RDMS.

The current version has been put in the
system. It's been converted in a way that we can
start working with it. And it's quite possible
that our next revision of the manual will be able
to be accomplished through the use of the RDMS
system. And it will also afford us the
opportunity to make more frequent updates as case
law develops and as rules change in the future.

And speaking of cases that might need to
be incorporated into the TBMP, we increased our
precedence this year. As you can see from the
slide, 22 precedents issued in ex parte appeal
cases, 27 in trial cases. The trial case
precedence could be final decisions on the merits.
They could also be just procedural issues that
come up and need to be handled by interlocutory attorneys. So practice and procedure issues are also covered by those precedence.

Of course, we have the roundtable, the second roundtable that the board has had in recent years on ACR. Last year at this time, after having had it be rescheduled because of Sandy, but that was very successful. And we have again another pitch for suggestions and interaction with stakeholders, we've got the ACR suggestions mailbox up there. And so anyone who wants to look at the information that we have on ACR on the website, which gets regularly updated, and provide additional suggestions, there's an e-mail box and a way for people to do that.

And then we’ve got a date secured to use this room, December 3rd. Hopefully next week you will see as one of the stakeholder groups, TPAC, will receive an invitation for that roundtable, as well the other stakeholder groups that have been involved in the prior roundtables.

But for this roundtable, what we want to
focus on is the end to end processing that I've talked about earlier. Again, we've got a good handle on the judge work, we've got a good handle on the attorney work, and we want to be able to focus more holistically on end to end processing. And this will be both for appeals and trial cases. So that's what we've got in the works for December 3rd. I just want to finish before I ask for any questions by saying that in the near term what I'll be working on with Meryl is setting some goals. Now that we've kind of worked off backlogs and brought down inventories of contested motions and cases waiting to be decided on the merits, we have to kind of transition from a work off the backlog mode to a maintenance mode, and so we have to rethink our goals.

We may have had a goal to increase production dramatically in the past year. We did have a goal to do that with the judges. But that's not necessary a feasible goal for the current year because we have an inventory that if we increase production again at that rate, we
might not have any work left to do.

So what we really want to do is focus
more on pendency and reworking our goals to face
the current situation that we have. So that's
something that Meryl and I are going to be working
on. And we've already had some discussions of
that in-house.

We'll also be trying to improve the
analysis of our data so that we can guide future
performance based on our analysis of past
performance. That's something that we'll want to
focus on. And I think that pretty much covers it.
But I'm happy to take any other questions, or any
questions anyone has.

CHAIRMAN TEPPER: Thank you, Gerry. We
very much look forward to hearing this. I think
it'll be interesting to see sort of the, you know,
being in the position of needing to plan for
appropriate pendency goals, and we'll be able to
follow those up, it's been quite a year. They
didn't just trim things up around the edges. They
made significant cuts in the state of affairs and
I'm very pleased to hear about the progress. Do we have any questions for Gerry today? Yes, please, Dee Ann.

MS. WELDON-WILSON: Actually it's more of a comment following up on what Maury just said. I agree and applaud the significant progress that the judges, interlocutory attorneys, and staff have made to make this all possible. But I'm also very encouraged to hear about the goal setting and setting targets for the future so that there will be continued improvement. And I just think it's amazing what you have been able to do in a year. And so I wanted to thank you and your entire staff for the efforts.

CHIEF JUDGE ROGERS: Thank you on behalf of the staff that did all the work.

CHAIRMAN TEPPER: Linda, please.

MS. MCLEOD: Not to be repetitive, but I wanted to just thank also the interlocutory attorneys and judges again. The significant increase in productivity and working off I know ancient cases with large records was not an easy
undertaking, and I know it took a lot of flexibility and cooperation. So I think the users and customers of the PTO are going to be grateful this year now and looking forward to continued success by your group.

And then I also was pleased to hear your goal setting about transitioning from this backlog to maintenance and look forward to hearing more details about how that's going to roll out over the next year.

And you mentioned a couple of things that stand out for me was ACR and continuing to educate people on that valuable alternative to litigating before the TTAB. When you just look at the statistics, it's a significant time and cost savings for parties, and I just applaud your efforts to keep encouraging people to use that alternative.

