

UNITED STATES PATENT AND TRADEMARK OFFICE

TRADEMARK PUBLIC ADVISORY COMMITTEE MEETING

Alexandria, Virginia

Friday, February 28, 2014

PARTICIPANTS:

TPAC Members:

MAURY M. TEPPER, Chair

JODY DRAKE

LINDA MCLEOD

KATHRYN BARRETT PARK

RAY THOMAS

DEE ANN WELDON-WILSON

Union Members:

HOWARD FRIEDMAN, NTEU 245

HOWARD ROSS, NTEU 243

TAMARA KYLE, POPA

USPTO:

DEBORAH COHN, Commissioner for

Trademarks

GERARD ROGERS, Chief Administrative

Trademark

Judge

RAJ DOLAS, Portfolio Manager for

Trademark

Next Gen

DANA COLARULLI, Director, Office of
Governmental Affairs

AMY COTTON, Senior Counsel, Office of
Policy

And International Affairs

MICHELLE LEE, Deputy Director of the
USPTO

and Deputy Undersecretary of Commerce for
Intellectual Property

PARTICIPANTS (CONT'D):

SHARON MARSH, Deputy Commissioner for
Trademark Examination

FRANK MURPHY, Deputy Chief Financial
Officer

JOHN OWENS, II, Chief Information Officer

ANTHONY SCARDINO, Chief Financial
Officer

Also Present:

WILLIAM BARBER, Pirkey Barber

ANNE CHASSER, Strategic adviser for
Wolfe,
Sadler, Breen, Morasch & Colby

DEBORAH HAMPTON, IP Manager, Limited
Brands

* * * * *

P R O C E E D I N G S

CHAIRMAN TEPPER: Good morning. I would like to call this meeting of the Trademark Public Advisory Committee to order, and welcome to all of those of you who are here and those of you who are viewing online. I would like to remind our cyber audience that if you have questions throughout the day -- we'll be hearing a lot of material, a lot of presentations from various groups here at the USPTO -- if you have questions, please do email those in. They will be brought to us. I will pause and ask for questions from the public at various points throughout the day, but do send yours in if you're watching online, and we will do our best to include those and to have them answered. I want to take just a moment to introduce our advisory committee members to you. This is a hardworking group of volunteers, and we are very happy to have three new members. Now, two of those are, perhaps, not so new, but let me mention that they were all sworn in, in January, so this is our first official meeting with everyone here in person. First, Anne Chasser. Ann is a strategic adviser

for the firm of Wolfe, Sadler, Breen, Morasch & Colby, Cincinnati, Ohio. Anne is a former INTA president and a former Commissioner for Trademarks as well, so she has been busy. Also Deb Hampton. Deb is from New York. She is a senior IP specialist with the firm of Katten, Muchin, Rosenman LLP, and Deb is also returning to us for a second term of service. We're very happy to have her staying on and rejoining the committee. And also joining us today is our rookie, although this is a very accomplished gentleman, as we have quickly learned -- Bill Barber. Bill is with the firm Pirkey Barber, and when you can put your name on something, that is doing very well. (Laughter) He is up from Texas. Bill is a former AIPLA president. I want to take notes on this to pay attention to the formers that I am mentioning here. Also, our committee members continuing to serve: Jody Drake. Jody is a partner with Sughrue Mion here in Washington, D.C. Ray Thomas. Ray is the owner of the Law Office of Ray Thomas, Jr., in Washington, D.C. Linda McLeod. Linda is a partner with Kelly Ip in New York. Kathryn

Barrett Park. Kathryn is senior counsel with a little company called the General Electric Company. They make a few things that you probably use in your daily life. Kathryn is also a former INTA president. And Dee Ann Weldon-Wilson, who has, along with Bill, made the long trek up from Texas. Dee Ann is trademark counsel with Exxon Mobil Corporation in Irving, Texas, and a former INTA president. And I'm Maury Tepper. I'm with a little firm called Tepper & Eyster in Raleigh, North Carolina. By my count, we have four out of our nine members who are former presidents of some major IP associations, which makes me a slacker and an underachiever, but I think it's pretty extraordinary the involvement, the experience that is represented by this group, and it's been a real honor to work them, and I want to welcome everyone here today. I want to point out also our three ex-officio members: Harold Ross. He is representing NTEU, Chapter 243. Howard Friedman with NTEU, Chapter 245. And we have a new member who will not be able to join us in person today. She has just been appointed to represent the

Patent Office Professionals Association. That is Tamara Kyle. We're looking forward to working with Tamara. And that segues nicely into my moment of thanks. Many of you know Randy Myers has represented POPA on the TPAC for many, many years. Randy will be retiring, and although he's not able to be here in person, we want to thank him for his many years of service and participation. And I would also like to say a word. This is the first time in three years that we have not had Cheryl Black here with us. And since I always get her firm name wrong, I wanted to try this one last time. She is a partner with Goodman, Allen & Filetti in Richmond, Virginia. Sheryl's term finished out in December, so we wanted to at least offer our thanks. And, Cheryl, if you're listening, we miss you. We do wish that we had you here with us today. I believe I've covered introductions. I've probably gotten a few details wrong. I saw a couple of heads nodding, and I'll apologize for any errors or inaccuracies. But I also want to make an introduction and to say a word of thanks. We are very pleased to have new leadership here

at the Office, and also to have Michelle Lee with us. Michelle was recently appointed as the Deputy Director of the USPTO and Deputy Undersecretary of Commerce. And she has hit the ground running. There are lots of things going on. I would not want to count the number of jobs that you're handling, but thank you for taking the time to join us this morning, and we look forward to hearing from you.

MS. LEE: Thank you, Maury. Can everybody hear me? Okay. I'm delighted to be here this morning. Good morning. Thank you for the kind introduction, Maury. I also want to thank the members of the Trademark Public Advisory Committee, TPAC, for all the hard work and the countless hours that you have contributed to the USPTO and I know will contribute going forward on some very important issues. Your key insights and invaluable guidance have been extremely helpful to this agency, and I'm eager to build on that relationship with you in my capacity as Deputy Director. While I haven't attended TPAC meetings before, I'm fairly familiar with the structure and the mission of the

committee. I served as a member of the agency's Patent Public Advisory Committee for two terms before joining the United States Patent and Trademark Office as the first director of the Silicon Valley Office of the USPTO. So, I'd like to say PPAC gave me my first glimpse and close introduction to the PTO. Through those roles, I have seen the incredible accomplishments the agency has made toward advancing a balanced intellectual property system that promotes innovation, supports economic growth, and helps create American jobs. Throughout that time, our Trademarks team, under the outstanding leadership of Commissioner Cohn, has been a shining star of excellence within the agency. And I want to congratulate the entire Trademarks team for a job well done. Trademark pendency data remains right at our desired sweet spot with 3.0 months for a first action and 12 months for a Final Disposition. TPAC has been a partner of our Trademarks team in achieving this success. And I want to thank you for working with us. It is amazing what we can achieve when we work together for a common goal. I'm also happy to

note that we will resume our national Trademark Expo this October. I first shared a word of that when I was speaking at the AIPLA mid-winter meeting in Arizona this year. Our 2012 Expo attracted more than 17,000 visitors, and I anticipate an equal number if not bigger turnout this year. And on a personal note, I'll probably send my daughter to attend to learn a thing or two about trademarks. (Laughter) I'm further pleased to report that since the last TPAC meeting, the USPTO has been named the number one agency out of 300 as the place to work in the federal government. It's a ranking that is done by the nonprofit Partnership for Public Service -- PPS. The annual report is based on a survey of more than 700,000 civil servants from 371 federal agencies and subcomponents by the Office of Personnel Management. The USPTO has consistently risen in the best-places-to-work rankings from -- and I find this progression quite impressive -- 172nd place in 2007 to 105th place in 2009 to 56th place in 2010 to 19th place in 2011 to 5th place in 2012 and, of course, to the number one spot in 2013. So, we're very proud of this

accomplishment, and many people have known for a long time that the USPTO is a wonderful place to work. I certainly heard from many when I was considering working here, but it's nice to see that validated through the employee surveys. And I must admit, it does affect quality of what we produce. As we all know, however, it's great to be at top. Of course, the trick is to stay there. We'll continue to do all that we can to keep the employee morale high and the productivity just as high. Thanks to our dedicated workforce, the USPTO continues to optimize quality and efficiency on our trademark and patent examinations. I'm sure you'll hear more about that from some of our speakers later today. And you should know that we are working hand in hand with Commerce Secretary Penny Pritzker to help foster a more innovative U.S. economy that is better at inventing, improving, and commercializing products and technologies that lead to higher productivity and competitiveness. That is a key strategic goal of the Secretary's open-for-business agenda. Most importantly, my team and I will continue to work

with our stakeholders and user communities to assess new challenges and identify new opportunities to build an agile intellectual property system, one that catalyzes innovation, one that incentivizes commercial research and development, and one that promotes good jobs and supports our nation's competitive edge. These are exciting times to be working for the United States Patent and Trademark Office and in the field of intellectual property. The USPTO has never been in a better position to effect positive change as we move forward to empower our nation's innovation economy. I look forward to working with TPAC to bring the fruits of American innovation to the marketplace and to secure our nation's leading role in the global economy for generations to come. I want to thank you again for giving me the opportunity to speak to you today. We look forward to your thoughts, and we welcome your comments and suggestions as we move forward in today's agenda. Thank you very much.

CHAIRMAN TEPPER: Thank you very much, Michelle. We appreciate your guidance and your presence. We're very much looking forward to

serving with you.

MS. LEE: Thank you.

CHAIRMAN TEPPER: Now, you know, hopefully not a sign of the way my day will go, I've made it through one -- well, I didn't even make it through one speaker before making an error, and so I'm going to take this chance to correct myself. Cheryl, I have a long history of getting information wrong about you, and I hope you're happy to know I haven't changed. I did correctly pronounce the name of Cheryl's former firm. I'm simply one month behind the times, and I want to update and just remind everyone that Cheryl is now working in Richmond. She is in-house counsel with Evergreen Enterprises. We wish you well on the new position. And, you know, what can I say, I'm pretty much going to keep it up it seems. (Laughter) Now, I do want to turn to Legislative and Policy Update. Dana Colarulli, our legislative director here at the PTO, is well known to many of you. It is, I believe, a recently demonstrated and well-tried battle technique to try to begin by demonstrating dominance. Some call this shock and awe. But I

simply decided the best approach is to bring out the big guns first. And Dana, you've probably noticed you're always first up in the morning. We're going to hear a little bit about what's going on, on the Hill; what's coming down the pike; and other matters legislative and policy. So, thank you.

