

UNITED STATES PATENT AND TRADEMARK OFFICE

TRADEMARK PUBLIC ADVISORY COMMITTEE MEETING

Alexandria, Virginia

Friday, June 10, 2016

PARTICIPANTS:

**TPAC Members:**

DEE ANN WELDON-WILSON, Chair

WILLIAM BARBER, Vice Chair

ANNE CHASSER

JODY DRAKE

DEBORAH HAMPTON

TIMOTHY LOCKHART

JONATHAN HUDIS

MEI-LAN STARK

LISA DUNNER

**USPTO:**

RUSSELL SLIFER, Deputy Under Secretary and  
Deputy Director

MARY BONEY DENISON, Commissioner for Trademarks

GERARD ROGERS, Chief Administrative Trademark  
Judge

RAJ DOLAS, Portfolio Manager for Trademark

DANA COLARULLI, Director, Office of  
Governmental Affairs

SHIRA PERLMUTTER, Chief Policy Officer  
And Director for International Affairs

TONY SCARDINO, Chief Financial Officer

FRANK MURPHY, Deputy Chief Financial Officer

PARTICIPANTS (CONT'D):

SHARON MARSH, Deputy Commissioner for  
Trademark Examination

JOHN OWENS, II, Chief Information Officer

**Union Members:**

HOWARD FRIEDMAN, NTEU 245

HOWARD ROSS, NTEU 245

TAMARA KYLE, POPA

\* \* \* \* \*

P R O C E E D I N G S

(9:00 a.m.)

MS. WELDON-WILSON: Good Morning, everybody. We are going to go ahead and get started, and the one thing I do want to do is welcome anyone in the room, as well as who is listening to the webcast. We welcome your questions both ways. We hope that you'll feel free to participate. I'm Dee Ann Weldon-Wilson. I am currently the chair of TPAC, and I work at Exxon Mobil Corporation in Houston, Texas, and I wanted to introduce some of our TPAC Members before we get too far along. First, I'd like to introduce William "Bill" Barber, and Bill is our Vice Chair of TPAC. He's also the founding partner of Pirkey Barber in Austin, and I believe you were also previous former president of AIPLA is that correct?

MR. BARBER: Sure.

MS. WELDON-WILSON: All right, we have many, many very qualified people here today. Let me skip over to Anne Chasser. Anne Chasser is a former USPTO Commissioner of Trademarks, and a former INTA President. She is currently

strategic advisor at Wolfe, Sadler, Breen, Morash, and Colby. Sitting next to her is Jody Drake. Jody is a partner at Sughrue, and she is currently on the Board of Directors at AIPLA. She also is a former examiner at the USPTO and senior attorney at the USPTO -- if my memory serves -- and Jody's on her second term here as was Ann -- so second term of TPAC -- very experienced people here. Down second from the end, Lisa Dunner, is the founding partner at Dunner Law, here in D.C. She is the immediate past chair of IP Section of the ABA, and she has been recently admitted to NAMWOLF - so congratulations - The National Association of Minority and Women in Law Firms. So congratulations on that. Over here we have Deb Hampton. She's on her second term, and she has been recently named as the Trademark Team Lead for Chemours Company in Wilmington, Delaware -- so congratulations on that.

Jonathan Hudis is a partner at Quarles and Brady here in DC. This is his first term, but he's really geared up. He knows his stuff; it's not a problem, and he's also been very involved

in ABA work for many years.

Timothy Lockhart is in his second non-consecutive term on TPAC, and he is a member at Wilcox Savage. As I understand it, you head the IP Group; he's in Norfolk, Virginia.

Mei-Lan Stark is Senior Vice President at Fox Entertainment Group. She's also a former INTA president.

Howard Friedman, is a representative at NTEU 245, and as I understand it - it's your 37th wedding anniversary today.

MR. FRIEDMAN: Twenty-two of the best year of my life.

MS. WELDON-WILSON: Hope your wife's not listening to that.

MR. FRIEDMAN: Forty years of the best years of my life.

MS. WELDON-WILSON: And Tamara Kyle from POPA, who we really are pleased to have because even though your work is primarily with the patent side, we appreciate your insight and your participation; so thank you very much.

I appreciate every one being here today, and I didn't miss anyone did I? Okay,

excellent -- so that is our group.

So we'll move on with the agenda, and we are very thrilled to have today with us Russ Slifer. He is our Deputy Undersecretary of Commerce for Intellectual Property and Deputy Director of the USPTO. That is a big title and a lot of work. So I would love to hear some comments from you today.

MR. SLIFER: Thank you Dee Ann, and good morning everybody. I appreciate this opportunity to address the members of our Trademark Public Advisory Committee and those members of the public watching the web cast. As usual, we have an ambitious agenda with important updates on a number of key leaders throughout the agency including Commissioner Denison. Since I don't want to steal any of their thunder, I'd like to take a few minutes just to offer some quick updates on other things going on at the USPTO that may be of interest to the committee. As you may know in recent months, we've been actively engaging our workforce with several detailed surveys to solicit their input on a number of key areas. As Director Lee and I have said many

times, we don't want to conduct surveys just for the sake of taking surveys. We're looking for things that can make a real difference -- an immediate difference in our agency. One example of that commitment is the new office of "Ombudsman." To better hear and address employee concerns, everything from leadership to fair treatment, ethics, work conditions, career development, and co--worker relationships. The purpose of this program is to provide a neutral, independent confidential, and informal resource to facilitate the recognition and prevention and resolution of workplace disputes without resorting to formal means of dispute resolution. We also believe that the ombudsman will help the agency address persistent and continuing and even systematic concerns and issues. The office of Ombudsman is staffed with a conflict resolution practitioner who will use a wide range of options to assist our employees. We expect the office of the Ombudsman will help us better understand employee concerns on an individual basis, and also help us identify trends and challenges the organization faces that will allow us to continue

to improve the agency as a whole and ensure fairness in the administration of our policies. I'd also like to mention the latest on the USPTO's telework and enhancement pilot program also known as TEAPP. This program has been successful both agency wide and especially in Trademarks. We have 95 Trademark employees in 29 different states participating in the program. In the ADA of those are examining of the attorneys. TEAPP has helped us recruit and retain employees who are drawn to the USPTO's strong reputation for workplace flexibilities that effectively balance the pace of everyday life with the demands of our mission to protect

(inaudible) in the global marketplace. With this in mind, Director Lee announced at the end of April, the expansion of TEAPP to Puerto Rico for interested and eligible employees. Employees with family and friends and close ties to Puerto Rico now have other telework options besides the 50-mile commuting radius from which to work and call home without requiring them to return to the Alexandria campus regularly. We expect this step will not only help the USPTO's

efforts to spur (inaudible) in more regions, but that it will also enhance the Puerto Rican economy by bringing well-paid federal employee positions to the island. This pilot program is set to expire at the end of this year, and we're hoping to either make the TEAPP permanent or at least extended, and I urge members of TPAC and the public at large to support the renewal of this program for our employees.

Also all four of our regional offices now have directors making us well positioned to fully advance the agency's missions. The regional offices have been busy this last few months including holding events for World IP Day. In March, Commissioner Denison joined our Detroit Office Director Dr. Crystal Sheppard at the IP Spring Seminar in East Lansing, Michigan. This event was coordinated by the Michigan State IP Bar Section and Commissioner Denison also spoke with 60 local entrepreneurs with the Trademark Lunch & Learn and Tech Town Detroit. Although, we don't have any Trademark employees physically working in the regional offices, members of the public can use the offices to access trademark

information. And of course, the Commissioner's recent visits highlight the value that these offices can provide as platforms for engaging local audiences on the subject of trademarks. There's also a lot of potential and more aggressively leveraging the power of video teleconferencing between our headquarters and the regional office. Officials from the Trademark Assistance Center in Detroit, San Jose Regional Offices have already conducted video chats with members of the public over the last six months, and we're planning more of those.

On a different topic, I wanted to mention that we continue to invest time and resources in hiring and training new Trademark attorneys. In addition to that investment, we are also investing resources and time to implement our Trademark Next Generation IT tools to law offices. I'm excited by the progress that we've made over the many years of development as with all of our stakeholders. However, I wish that it would've been completed much faster and for less money, and but clearly major changes such as IT overhauls created both opportunities and

challenges. After extensive investment and development of these tools, it is time to implement them. It'll be necessary to have close collaboration between the Trademark Team, our OCIO team, and the unions to ensure that we minimize any negative effects on applicants, examiners, and the agency. We're going to work together to make measured decisions that find the solutions needed to execute the implementation of our Next Generation Trademark IT tools. I'm highly confident that our team working together can overcome the anticipated and even unexpected challenges that we'll face from moving from development to production. As with any major overhaul of IT tools, there will be disruptions. We'll work hard to manage both the magnitude and duration of the disruptions to the Trademark community. I anticipate, however, that the effects of this implementation are going out to expand both physically into '16 and into fiscal year '17.