And then the other thing is use of the phone by the interlocutory attorneys, and I don't know to the extent the judges, but the more active the TTAB is in case management and resolving by
phone, I think it just benefits everyone, including the agency and the users in expediting a resolution of motions and just moving cases along. So I think those two things looking forward are important to keep in mind and I look forward to the plans for the future.

CHIEF JUDGE ROGERS: Thank you, Linda, for the comments. And I think that we are very aware that those are going to be important aspects, whether it's the focus on ACR or any efficiencies that can be utilized in trial cases, and the use of the phone, of course, being one of those efficiencies, so we're well aware that those are going to be critical to our success moving forward.

CHAIRMAN TEPPER: And I think it's probably time, fellow members of the bar, we need to challenge ourselves. I've been watching these presentations for a good while. You see the e-mail address. You have the chance to provide your input on ACR. The TTAB has certainly made ACR available and has encouraged us. We are no
longer at a point where we can blame the board for
having big backlogs. They're catching up. I
think it now falls to us to really take a look at
the way we approach disputes, to get things
resolved, to try to work them out quickly for our
companies, for our clients.

So if you have views on those, please do
make them known. Please participate. The
roundtable will be coming up December 3rd. You
can offer your suggestions to the
ACRsuggestions@uspto.gov e-mail address. But
please do give that some consideration. Do we
have any questions from the public today? I think
that we do. Yes, please. If you'll just come on
up and simply -- I know you've done this before,
but push the button, make sure the mic is on.

MR. DONAHEY: Thank you. Mark Donahey.
I've just got two quick things for Judge Rogers.
First, thank you very much, Judge. We had two
judges from the TTAB come to the Association of
Intellectual Property Firms annual meeting in
October, Judges Wellington and Adlin, and they
presented some tips for TTAB practice. And the comments I received afterward from a lot of the practitioners there were very positive. And a surprising number of patent attorneys had never heard of ACR. I think people who casually and occasionally practice before the TTAB. So I'm wondering if there's any way -- I mean it shocked me because of all the extensive outreach that you have been doing on this, so I was wondering if there's a way to target maybe people who are more focused on patent practice. And then the other thing is, I think in response to Mr. Tepper's offer for a snickers bar, I received a tweet from John Welch at the venerable TTAB blog, and I don't know if that counts, meet your criteria, but he --

CHAIRMAN TEPPER: John, you need to e-mail me. I'm waiting.

MR. DONAHEY: But he wanted me to ask Judge Rogers if he has any thoughts regarding web casting a TTAB final argument, would it be a useful, educational event?
CHIEF JUDGE ROGERS: Let me try and remember both questions and respond to both of them. I think for firms that have both patent and trademark practitioners will have to rely to some extent on the trademark practitioners bringing their patent brethren up to date on ACR.

Otherwise, you know, as Maury had said earlier, urging people to go to the PTO website, I mean we put a lot of information on ACR on our website, and it's really hard to miss for anyone who practices before us, because then they should be looking at our website and looking at information that's available there.

But nonetheless, with your suggestion, I think we'll now consider what ways we might perhaps leverage information about ACR, perhaps through Craig's outreach or through other opportunities that the PTO might have to reach the non-traditional trademark practitioners, those who practice before us only on an occasional basis and make sure that they're aware that there are more efficient alternatives to traditional trial and
briefing.

And then in regard to the second question, I think John has posed that question before, and I think he's goading me until I finally agree to web cast a hearing. You know, it's something that we should consider and I think we will consider. We've never done it before.

We have had hearings, though, in public forums as part of CLE programs, and as John knows, we've come up to Boston on a regular basis and heard arguments in cases at law schools in the Boston area, and we've done this with the practicing law institute. LEXIS/NEXIS sponsored a conference years ago in Chicago where we did this. We've done hearings at AIPLA.