MS. COLARULLI: Thanks, Maury. I haven't been recognized as part of shock and awe, but I noticed that Tony Scardino is sitting two seats down from me. The people who developed logistics for this meeting thought that the power of having the two of us sit together I think was just too much. (Laughter) So, I compliment the wisdom of that choice. Yes, I guess shock and awe is not a terrible name for some of the activities that we've been doing on the patent side. As Michelle referenced, yet again we're at a place we've been before. Congress, the administration, the Department of Commerce all have recognized the importance that our agency plays in facilitating a working marketplace and the importance of intellectual property. We take advantage of that. We're trying to educate

legislators certainly. We have staff that are very interested on the patent side and on the trademark side in introducing legislation to pass maybe this Congress. They see intellectual property as one of the few issues that are brought up on the Hill where you can get bipartisan support. So, like I said, we've been here before. We've helped to facilitate a conversation. We hope that we'll be able to accomplish some good things this Congress and, at least on the patent side, potentially get some legislation passed. So, let me do as I've always done -- try to understand how to use the pointer -- provide just an overview on each of the three areas of intellectual property. This slide doesn't seem to be working here, but you should have the slides in your materials, and I can just talk right from them. So, three areas: Copyright issues; patent issues; and then a couple of things on the trademark side. On the copyright side, we continue to be active. The Department of Commerce, with large support from the Patent and Trademark Office, issued a Green Paper earlier this year. The House Judiciary

Committee, our committee of jurisdiction on that side of the Hill, has been hosting a series of hearings looking at potential statutory changes that might make sense in the copyright area. We have not yet testified, but we are certainly participating and paying attention. There may be an opportunity for us to do so this year or next. Chairman Goodlatte looks at this as a multi-Congress approach to reviewing the copyright system. So, through the hearings, certainly through discussions we've had -- we've been up to do a staff briefing on the Green Paper. I know Shira Perlmutter, our chief policy officer, has scheduled a series of briefings around the country, roundtable discussions actually, on a lot of these issues. That continues to be a high bar legislatively to move forward anything in the copyright area in the wake of the SOPA, PIPA -- or what we call protect IP acts in the 112th Congress. So, this is starting that conversation to have a grounded discussion of what changes in copyright law might make sense. Second area of certainly patent issues. That's been taking up a lot of my time, Michelle's as well

as she's hit the ground running in her new role. The Secretary of Commerce and the White House have asked us to engage in a much higher level, a much more engaged level, much more activity on educating staff, communicating the administration's priorities here, and really reiterating the President's call in now a number of places, including the State of the Union -- and I included a quote at the bottom of the page here -- to pass a patent reform bill this Congress that reduces needless litigation and really allows the system to work more effectively. That certainly has, as I said, taken a lot of our time recently. White House activity -- I mentioned the highlights last June. The President noted priorities that he'd like to see in legislation. He also put on the PTO's to-do list a number of Executive Actions. He announced five Executive Actions, four of which came to PTO. Just last week we had an event at the White House, which Michelle spoke at along with Secretary Pritzker; and Gene Sperling, who's been leading this from the White House, announced three additional Executive Actions, again, on PTO's to-do list

that we think complement a lot of the work that the Patent Corps has been doing. I noted the two major vehicles for legislation this Congress: The House bill, which passed in December; the Senate bill, which the Senate Judiciary Committee is looking to amend and pass hopefully, as I said, this Congress. There's a lot of activity over the few months. There have been a number of other bills. You're likely to see those provisions turned into amendments but certainly part of the discussion is to pass a bill out of the Senate that the House could take up. And as I already mentioned, we have been upping our engagement certainly with stakeholders in addition to the White House public events highlighting the need to take action here. We have been convening stakeholders. We've been meeting with staff. I think Michelle now knows her way around the Hill very, very well, at least the Senate side, as we've been meeting with staff and trying to help them understand the goals here of this current legislative discussion. Last but not least, and favorite for this group -- activity on trademark issues: Two areas of congressional activity on

these issues. I'll add a third but two on the legislative side. The first is a discussion that's happening both in the House and on the Senate side about the trademark protection of city seals -- coats of arms or flags. This is a discussion at its very early stage, and we've engaged with staff to try to help understand what their goals are here and to try to help them understand, at least from the language that they introduced, the impact we see on the trademark statute. I think there could be something that we could do to work with them to try to address their issues. I think we had some concerns with the language at it was introduced, so we're furthering those discussions. The second issue -- Redskins issues, Non-disparagement of Native American Persons. Again, HR1278 reintroduced this Congress. We've also seen comments from the President of the United States and a letter from Senator Cantwell and Representative Cole on the House side to the Commissioner at the NFL. So, continued activity here is not clear where it will come out but certainly a lot of pressure to resolve this issue

and keep it alive. So, we're watching that issue. I mentioned I'll add a third, and that is that we understand that our stakeholder community, INTA, has also been working with folks on Capitol Hill to discuss whether a trademark caucus could be useful to help educate staffers, raise the importance of some of these issues. We'd like to support those efforts. We think it's a good opportunity to focus staff on the importance of trademarks, so we're going to see if we can help support at least on the education side, and we applaud INTA for going forward and doing that. It makes my job a bit easier. So, that one last slide on kind of other considerations, things I've updated this group on previously -- certainly continued activity around our satellite offices. We're very excited to open up our Denver office this summer. I know that already Debbie is headed out to Silicon Valley later this year. As we did in Detroit last year, we're going to try to gather the community to introduce our trademark rock star here at the Trademark Office -- again, another good opportunity for me to engage with

local congressional officials, local officials, and economic development agencies. So, we're going to take that advantage, Debbie, while you're on the ground there in the Valley. We'll look to do the same thing in our other satellite offices. International treaties continue to work on implementing -- USPTO funding continues to be an issue. I'm going to defer to Tony, who's your next speaker, to talk about the state of our current funding. Senator Feinstein in the Senate is likely to introduce a bill, we understand, to turn USPTO to a revolving fund. We'll be watching that activity, certainly with interest. It's a similar proposal that had been introduced in previous Congresses. And then last, I already mentioned our mission to educate staffers and applauded INTA's efforts to create a caucus to do that same thing -- a very complimentary mission. So, we're continuing to do that. We'll look for more opportunities to bring folks here to the PTO. We haven't done, but I think I'd like to do at some point, a day in the life of the trademark examiner, which tends to be very useful, again, in our education efforts.

Maury, with that I'm going to stop, and I'm happy to answer any questions.

CHAIRMAN TEPPER: All right, thank you, Dana. It's encouraging to see such an active time now. I have not researched it extensively, but having IP mentioned in the State of the Union address is a pretty unique thing, and I think we all can take encouragement, as you've heard, not only that there is interest and recognition of the vitality and the importance of IP issues but that we are so well cared for and represented on the Hill. Are there questions for Dana? All right, do we have questions from the public today? Dana, thank you very much. Well, in that case, we are going to continue moving forward, and I think you can see the extraordinary planning that went into this. If Dana was the shock, Tony, you certainly are the awe. Not "awe" but "the awe." And that's a good thing I want to point out. We're very pleased this morning to be joined by the Chief Financial Officer at the PTO, Tony Scardino. I will simply mention as an attorney who doesn't understand numbers that Tony's job seems difficult to me to

begin with, but when you layer in the intricacies, and I think, somewhat Louis Carroll-like at times, difficulties presented by working in the government and doing financial planning, it is really an extraordinary thing that the CFO's office is able to keep everything together and keep a consistent plan. And we'll get an update today from Tony. Thank you.

MR. SCARDINO: Thank you, Maury. Good morning. It is great to be here, as always, and thank you for the kind words. I'm not sure if I necessarily deserve them. I think that it's such a team effort here at USPTO, and it really is great to work with great people that being our team in terms of forecasting our fees as well as working with them on how we spend our money. But I'm going to take zero credit, unfortunately, for the fact that since we met last, Congress has actually enacted an appropriation for USPTO for 2014. And that's not an easy lift, if you think about it. We had a government shutdown at the beginning of the fiscal year, so while it's only taking up one bullet here, that's a huge undertaking and Congress has supported USPTO almost to the exact

amount of the President's budget request. CBO scores a little lower, so that's what the House and Senate appropriated us and the President signed the bill. But that's all good. We have sufficient funds to do everything we need to do this year. In fact, as an organization with the USPTO, we will, for the first time ever, collect more fees than were appropriated -- when I say "the first time ever," since AIA was enacted -- and that we will then deposit any excess fees into the Fee Reserve Fund. Again, these are projections as of today. We feel pretty confident of that. As Dana mentioned, the compromise of not becoming -- a revolving fund of course was the creation of this Fee Reserve Fund, which is supposed to guarantee access to all the fees we collect. So, we're working with both the House and the Senate, preparing them for the fact that this will be the first time we're going to test this new fund, probably at the beginning of the fiscal year 2015. So, going back to 2014's budget, as I mentioned we will be able to do everything that Debbie and her team have asked for in terms of meeting the workload demands of the

Trademarks group, as well as some IT development. So, we're going to hire 30 additional trademark examining attorneys, and we're going to continue full speed ahead with Trademark's Next Gen., as well as caring for and feeding the legacy systems and such. So, it should be a very positive year for USPTO. We're kind of calling it in the CFO world "full steam ahead", after the last couple of years as you know you know, especially on the patent side had a lot of budget reductions, and we don't anticipate that this year. So, it's all good news.