And finally, I want to note that the revised Trademark Fee Proposal recently published, and we encourage comments from public

before the, I believe, July 11 cutoff date. So as of the following briefings, we'll spell out today our agency and our outstanding Trademark Team are hard at work on behalf of American innovators and entrepreneurs. And in this last of what has been an historic administration for intellectual property, Director Lee and I are committed to ensuring that we lead the USPTO and our IP system in the best possible shape for generations to come. So thank you for allowing me to join you this morning, and at this time, I'm here to answer any questions that you may have.

MR. HUDIS: Good Morning, Russ. Among your remarks, you mentioned the concerns with the rollout of Trademarks Next Generation, that this rollout might have negative effects on applicants and the agency, and could result in IT disruptions. Has the Commissioner's office considered, excuse me, the Director's office considered what effect that's going to have on the pendency of trademark applications?

MR. SLIFER: Thanks for the question. Certainly that's one thing I was alluding to in my comments that we're going to work hard to make

measured decisions on how that's going to effect the pendency. Certainly, there's several ways you can look at this. If we immediately jump to Next Generation, we would disrupt the production of all of our law offices and you would see a spike in in pendency, but the duration might be very short. If we roll it out sequentially across law offices in a measured way, we would probably see a much lower impact on pendency numbers but the duration would probably be longer as we roll it out over the offices. Before we even start that, we need to make sure that the tools meet the needs of the examiners and have the least impact on production as possible. Part of the impact, of course, is going to be training examiners on the new tools and then having them work to integrate those tools and to -- what has been, you know -- their way of working on a day-to-day basis and making changes if necessary as the tools are slightly different. So yes, we're working very closely across all of the teams to make the decision when we're going to roll them out and exactly how we're going to roll it out to try to minimize the impact. But of course, as I said,

major changes like this are always going to have disruptions and it's our job to make sure that we do it in a manner that certainly doesn't affect our applicants in the public in an unnecessarily negative way.

MS. WELDON-WILSON: Are there any other questions?

SPEAKER: Thank you, Russ, for that answer; appreciate it.

MS. WELDON-WILSON: We appreciate the Deputy Director being here today. Thank you Russ for your time and your comments. I appreciate it. Thank you very much.

MR. SLIFER: Thank you.

MS. WELDON-WILSON: And next up on our agenda is Dana Colarulli who is going to talk with us about the legislative update.

MR. COLARULLI: Good morning, everyone. Good morning Dee Ann.

MS. WELDON-WILSON: Good morning.

MR. COLARULLI: Oh, I like the new picture. That wasn't in my original slide set. It's very peaceful -- a good way to start the morning. Good morning, is it my role today, as

normal, I'm going to try to give you an update with what the heck is happening on Capitol Hill, certainly what's taking up a lot of the time of my staff, as we engage The Hill on a number of issues, and it's been a very, very busy last few months -- I'll say -- on Trademark issues, certainly on patent issues and other issues. We've been up to testify in front of Congress a few times and legislation is actually passed. As many of you know, it's not something I get to say all the time when I come in front of you, so those are good things. I'll start out with just kind of key legislation that we've been attracting. Certainly a lot of work over the last two to three Congresses has gone into the Trade Secrets Enforcement and the Defense Trade Secrets Act that we finally saw come to an end and the president signed into law. Director Lee was able to join the President as he signed the bill. Our team at PTO had both helped to try to facilitate the public dialog about what changes might be needed, how trade secrets fit in the portfolio of rights that many of the companies we serve and adventures that we have. We worked considerably

with congressional staff as they were coming up with drafts and drafts. We provided technical assistance to change the language to make sure it was something that both made sense and at the end of the day, when it was (inaudible) into law had a level of legal certainty. There weren't a lot of terms that the court would need to re-interpret, so we're hoping that was the case here. But I feel like our team here at PTO spent a lot of time and contributed to getting this bill finally into law. It wasn't the piece of legislation that was getting the most attention that caused it to continue to bounce from a couple of Congresses along, but it certainly was an important addition to the rights that we know are stakeholdered they're using. So a great success finally saw this bill enacted into law. We're also - other bills that certainly affected the PTO - our Patents for Humanity Program. It is award program that we started a few years ago. I understand we're later this year, hopefully, announcing additional award winners. Senator Leahy took an interest in this program last Congress -- introduced legislation that would

enhance the program, allow transferability of the Awards for Acceleration that come out of this program. It was trying to find a creative way to fund some of these humanitarian efforts by allowing those awards to be transferred on the open market. We'll see if it passed to Senate, it's in front of the House, we're watching closely to see what the House might do. And then finally Patent Litigation Reform -- my team spends a lot of time watching the omnibus Patent Litigation Comprehensive Reform Package. Looks right now like it stalled, but there continued to be discussions about what might be done in that area. We continue to follow those. We contribute as we can, and certainly talk to stakeholders about what issues they're seeing -- should be addressed in any legislation that does move forward. Here I mentioned it's been unusually active, we've been up in front of the Congress, twice in front of the House, once in front of the Senate in the last few months. I'm talking about issues of importance of the agency. Most recently, last week-I'm early sorry this week-Mark Cohen, our China expert, testified in front of the House

Judiciary Committee and Subcommittee focusing on anti-trust looking at the intersection of anti-trust and IP, particularly in China. So he joined a panel to talk about our efforts and the administration's efforts in working with China. Conrad Wong, a former IP Attaché for the PTO went in front of the Senate Judiciary Committee in April, talked about counterfeiting, and it gave a perspective of from the view of a former Attaché sitting in China on what resources the PTO brings to help companies certainly navigate China but also address anti-counterfeiting. And then, last but certainly least, Mary had the great opportunity to testify on the Havana Club Mark of the House Judiciary Committee -- quite interested in the action that this agency took earlier this year. It's an issue that we continue to see; we've certainly seen over a number of Congresses. Congress is interested in what's happening with rights, and this panel was pulled together in reaction to, as I said, the action that the agents took early this year. I expect we'll continue to see members offer language to appropriation's bills. They're certainly some standalone

legislation. This year certainly wasn't the last of addressing some of the issues around the Havana Club mark, but I guess again something we'll be watching very closely and expect to continue to do so. Other issues to watch certainly on the trademark side and the operation side, the National Park Service is in litigation over marks related to their properties -- continuing to watch that -- Yosemite National Park in particular. That dispute, as I said, is in front of the Federal Court of Claims. There was a dispute in front of the TTAB as well, which I understand has been stayed. We've got a lot of interest from The Hill as well to make sure that the trademarks, the names that are a part of our National Park Service are certainly not being trod upon. This is an issue that will continue to be litigated in court, but certainly we're trying to be helpful in educating the public on the purposes of the Trademark System. We'll continue to do so. We'll see where the court cases go. Certainly continuing to watch the two A cases, the Redskins case, the Slants case, and then Russ made a

mention of TEAPP. As he said, the authority given to us by the 2010 Act expires in December 2017, so we've got a little over a year until that authority expires. We've been doing two things: one working with others in the administration to certainly talk about the benefits of telework for PTO and what the TEAPP program brought to us, and what legislative proposal we might go up to The Hill together and advocate for the PTO, and what we're looking at was to extend the program to allow us to continue to test the best way to run our telework program. And there's certainly a balance between in person versus virtual training, in person versus virtual employing engagement; we want to make sure we hit that balance correctly. We'd been working with OPM and GSA to make that case, and we've started to hit The Hill as well. We get to remind them of the importance of our telework program, remind them that this is an expiring authority, and we've gotten the very good reaction from folks so far. Hopefully, (inaudible) whatever opportunity we can. Unfortunately, what happens with Congress is until an expiration is right in front of them,

it's hard to get their attention, but we're trying our best to do so. Let me stop here. There's some more information in my slides. Certainly, we've been following copyright issues, and there's an active discussion about modernizing the copyright office. We've been, as I've reported previously, very engaged with our regional offices who one of the most popular programs that they've done is those Trademark Tuesdays or doing trademark sessions in the regional offices. I know Mary's been out as well to the regional offices to help support those efforts. A great opportunity to get information out to our stakeholders. I also included in my slide decks, I like to include pictures, some pictures from World IP Day. This was an event, we were up on the hill with a number of our stakeholder groups including INTA and AIPLA and the US Chamber to focus on IP. The World Intellectual Property Organization defines the theme every year. This year is digital creativity, and we pulled together a program around video games. I had an alternative slide deck which showed various pictures of me in Hill

events. Just peeking out between you can see the one between Chairman Goodloe and our Chief Communications Officer. It's like the "Where's Waldo." I'll save that for a later date, and I'll take any questions that you have.