And while these things have not necessarily been web cast, I think sometimes they're recorded and then people can look at them on those organization's websites in the future. So we'll have to consider whether we can expand a little bit beyond just the presentation of cases on -- the hearing of cases on the merits in those
forums, and maybe we can do something that we could allow people to see on the website and go to on the website. Of course, if we recorded a hearing and then we put it on the website, then I still have to get people to go to the website and access the recording, but it's something we can consider.

MR. DONAHEY: Thank you.

CHAIRMAN TEPPER: Thank you, Mark, for those questions. And I appreciate the information. John, if you find me, I'll consider buying you the snickers bar, but you'll have to come look for me at INTA or some other event. Do we have other questions today? All right. Well, with that, Gerry, we very much appreciate your being here today. And I especially appreciate your gift of five minutes. We are slightly ahead of schedule. I would love to keep it that way. That is an admirable thing. And thanks once again for the news you brought us today.

I'm going to move on. We had just a couple of technology delays this morning. Our
sound crew and our video crew here are great and I
thank them for what they do to keep these meetings
available to everyone. So we did have just a
couple minutes delay.

I'd like to let you know, when you work
with technology, these things can happen. That's
not necessarily -- I think we're going to have
some good news and an update from our CIO's
office. But obviously we all understand the
importance of these changes. And a lot of times
things that seem easy to fix become more
difficult.

But we're glad to have our Chief
Information Officer, John Owens, here, Raj Dolas,
our Trademarks Next Generation Portfolio Manager.
And, Marcie, I'm going to get your title wrong, I
apologize. Marcie Lovett is our Division Director
for Trademark Systems. I need to memorize that
one. But we very much appreciate you all being
here today. And with that, I'll turn it over to
you folks.

MR. OWENS: Thank you very much. Good
morning, everybody. Hopefully whatever setback you had this morning didn't reach my ears, so I hope that it was minor and non-repeatable, but if it is, we'll figure it out. I'm going to just say a couple of words here. I think that our year has been pretty strong. Whereas parts of the office were set back with funding, trademarks was not. And we got quite a bit accomplished.

And to tell you about all the wonderful things that we've done and that many of you have seen and some things that you haven't seen, I'm going to hand it now over to Mr. Dolas and he will lead you through the portfolio of projects that we are working on.

MR. DOLAS: Thanks, John. Good morning, everyone. So as always, I'm going to put up a slide that shows all the stuff that we're doing for Trademark Next Generation. There are a whole bunch of programs and there are lots of projects underneath these programs. What I would like to do, though --

CHAIRMAN TEPPER: Raj, before they ask
this, I might ask if you could just move your
microphone maybe a little bit over?

    MR. DOLAS: Oh, sure.

    CHAIRMAN TEPPER: I know you want to be
able to see the slide and I want to make sure that
they can capture you for our transcript, as well.
Thank you.

    MR. DOLAS: What I would like to do,
though, today is make sure that I put some context
around these projects and describe how they fit

    together, because there are way too many projects
that we're doing right now. If I look at it from
top down, when our users come to a website, the
most important thing for the users is the user
interface, meaning the way the website is going to
look and feel and behave and experience of the
website. So the TMNG user interface is a program
that focuses on making sure that the website or
the TMNG application behaves the way
our users want it to behave. So that's the first
thing that the users see.

    Behind the covers are web and business
services, where we define the business rules and the way systems should behave workflow-wise. Underneath that we have data services which provides access to the data that is used by all these components. And underneath that is the infrastructure, which is web and business services 2 where we're building the infrastructure for Trademark Next Generation.

So now going from bottom up, the infrastructure is very important. We have built five different environments in fiscal year '13. Two are dedicated for developing software. Those are developer environments. Two are dedicated for testing, and one is a production environment. All five environments have been built. Of course, the work continues into '14 and '15 to fine-tune these environments, configure them for the new needs that we encounter every year. But those five environments have been built. And what we will be working on in '14 is creating a business continuity and a disaster recovery environment, as well. That will be our sixth environment. So this is lessons
learned from our past, where we had limited number of testing environments, and we built into our plans testing environments to ensure that we will not get caught into that again.

The other area that we focus on is cloud computing, where applications that we develop are focused for our external stakeholders. We'll talk a little bit about EOG. And I think Debbie may already have spoken about EOG. We did a demo about EOG last time you guys were here.