So, just to give you some specifics on what fee collections are through the first four months of the fiscal year, things are looking positive. We've actually spent a little bit more than what we've collected on the trademark side, which is pretty common in the first quarter. We have a lot of bills that come due. But projected spending is right within line for Trademarks -- \$288 million. And the Fiscal Year 2015 Budget has been a bit delayed from the Administration's perspective. While we were all working toward finalizing '14, we really couldn't

submit and develop a '15 Budget. So, instead of the first Monday in February, the Budget is going to be released kind of in two tranches next week and the week after. March 4th the President will submit officially his budgetary numbers to Congress. It's called the Budget Appendix. And then the following week, March 11th, all agencies will submit what's called the CJs -- Congressional Justifications -- and this is what TPAC has been helping us review. It basically tells every member of Congress, as well as the American public, what each agency is going to spend their money on, what they're requesting of Congress for fiscal year 2015. So, look for that coming soon. Officially it goes on our website March 11th as well as goes to all the committees up in Congress. And the Budget includes targets that we've established collectively for Trademarks -- 2.5 and 3.5 in terms of first action pendency, and total pendency within a year. The Strategic Plan, as you've all had the opportunity to review, also will be finalized, and it goes up to Congress as part of the Fiscal Year 2015 Budget. All

agencies submit their new strategic plan as part of the new budget for '15. So, you see, strategic goals -- goal two, of course, is to optimize trademark quality and timeliness, one of our four major goals of the Strategic Plan. And then we report against the Strategic Plan in our annual Performance and Accountability Report -- the PAR. So, that's something that we live to; it's not just a document that we develop and then it sits on somebody's bookshelf. It's not like that at all. So, Michelle Lee will be driving that on a quarterly basis. We review the Strategic Plan, our goals, our objectives. And it also feeds into the Department of Commerce's Strategic Plan, which Debbie and I and others have been very instrumental in helping to develop.

I mentioned, the PAR. For 2013 -- since we met last -- the PAR -- was actually produced, and it's been online for 2013 for a couple of months now. If you have any interest, of course, we can get you a hard copy, but you can also find it online.

I know I went through that quickly like I always do, being the New Yorker that I am. Any

thoughts or questions?

CHAIRMAN TEPPER: Do we have any questions for Tony today? Thank you. Well, I do hope that you all picked up a few new acronyms. CJs and PARs -- you can talk about such things.

MR. SCARDINO: I'm sorry about that.

CHAIRMAN TEPPER: No, it's good to have an education.

MR. SCARDINO: Very much government-speak.

CHAIRMAN TEPPER: And I do want to encourage you all. When the budget -- the CJs -- are released on March 11th, they'll be accessible on the USPTO website. If you want a sense for just how much effort goes into this, that is a multi-hundred-page document. There is a lot of detail about the operation. If you want to take a look through that when it's available, you'll be suitably impressed at the degree of thought and planning that goes into operations here at the PTO. And I supposed when your CFO says "full steam ahead," it's a good year, that is as much as you can hope for. So thank you Tony, for the spectacular display up front that we are

looking for in order to establish battlefield dominance for the rest of the day.

But in all seriousness, it is refreshing, and it's a pleasure to be in a position where we actually have a budget and have adequate funding, so we're certainly looking forward as we turn the rest of the day to sort of looking at performance and programs and planning. You know, do understand -- a lot goes into just having the ability to engage in all of that, and it's really nice that in this particular meeting we're at a time where the PTO should be having access to sufficient funding to carry out its objectives. You heard from Dana and from Tony a little bit about continuing efforts to make funding a little bit more predictable and a little bit easier. I think Dana characterized that correctly as this has been tried many years in the past, and many times, and that is okay. Some efforts were worth continuing to push forward. So, we certainly want to remind folks of that. The fact that we're in a good year right now does not change the fact of the funding model for the PTO, as lots of times where we can be caught up

in political issues of government funding and certainly we want to do everything we can to support the Office and its ability to carry out its initiatives; to have consistent, reliable access to the funds that users pay in on a daily basis. So, stay tuned for those developments. And with that, I would like to turn to Debbie. Again, we're so used to more good news. It is a nice thing to know just how well run this place is and whenever they meet a target, they like to raise the bar higher and continue pushing forward. So, I'm very pleased to have Commissioner Debbie Cohn here this morning to review an operations update. And if you guys can find anything in the numbers to worry about that Debbie is not already on top of and telling you that they're addressing, please email that to me. I would like to find something one time that it's been only one time since we've come up with that, not that we're not watching. But, Debbie, thank you.

MS. COHN: Thank you so much, Maury. Good morning, everyone, and, yes, if you can find something, please email it to me also, not just

to Maury. So, I will first -- you have in your materials what's on the screen there.

Hopefully, it'll be a little easier to read in your materials. I'm going to go through some of our performance data, not all of it -- it's a lot -- but some of the highlights. The first -- and what you see on the screen and in front of you represents about a third of the fiscal year. It's through January of this year, through January 31st. Our fiscal year starts on October 1, so we've got a third of the fiscal year here. And you can see in the second column we have our target for 2014, and the third column has our results thus far. In the last column you'll see the variance, so you can see at a glance where whether we're positive or negative on those targets. So, the first box that you'll see is Quality, and we have three quality metrics. The first is first office action quality, and that measures the legal sufficiency of the examining attorney's office action. And so you'll see that we are currently ahead of our target. We're at 96 percent compliance, which is a great place to be. The second is the legal compliance of the

final office action or the approval for publication, and you'll see that we are at 97.3 percent compliance, which is a little ahead of our target as well. So, that's great. Now, the third component there is the exceptional office action, and Maury just mentioned raising the bar, and this is one way that I think we've tried to raise the bar in the past few years, which is develop a standard not only for legal compliance but for excellence all around. So, we're looking at the search strategy; we're looking at the evidence; and we're looking at the writing of the office action in addition to the legal decision-making. And in order to fall within that category, to be an exceptional office action, you have to meet all of the criteria, not just one. So, that's why you'll see the compliance level is a bit lower, quite a bit lower. It's good to have a target that you have to reach for, and we're working closely with our examining attorneys by doing some training, by offering incentives, and by trying to reach that higher bar; and we've been doing well in the past few years that it's been going on. And as you can

see, as of January of this year, we are at a great level. I just want to say one more word about quality before I move on, and that is we don't just pull our quality metrics out of the air. We talk with our stakeholders. We get stakeholder input. We've had stakeholder review of our quality metrics in order to validate how we measure. We are also working now with the union and with examining attorneys through a quality working group on helping us better meet the needs of quality issues in examination, not just through our stakeholders but bringing our examining attorneys into the fold as well on these issues. And the union -- I want to thank Howard and his representatives for working closely with us. I think we've gotten some good results and we're going to see the fruits of those results shortly. So, that's quality. I'm happy to answer any questions about that if anyone has any. So, the next box is e-Government, and let me just say that it's the percentage of applications that are processed completely electronically from beginning to end. And, as you can see, we're 80 percent, which we've steadily risen through

the years. We've had some concerted efforts to try to bring people into the electronic environment, not just for filing initial applications but for continued processing throughout the registration process. And we're doing a lot of things behind the scenes, and one of the things we're doing is even reaching out to people and calling and asking them why they're not communicating electronically and trying to bring them onboard that way. We'll do just about anything to get people to communicate electronically, including making changes to our systems wherever possible to accommodate that, because paper processing is really more expensive, more cumbersome, and doesn't serve either the applicant or the Office very well, so we're looking forward to that number going up. Application filings. You can see that we've risen. We're at 3.9 percent above where we were this time last year. Our target for the year, or our expectation I should say, is that we will increase 4.9 percent over where we were last year. And I will say just a shout out to our budget office -- Karen Strohecker, Nabil Chbouki,

and others -- who make these predictions from year to year and seem to hit it right on the money. Probably Nabil has a crystal ball hidden in his office. I haven't been able to find it yet, because I could have some use for it, but I think it's right on the money just about every year in recent years, so we really appreciate that predictability. It's what we base our hiring and our projections and everything on, so a lot rides on it. So, I'm going to now just skip down to the bottom here: Examiners. We have 406.7 examiners, and you're thinking to yourself, you know, we'd like to see that.7 examiner. That's FTE -- full-time equivalent, so that's when you combine full-time and the part-time positions. That's our count. As Tony mentioned, we are hiring 30 people this year. We have half of them starting in March and half of them starting in May, and that's to account for future incoming increases in application filings. You know, we do a lot of forecasting, and we think very, very carefully about the numbers that we need, taking everything into consideration -- inventory, pendency, and expected workloads. So, 30 people

this year. So, if you turn the page, you'll see in the second line there, "pendency to first action." As Michelle mentioned, we're 3.0 months to first action, exactly where we want to be. We have a range as a target -- 2.5 to 3.5 months, so we're, as Michelle put it, on our sweet spot there. "Pendency to disposal" -- we have two different measures. One includes suspended and interparties proceedings in the calculation, and the other does not. So, if you take out suspended and interparties proceedings, you will see that it takes about 10 months to a notice of allowance or registration or abandonment. And then our efficiency number, that's one number that is also better when it's lower. It's the cost, the total cost when you take everything into consideration -- not just the trademark operation, but the entire -- all of the related -- whether it's IT space -- all the other costs that go into producing our work. So, that's our efficiency number. Let me just move on here. Then, moving on, the next two pages really go into a lot of detail about the support needed throughout the Office in the various

units. Whether it's our Intent to Use unit, our Post-Registration Center, our Trademark Assistance Center, we measure everything, and so we can see how everybody's doing and every office is doing. It's not just pendency and quality; it's every area of the office. So, you can see at a moment's glance the pendency targets, the quality; and you'll see that some are right below the target, some are just above. It's a constant working off backlogs, working off incoming work. So, this is a snapshot. You can see, for example, our ESU. That's the folks who support the examining attorneys and enter the amendments and review publications for data entry. So, we're a little bit under on amendments where there is six days pendency, and for publication review there are 20 days' pendency. I expect that number will change, and changes daily, weekly, monthly. So, this gives you an idea of where we are in those areas. And then the next page shows Intent to Use area, your processing, pre-examination. This is a really good rundown of every support area, every technical area in the trademark organization. And if anybody has any questions before I go on,