SPEAKER: I appreciate the update. I want a clarification.

MR. COLARULLI: Sure.

SPEAKER: The Trigger Enhancement Act Pilot Program.

MR. COLARULLI: Yes.

SPEAKER: It shows in our materials and you said that it's going to expire the end of '17? Is that correct?

MR. COLARULLI: Yes.

SPEAKER: Okay, just an earlier comment may have confused me. I wanted to make sure.

MR. COLARULLI: Yeah. December 2017. Operationally, had mentioned to a group yesterday, there's two expiring authorities that were focused on. One is certainly this. The other comes a year later. That's our fee setting authority. That expires on the anniversary of

the American Invents Act. So both of those, we're starting to lay groundwork, starting to get interest from or develop some interest for members who will need to act sometime next year.

MS. WELDON-WILSON: Are there any other questions?

MR. FRIEDMAN: Two issues. One, is that on? Okay, then I'll shut it off. Two things, clearly you have a career in photo bombing in the future. I look forward to that. Yeah. Secondly, I just wanted to add that as Deputy Director

(inaudible) more than 29 states and so that means we have a lot of members who are in a lot of house (inaudible). And as we discussed, yesterday we obviously are also separately and together while you were at Dana's office to help in the TEAPP matter which is very important to us and to the agency. So, we look forward to continuing to work together on that very important initiative.

MR. COLARULLI: Thank you.

MS. WELDON-WILSON: Are there any other questions for Dana? Once again, a very thorough report. Thank you so much, we

appreciate your input upon this.

MR. COLARULLI: Absolutely. Thank you.

MS. WELDON-WILSON: And then we'll then turn to our policy and international update from Shira Perlmutter, who's not here today. Her name is on the agenda, but Amy Cotton is with us.

MS. COTTON: Thank you. Shira sends her regards. She got pulled into a video conference today on G20 issues that began at 6:30 this morning and goes till 10, so have some sympathy for her. But I wanted to come and talk to you because I'm always happy to do so. In light of all the attention that has been given tobacco plain packaging in Trademark Circles, I know it was highlighted at the recent INTA meeting as well. There's another potential global public health policy issue that could result in restrictions on trademarks for infant formula and complimentary foods in US export markets. So you might be aware that there is an ongoing global dialogue about what mechanisms should be employed to regulate public health. Restricting the use of trademarks in an effort to make certain

products less attractive to consumers is not the only nor the best option available to government regulators. However, we are seeing this method employed more regularly than we would like. So the USPTO certainly emphasizes the downsides of trademark labeling restrictions when we speak to foreign governments. Restrictions on whether and how trademarks can be used on products also restricts the quality information conveyed to consumers through the trademarks and trade drafts. This means that consumers are unable to make informed purchasing choices which, of course, defeats the Consumer Protection Function of Trademarks. So most recently in this debate, the USPTO has been working with others in the US Administration to develop a strategy to respond to the World Health Organization's recent guidance called "Ending the Inappropriate Promotion of Foods for Infants and Young Children." So you may ask what is inappropriate and what is promotion but that's a question we actually still have after receiving the guidance. The WHO just issued this guidance to its member states on May 16. It recommends that national

regulatory authorities place restrictions on labels for infant formula and complimentary foods which includes milk and milk products for infants and kids. So among other things, the guidance recommends that World Health Organization member states should impose labeling restrictions on infant formula or other foods for children in an effort to promote breast feeding for infants and kids up to three years. These labeling restrictions include restrictions on the use of trademarks and trade dress on infant formula and dairy products as well as restrictions on marketing. Imposing restrictions on the way trademarks or trade dress are displayed on the goods or on advertising, appears to be the new go-to method for governments to regulate consumer behavior which, of course, is alarming from an intellectual property perspective. Regarding infant formula, countries such as Hong Kong, Malaysia, and Thailand have restricted the use of trademarks already in various ways on packaging most notably by allowing no pictures of infants on packaging or any other suggestion of suitability for infants. Considering this new

guidance from the World Health Organization, the USPTO is concerned that WHO members will construe it as a green light to begin invalidating trademarks on these products or otherwise, restrict the use of valid marks that are not deceptive to the consumer. Trademarks, as we know, are tools the companies use to make their products more attractive to consumers.

Therefore, when regulators want to change consumers behavior to stop them from buying the things that are not good for them, the regulators might ban the products all together or they might try to make the products less attractive. The way to make them less attractive is to take away or otherwise create restrictions on the way the trademarks or trade dress are displayed on the goods or in the advertising. This can include advertising bands, requirements to use a trademark in a certain font or color, requirements to use the mark in conjunction with other information, large graphic health warnings, or pictures of unhealthy individuals or organs on the packaging, eliminating the trade dress of the packaging or eliminating everything

on the packaging except a standard font small print trademark. This would be plain packaging. So as you are aware, tobacco was an early target for restrictions on labeling and advertising and the restrictions have incrementally increased over the years to the point where now the trend is to adopt plain packaging for tobacco products. Of course, plain packaging is the most significant labeling restriction apart from a total ban of the product that's imposed by regulatory health authorities to address a public health problem. Australia has implemented plain packaging requirements for tobacco products back in 2012, and many countries have followed suit including Ireland, New Zealand, Turkey, UK, Canada, India, and France. Alcohol products also face these labeling restrictions typically in the form of graphic health warnings that cover a large percentage of the label. Other products such as infant formula, sugar, and trans fat are also facing restrictive labeling requirements in export markets. From a trade perspective, we also have additional concerns. Now when the World Trade Organization was created, there were

a variety of agreements set in place including the agreement on Trade Related Aspects of Intellectual Property Rights. These were supposed to set certain minimum requirements that countries had to follow with regard to various global agreements. You're familiar with the TRIPS Agreement, but there are other agreements in place. When a country is thought to have somehow passed a law or restriction that violates one of those agreements, the World Trade Organization has what's called a dispute settlement body where one member state can sue another member state for that restriction saying it's somehow inconsistent with one of the agreements. Now it is still an open question, as to whether and what labeling restrictions are violative of international trademark and trade obligations, but here's a nuance that you might not be familiar with. If a restriction that a country imposes is found to be violative of a WTO agreement whether the TRIP's Agreement or another one, a party that has imposed these restrictions actually can escape WTO sanctions if it can justify those restrictions somehow. One

justification is that the science behind the regulation is so strong, there's a presumption that the regulation is specifically targeted and necessary to achieve that particular result like a public health goal of some sort. So if you've got good science behind you, you may find that your particular restriction can be argued as a defense to a violation of a WTO agreement.

Another possible justification or a defense would be that your regulation simply mirrors an already existing international standard of some sort.

So here's the nuance in the infant formula debate: The US Dairy Industry, Abbott and Mead Johnson have contacted the US Government and US Congress to raise concerns about the WHO Guidance and specifically that the Guidance will be interpreted as representing an international standard for the purposes of WTO agreements including TRIPS and the agreement on Technical Barriers to Trade. So what this means in practice is: if that were found to be a standard, Hong Kong, Malaysia, and Thailand who have already adopted labeling restrictions on infant formula and dairy products could point to this WHO

Guidance and say, "See there's an international standard so even though I am now canceling trademarks, or otherwise restricting trademarks, I have a standard that says I can do that." That theoretically could be a possible defense to a claim that they violated their international obligations. So with that concern in mind, we have spent a lot of time within at the USPTO and within the US Administration to figure out an appropriate way to address these restrictive labeling regimes that are popping up around the world. We will continue to work within the Administration to voice our concerns to foreign governments using a labeling restrictions but as you can imagine, when it comes to public health, it's a very contentious issue and the appropriate balance is very difficult to find. But we know that if we don't push our particular point of view as the USPTO, consumers will be unable to make informed purchasing choices. Without that information that appears on labeling and particularly with some plain packaging regimes, you've got to be concerned about the anti-counterfeiting issues there. When you

don't have that trade dress, which functions as an anti-counterfeiting measure, then you lose that communication benefit as well. So we are watching this; we are very concerned, and certainly this is a bigger issue than just tobacco. Tobacco you could sort of set that aside, but these other ones are harder to set aside, and we are watching it carefully and engaging in the debate. That's all I have. If there are any questions, I'll be happy to take those.