Trademark status and document retrieval has been in production for quite a long time now and it's one of the very well received applications for the last two years, a year and a half almost.

Separation and virtualization is taking our legacy applications and putting them into an environment that is separated out and allows us to move forward without any dependency on other applications in PTO, such as patents, for example. We still do share at the enterprise level applications that are common to everyone like
This is a new slide. What I wanted to focus on was, we discussed how the Trademark Next Generation investment is broken up into different investments. So TMNG is what we have been talking about. The life span for TMNG is fiscal year '11 to '14. The focus of TMNG will be developing capabilities for all examining attorneys. It moves into a second phase starting fiscal year '15 and goes through '17 for developing capabilities for non-examination core, such as the legal instrument examiners, the pub and issue folks, the statement of use business unit, quality review business unit, and so on and so forth.

Trademark Next Generation external investment will focus on delivering applications or systems for external users. EOG was one example. We did that before the investment was started, but we could not wait for that since we stopped publication of the OG, the paper OG.

There are other systems that we will be
developing for external stakeholders starting next year, starting this fiscal year, sorry. And TTAB will be a separate investment that will begin in '15. We're anticipating that we will be leveraging a lot on what has been developed for our internal users, for our trademark examining attorneys, for TTAB use. Okay. So these are the projects that are under several programs that we have. Authentication authorization, single sign-on, this is one of the things -- a key for us is when a user comes to our website, we want to make sure what role the user has. This allows us to determine that role without the user having to do anything different than just logging in. So when a user logs in, the website will behave differently for that specific user.

Today we have the roles of examining attorneys, role of the supervisor attorneys, and managing attorneys, and the website behaves differently for each of those roles. I spoke about the user interface earlier. We implement a user centered design
methodology. We work with the examining attorneys twice a week to ensure that their input is heard.

The user interface, the look and feel and experience of the website is driven by the users themselves.

Web and business services 1, this is where we implement the business rules, the workflow rules. The focus has been, in fiscal year '13, developing capabilities for docket management, office actions, evidence attachment, and also doing amendments and priority office actions. One of the other things that we'll be focusing on is production records, as well as making sure that real time records are available on the system for production. We're also integrating with our finance side to make sure that when fees are paid or not paid, we know about that when we review the case details.

Web and business services 2 is that infrastructure piece I spoke about earlier. As I said, we have built five environments. We're looking at designing and architecting the business
continuity and disaster recovery environment in '14.

Reporting and data-mart is a project that focuses on giving users the capability of creating their own ad hoc reports. So we build out a data mark that brings in data from multiple data sources. We create what is called a universe in data-mart language which marries data to actual business terms that users are familiar with. And they can create their own reports because they are familiar with the business language. And that is available for generating ad hoc reports for them.

What we've done so far is, we have two releases in production. The first one went early this fiscal year and the second one went in August. What we have in there are quality review reports and production reports. We're also working on implementing the FPEP reports, and those are form paragraph related reports, quite critical for trademarks to understand which form paragraphs are being used on a regular basis. It will continue into fiscal year '14 as a
phase two project, more focus on additional data that is available from our variety of data bases.

Content management system is a separate project that was started in fiscal year '13 to focus on ensuring that content that is associated with a case is easily available to examining attorneys, as well as any external users. We want to make sure that this content management system is designed, developed with technologies that can be extended further out into the future, and it has the capabilities to manage any kind of content whether it is multimedia, or pdf files, or Microsoft Word files, or image files.

We have developed services that allow us to upload office actions and evidence, as well as mark images. This is one of our foundation piece. Everything that is associated with a case content-wise is going to be managed in this content management system and it will be shared by everything in Trademark Next Generation. All projects in Trademark Next Gen will use this content management as a foundation. Trademark
records management is our project for migrating legacy data into Next Generation. So today our data exists in several data bases, one of them being a mainframe. We want to make sure that the data is migrated successfully into Trademark Next Generation. There is a lot of work in there to make sure that the scripts to migrate the data are written accurately. There is a great amount of work that is required for data cleansing, to make sure data is clean and migrated accurately in there.