I'd be happy to take them about our data performance, where we are so far this fiscal year. Okay. Now I'd like to move on to some of our new developments and our project updates. One of the things I wanted to mention is that we had a request for comments that we posted on our website back in September seeking feedback on possibly changing our process with respect to identifications of goods and services when the matter or medium of those business services has changed in time. So, this came up in our post-registration area through lots of requests -- say, for example, "My company still uses the mark, but we no longer make eight-track tracks; we use the mark on downloadable software. Why can't we change the identification of goods?" And so we sought comments on that and we received comments, and we're looking at those and they're, for the most part, supportive of possibly allowing those changes under certain circumstances. We are going to be scheduling a roundtable to discuss this further. It will be on April 11th. We will invite stakeholder representatives to participate, and we really

want to discuss this issue further. We realize it's a big change, but we may need to do something to bring our practices in line with realities in the marketplace and register. So, this is a discussion that will decide just that. So, you'll hear more. We're not taking any action at this point, but we will have further discussions. I wanted to mention that some of you are aware, but we still don't get an awful use of our IdeaScale website, which is accessible through the TMEP site on our website, and that allows you the ability to post comments and to respond to comments about the TMEP, about various exam guides that are in draft form and are posted there. We have just put up chapter 800, which is called "Application Requirements," so please take a look and submit comments, because we really do take those comments into consideration and use them in making final revisions to exam guides and to the TMEP, which we revise twice a year now. Coming soon, we will have an exam guide on web-based service mark specimens. We issued one for goods specimens last year, and that was an example where we used your comments on IdeaScale

to make the exam guide better, and we got great reviews on the exam guide, and a major reason for that is that we were able to incorporate comments and suggestions from the public. So, our examining attorneys have the ability to comment, and the public has the ability. So please feel free to do so and consider doing it. Another area that we've been looking at -- and this has been going on for a couple of years -- many of you probably know about our post-registration pilot where we sampled and we'll be done sampling 500 cases at the Section 8 or Section 71 time, except that increase for further specimens were warranted or we believe they were warranted. The pilot will conclude this June, and we don't have any final statistics yet, but we do have some preliminary information that tells us that it was a good pilot to do and that we see that registrants often, rather than supplying us with specimens, will delete the goods or services question. So, we're going to be issuing a report on that. We're going to be having discussions with stakeholders, with you all about that and figuring out what if anything you believe the Office should do, what

changes would be appropriate, how important this finding is or these findings are with respect to the integrity, if you will, of the register. So, stay tuned for that. You'll be hearing more about that this spring. One thing we're doing internally, to shift gears a little bit, we've started a virtual law office pilot to test the feasibility of allowing our managing attorneys to have more telework. As you know, many of our examining attorneys -- I think 80, 85, 86 percent work from home full time. Our managers do have the ability to telework; it's only a couple of days per week. We wanted to test the viability of having a stronger work-at-home program for managers through this virtual law office pilot. One of the things that we're concerned with, going forward in the future -- you know, the examining attorney job is really a terrific job, and working from home is really terrific, but we want good people to want to manage as well, and so the whole idea of succession planning and creating a deep bench of qualified people to move into management is hard to do if the management job is not as desirable. And so that's one of the reasons, one

of major reasons, we're doing this. Another reason is if everybody in your office is working at home, is it really necessary for the manager to be in the office three days a week or more. So, we just started the pilot, and we'll be looking at it very closely, and we'll be reporting out from the results. There are two law offices in the pilot, and each law office has around 11 or 12 people in it and one managing attorney.

Shifting gears for a moment, moving on to Trademarks Next Generation, and I think Tony talked a little bit about that, and you'll hear more about that later from John Owens and Raj Dolas. But we're continuing to work on moving forward on our TMNG project. At the same time -- and I think this is really important for everyone to remember -- at the same time, we need to keep our current systems functioning at optimum levels, and that requires resources; that requires work; and it requires planning. So, we're doing two things at once, and we don't want to sacrifice our progress on TMNG, but we also want to make necessary changes, upgrades, enhancements, and fixes to our current systems to

keep them at optimum level for all of our users. So, we're doing that. Just to give you some specifics, we have plans this year to improve our identification of the goods and services manual. So, you'll be getting lots of information about that. You've already seen the new version of the Official Gazette. That's up and running. It has been since last September, but we're also continuing to work on that to make it better -- make it better for internal uses of the TOG and put in some fixes of little glitches that have appeared and things that could be enhanced. We're doing all of that, and we're going to do that I guess in the coming months. We have a planned release coming up on that. So, it will enable you to even better customize The Official Gazette to meet your needs. I wanted to say a word about training, about internal training. Just so you know, we're always trying to improve the skills of everybody onboard. We instituted something called "best practices training," and we thought this was kind of innovative. We had a group of managing and senior attorneys pull together a group of the very best performing examining

attorneys in both quality and production -- not every terrific examining attorney, because we have so many of them, but just a representative sample, and we looked at some of the things that they do that would help others improve their performance or improve their work life, their work habits. So, we've had these presentations going on in the law offices, and we've received a really good effect on them from examining attorneys. So, we're really excited about that. We're also working on an Identification of Goods Bootcamp for our examining attorneys, and that's ongoing now as well. We've been getting good reviews of that. Another thing we're doing internally is planning an all-day trademark attorney training session on May 29th, and we're calling that Attorney Spring Training. And we'll have a baseball theme, Maury, for you. (Laughter) But one of the things we're trying to do in that is to have a reason for people to come into the Office. So, we're doing a full day of training. We're going to provide CLE credit for it. The union NTEU 245 is working with us to help have some social interaction. Possibly after

the day is over, we're going to have some workshops at the case law review discussion of examination guides -- lots of substantive legal things throughout the day that hopefully will bring people in and have the wonderful effect of bringing together our trademark workforce, some of whom haven't seen each other in many years, and I'm sure they want the opportunity. So, that's coming up. Moving on to Outreach and Events now. I don't know if anybody is aware, but we have translated our basic fact books into Spanish, and that's now appearing on our website. We've also translated two of our trademark information network videos. The Introduction to USPTO and Trademark Basics and also the searching video have been translated into Spanish. And I have some data here. According to a recent report by the U.S. Hispanic Chamber of Commerce, there are more than 3.1 million Hispanic-owned businesses in the United States, contributing more than \$468 billion to the economy in 2013 alone. So, we're hoping that these resources give some applicants a better understanding of what trademarks are and why they're important to their

business and have federal trademark protection. We're also working on translating more of the videos in the future. I think you all know about TM5. Just a little update on that. We met in Seoul, Korea, in December for TM5, and it was a very good meeting. We discussed a number of collaborative projects. Some of them that might be of interest to you include the ID list. We're expanding the entries, so we're going to be indicating identifications of goods and services that are acceptable in all of the partner countries. So, that is being worked on right now. We're also working very hard on the bad faith filing seminars. We have had several of them so far in Asia. We're planning another one in Hong Kong this may, and that's a TM5 collaborative effort as well. So, you can look forward to hearing more about that. And of course when we talk about bad faith, we're really talking about the cybersquatting type activities where one party takes a well-known mark in another country and registers it, and then the owner of the mark is put in sort of a ransom situation there. So, we're looking forward to the bad

faith filing seminar in Hong Kong. We thought that the intra-annual meeting was a good opportunity to put that together. And then as Michelle Lee mentioned, we have the return of our Trademark Expo. So, Michelle mentioned that last year we attracted more than -- two years ago, excuse me -- we attracted more than 17,000 visitors, and we're hoping to top that number this year. So, all of you, if you can't be an exhibitor yourself, you might have clients that could be, so think about it. This is the time to talk to folks about it. We're going to get our applications up on our website. It's going to be a great event. We have the date set. I'm going to announce it. It's October 17th and 18th, Friday and Saturday. So, please consider it. Like I said, I'm sure you have some clients who would be thrilled to exhibit. It's really a great experience. And, if nothing else, please try to come to it, because it's a wonderful educational experience, and I think it's really the highlight of the USPTO in all of their public outreach. With that, I am going to turn things back over to Maury or ask if anybody has any

questions.

CHAIRMAN TEPPER: Thank you very much, Debbie. An amazing number of moving parts to keep track of -- a lot of data covered. Does anybody have questions for Debbie? Comments. Well, I do want to just highlight a couple of things. First, do make a point of Trademark Expo. We on TPAC -- and I'll be talking about our future meetings later -- we're planning to bump the attendance up to 17,009 numbers, because we will be holding a meeting in conjunction right around the time of Expo. If you have not been here, it is a great event. I encourage you to come out and see that. And if you've been wondering what we're all like in person, I think we can hopefully arrange for a few of our members to standing out there giving out autographed merchandise or some such. (Laughter)

MS. COHN: Maybe even in costume, Maury. (Laughter)

CHAIRMAN TEPPER: Probably would be better in costume. I do want to just highlight a couple of things, and I encourage you all as a whole, as there are numerous ways the trademark

operations seek your input and your feedback. And you heard about some of those this morning. Let me just place a remainder out there. You heard about the cost of the PTO handling paper documents and their efforts to try to find out why people do not continue with eDOC communication or electronic processing. Those of you who are corresponding in paper at some points in the process, just know that you are costing the rest of us. So, it does have an impact on overall cost. And if you all have clients or colleagues who are, talk to them about this. If there are good reasons, please bring them to the attention of the Office. You can let us know. But they really do want your input. I think that there have been a number of changes to the systems in the past to try to address concerns that people raise. But if you have an issue and you're not telling us about it, we cannot do very much about it. And if you do not have an issue, again, I do encourage you, humbly ask that you look into joining the electronic world. Jump on in. The water's fine. Many of us -- a high percentage of us have been doing this for years, and the sun has

still been coming up every morning. But it is certainly something that makes operations a lot more efficient for everyone. So, to the extent that we can increase the percentage of those who participate electronically from end to end, that is a big benefit to all of us. I do want to also join in -- looking at trademark projections, you know, we always are so close to on target every year for filings and predictions, and I think that is a marvelous effort. As someone who grew up in Cincinnati, Ohio, about a mile away from a racetrack, I had some thoughts about a weekend trip with Karen and the BLI. I went on the ponies with them. I may not be back at our next meeting. (Laughter) But it really is -- I think you all are to be commended for just the accuracy of production. It's in planning, and I wish I knew how that takes place. You heard, and we will be hearing more, about the post-registration pilot, so we're looking forward to that. I trust that there will be a chance for folks to provide further comments. But I just want to -- I do want to remind everyone, as you're looking at this, and if you were one of those registrants who had to

provide either additional specimens or delete goods, I understand it's a little bit like getting your tax return audited, and that was probably something of a burden. But, for the rest of us, we need to remember how frequently we rely on the register; how often we search; and how often we look to the USPTO to tell us not just what's registered but what goods or services are actually being used out there, how marks appear in the marketplace. So, anything that we can do to improve the accuracy and the reliability of that register really is a benefit to all of us. And we'll look forward to hearing what comes from that. I know there are some more thought and study that will go into that. But certainly stay tuned and watch that space. Are there questions, comments from any members of the committee for Commissioner Cohn? All right. We thank you very much. I don't know -- you know, I think we all have to agree it fits the category of spectacular display of dominance. I want to -- and I do want to say that the thing about shock and awe -- the idea is you wonder when are they going to let up, and trust me, we've got more;

we've got some real high-powered information coming your way today. Certainly the performance that you have heard about and seen today -- and please do email me if you find something. I didn't -- we're still going -- I'm making that a personal goal, but I think it's great that things are running so well. But I want to pause for just a moment and thank all of those folks -- examining attorneys, LIEs, all of you out there who are working in examination. This just simply represents good, hard dedicated work from a whole lot of people. A few of you are in the room today; most of you are not. And we certainly appreciate the chance to come in and try to support and speak with PTO. But I want to say a word of thanks on behalf of the TPAC to all of you who are working so hard day in and day out to keep things running so well for us. And I know from time to time you get additional challenges. We all face changes and issues with technology and updates and new procedures, but it really is commendable that day in and day out things simply run so smoothly and so well. That being said, I'm going to turn now -- Sharon Marsh is here with us,

and I believe that we will now have a Policy International update. You know that Sharon is strong, and that is because I have put her in the difficult position of being the last speaker before you get to take a break. And it's simply a reflection of our high confidence and our knowledge that Sharon is always relevant, to the point, and interesting. So, Sharon, thank you for being with us today.