MS. DUNNER: Amy, hi, sorry. Sorry if I missed this, but is the standard that they're saying they would be mirroring the plain packaging standard and, if so, is that really a standard they can say that exists in such flux right now, so many countries are opposing it.

MS. COTTON: Well each standard would stand by itself so to the extent, there is a tobacco convention at the World Health Organization. The US is not a member of it. Some had suggested that certain restrictions on labeling for tobacco products are appropriate. Some have pointed to that WHO tobacco convention

and said that's a standard; so that is an ongoing debate as to whether that will become a defense or not. There is a case at the World Trade Organization Dispute Settlement Body against Australia on this issue. Separately with regard to infant formula, the World Health Organization guidance is labeled, "Guidance." Right? When the World Health Organization Assembly met recently, there was a push to try to point to that Guidance as some sort of standard whereas the trade ministries - well the industry organizations in the US were pointing to that saying, "It's not an international standard." But that debate was something that might be lost on a lot of people. Why does it matter whether it's an international standard or not? If it's considered a standard, it could be argued as a possible defense, but it may or may not work. We don't want it to be labeled as a defense in that regard because we want the restriction to be looked at on its merits. Is this an appropriate way to regulate public health? And, you know, that question is still percolating with regard to infant formula and what various restrictions may

be applied. Hong Kong, Malaysia, and Thailand have a certain set of restrictions that they're applying. This Guidance suggests some more of those restrictions. How those will be implemented, we don't actually know yet. We know how they're implemented in three different countries, but countries could go further than that. Countries could, you know, be more conservative with it. We don't know exactly how it's going to play out, but certainly if the US Government wanted to challenge or any government wanted to challenge the restrictions that were going in place in these various countries under the WTO agreements, the existence of a standard would complicate the issue.

MS. WELDON-WILSON: Amy, quick question, thank you for your report. Very interesting. Are there other countries beyond Hong Kong, Malaysia and Thailand? Is it gaining some momentum in other places - other countries?

MS. COTTON: Based on the debate at the World Health Assembly and leading up to the guidance, I think there are countries that are certainly considering it as a public health

problem, and they want to use this particular method to address that public health problem. There are likely countries who are waiting to see if one of those countries will be brought before the WTO Dispute Settlement Body for it. So everybody's sort of waiting to see. As you saw with tobacco, Australia went first, and then everybody is waiting to see if they're going to get sued and how that's going to play out. But yes, there appears to be some interest in this from other countries

MR. BARBER: Hi Amy. Well I certainly agree that these sort of restrictions on use of the trademarks and trade dress (inaudible) is a concern. So, I'm very glad that you guys are on top of this. Just a quick question, that might be going into too much detail, I was just curious about what the process is for the WHO to come out with guidance like this and specifically does the US government have any influence or ability to influence those sorts of guidance?

MS. COTTON: That's a very good and difficult question. There was a mandate from the World Health Assembly from prior years that this

Guidance should be released and it should say much of what it said. The USPTO was caught off guard when we found out later than we would have preferred that this Guidance was about to be issued. We worked with the interagency to try to delay issuance of the Guidance because we didn't think it was ready yet. There were others in the Administration who thought that it was ready, but they didn't have the benefit of hearing all of the views prior to the time that it was going to be released. So all this is to say that once we found out about it, we worked very hard to try to get the Guidance toned down a bit, and then once the guidance was already released we tried to get the World Health Assembly-- there's usually a resolution or a decision point that sort of introduces the guidance--language negotiated to something that we could be a little bit more comfortable with. But it was a very difficult process and, of course, we're one voice among many. But because there had been a mandate from the World Health Assembly in prior years to do this, that made it much harder. There was an expectation that this was going to move forward.

So it was a difficult negotiation, and we were brought in a bit late in the game to be able to really effect any change. Hopefully that won't happen again.

MS. WELDON-WILSON: Thank you, Amy, we have one last question, I think.

MR. HUDIS: Morning, Amy. Sometimes initiatives like this take on a life of their own and before you know it, there's an obligation among certain countries to implement guidance like this. At what point, would this WHO guidance become, if ever, a treaty obligation and for the United States to change its laws. I could see if this was introduced in implementing legislation there would be an outcry in the US.

MS. COTTON: I think if, going back to the tobacco debate, there was a tobacco convention at the World Health Organization, certainly, I'm sure guidance was issued prior to lead up to it, and then they decided to do a convention. That could happen certainly in this situation; it would happen at the World Health Organization, and we would be part of the negotiations for that. We don't have to join,

you know, hopefully it would never get to the point where there was actually proposed text that was a problem for the United States. If it did get to that point and actually became a treaty, then the United States has to decide whether to join or to not join based on various issues. I have not heard that they're looking at making this into a convention and certainly after the most recent World Health Assembly, it seems like that would be difficult to do. But there is precedent for doing that, and the United States would have to figure out how to negotiate that. But as I said, public health is extremely difficult in international circles. How to regulate public health best and how trade and intellectual property impacts that is a very difficult issue. So all we can do is continue to raise the concerns within the US Administration to be sure that the trademark side is taken into account.

MS. WELDON-WILSON: Thank you very much for your very thorough report today. As you can see, it generates a lot of interest, so thank you very much. We're going to move on now to our report from Commissioner for Trademarks Mary

Bonney- Denison. And she's going to give us an update on the operations of the trademark office.

MS. BONEY DENISON: Thank you, Dee Ann. This is a very exciting year for trademarks. We have a lot going on. So I'm going to run you through a few of things. I'm not going to talk about these but we, of course, have a lot of action at the Supreme Court going on and various appellate courts. We've got a lot of interest from The Hill in a variety of things. We've got a new fee package out. We have some new rule makings that'll be coming forward soon. We have IT changes going on, and one of the most exciting things is that we have created a new position called the Deputy for Trademark Administration. I'd like to ask Greg Dodson to stand. I want everybody to know Greg. He started Monday, so he is quite new, but we are thrilled to have him. He comes to us as a retired air force colonel. He was a fighter pilot. He has a very strong background in IT and finance, and he is going to be in charge of technology and finance and strategic planning for trademarks. So, we are absolutely thrilled to have him with us, and we

think he's going to be a great addition to our team. So thank you, Greg. I also want to thank Dana, I guess he's stepped out, but thank Dana for his support of the TEAPP program on The Hill. That's going to take quite a bit of work, but we are looking forward to partnering with the unions on it. They have been helpful to us in the past, and I know that they will be helpful to us on this project in the future. The original sponsors of the legislation are no longer on The Hill, so we are having quite a bit of education going on there. And I also want to thank Amy's team because they are doing a great deal of work on the international front for trademarks and representing us and our customers quite well. So thank you, Amy. So let me get into some of the nitty gritty. We are getting close to having 800 trademark employees. We're over the 500 mark for examining attorneys, and most of the people are teleworking in some capacity, and most of them are actually teleworking full-time. This year we hired 60 new examining attorneys, 18 of whom started in May, and we will be hiring a similar number next year. So how are we training these

people? We are training them, and we decided last year to have a new experiment in the way we train. Traditionally, we had put the new people into the old law offices and filled holes created by retirement since so few people actually quit. We do have holes though from retirement, and we decided we would try something new and so we have created some training offices. So Law Offices 120, 121, and 122 have been created this way; they're set up completely with new attorneys. And so we are likely to continue this pilot, we are assessing how that works, but it takes a little bit of time to get data to decide how successful the program has been. But the preliminary indications are that it's been very successful, and the people in those law offices are doing well. In April, we had training days here, we brought all of our employees back to campus for training and the theme of the training was, "Customer Service." It was a fun two days, and as someone commented to me, I've never seen so much hugging going on because people hadn't been back to the office for a while. I think it was a very successful event. Another thing we've