So the focus has been data migration, as well as developing scripts for data migration. And the second effort is to build a synchronizer that will allow us to keep both systems in sync until we decide to retire the legacy applications. Until then, both applications will live in parallel and will run in parallel.

I don't think I should spend any time on EOG. I think we did a demo last time you were here. The system has been in production since September. We deployed it as per our schedule.
And it's been very widely accepted by our community.

Separation and virtualization, I spoke about this earlier. We are separating our legacy applications into a new environment and ensuring that the footprint is reduced, as well as we have migrated the systems to use the newer technology as far as the infrastructure goes. We're not making changes to the AIS, just to be sure. I know Marcie is going to speak about this a little bit later, so I won't focus in detail on this one either.

This is our draft roadmap that was created in June. We will continue to enhance this. We are figuring out an automated way of creating this roadmap that is project driven. The next time you folks come here, we'll have that new roadmap ready for you.

The reason we want to do an automated instead of hand drawn is, any time a project changes its start and end date, we have to manually change this, and we want to get out of
the business of manually creating roadmaps and rather
have an automated way of creating it. That's all
I have. Any questions for me?

CHAIRMAN TEPPER: Thank you. Do we have
questions for Raj about the TMNG project?

MS. WELDON-WILSON: Hi, Raj. It sounds
like you have been very busy. I just have a
general question and I really don't know whether
it's directed to you or to John or to Marcie. But
on these timelines and the roadmaps shown on your
tables for New Generation investments and projects
and their timing, does this all align with the
business priorities?

MR. OWENS: I'll take that one. I'm
sorry. We're going to have to talk about table
set-up later. You know, we review with trademarks
on a quarterly basis the business priorities. In
fact, I think that what you're going to see after
Marcie's presentation is a much closer alignment
with the trademark business priorities between the
mix of legacy work, Next Gen work, meeting the
priorities of the business, and the business
processing rearchitecture project which is the foundation for all the TMNG work that Raj is talking about that is being undertaken by trademarks.

So not to speak for Debbie, but I think we're in a very close alignment here on the right balance to all of that work in meeting those priorities. And if they shift, let's say tomorrow they shift, a new law is passed, a ruling comes about or something that adjusts, then we adjust appropriately and have done that to meet the business need and will continue.

MS. COHN: If I could add on to that, John. I agree with you, we are in close alignment. And, in fact, we have a team of trademark managing attorneys and others in trademarks who are responsible for working with us to set the business priority and working with Raj and his team. And we look at those priorities once every quarter, so every three months. And we could do it sooner, but we've set at least every three months we look at them and make revisions as
appropriate.

And, you know, nothing is ever set in
stone to the extent that it couldn't be changed if
there is a change in the law, as John said, or
some other priority that we feel is more important
for any reason. So we have a lot of control over
what you see.

MS. WELDON-WILSON: Thank you very much.

CHAIRMAN TEPPER: A quick question for
you, Raj, and it deals -- well, you know, first
just the observation. Perhaps one day we should
rebrand TMNG. I remember back when Trademarks
Next Generation was an 18th month initiative
announced around 2010, and I know we've certainly
become a much more encompassing project. We might
need a new identity for that. But when I see, you
know, projections into 2017, I can't help but
pause and remember that. Boy, we've come a long
way. But I certainly understand when you're sort
of running your data, TRM, for example, a legacy
system, will need to continue to run in parallel
with the new architecture for some period of time.
Do you all have a time frame in mind? It seems to me -- I get nervous, and maybe I shouldn't, about, you know, two systems trying to house the same data and, you know, how do we keep them in alignment, and I would want to retire the old one as soon as possible. But is there an optimal time window for that or is it just something that, you know, it'll work out and when we're ready, we'll retire the old system?

MR. OWENS: Since I've already reported that to OMB, I'm going to take this answer. We have estimated a year overlap minimum and a maximum of two, and that's the answer I gave them, as well. We believe that a year is sufficient enough to make sure all the I's are dotted and the T's are crossed, but we wanted to alleviate the stress over migration, because this means a personal change for everyone. The old system and the new system will look a lot and feel a lot and work a lot differently.