MS. MARSH: Thanks, Maury. One of the good things about being right before the break is that nobody minds if it's short, and today I will endeavor to be short. We wanted to mention that we have two rules packages out for comment right now, and I just wanted to touch on those a little bit. The first one is one that is labeled, I think, "Miscellaneous Changes to the Rules of Practice." This set of changes mostly codifies current practice and reflects the fact that we are now in an electronic environment, and that's the driver behind the proposed changes. Two that I wanted to mention, because I think they will be appreciated by users and trademark owners that file applications here: Under our current

rules, an applicant is required to list all prior registrations that they own for the same or similar mark. And I'm sure you've all had office actions from examining attorneys on this topic. And then the proposed rule would eliminate that requirement as long as the prior registrations were in the -- the last listed owner was the same name as the applicant. With our database marks so easily searchable now, we felt that this requirement was really not very necessary. The other change I wanted to mention is regarding 3.38. It requires that an applicant -- if use is by related companies -- only by related companies, the applicant has to state that in the application. And we're also proposing that this rule is not necessary and can be eliminated. We don't use it in examination. We don't feel like the public needs that information. And as currently written, it's a little bit unfair because it only applies to Section 1A applications. The rule is written in terms of use, not intent to use. This was published January 23rd. It's out for comment until March 23rd. If you want to take a look, please

do. The other package of rules has to do with our collective mark, the membership mark, and the certification mark. And, again, this is an update that sets out the requirements for each of these very unusual types of marks. The current rules don't really do that comprehensively. The one change there that I wanted to mention -- we wrote into the rules that if in an application or a registration an applicant or registrant is seeking to change the certification statement, the statement of what the mark certifies, that material changes to that statement would not be prohibitive. This is the statement where the applicant or the registrant indicates what they're certifying -- that the product has been test and meets certain requirements; that the person providing the services meets certain requirements. So, we thought that if you're making a major change to what it is you're certifying, that should not be permitted without going through a new application process. This set of rules just published on February 20th, and the comment period runs until May -- I didn't have a date right in front of me -- May 21st. And for

both of these rules packages, there's an electronic way to submit comments. We have a mailbox: TMFRnotices@USPTO.gov. And if you want to see the rules packages, they are posted on the trademark website.

CHAIRMAN TEPPER: Thank you, Sharon. Do we have questions or comments about any of these proposals? This is a very quiet committee this morning. I'm going to take advantage of that fact. And, Sharon, we appreciate the update. I, again, do encourage you all to take a look at these notices and provide your feedback. It's just certainly your chance to have all the relevant input that you wish to have. And that being said, since we are slightly ahead of schedule, I'm very pleased to be able to give everyone a brief break. It is 10 after 10. I'm going to ask that you all be back here at 10:25. I know we're not going to be able to start on time, but I'll make that my goal. And I'm not going to tell you the time I really think we'll get underway. But let's take 15 minutes. I'll see you at 10:25. Those of you online, we'll plan to resume our session at 10:25.

(Recess)

CHAIRMAN TEPPER: It is 10:30. That was what I figured would be a good actual goal. So, thank you. I'm going to call this meeting back to order, and we will continue with our updates. I'm very pleased to have Chief Judge Gerry Rogers from the TTAB. And, again, my overall strategy -- I think, in reviewing this, I don't know if it's shock and awe if you kind of keep Eddy consistently high level for the entire day. That is what we're doing. You have certainly seen -- and I'm looking forward to this update -- the TTAB has done a lot of work in recent years, lots of changes afoot, and I'm looking forward to both receiving an update and hearing about some new developments. So, Chief Judge Rogers, thank you.

MR. ROGERS: Thank you, Maury. Great to be here. And I will start with an item that is in the draft strategic plan and something that has been a continual focus of ours in recent years, and that is guidance to the bar -- what kind of guidance we can provide to the bar, typically through presidential decisions, through the

revisions to the TBMP. And I do have some slides on statistics, but I'll get to them shortly, if that's okay. The first thing I wanted to point out is that we remain committed, as we have for years, on issuance of precedential decisions. You may have seen that the number of precedents coming out so far this fiscal year is relatively low. But ebbs and flows in the production of precedential decisions is not unusual. Sometimes you only get one or two in a month; sometimes you get seven or eight. It just depends on the timing. And I want everyone on the committee to know that we're at about 12 precedents for the year with a goal of 40 to 45, but I can tell you because I've reviewed all of this, this week, that there are five other decisions in the clearance process, proposed precedents, another seven circulating among the boards, judges, and attorneys for review and, beyond that, another 14 waiting in the wings angling for their place in the pipeline, too. So, right there you've got 38 precedents, and I have no doubt that will be very close to where we need to be by mid-year and at goal by the end of

the year. And we don't normally look at precedents as something where we have a quarterly goal; it's always kind of an annual goal. And, again, there are sometimes ebbs and flows in that regard. The TBMP of course is another area where we look to this as an opportunity to provide guidance to the bar, and we of course put out our revised TBMP in 2011 and then annual revisions in '12 and '13; and this year, in June, we will have the fourth straight annual revision, so we're pleased that we've been able to revise it annually four years in a row. And Cheryl Butler, our TBMP editor and senior-level attorney, has been doing great work in that regard. I will point out that as with trademarks, we put up some portion of the TBMP in IdeaScale, and we also have not been getting as much traffic as we would like on the IdeaScale site, and we remind people that the board's manual of procedure is there and available for comment. And the other thing that we've talked about in the past in regard to the manual is the introduction of that manual into the RDMS system that has been used by patents for the MPEP and trademarks for the TMEP to make it easier

to update the manuals and also to make it easier for people to search the manuals. And we have been working with the CIO to get all of our content into the RDMS system. There have been recent changes to the software that is used with the RDMS system, and we fully expect that our revised manual that comes out this June will be quickly entered into RDMS. In other words, the content -- a lot of it's already there, but the updates and revisions that will come out in June will then follow. So, we hope to have an RDMS searchable TBMP if not by the end of the fiscal year, certainly by the end of this calendar year. That's our goal. Another area where we've been providing some guidance to the bar -- we had a request from the ABA IP section, one of our important stakeholders, to help present a webinar, and we have done that for the ABA and for AIPLA and other groups over the years. And this year we struck on doing one on motions for summary judgment, because that's a big part of our practice. And it went over so well that we've had requests to reprise the motion for summary judgment webinar for the California State Bar, IP

section, and we'll be doing that sometime in May, and we'll also be presenting it again as part of IPO's PTO Day in March. So, that's gone very well. The webinar and presentations on motion for summary judgment are, in addition to providing guidance to the bar about our operations, certainly one area where we're reaching out to the bar and trying to provide them with the information that they need and engage them in discussion. Another area, if I can now switch to Outreach, where we've engaged the bar recently was in December. We had our third annual roundtable, and this, too, is part of our elements in the strategic plan, and one of the elements in the draft strategic plan calls for -- focuses on our overall reduction in processing times in both appeals and trial cases. As some of you may be aware, there was an article in the INTA Bulletin last year that questioned the value that is obtained in opposition practice in the U.S. compared to some other countries. It's not unusual. We've had these kinds of questions raised in other forms over the years, and of course we're constantly reexamining our process

and thinking about amendments to the rules. So, the December roundtable was kind of an initial opportunity for us to engage with stakeholders about possible changes to our appeal and trial practices that might reduce overall pendency. And as we experienced in 2007 when we amended rules in trial cases, we know that the best way to do that is through extended conversations with stakeholders and to not rush into any particular changes until we've had a chance to have those extended conversations. So, what we did for the December roundtable was meet with the stakeholder representatives, but we've also asked them to go back to their respective committees and get additional comments that they can provide to us. We're still in the process of collecting those comments. And then when we have them, we will post the transcript for the roundtable discussions, as well as the supplemental comments from each of the stakeholder representatives. And, again, we think that this will begin a conversation that will be ongoing for some months and hopefully lead to some useful changes in appeal and trial practices. Before I go onto

filing and the statistics performance measures, if anyone has any questions about our guidance efforts or outreach efforts, I'm happy to take them.

CHAIRMAN TEPPER: Thank you. Do we have questions for Chief Judge Rogers at this point? Well, I would like to -- two things: Encourage those of you who will have the opportunity to participate in the dialog. The board has made ongoing efforts to provide options for accelerated case management, for alternate resolution -- very quick and easy resolution -- so I think certainly a partial response to the information in the article that Gerry alluded to -- we need to take a look in the mirror. There are some things the board can do; most of it is those of us who are practicing here in the U.S., so we certainly are admired in much of the rest of the world for many good reasons. I do generally find that our approach to litigation in general is not necessarily seen as productive, efficient, or low cost in many other parts of the world. So, you know, we all have a role to play in those statistics, how they come to be, and just

I do encourage anyone who has an interest in that to provide feedback and thoughts and participate in the process on an ongoing basis. Gerry, I'll let you continue. Thank you. Sorry -- Linda, please.

MS. McLEOD: Thank you. I have one question. Judge Rogers, you mentioned the summary judgment presentation at the ABA webinar, and I think that there were some statistics that Cheryl Butler may have gathered about summary judgment. Are you going to be making that information available to the public?