been doing is we've been with Deloitte to help us identify ways to improve customer service, and Deloitte has looked at all points where the customer is in contact with us. Their final report will be out in late July, so we are very much looking forward to their recommendations and seeing how we can enhance the customer experience. We will also be participating in a big data, draw on customer experience, and we'll be starting that shortly and so that will be an interesting way for us to assess customer experience from a different point of view using data. Now we have been meeting our pendency goals, I'm very pleased to say. We right now are at 3.2 months which is right in the range between 2 1/2 to 3 1/2 months where we like to send out our first office actions, and the overall disposal pendency is well below our goal, so we're very pleased with that. As Russ mentioned, we will be having some IT changes. We will be doing everything we can to maintain pendency, as we roll out the changes. Of course, we care about quality as well as pendency, and our examiners are continuing to do a fantastic job. As you can see

our goal for first action compliance is 95.5, and we're actually well above that at 97.7. And our final action compliance, our goal is higher, and we have surpassed that as well. The final measure is the exceptional office action and that looks at a lot more than whether we got the right decision. It looks at the quality of the evidence, the writing, the decision-making, the search, and so it's a much more comprehensive measure. When we roll that out, our original goals were something like 15 percent of the office actions, and so we are making huge progress and are now at 46 percent. Now one of the reasons that we're hiring is that applications are up so much. Last year, they were up over 10 percent, and I think the prior two years we were up, I think, 4 percent each year. But this year, we're up at about a little over 8 percent. We're thinking that may go down slightly before the end of the year, but it's still a very significant increase, and one of the reasons it may not be as high is that there have been some technical glitches that look at WIPO which have slowed the number of applications they are able to process

and send to us. So at some point, there is likely to be some sort of a bump with the incoming applications from Geneva.

E Government is one of my favorite topics. Originally there was a goal of having all applications submitted electronically, and we have done really well with that. We're at 99.7 percent. So that's terrific. We have, of course, shifted our goal to make the two-way communication electronically throughout the entire process, and we're doing everything we can to encourage end-to-end electronic processing by the users. So if you look at this statistic at the end of '15, we were about 80 percent. And then, we had a bump, so now we're about 84 percent, so we have increased in the last -- little over a year. And one of the reasons that we've increased, is that in January '15, we introduced TEAS' reduced fees - TEAS RF. And so if you see the top line, that purple line is TEAS RF, and it shows when we introduced it and how it's gone up to over 50 percent now. You'll also see, as I mentioned, the Madrid applications are a little bit off, but again we don't think that that really

means anything except that there was some computer issues, and so we expect the Madrid number to pop back up. We're also pleased to see that TEAS Plus is increasing a little bit. I always want to put in a plug for TEAS plus. It saves you money up front. It saves us money up front, and it also it's not just the fee it saves you on, but it also significantly reduces the change of you're getting an office action. So it will save you a lot more than bucks if you go TEAS plus. Now the TEAS RF was one effort, that introduction was one effort for us to increase our numbers of electronic filings. The next effort is to raise the paper fees. And so we had a public hearing, TPAC had a hearing back in November, and people gave us comments, and we listened to that. And we have now published a notice of proposed rulemaking, it came out on May 27. There is a 45-day comment period. And so, we hope that those watching or those who were here today will seriously consider putting in formal comments on the fees and addressing any concerns. We have addressed, we believe, the primary concerns that were raised at the hearing back in November, and

so if there are other concerns, now is the time to let us know. Here's just a summary of some of the fee changes so for example, a paper application will go from 375 to 600. Our actual cost (I saw the figures yesterday) is close to \$800 for processing a paper application. So we are hoping to push people away from filing paper applications at this point. We are also proposing to increase the fee for regular TEAS from \$325 to \$400, and basically anything filed on paper is going to be increasing by \$100. So we're hoping that these will further draft behavior and encourage people to be fully electronic with us. Because right now, when the people file paper, the electronic filers are subsidizing them. It's also important to note that ex-parte appeals are going from \$100 to \$200. Those have not been increased for 25 years, and electronically filed oppositions or cancellations, we're proposing to increase from \$300 to \$400. Those have not been increased in about 15 years. The TTAB is heavily subsidized by the trademark operation, and so we're just trying to -- it will continue to be

subsidized -- but we're trying to make subsidy somewhat less with these new fees.

Trademark Next Generation -- we are continuing to update and modernize our systems. We have 35 different computer systems that all need to be updated, and it's quite complicated to update them because you touch one system, and it impacts three others or maybe more. So we now have 50 plus testers. We're working closely with the union, who has provided us with a number of testers. We also have Law Office 122. They started in May as I mentioned, and so we made the decision to only train them on the new system. Next week will be an important week for us because they are finishing their classroom training today, and they will be in their own offices next week and pumping out work. So we are continuing to watch this very closely. There are still problems with the programs and so we are trying to work through that. CIO has done a great job. They have shifted from monthly deployments to weekly deployments, and there was another one last night, and so we are just watching that very closely.

Now, a number of people have expressed interest in a pilot program that we have on post-registration amendments to identifications of goods due to technology changes. And so this pilot was started on September 1st. We've talked about this in the past and normally you cannot change your goods, except to narrow them, in the post-registration context and so this would permit people to file a document, petitioning to change their goods in the post-registration context and they would declare that due to a technology change, they can't show use of the original goods. But they would also say that the new technology has the same content, and to say that if they don't get to make this change, they will be forced to delete the goods or services.

So, we've had 55 filed since September 1st, which is not a huge number and we've been working through them. We have posted them for comment. We've gotten very little in the way of comment, but we thought it was very important to post them so that if anyone did have any concerns, they could raise them. So, I just wanted to show you what it looks like up on our website and so

you can see the registration number, the mark is up there, the owner, the impacted text, and how they're proposing to amend it. So I would urge all trademark counsel to take a look at this occasionally, just to see if somebody you thought that had a registration for some outdated technology is broadening that and whether you have any concerns about that.

Now, as you now, we did a post-registration pilot program several years ago where we pulled 500 post-registration filings and we asked what--if they could provide us with additional specimens and the results were not good. The results, as you can see, were a lot of deletions. So, we have been trying to work with the Bar to figure out what we should do to deal with the fact that there are clearly some registrations which will have goods that are not in use.

So, we've come up with a three-pronged approach. We are considering increasing the salinity of the declaration. We are working on language right now and it would impact the 53 electronic forms. It would impact most of those.

So, it's taking a bit of time to work through this, but we do anticipate, hopefully later this summer, that we will be able to post it on idea scale in order to get public comments. So, stay tuned for that.

We are also working on continuing the random audit of registrations that requires a rulemaking. For us to send out this rulemaking it has to be go to OMB and they have to tell us what they think of it, and whether they have any concerns. So, that is now sitting over at OMB, it just went over this week, or maybe it's going over today and we are awaiting their comments. And once we get their comments, then it comes back to Director Lee for clearance and then it would be published in the Federal Register. So, again, we're hoping this will come out fairly soon.

The third thing that we're considering is expungement proceedings and we have had a team of experts including Amy Cotton, working on this and we are going to the meeting with various bar groups to get their feedback on this before we really go public with it in a big way. Because we want to make sure that everyone feels

comfortable with the direction that we're going in.

So, we have met with INTA, we have met with AIPLA, we have met with the Association of Corporate Counsel, we have meetings scheduled for IPO and ABA coming up. So, we are going to be working through the expungement proceeding with them closely. We've also, of course, talked to TPAC about it, and gotten some feedback from them. So, I appreciate everyone's input in this because this is a complicated process to start a whole new proceeding and we're trying to make sure we get it right. TEAPP, we've already discussed and we're getting great help on that.

Also, wanted to mention TM5, as you may know, it's comprised of the five largest trademark offices in the world. So, that would be the European Union, Japan, Korea, China and the United States. And we're working very hard to exchange information and collaboration, and try to harmonize things that will benefit our U.S. users.

The mid-term meeting will be in Beijing in July. And the next annual meeting will be in

the fall, but the date has not yet been finalized--probably late October or early November, but I don't have a real date yet.

We have invited user groups to participate. There will be user session in Beijing in July for one hour. So, if anyone wants to go to Beijing for an hour, they're welcome. Anyway, so we're waiting to hear--it's unclear whether the bar groups will send someone to Beijing for an hour or not. Although I once did represent INTA for an hour and half meeting in Tokyo, so you never know who will come.