So we wanted to have enough. And certainly in discussions with trademarks, we felt
that was the right balance and that's what we've reported, so just for consistency there. We haven't changed that opinion. So minimum of a year overlap, somewhere around a maximum of two. Then you really don't gain the benefits if you keep going on beyond that of retiring the old systems, recouping that legacy cost, which is quite expensive, keeping the legacy systems available and a much lower cost of operations for the newer systems by a lot, so that's the answer.

CHAIRMAN TEPPER: Thank you, John. I had assumed that was attended to. I feel better knowing. Do we have other questions? Yeah, Deb.

MS. HAMPTON: Hey, John. In terms of the overlap, will that have a big affect on those who are, you know, telecommuting, working remotely? Because I know that there has been some issues with the existing legacy systems in terms of those that are working remotely with the universal laptop, so when you add that dynamic to it, what affect, if any, is that going to have?

MR. OWENS: So the legacy systems are
built on a client server technology that was
created in the '80's, early '90's, and has since
died. The new systems are created on web
technologies which we use every day when we go
into a web browser and browse the internet. Those
new technologies are much more resilient on the
internet. And so I personally think that even
though it is a change, I have to speak up a
little, even though it is a change, the
performance gains that the folks that are
teleworking will see will encourage them greatly
to migrate early. And with the number of folks
that are teleworking in trademarks, I think it
will mean a positive push to adopt these tools
early.

Performance will be much better. The
systems will be much more stable. There will be
less glitchy, where you start with something and
have to restart it because it's kind of lost its
mind. All of those are side effects that have
gotten much better. We have done legacy
improvements to make them better over the last few
months and I'm sure Howard can talk a little bit about that.

But the new technologies are really where we need to go to meet the compatibility with the internet, which the original technologies just never envisioned. So I am highly encouraged that performance will be much better.

MS. HAMPTON: Thank you.

CHAIRMAN TEPPER: Any other questions before we turn to Marcie? All right. Thank you. In that case, we'll look forward to hearing the remainder here.

MS. LOVETT: Good morning. I just want to share with you some of the accomplishments we've made some of the enhancements and stabilization efforts since the last time we've met as it relates to our legacy systems. We've completed deployments for the following projects. Trademark's petitions, templates enhancements we were able to create eight new templates and they're available for use now by the examining attorneys.

Raj spoke a little bit about our separation and virtualization efforts. These
have included upgrades to our infrastructure and application software for TEAS, TEAS-I the FAST application suit and also TICRS.

The Fee Processing Next Generation release involved application updates to consume services that have enabled us to decouple and have a direct connection to the Revenue Management System (RAM)

This allows the ability to retrieve fee history Information directly from RAM and accessible through the FAST application.

India, Rwanda, and Tunisia have been to the Madrid protocol. We have implemented some changes to the ID Manual which included an expansion of the section of the TEAS application form for entering free text ID's to include a new ID Assistance tool. This tool allows the user to enter one or more ID’s into the existing free-form text field for comparison with entries in the Acceptable Identification of Goods and Services Manual. The tool informs the user if This tool is our first ID selection tool for the public and is very basic. We expect to develop a more sophisticated ID selection tool in the future.

As part of our stabilization effort we addressed 13 priority items that as part of the recent TEASi maintenance this release.
There's another maintenance release
scheduled for TEASi before the end of 2013. For Madrid processing stabilization, the development activities are still in process, and this will also include 15 priority items, both enhancements and bug fixes.

CHAIRMAN TEPPER: Thank you. Certainly, as you can see, while we're building the new environment, it does take a lot to maintain the existing environment to keep people happy with those functionalities. I appreciate that update,
Marcie. Do we have any questions for Marcie? Let me make sure from the committee. Okay. I know we have a question from the public. Erik, do you want to come up? And just if you'll make sure you have the red light on on your microphone and we'll be able to pick you up. And if you would, please, introduce yourself.

MR. PELTON: Good morning. I'm Erik Pelton of Erik M. Pelton and Associates in Falls Church. I have two questions. One is maybe a half a comment/question. Can users from the outside expect a mobile version of the trademark website and search engine any time in the near future?