MR. ROGERS: Yes. You anticipated part of my next section of the presentation and, yes, we will. In addition to some other statistics and other performance measures that we'd like to introduce to our web page, we generated these summary judgment statistics really because we were asked by the stakeholders' representatives that were working with us on the creation of this webinar to kind of provide not just the tips on practice for summary judgment practice but also statistical information, which is not among the categories of information that

we currently cover on the website. So, we did put our quality review team to work looking at all of the motions for summary judgment and gathered up information, and this included, for example, how many motions for summary judgment were filed in fiscal year '13; how many were filed on 2D issues; how many were granted; how many were denied -- all sorts of information. So, we want to continue to develop that. We'll hopefully post something by mid-year, and I don't know whether it will be in the Dashboard part of the webpage or someplace else, but we'll take this information, which we think is very useful for the bar, and get it up on the website in some form and then continue to develop it and use it as we go forward. And in that regard, if there are suggestions for improvement of this information or the way it's sliced and diced and delivered, we have an email address on our website -- ttabdashboard@uspto.gov -- and certainly we are willing to take suggestions about how to improve our delivery of information. While I'm on the subject of email addresses, I'll also point out in regard to the end-to-end

commencement to completion processing reductions and appeal of trial cases, we also have an ACR Suggestions email address on the website, so we're certainly willing to take suggestions at any time that we should consider in our ongoing dialog about reducing processing times. Okay, we can now look at some of the statistics, and -- It worked when Steve Burke gave it to me, so it must be me. Okay, there we go. So, the first slide is just kind of the front end: Incoming Filings. We post these on the Web on a quarterly basis, and what's interesting about the filing levels is not so much the quarter-to-quarter comparison but another comparison, another look I took recently where I looked at incoming filings over the last five fiscal years, from 2009 on. What's pretty clear -- I've talked to this group a number of times about incoming filings and how in certain years in fiscal '9 and '10 and even in '11 some things were going up and some things were going down, but by fiscal '13 it was pretty clear that everything is going up. And of course this is not unexpected, because we've had increases in filing

levels in trademarks; and as things work their way through the process and become appeals or become cases that are published for opposition, we tend to see increases, too. So, it wasn't a total surprise. But I'd been looking for when we were going to see pretty much all of the indicators, all of the incoming filing categories going up and some of them up and some of them down, just a mixed approach. So, it's pretty clear we've got an incoming filing approach that is up across the board. So, these are the quarterly figures, and you may not see significant differences between the fourth quarter from last year and the first quarter from this year in some categories. But I do want you to understand that all filings are pretty much going up -- appeals, oppositions, cancellations, extensions of time to oppose. Okay, and on the other end of the process, these are the decisions that are issued by the judges. This is one area where we made significant progress over the last couple of years. We had a couple of years of 15 to 20 percent increases in production that were part of the design and significant effort to reduce the inventory of

cases waiting for a decision on the merits. We've now shifted, this year, to something more of a maintenance mode. We couldn't continue to produce final decisions at the pace that we did the last two years, because then we would have no work left in the shop. So, we've shifted now towards a goal of having a certain amount of inventory that we want to manage and keep on the shelf and we want to keep within a particular range, so that's a goal we have. And of course we reduced our pendency to a final decision in the first quarter of '14 with 7.4 weeks. Our goal last year was 12 to 14 weeks. This year we reduced that to 10 to 12 weeks for final decision, and so we're under that goal for the first quarter this year and doing pretty well. Now, one thing you'll notice about the pendency to final decision here is that this is all types of cases, and we're thinking about by mid-year also further subdividing this information and posting information on the website that will talk about differences in trial cases and in appeal cases. We already do that in the end-to-end processing figures that we do report and that we will discuss

on some subsequent slides. But we're going to look at this information, too, and think about enhancing the presentation of this judge processing information. Okay, so here we now have the end-to-end processing. This is appeal processing, and you can see the -- I don't know how this happened; this was not of my making -- but fourth quarter and fifth quarter are exactly the same average figure. It's just a statistical anomaly or coincidence, but 46.4 weeks on average. Now, you do see two anomalous cases in the -- actually the number sign at the figure for the fourth quarter should have been removed. But in the first quarter, we had two cases that we did not include in that average, and as we've discussed with this group before and in our roundtable on performance measures it's sometimes better to look at the cases that make up pretty much all of the work but throw out the outlier cases. And we had two appeal decisions that issued in the first quarter of this year that involved lengthy remands back and forth between the examining operation. It was a pro se applicant who had two applications pending and

had difficulties with those applications, so we felt the information on the first-quarter pendency figure was better presented by not counting those two cases, which would have significantly thrown off the average. And as you've seen, this information will be presented in the past. Sometimes we include everything and explain why something is off, but I think at the roundtable on processing times it's been suggested to us that it might be better to present the information in a way that focuses on the vast majority of cases and excludes the outliers, because then it's a little bit more accurate of what most people can expect when they're at the board. So, now we have contested motion practice in the trial cases; and contested motion practice is, again, an area where during the last fiscal year we partnered with NTEU 245, and we worked on a pilot performance plan for the interlocutory attorneys that was focused on reducing the inventory of contested motions and getting us to a point where we are focused on maintaining a certain inventory level and a certain pendency level. And I'm pleased to say that the goal for

this year has been reduced, and we have a goal of eight to nine weeks for pendency of the resolution of contested motion. You can see in the first quarter we were at 8.52 weeks, so we were right where we wanted to be in terms of that goal. And the number of motions awaiting decision was at 134, and that is right at the lower end of the inventory range that we want to maintain for the attorneys to work on. So, again, some changed goals; some reduced goals. More of a challenge for us this year but we've hit them in the first quarter, and we expect to be able to maintain that throughout the year. One of the things you'll notice on this slide, too, which I should address, is the percentage of contested motions decided with a phone conference as part of the processing of the motion. So, the figures are low, and there are a couple of reasons for this. It's not surprising to us, and I wanted to make sure everyone understood some of the reasons. When we entered into this pilot project with the interlocutory attorneys, we required them -- we needed them to focus on particular kinds of motions. There were certain things that were

within the traditional range of responsibilities for interlocutory attorneys that we kind of shifted to the judges in some respects, and some things that were more complicated but uncontested motions. We've worked with the paralegals in the Quality Review Unit to try to keep them in that group and be resolved there rather than take up the time of the interlocutory attorneys. So, one of the things that have happened is the interlocutory attorneys have been focused on the potentially dispositive motions, the motions for summary judgment that we were talking about earlier, and these are the kinds of motions that don't normally involve phone conferences, because we have always said that we don't use phone conferences to help resolve potentially dispositive motions because the attorneys have to work with a panel of judges, and we're typically not going to have phone conferences with an attorney and three members of the board all on the phone. So, it's not surprising, given the change of focus for the attorneys under the pilot path, that they have motions that they're working on that are not the kinds that are suitable for phone

conferencing. Another reason you'll see a drop in this percentage is they're much more current now than they were in the past on resolving the contested motions, and in the past you might have a motion that would beget a response and a cross motion and a motion to strike, and the longer things dragged on before somebody could resolve them, the more important it became often to get the parties on the phone and to figure out what issues had been resolved during this long course of prosecution of motions and which ones had not been. But when we're jumping on them more quickly and getting them resolved more quickly, there's less of a need for us to initiate phone conferences to gather information. The bottom line for all of this is that the managing attorney, Ken Sullivan, and I have, in meetings with the interlocutory attorneys, discussed our continuing commitment to having the attorneys available when the parties need them for phone conferences. And I can assure you that the attorneys remain committed to phone conferencing. As with any court that has local rules, we have some attorneys who make extensive

use of it; others, when they're asked to by the parties. So, you're going to see variations from the attorneys. But the attorneys remain committed to being responsive to the parties whenever they want phone conferences to help resolve discovery matters. So, I just wanted to make sure you had all those details. Let's see, Overall Trial Processing, again an area where we've seen additional reductions in processing time. So, average and median figures in trial cases both down. Last fiscal year, fiscal 13 compared to fiscal 12 -- again, down in the first quarter compared to the fourth quarter last year, so a continuing area of progress and, again, a focus for our outreach and something we'll continue to stress. ACR Trial Processing -- again, down in this quarter compared to the last quarter and something that we will continue to focus on as we move forward. So, that's it for the filing levels and the performance measures. If there are any questions about that, I'll be happy to take those.

CHAIRMAN TEPPER: Thank you. Do we have questions for Gerry at this point? Thank

you, Linda.

MS. McLEOD: Judge Rogers, I had a question about the ACR statistics on your last slide. Are those just cases, then, that started out under the ACR track from the beginning, or does that capture cases that might have converted to ACR types of proceedings later?

MR. ROGERS: It includes both. It includes any case which, at final, is decided by a panel of judges but was considered to involve an ACR stipulation. Now, as we've discussed in prior meetings, we have many cases where the parties stipulate to particular efficiencies. It might be introduction of testimony by declaration. It might be service by email. It might be an agreement to allow introduction of produced documents by notice of reliance. All sorts of things can be agreed to. The statistics that we have on ACR are not necessarily an accurate indication of the efficiencies that all parties are agreeing to in all cases. These are certainly cases where the parties have stipulated to various things and sought the approval of the board to that stipulation and we've approved it

and therefore kind of named it an ACR case. But we can certainly assure you that there are many other cases in which these efficiencies are being used but the parties just never bother to kind of formally name it as an ACR case. These figures would not include motions for summary judgment, because a motion for summary judgment is going to be resolved by an interlocutory attorney in conjunction with a panel, and that's always just going to be considered a motion for summary judgment. However, some of those cases may later become ACR cases. Okay, thanks.

CHAIRMAN TEPPER: Do we have other questions?

MS. PARK: I do have a question for Judge Rogers, and that is: It's sort of discouraging that year after year I did not see the ACR numbers really go up despite the incredible outreach that I know you've done in trying to solicit information from various groups. And I'm wondering if there's anything TPAC could do to help, because I do think with the concerns raised about processing times and, you know, sort of that kind of discussion, ACR seems

such a smart way to approach it. And I know that -- At least, Linda, I think you said you had an ACR case that really was amazingly fast. And it would be nice to know if there's anything TPAC could do to help this, because I do think this is such an important initiative, and yet we don't seem to be getting momentum in terms of the number of cases where parties elect that.

MR. ROGERS: Well, we certainly thank you for the offer, and we know that you've been champions among your colleagues and other stakeholder groups for ACR, so we thank you for that. I think perhaps the best way for us to move forward is not to focus on a mindset that includes recognition that normal cases are going to take a long time and ACR cases are going to take a shorter time but instead to shift to this focus on reducing overall pendency in all cases and to leverage the lessons we've learned in ACR cases and to try to kind of genetically modify, if you will, all of our trial cases by introducing the good genes we've found in those ACR cases into all cases. So, in the future I'm actually hoping that we won't be talking about ACR so much because

instead what we'll be talking about is a docket of trial cases that all go through the system pretty efficiently because of the lessons we've learned in the ACR cases, and the outliers will be the few cases that take what now is the average but in the future will be a longer period of time. That said, you know, otherwise, if you want to, in the short term, aid us in getting more people to agree to ACR, all I can do is thank you for your efforts to talk about it with members of the bar and other stakeholder groups and with your clients and continue to do so.