Anyway, so we've got lots of great projects going on in the TM5 that I think we're making some significant progress on. One of the projects that I'm particularly fond of is the ID project, and that is trying to get a very in-depth list of goods that are accepted in all the members. And so, it's 16,000 plus now that have been accepted by all five members of TM5 and we invite other countries to participate in the list. But when the other countries come on, they have to accept 90 percent of the 16,000. They can't reject very many, so it's a big undertaking

for them to join. And we are expanding the list of those invited, and so we've got all sorts of invitations going out, as you'll see up on the screen--Morocco, Algeria, OAPI, ARIPO, India, you know, lots of different places that we are going to invite to join. But again, it is a heavy lift for them to join the project because of the manpower required in reviewing and agreeing to accept so many IDs.

Now, one thing that you may notice--and this is a result of a TM5 project--when you go to TSDR, we have these new symbols and so you will see that we have implemented them on our files. So, for example, if you see the green circle with the ribbon in the middle of it that means it's live as a registration. And so any rate, there is a list of what these things mean. If you see the red bar through it, you know it's dead. So what we're trying to do is, we've gotten the whole TM5 group to agree to these symbols and they will--the other members will be implementing them. So eventually, when you go to the JPO, you can look at a registration--and even if you can't read Japanese, you can see whether it's alive or dead,

you know, in the status. So, we're thinking that will be helpful to our users when they're--when the other TM5 members implement this.

Outreach continues to be extremely important to us. Our basic facts video, which is for people starting up new businesses, directed at pro ses, has 520,000 hits. So we are clearly reaching a lot of people with that video, and we're very pleased about that because it's hard to us to reach 520,000 people by just going around the country with staff giving speeches--which we are also doing, but this gives us a much broader exposure and we're very pleased with that. And we have been going around, as I said, and we've done at least one live program in 49 of the 50 states. We have not hit, I believe it's Alaska, because there was a snowstorm that prevented travel. So, we'll try to get back on the bandwagon and hit that one. Of course, there are multiple states where we've been a lot of times, but we're to at least do one event in all 50 states.

Regional offices, you already heard some conversations about that. Trademark

Tuesdays are going on, and we're very excited about those opportunities for us to interact over the internet by video chat with people who come into those offices.

And last, but not least, we have Trademark Expo coming this fall. We've decided to move it downtown, so we're going to be at the Mellon Auditorium. And we're hoping to get--that's very near the mall, so we're hoping to get a lot more traffic than we have here. The Alexandria Campus is beautiful, but it's not quite in the mainstream of things like the Mellon Auditorium is. So, please urge your clients to be exhibitors. It's a great event and we have examiners--patent examiners and trademark examiners. I don't know if Tamara's ever been a costume character--I know that one of our union representatives, at least one of union representatives here has been a costume character in the past. But people love it, they have a great time. We have events for children, educational events for entrepreneurs. And so, it's a really--a nice event for trademarks.

So, thank you so much Dee Ann for having

me and thanks to all of TPAC for all of your help.  
Thank you.

MS. WELDON-WILSON: Well, thank you.  
We very much appreciate the report. There is a lot going on, and it sounds like there's more excitement to come. Sorry to hear that WIPO is having computer issues that are affecting their pendency. But I find it heartening that our Deputy Director has stated that we'll make sure that our new IT tools are going to meet the needs of our examiners when we roll them out. So that'll be helpful and maybe it won't have as much effect as we were--as we're concerned about. Phil, did you have comment?

MR. BARBER: I did. Hi, Mary. Just a quick question, I want to make sure I understood the situation with Law Office 122 actually using TMNG to examine applications, and issue office actions and whatnot. So as I think you said their training ends today, and they'll be in their offices actually examining applications and doing real live work, starting next week. And they'll be exclusively using--that Law Office will be exclusively using TMNG. Is that correct?

: Yes, their training doesn't end today. Let me just make that clear. Their training goes on for several years, but their classroom training ends today. And so, yes, they are going to be in their offices doing more real work. They're not in production at this point. So, they will be--the plan is to keep them on TMNG. Of course, if we encounter a major problem, we'll have to rethink that decision. But the plan is to keep them on TMNG at this point.

MR. BARBER: So, I take it to the extent they--there are any problems using TMNG to examine applications or issue office actions, that they won't suddenly--they can't suddenly just switch over to the legacy system to do that work. They'll exclusively be using TMNG.

MS. BONEY DENISON: That is correct.

MR. BARBER: Okay.

MS. BONEY DENISON: Unless we made a decision to--that there were such significant problems, that we had to then--we would take them off of TMNG, and we would have to train them on the old system.

MR. BARBER: Okay. Thank you.

MS. DRAKE: Mary, just a quick question. When do the new examiners go on actual production? I know they're training, technically. Howard? [laughs]

MS. BONEY DENISON: Tom, do you have a date?

MS. BONEY DENISON: Yeah, so --

MS. DRAKE: Okay.

MS. BONEY DENISON: --it's awhile.

MS. DRAKE: Yeah, so --

MS. BONEY DENISON: Ten more weeks.

MS. DRAKE: --they're making a transition, but they're really not on production --

MS. BONEY DENISON: Correct.

MS. DRAKE: --while they're--good. Okay, thank you.

MR. FRIEDMAN: Well, I would add that between week seven and 16, the next nine weeks, there is something in their performance appraisal plan encouraging them to do a certain amount of balance disposals. So, they're not on full production, but there is a number. It is in the performance appraisal plan, and obviously

therefore, it's something that we're closely monitoring and are having discussions with the Trademark Office about.

MS. BONEY DENISON: Absolutely.

MR. HUDIS: Good morning, Mary. One of your first slides, I want to turn your attention back to the hiring of the 60 new examining attorneys. When do you anticipate bringing those attorneys on board, and when do you anticipate they will be going into production?

MS. BONEY DENISON: You're talking about for the next fiscal year?

MR. HUDIS: Correct.

MS. WELDON-WILSON: Okay. So, we are likely to be advertising in late June for examiners to start in October. And so, full production is the 16 weeks from whatever the start date is. So we would anticipate having three groups, like we did this year, so there would be an October date and I believe, February and May is the thinking. And so, you have to assume that there's four months before, you know, as the--from the day they start. So it takes quite a while for them to have any impact on pendency.

MS. STARK: This is really more of a comment, Mary, than a question, but in going back to your chart about the trademark performance, and the quality, and the pendency of the office. I really want to commend the office because I think seeing this pendency on first action all the way down to 3.2 months, is exceptional and that you have been able to do a final disposal pendency far below your actual target--which was already an aggressive target is great. So as we see all of that stuff that's happening with the Deloitte service, survey, and the TMNG roll out, I would say that, you know, for end users like Fox, which is a pretty robust user of the system, the more that we can stick to this type of pendency, it would be great to see because, although we all love technological improvements, having a very efficient office that produces high-quality reports is exceedingly important to the users.

MS. BONEY DENISON: Thank you very much, Mei-Lan. We very much appreciate it. We have a terrific staff here. The examining attorneys are doing a fantastic job, and I'm very grateful to them for all of their hard work, and

I know that they will continue to do that. So, thank you.

MS. WELDON-WILSON: Are there any other questions or comments for Commissioner Denison? Well, thank you for your report today. It was very exciting, and it sounds like there's a lot more to come. So, I wanted to turn to Tony Scardino, he is our CFO and it looks like you have Frank Murphy with you, as well today.

MR. SCARDINO: Good morning, always a pleasure to be here. As you've heard already this morning, there's a lot of exciting things going on in trademarks world. Growth is something I think of in terms of filings, in term of budget, in terms of technological upgrades. It's really a great time to be involved with trademarks, as you'll see. We're going to go through three fiscal years, FY16, FY17, and FY18. Starting with FY16, the status of fees, currently we are running above last year's collections, right. Fees are - up a little less than the filings are. The filings are roughly up almost 10 percent, but our fees aren't quite in that degree, because you'll recall last year, in FY15,

we reduced some fees.

So for part of the year, last year, we collected at a higher rate. But things are going according to plan, or they're slightly below actually, but very, very close. And from a spending perspective because things are so strong on the filings perspective, we're actually collecting more and spending a little bit less than we thought we were going to which results in, as you'll see on the chart here, the operating reserve's grow by almost \$9 million. So we're going to go from \$101 million and change to over \$110 million. And the operating reserve which, as you know, comes in very handy with things like continuing resolutions, and any starts and stops. It also helps us buffer against any economic shifts because trademarks are pretty closely tied to the economy, as you know.

So '17, fiscal year 2017 will start on October 1st and the President submitted a budget back in February. Secretary Penny Pritzker testified on behalf of PTO and the Department of Commerce before the House and Senate Subcommittees earlier this spring/late winter.