And the second is, as Chairman Tepper noted that these processes for TMNG began at least in 2010, and user feedback and suggestions were sought at the time, has there been consideration to seek additional feedback and comments both to the changes that have been made, as well as to new ideas, and as we can all imagine, three, four years in the world of IT and technology, it
changes a lot, so there may be a lot of different
and new input from users.

MR. OWENS: I'll take that question if
you don't mind. Thank you, by the way. Let's
answer the first one. The USPTO has come up with
a new mobile strategy which is being vetted at the
executive level. It does include future plans to
make all of our data search systems both for
patents and trademark in our dissemination systems
which are under the CIO's organization available
on mobile technologies.

The foundational technology with search
in particular for trademarks and patents will be
part of the foundational work being done for
Trademark Next Gen and patents end to end. The
current search system and the current website as
infrastructure cannot support the proper mobile
applications, nor have the right application
interfaces to support mobile apps. They just
can't. The legacy systems won't support it.

So in the rewrite, we have taken that
into account. It depends what you mean by soon.
I kind of think in five year stints, so it's certainly in the next five years. It's part of that external facing project listing that starts this year and moves on in a few in one of Raj's slides. So '14 through '16, you should see that work happening.

And the agency has a list of things that it would like to do in mobile applications and mobile supported websites to release its information to the public with the appropriate application interfaces if a third party would like to write their own applications on top of it. And this is all in alignment with the President's mandate for transparency of data, not just in the bulk releases that we make today, but on applications to support new mobile technologies that everyone else in the world is using.

As far as outreach to customers and gathering feedback, the CIO relies on trademarks to lead the way on that because it is a business decision what is or is not built. And I am a service organization. I basically build what
trademark wants. So, Debbie, I'm going to hope you answer that question for me, please.

MS. COHN: All right. Well, thank you so much, John. And hi, Erik. Yes, we do plan on seeking additional feedback as we look to redesigning our external filing systems and how they should be redesigned. And let me also point out that as we have specific, discreet projects such as the enhanced electronic OG, we've sought feedback on those specific projects, as well.

We had several user group sessions as we launched the project. And then we also sought feedback during the OG project with our various alpha beta and gamma releases. And I think you probably were aware of that and maybe even submitted some feedback. So, you know, depending on how the project is scoped or defined, we'll be asking for feedback and certainly generally what people want to see, so you can look forward to that.

MR. PELTON: Thank you.

CHAIRMAN TEPPER: Thank you, Erik.
Those are good questions and I'm certainly looking forward to the chance to gather more feedback. Anyone else have questions for our CIO? Any technology related questions? All right. Well, thank you, folks, and thank you all for the update. We appreciate the ongoing work. With that, I have just a couple of open minutes. If there are any final questions from our committee or from the public, certainly glad to hear those.

I know I'm fudging a bit on my context rules, but I was pleased to be able to award a candy bar today. I certainly do want to invite those of you who are participating online to take advantage of the opportunity to make your views known, as well, and to submit questions to us.

And I have a final announcement before adjourning. You are all eagerly awaiting this, I know, and if you just can't get enough trademark updates, I'm very proud to say that we on the Public Advisory Committee take our statutory obligations seriously. We are finalizing our annual report. I am told that the President is
eagerly awaiting it after having the budget and
the government, you know, shut down out of the
way. And we will be transmitting that as we are
required to do. But it will be published in the
Official Gazette. So stay tuned for what we hope
is some good reading. There's a lot of
information in there. Much of it relates to what
we saw today. So you will be seeing that
published in the OG in the near future.

And finally, our next meeting, you can
all get out your calendars. I'm sure I'll have
some other fabulous giveaway and theme, but it
will be here on February the 28th. Friday,
February the 28th will be our next public meeting.
With that, I thank you, and we are adjourned.
Thanks for your participation today.

(Whereupon, at 11:36 a.m., the
PROCEEDINGS were adjourned.)
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CERTIFICATE OF NOTARY PUBLIC

COMMONWEALTH OF VIRGINIA

I, Mark Mahoney, 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: August 31, 2017

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