MS. PARK: I had two other things. One is on the statistics on pendency, and I know you're talking about breaking it out further on the types of cases, appeals, and things like that. I also wonder whether it would be helpful to the bar to make a distinction between the cases that ultimately become precedential and those that don't, because I know there's an elaborate process that happens for cases that are determined to be precedential in terms of the review they go through at various levels. It has to add time. And so in terms of advising clients

and setting expectations, it might be helpful -- I mean, you would be in a position to tell us, but whether or not breaking those out or giving some sense of how much longer that takes might be a good thing. And my other comment --

This is great. All good news. But I wonder if it would be helpful in these slides -- I know that you have been mentioning today what goals are, that this is within goal, but that's not reflected in this presentation, and I think it's very helpful to put that information as part of this program, as part of these materials to sort of say what the goal is, because I know you have them.

MR. ROGERS: So I don't forget them, I'll take the first point first, and that is breaking pendency figures out, including by precedential decisions. Yes, we can certainly do that easily enough, and I think it would be useful if we're going to continue our commitment to produce 40, 45 precedential decisions a year. And they do take a good deal of time. They are considered agency decisions. So, while the board drafts them and that becomes the subject

matter that we work with, obviously the solicitor's office has to defend them. If they are appealed to the federal circuit, at least in the ex parte cases, they are all eventually considered the decisions that the front office, the Deputy Director, and eventually Director have to stand behind, so we do have a robust precedential review policy that does take some time and involves a lot of collaboration to make sure that decisions issued by the board are precedents that everybody agrees with. And we certainly don't want to create any difficulties for the examining operation. We need to make sure that our decisions are cognizant of the issues that the examining operation faces, as well as the issues that stakeholders face. So, we can certainly begin to provide additional information that kind of breaks pendency information out in that way. And then -- I'm sorry, now I've forgotten, what was the second part?

MS. PARK: Just in terms of the performance measures that you put up to also put the goal as part of them.

MR. ROGERS: Yes, and of course we did provide a one-pager to supplement the slides. It wasn't something that would appear while on the slide, so I didn't put it together as a slide. But during Commissioner Collins' presentation earlier, when I saw that she had essentially the same kind of information and great slides, I thought I should do them, just like Commissioner Cohn. I actually thought of that earlier today, and so hopefully next time we'll have some revised slides for you.

CHAIRMAN TEPPER: Thank you. I do want to also sort of amplify the comments. I'm wondering about the day that we see TTAB decisions that have to have a warning label saying "genetically modified," but that could be a good thing for all of us. I'm intrigued by the focus on end-to-end processing and handling, and certainly we'll look forward to seeing what we can do to to continue the discussion about more efficient disposition of cases. But, in the meantime, it really is a pleasure to get to see such positive trends. I know this is the reflection of a number of years of effort and

focus and attention. And I really do commend you and your group, Chief Judge Rogers, for the progress. I also like that we are hearing goals being stretched as you meet certain targets that, again, I think reflects the great approach that we in Trademarks are lucky enough to work with. I also certainly do appreciate hearing -- and I like that we'll see them next time, but just understanding and hearing where a goal is and how we are measuring to goal -- and, once again, I didn't find any area where there was a deviation that was not already being addressed, focused on, or explained. So, that's obviously very reassuring and comforting for those of us listening in to know about. I'll issue the same challenge for those of you looking or listening in. If you can find a measure that Chief Judge Rogers was not aware of, send it to me. I don't know if I should call this the "gotcha" prize, but I really do think it's great that you are paying such close attention to performance, tracking it so well, and doing so well at it. So, we appreciate that. Do we have any other questions for Chief Judge Rogers today? All right, that

being said, thank you very much. We'll move onto our final presentation. I'm wondering now, since we've been talking about shock and awe, I think it's appropriate that we have two folks from the CIO's group to join us. I'll let them select their identities, but our chief information officer, John Owens, is here, and he is joined by Raj Dolas as our Trademarks Next Generation portfolio manager. Raj, I hope I got our title close to right. If I did not, I apologize in advance. You all know there's been lots and lots of activity, and I think today we'll continue to hear an update on where we stand. We're getting closer all the time to goal, and I do hope and look forward to the fact that we're going to see, externally even, some changes. So, looking forward to your update this morning, gentlemen. Thank you.

MR. DOLAS: Thank you, Maury. Thank you everyone. Good morning. I will start out with talking about Trademarks Next Generation first, and that will kind of morph into talking about Trademark legacy applications and their stabilization efforts. I'll skip over this

slide quickly and point out some of the investments that we have at this point. Trademarks Next Generation, as you all know, is an effort to automate end-to-end processing of the entire Trademark application life cycle, if you will. The focus for fiscal year '11 through fiscal year '14 has been on building the infrastructure, the framework that is necessary for Trademarks Next Generation, as well as doing most of the planning that was necessary to do this entire portfolio. The primary software development focus has been on delivering examiner capabilities. Trademarks Next Generation II starts in fiscal year '15, which is next fiscal year, and goes through fiscal year '17, and the goal of that is to develop capabilities for non-examiners, other business units within Trademarks. Trademarks Next Generation External investment started in fiscal year '13 and it's through '16. The goal is to develop systems that are focused on external stakeholder benefits. We saw one last year, Electronic Official Gazette was delivered as part of this investment. The last investment, just as

important as everything else, is TTAB in fiscal year '16. We'll go back to the first slide. So, the fiscal year '14 portfolio has five different programs. They all focus on specific aspect of Trademarks Next Generation. There are several projects within each program, and instead of talking about them here I'll go through the projects when I'm going through the slides.

Trademarks Next Generation Internal, the examination phase is one of our most important, most critical projects that had been continued from last year into this fiscal year. The goal of this project is to develop software and develop all the capabilities that examiners need from the user interface through the business rules through the data that's related to examination and ensuring that the user interface is truly developed with needs of the users in mind, as well as the experience of this user interface is what our users desire. We use a user-centered design methodology when we develop these applications. These are all web-based applications. They do not live on the examiner laptops anymore. They will live on a Web server, so we'll be able to

deploy new applications rapidly and build components on an as-needed basis. What we did in the last year was develop in-house case management system capabilities. This is very important, because we want to make sure that we can track a Trademark application right from when we get it all the way through its entire life cycle. We're trying to -- not trying to, but we have demonstrated some of the capabilities that manage the active state of an application, the workflow of the application, as well as the transitions that happen between the states. There's a state when you get the application and a state when you assign an application to an examining attorney. The TMNG Content Management System. Again, an incredible framework piece that is a plug-in for us to make sure that content -- you know, multimedia files that come in, the images that come in, the documents that are created, or the application itself -- is maintained in one centralized location. Our goals are to ensure that we use a single repository for all content whether it's accessed internally or by external users. We have an

open-source product that we use for this, and what we have done so far is develop some initial services that allow Trademarks Next Generation applications to upload content into the Content Management System as well as retrieve content from it. One of the major things that we want to do is the speed at which documents or content is stored as well as retrieved. We want the speed to be very fast basically. We don't want the content retrieval to take a long time. One challenge that we did run into in some of our performance testing was the speed was not where we wanted it to be. The result of that was to upgrade to a new version of the Content Management System. It took a little while for us to ensure that all the needs were going to be met, and it put us a little bit behind, but I don't think it's going to cause a detrimental impact on the project itself. Trademark Reporting and Datamart. Now, as you all know, reports are incredibly important for everybody. We need to see how things are going, how the productivity is happening, how the pendency and form paragraphs are being used. The goal in Trademarks Next

Generation is to separate the reporting piece from the actual application and examination piece. We don't want the report generation to cause problems with the systems that are used for examination. So, what we have done is separated the data to a Datamart. The data gets fed into the Datamart on a nightly basis. The reports are generated on the reporting platform itself, and they'll run on the reporting platform. The other goal of this is to provide self-service for the reports. So, if somebody needs an ad hoc report, we don't need a software developer to sit down and write this report for an end user. They can run it by themselves. The Trademark Records Management piece. We're in phase III, similar to the other projects that I mentioned earlier. The goal of this project is data migration and synchronization. So, data migration is incredibly important to ensure that we have a complete dataset from our legacy mainframe, from where the current examination happens, to the Trademarks Next Generation databases. We're in the process of developing software that allows us to migrate data while doing data quality checks

in the process of migration. We've managed to migrate close to two million records at this point, and we encounter challenges every time we do this, because we need to ensure that data quality exists every time we migrate data into the Next Generation systems. But, at the same time, the data migration scripts -- the development of that is right on schedule. We are where we want it to be. Sometime this year, we'll be able to run a test that allows us to run it across the entire spectrum of trademark cases that exist in our databases. Data synchronization, on the other hand, is even more important, because we will be maintaining both systems in parallel for a certain amount of time. The legacy mainframe system as well as the Trademarks Next Generation systems will be running in parallel for at least a year or so while we're migrating users from legacy into the Next Generation systems. We have to ensure that an application exists in the same state, that data for an application exists in the same state in both the legacy side of our applications as well as the Next Generation side. The several bullets that you see are basically

checkpoints for this synchronization project. In short, we're on schedule to do the synchronization in this fiscal year for examination-related capabilities. The infrastructure services is basically building out all necessary infrastructure for Trademarks Next Generation. We have six environments that we will be building. Two environments are dedicated for software developers; two environments are dedicated for testing of the software; one is a production environment; and the last one is a disaster recovery environment. As of now, we have built out the first five environments. The development, testing, and production environments have been built, have been stood up. This year's focus is ensuring that we've done a very good job of architecting our disaster recovery environment and ensuring that the architecture is vetted before we start building out the disaster recovery environment. The goal would be if some disastrous event occurs in our data center, we would automatically switch over to the DR site without users knowing about it. So, it would be an automatic failover.