The Committees have marked up our budget and for--in totality, they've actually provided \$91 million less than PTO requested, or the President requested for us. Now, you'll recall, our budget request is always the ability to collect and spend fees. So what this means is if we collect more than we're appropriated, the money goes into the Patent and Trademark Fee Reserve Fund, and we can access it through our reprogramming the next fiscal year. So, we've done this before, so it's not alarming by any means. It's just part of the process that was enacted with the American Invents Act.

Now, being an election year, for 2018 things will be a little different this fall. The Office of Management and Budget has not requested that any agencies provide formal budgets before the election. Normally, it would be due the second Monday in September. We don't have that requirement this year. The thinking, of course, is that the next President will submit a budget to Congress next-- early winter, I guess it would be, when he or she enters Office. So we will, however, still go through our internal review

process. We'll still start preparing our estimates for spending and fee collections, and we will provide that to both TPAC and PPAC, as well as Department of Commerce, probably in September, just like we would normally--it'll just be a much more truncated version, it won't be a full budget request. But we still need to formulate our budgetary requirements, so that we're ready to build a budget when the new President comes into Office.

And the last thing I've got is the fee rulemaking. I know Mary went through this a little bit earlier. Just wanted to emphasize the fact that we heard you when you reviewed our proposals last fall, made some adjustments, some additions, some subtractions and as Mary mentioned, it's now in the Federal Register. We'll be getting comments soon and keep moving this in pace so that we can put new fees into effect in January 2017.

That's pretty much all I've got. It's, kind of, land speed record. I know I speak quickly. If you want to go back to anything, I'm happy to address any issues you may have.

MS. WELDON-WILSON: Does anyone have any questions for Tony? Well, obviously, you did a very thorough report. So thank you very much for your --

MR. SCARDINO: You're very welcome.

MS. WELDON-WILSON: --efforts--

MR. SCARDINO: Sure.

MS. WELDON-WILSON: --and for your report today. We have on our agenda that we're going to take a 10 minute break, and we're just a couple of minutes early, believe it or not. Thanks to Tony's very quick report. So, let's stay back on schedule. Get back in at 10:35, and we'll start promptly then. Thank you.

[OFF RECORD 10:23 a.m.] [ON RECORD 10:35 a.m.]

MS. WELDON-WILSON: We're about to begin the next part of our program. And we're very pleased to have our Chief Administrative Judge, Gerry Rogers, with us today to give us an update on the TTAB. Welcome.

MR. ROGERS: Thank you, Dee Ann. It's a pleasure to be here, as always. I wanted to start just by following up--thank you-- on some

of the comments made earlier by Deputy Director Slifer, and by Commissioner Denison in regard to outreach efforts. The Board has also been engaged in a lot of outreach during this fiscal year, and so I just wanted to quickly run down some of those events.

As you may recall, in February and March, there were joint Patent Board and Trademark Board programs involving hearings in regions around the country, at law schools around the country. We've been in New York a couple of times for a world trademark review forum, a practicing law institute program. We've participated with trademarks in the AIPLA round tables in the past and to come. Of course, we made presentations at the INTA annual meeting. Just last week, I was in Denver at the regional office where we had a nice program with local counsel, members of the ACC in the Denver Regional Office, and then programs and presentations at the Rocky Mountain IP Institute. In July, we'll be at the Michigan Institute of Continuing Legal Education. And just yesterday, I was able to confirm a hearing that we will hear arguments in

at the IPO annual meeting in New York in September.

So, we have a lot of interest in hearing arguments in pending cases at programs like this, and so we'll continue to do that whenever possible. So, that's it on outreach. Let me turn to the usual performance measures and let you know where we stand with those. Of course, as I had hoped when we last met, we would be in line with all of our targets and we are. On this first slide, let me just point out that we actually have some hiring going on at this point in time because, as you heard earlier from Commissioner Denison, all the filings have been increasing for years now and eventually that means more work for the Board. As you can see on the bottom of this slide, appeals, extensions of time to oppose, oppositions and petitions to cancel all are up this year compared to last year. And we've been seeing them go up for the last couple of years.

So, we--while we don't have really great predictive tools for figuring out how many contested motions we will get out of an increased number of trial cases being commenced at the

Board, nor do we know how many of those cases and those appeals will progress to the point where a panel of judges has to decide them. We know inevitably more work coming in the front door, means more work for the attorneys, and more work for the judges so we've been in the process of hiring. And I can announce that starting in just a few weeks, we will have two new interlocutory attorneys handling contested motion practice. Danielle Mattessich, former Examining Attorney, coming back to the office after spending the last 10 years at Merchant & Gould; and MaryBeth Myles who is coming to us from the Orrick Herrington firm, also having spent time with Gibson, Dunn in Los Angeles. So we're expecting great work from these two new interlocutory attorneys who will start, I believe, July 11th and then bring our staff up to the point where we can handle any increase in contested motion practice that may come our way.

We also had a vacancy announcement out recently and have a list of candidates available to us for judge hiring. As some of you may recall, Judge Bucher retired in the fall and so

we'll be looking to fill that position at some point in the near future. So, that's workload and hiring.

In terms of what we've produced so far this year, you may recall at the last meeting, our inventory of cases awaiting decision by the judges on the merits had climbed a little bit above goal. But in the last few months, since our last meeting, the judges have done great work and really increased the production this year so that as we get to the next slide, you'll see that our inventory is well under control, in terms of the cases waiting disposition on the merits. So, we've got an increase in production there, increase on contested motions, and uncontested motions processed.

We're a little bit behind our pace of last year, in terms of issuing precedential decisions, but we have quite a few that are in process either being reviewed at the Board, or being reviewed at the solicitor's office. And so we expect that that number is going to increase significantly in the remaining months of the year.

On this next slide, our pendency measures for contested motions and the work that the interlocutory attorneys do on those are three measures. One, we like to focus on the average time it takes to get a contested motion decided in a trial case and we're well on target there. We also like to control the inventory, and as you can see on the bottom of this slide, the inventory is near the bottom of the target range so that's, kind of, right where we want to be. And we focus on this reach goal, too, in the middle of this slide of having no motion at any time when we take a snapshot of the docket of pending contested motions that's older than 12 weeks. So, we missed it by a tenth of a point, I'm sorry to say, but I think that's less than one day, so that's not so bad. And this is a measure I would like to have and check on along with our managing interlocutory attorney, Ken Solomon. At any point in time, even if we don't reach it, it keeps our eyes on the prize and keeps us really focused on not letting anything get too old. So, occasionally, we may have one case or two that might get a little older, but that's not so bad

if it keeps our focus on this as a performance measure.

In terms of what the judges are accomplishing, on the decisions on the merits, again, because of very significant production realized in the last couple of months, we're well on our way to a measure at the end of the year that will be within our target range of an average time to disposition of 10 to 12 weeks. The inventory which had climbed to about 175 cases, which was above the high end of our target range, is now well in hand and firmly in the middle of the target range. So, I'm very pleased with the work that the judges have been doing, and we're right back where we need to be on that target.

In terms of end-to-end processing, which is something that we've been focusing on in recent years and in part with the support and exhortation of the public advisory committee, we continued to--I think be right where we need to be. Appeal processing year-to-date is, you know, up a percentage or so, but we could take this snapshot next month and it might be down a percentage point. So, it's pretty--it's been

pretty consistent there at well under a year for a number of years now. The trial case processing has come down four years in a row and I think we're pretty much where we're going to be in terms of trial case processing because our stakeholders have made it clear to us for a number of years now, that they don't want the Trademark Trial and Appeal Board to process trial cases too fast. They like the flexibility that we offer compared to District Court, and they like the ability to get extensions and suspensions, and to be able to discuss settlement and not have to proceed with discovery and trial while they're working on those settlements which sometimes involve global issues.

So, I think our trial processing is probably where our stakeholders want it to be. We could talk about being more efficient, as we will in a few minutes, in regard to our notice of proposed rulemaking. But I don't know that, that--and I think that that Notice of Proposed Rulemaking is not intended to necessarily speed up our trial cases and our end-to-end processing of trial cases in a much more significant manner

than we've already realized just by the hard work that the attorneys and judges are doing.

And the ACR trial cases, I'm very pleased to see that after a little bit of a dip last year in fiscal '15, we have many people electing to use more efficient procedures and to use to the ACR process again this year. So, we've already exceeded what we put out last year in terms of final decisions on the merits following the party's choice to use some form of ACR. And I suspect that we will, by the end of this year, be close to what we had in FY '14 which was kind of a break out for us in terms of election to use ACR.