MR. OWENS: Thank you. I was going to point out that today our disaster recovery plan is some extra hardware that sits underneath a mountain and the data backed up and weeks or months to reconstitute a complete environmental failure here. Now, you all are in a little bit better position than Patents. Believe it or not, if you think that's bad, we should talk about Patents. But, to be honest, this is what's known as a hot, hot environment, which is akin to what Amazon and Google and all the other major ISP and data providers use in the United States, which means that, let's say, if some disaster would befall us here, the users -- particularly those out in -- as long as they have connectivity -- wouldn't miss a beat. And that's a huge deal, considering where we are today. We did acquire that space at the end of last year, and we're currently building out. This one is a little bit behind where we would like it to be. But it's not unrecoverable. And you have to realize that though Trademarks had money last year when sequestration hit, our ability to build out the environment -- which Trademarks only pays

a portion of -- and our recovery site did get impacted, okay? So, this was delayed because of that.

MR. DOLAS: Thanks, John. Trademarks Next Generation, Separation and Virtualization Program and Projects. The goal of this project is to separate existing Trademark legacy applications or systems and put them in their own environment, separate them from patent infrastructure, if you will -- corporate infrastructure, if you will -- and have a Trademark separate infrastructure where all Trademark applications would live. We have been progressing through this program for the last couple of years. The last application -- or last AIS as we call it -- was Madrid on our plate. Incredibly difficult application. We finally put it in production earlier this month. So, next time we come here, we'll not see a separation virtualization slide.

MR. OWENS: Yeah, I did want to take a little time to talk about this. A lot of what Raj continues to describe as nice, steady progress is, of course, the stuff behind the scenes. It's

not as glamorous -- and I keep saying that, but it's true. It's all the foundational stuff that keeps the systems alive and operating efficiently as possible. That's it, folks. This is about a year behind. I will admit that. Some of the work was incredibly complicated, much more complicated than we had originally thought. But unlike six years ago when I came before you and I took this seat as CIO, your systems were intermixed with patents, patent failures affected you, your failures affected patents. That is no more. Your systems have all had significant work done on them, enough to be what we call separated and virtualized on a completely new hardware platform. So, the hardware has been changed out; you're not on that legacy hardware anymore. We understand the applications a lot better than we did before, as a side effect, and this was a massive amount of work. And it's the most unglamorous, trudging-through-the-mud work you can possibly imagine for an IT professional as well. It's hard to explain, but I know several senior members of my team are here and several members of OTPC are here, and I have to say we got

through this together, and it is successful, and we watch the environment, and if there are little tweaks that need to happen here or there, we do them. But this was an incredible amount of effort. It is a little bit behind, not so much on cost but on time, and it is now done, and it is nice to finally come to you and say, "It's done." I know we all wait to hear, "Well, is anything ever going to end? -- I mean really? Please, someday?" This one has ended. And though it didn't amount to something that you all tangibly see, I promise you that it has amounted to a continued level of improvement in the stability of the internal systems. And I know Howard sees that, and his people see that -- and, of course, Debbie's examiners. And we are very proud to have been a part of that.

CHAIRMAN TEPPER: Thank you, Raj. I hate to interrupt, but I do want to comment. I suppose I should say I'm going to miss these slides, but not so much. (Laughter) You know, I doubt any of us on the outside will have noticed the day in mid-February where this took place, but it really is a significant accomplishment, and we

have had to learn "separation" and "virtualization" as a part of our vocabulary. This has certainly been a multi-year process, and a lot of work, but we're really pleased to understand that you have crossed over other than shared surfaces -- things like assignments and fee processing. Trademarks are in their own environment and their systems, so that I think for all of us a good thing, and as you're certainly hearing, there's lots of work going on and lots of work to do and issues. It is very nice to know that we have accomplished that and you're in a separate environment. So, we want to commend you for that.

MR. DOLAS: Thank you. Moving on from Trademarks Next Generation to Trademarks Next Generation External Systems. What this slide points out to is a new project that we started, a Trademarks Next Generation ID Manual project. We completed the planning efforts. We completed the vendor selection. The vendor's on board, fingers on keyboard. We're developing a next generation of ID manual. The goal of this ID manual is to have one ID manual that is consistent

for internal and external users. In addition to the user interface for administrative purposes, the other goal is to develop a database that maintains versions of ID manual, as well as maintains services that allow internal and external users to access the data that is in the database. Trademark Official Gazette -- again, an external facing system. As you know from -- the last time we were here, you saw the demonstration from Chris Donninger on EOG Phase I. We are in EOG Phase II. One portion of Phase II was to release an upgrade to what we had done in Phase I. The bullet items demonstrate what we did: Downloadable zip files, an XML version of each issue, an application programming interface available to the external stakeholder so they can download the entire issue or multiple issues using the APIs, and some usability enhancements that we had identified based on the feedback. The Phase II is really for internal users who are responsible for creating the Official Gazette to ensure that we have a data model for that, a database for that, as well as migrating the data that is used by this group

towards Official Gazette creation. That is our goal today. One of the major things that we have done in Phase I and will continue to do in Phase II is adherence to a WIPO standard ST.96, so when anyone downloads this in XML format, they know exactly how that XML is formatted and created, so they would be able to parse for that document very easily. That's all I have for Trademarks Next Generation. Before we go into the legacy, do you have any questions for me on the Next Generation slides?

CHAIRMAN TEPPER: Are there questions for Raj about Next Generation? Okay, again, I think I'll just repeat that we're certainly looking forward to some of the external facing systems and that we are in the window on delivering on those, the '13 to '16, I believe, time frame. I think this is the point at which those of us on the outside will start to understand some of the changes that folks who work here at the PTO have already seen and already been enjoying, so we'll look for any further update on that. Thank you.

MR. DOLAS: Moving on to the legacy

improvements and the stabilization efforts, TEAS/TEASi form enhancements is one of the projects that we're working on, especially to expand sound and motion marks capabilities to other forms within TEAS/TEASi, as well as to develop internal capabilities to improve and streamline the upkeep of the forms with that application. One additional thing that we're doing is planning to consolidate some of the efforts that we have as far as maintenance of TEAS and TEASi goes, the stabilization efforts of TEAS and TEASi into one project, so we can focus on getting everything done in this fiscal year.

Legacy content migration project. As I mentioned earlier, we have a content management system as part of Trademarks Next Generation. We do have a legacy content management system that was homegrown here. The efforts, therefore, that you see on this slide are really to migrate the legacy applications to use the Next Generation content management system. When we complete that, we'll have a single repository that is used by Next Generation application, as well the legacy application. It will make our

lives easier, because we won't have to maintain two copies of everything, we won't have to synchronize both systems. So, these are efforts to get us to that point, because we're going to maintain both applications in parallel for a certain amount of time. We want to make sure that folks who are still using the legacy applications do benefit from the Next Generation content management system. So, this is one of the first efforts that we're doing using TSDR, as you know, as our point of routing, if you will. Legacy application will use TSDR to monitor content, and once we point TSDR to the Next Generation content management system, there will be no questions whatsoever on legacy. That is a very easy way to do this. This is a road map that is, unfortunately, very busy. It kind of indicates all the work that we're doing at this point -- TMNG road map -- and I got a very good feedback on this road map about exploring some of the things we're focused on immediately at this point and highlighting them. We'll definitely take that feedback and improve this slide for our next TPAC discussion so that we'll be focusing on

discussing more from the road map of what we're doing this fiscal year. This road map basically shows everything that we have done in fiscal years '11, '12, '13, and '14 for Trademarks Next Generation. The next one shows the next phase, which is TMNG II. The road map begins in '15 and ends in '17. The third road map points to Trademarks Next Generation External Systems, '13 through '16, and TTAB road map, which is at this point focused only on '16. And the last road map slide describes the legacy enhancement and stabilization work that we're doing. What you see in '16 through '19 is a combination of maintenance and stabilization, stabilization for current legacy and maintenance of Next Generation as we go forward.

MR. OWENS: As we turn off the --

MR. DOLAS: As we turn off the legacy applications. (Laughter) And Next Generation actually becomes legacy as we go forward. That's all I have. I do not have anything else. Happy to take any questions.

CHAIRMAN TEPPER: Thank you. Do we have questions? Any questions for John or Raj?

Gentlemen, that's extraordinary I believe. I do want to thank you all. Obviously there still are issues to face. We appreciate your candor in areas where you are encountering challenges and continuing to deal with them. But I think it's a testament that everyone here feels like they understand it and they're up to date. We're certainly looking forward to continuing to monitor the progress. I will commend Raj's road map to those of you -- I know that is a lot of information, but it is a really good graphical way to understand progress. So, I know the slides were up briefly. Take a look at those. It does sort of, I think, help to put everything into context probably best for those who are the USA Today generation and who like to read charts and put things together in that fashion. That being said, gentlemen, thank you very much. I think that I may have concluded that we should have simply adopted tour de force as our theme today. Certainly -- you know, look, we know that there are issues to be worked on, and we know that there are challenges, but I think that you've heard from a very strong group here. You've gotten very

good information about all the work they're doing. I want to thank everyone at the Office for your continuing efforts and, really, for the exceptional way at which you are willing to share this with us, to open up to give us your time so that we can understand and work with you. It's really a pleasure to be able to do that. I'd like to pause and see if we have any questions or comments from the public. All right. And I have received one email, and I'll simply mention this. There was a request that some of the slides be made available. This is certainly a public meeting, and all of this is public information that you're viewing, so I will look into seeing what we can do to find a way to deliver the slides or the materials that you've seen here today. If you need something specific in the meantime, I invite you to send it.

Then, to conclude just with one announcement, I'd like to say this is widely looked forward to -- it is at least by those of us on the committee in the room -- and that is the dates of our next meetings. We will be back here on Friday, June the 20th. All right, June the

20th, Friday. That will be our next public meeting, and I am told the Nationals have already planned their schedule to be in town. They're big fans of TPAC I believe, so we're pleased that the baseball team is planning to come in for our meeting. And you heard earlier today about the Trademark Expo, which will be taking place in October. So, we're going to make a slight change. We'll be holding the October public meeting on a Thursday, and that will be -- I want to make sure I get my date right for you -- that will be Thursday, October the 16th. Again, I encourage everyone to come participate, observe but, more importantly, be out for Expo on the 17th and 18th. We all are certainly hoping to have the chance to do that. So, those will be our next meeting dates: June 20th and October 16th. And with that, I'm happy to declare this meeting adjourned.

(Whereupon, at 11:31 a.m., the
PROCEEDINGS were adjourned.)

* * * * *

CERTIFICATE OF NOTARY PUBLIC

COMMONWEALTH OF VIRGINIA

I, Stephen K. Garland, 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: July 31, 2015

Notary Public Number 258192