So, before I turn to the NPRM, I guess I'll just ask if there's any questions about any of these performance measures?

MS. WELDON-WILSON: Obviously a very thorough report. Thank you.

MR. ROGERS: Oh, okay, very good. Now, for the NPRM, you know, I have two groups of people that really need to be thanked. One, of course, is our internal group of judges and others at the Board who have been working on this NPRM

for quite some time, and I really can't list everyone who's had a hand in it, but I do want to thank in particular, Cheryl Butler who's our editor of our Manual of Procedure and our senior attorney, and Judges Lynch, Kuhlke, Hightower, Zervas, and Ritchie who have all made very significant contributions to the NPRM that was published on April 4th. Again, others contributed as well, but in particular, they've all put in a lot of great work on putting this package together for us.

The other group I really want to thank are all of our stakeholders, including members of TEEPAC, and all of the stakeholder groups that we've met with at these various outreach events for the last year or so. Because one of the things that we've tried to do is talk to stakeholders and ensure that they understand following the issuance of the B&B decision last year, we understand the significant aspects of Board proceedings in the view of the Supreme Court, and we are trying to balance with this NPRM pursuit of efficiency that will benefit everyone's clients, but which will maintain the

robust aspects of our procedures that make them appropriate in certain cases for the application of issue preclusion in the District Court. So, we really appreciate the stakeholder comments that we've generated and received informally at outreach events during the year leading up to the issuance of the NPRM, and as we'll discuss in a moment, the comments that we've received so far through the formal rulemaking process and the publication of the NPRM.

So, this notice went out April 4th, the comment deadline closed just last week, last Friday. And as want to happen, with practitioners who are engaged in trial cases, we've received a flurry of submissions at or near the deadline. But that was, of course, to be expected and we were happy to have them, happy to have them from all of the organizations who provided them and individuals. The total comments received were 19, 14 by individuals who identified themselves as, you know, practitioners with particular law firms, but as far as we can tell from the comments, they're submitting them in their individual status and

not necessarily representing their firms. We were very thankful to get, as we expected to, comments from our significant stakeholder groups including AIPLA, ABAIP, IPO, and INTA and that's not quite in full alphabetical order but close enough, I think, for this program. And Trademarks Listserv also had a number of participants in that Listserv gather together and provide comments.

We're also aware of the blog posts and law firm newsletters, and other things that we've heard about during the pendency of the comment period. And while when we issue the Notice of Final Rulemaking, we will only formally respond to those formal comments that came in through the rulemaking process. Anything that we've heard about the rulemaking package will certainly be taken into account, including these blog posts and law firm newsletters, and anything that we heard in outreach events over the last year. So we want to make sure that everyone understands that even if you don't see a comment or suggestion that you've made over the past year in the Notice of Final Rulemaking, everything will be fully

taken into account.

And just a quick observation about the nature of the comments, again, they all--a lot of them came in just at the end of last week, so we're still digesting them. We've had one session at the Board so far looking at these comments and trying to, kind of, categorize them and figure out what the major points are that commenters are focused on. But I have to say that I'm very thankful that for many contributors of comments, they've been very supportive of our pursuit of more efficient trial options and generally been approving of the effort to pursue efficiency, while still offering suggestions and comments, and pointing out scenarios that we might not have thought of that might result under these proposals, and that we will certainly now consider as we decide what to include in a Notice of Final Rulemaking. So, we're very appreciative of the generally positive reception that the proposals have received, but we're also equally appreciative of any suggestions for further improvement, any attempts to point out potential pitfalls that we should try and avoid

as we move forward.

So, what we will be doing is, in a few weeks--two weeks I guess from today--we'll be having a report out here on campus on the comments as we continue to sift through them and, kind of, categorize them and summarize them. And so, we'll give those who come here in person and participate in that event, or those who listen in via the webcast, a sense of what the comments are and how many were received, and while we won't necessarily provide, you know, a final response to those comments or a complete response to those comments, we want to make sure that anyone who wants to participate in that event will be aware of the full extent of the comments that were received. And of course, if there's anyone who's there at the event who has a comment or a question about any of the comments that were received, we're happy to discuss them during that event.

I want to stop at that point, or at this point and point out that that date, June 24th, is significant for another couple of reasons. So, it's probably a date you should all put down on your calendars. Our revised Standard Protective

Order, also takes effect that day and there's information on that on the TTAB website. That Standard Protective Order has been applicable, as you all know, under the 2007 Rulemaking in all of our trial cases, unless the parties agree to some alternative. And so, all we've really done is revise the content of the Order. We've not--this is not part of the Rulemaking because it was already applicable in all of our trial cases in the absence of an agreement to some alternative Order, but the contents have changed and you can see that Order on the website if you go there now.

The exceptions will be that on the 24th, if you've--if you're involved in a trial case in which the parties have agreed to some other form of a Protective Agreement or Order that will continue to govern for the remainder of that proceeding. And if you have engaged in any--just providing discovery responses, or disclosures, and utilized the former Standard Protective Order, that will continue to govern for the remainder of the case. But otherwise, the revised Order will cover all pending cases, or cases commenced on or after the 24th. The

parties, of course, remain free as they have been up until now, to agree to any alternative to the Standard Protective Order, so the revision goes into effect, but you can still choose to adopt something else, if you'd like to do that.

The other significance of June 24th is that we expect on or around that date to have the revised version of the TBMP, the Board's Manual of Procedure come out. Now, normally, we put out just an annual revision of the TBMP around this time of year. Because of the Notice of Proposed Rulemaking, we will do the next revision, we hope, before the end of this calendar year to reflect whatever is in the Notice of Final Rulemaking. So, you won't be waiting until next June to see a revised Manual of Procedure.

Looking ahead, you can expect that the Notice of Final Rulemaking will be out sometime in September. You should expect that there may be varying effective dates for various provisions in the Notice of Final Rulemaking. This is something that we did in 2007, when we last engaged in rulemaking, when that Notice of Final Rulemaking was published in the Federal Register.

Some of the changes announced in 2007 took place immediately upon publication of the Notice of Final Rulemaking. Some of them took effect a little bit later, 60 days later. And the reason we do that is because we know that people may need adjust docketing systems and train their staff. And there are certain changes that we can't put into effect on the day of publication in the Federal Register because people need time to adapt. We also have some changes that we're proposing that will involve updates to our IT systems and depending on how far we are along with those changes to our IT systems, we may also need to adjust some of the effective dates for some of the provisions in the Notice of Final Rulemaking to kind of match our development schedule for IT changes.

And that's about it, in terms of an overview for the NPRM who contributed to it, where we're going, and when to expect a Notice of Final Rulemaking. But I'm happy to take any questions about it at this point in time.

MS. WELDON-WILSON: Lisa?

MS. DUNNER: Judge Rogers, thanks for

your great report, as always. You mentioned the B&B hardware case, I'm just wondering if there's any noticeable effect on filing since that decision?

MR. ROGERS: No. It's a question we get a lot at our outreach events, and talking to the judges, and talking to our attorneys, I don't think anyone can say in particular that they've seen attempts at taking more discovery related to use issues, or more attempts to introduce evidence relating to use issues for the judges to consider when they're deciding on the cases on the merits. You know, perhaps anecdotally, in case here or there, you might see a little uptake in activity, but certainly no trends. And interestingly, while B&B dealt with a likelihood of confusion case and use issues, we're actually seeing in the first few cases that have appeared in the District Courts, the Application of Preclusion in cases that don't involve use issues, but involve priority issues, or abandonment, or ownership, or other issues. So, I don't know that we all thought of that, or whether the Supreme Court thought of that when

they issued their decision and the possible Application of Issue Preclusion in other areas. But that certainly seems to be the first area where we're seeing developments in the District Court.

MS. DUNNER: But you haven't seen a bypassing of the TTAB altogether, in view of the case--

MR. ROGERS: Certainly not in terms of new cases being commenced, as we saw earlier, the filing levels are increasing. And I can't say that there are more people commencing civil actions and putting our cases in suspension. I mean, we've tried to make it clear that we will follow our standard practice of suspending our case if the parties to our case find themselves involved in a civil action. That's not going to change. While we do not think that just because of the B&B decision, we will now take center stage and I do not expect that you will see the kind of dynamic that's been playing out under AIA with the Patent Board where the AIA trial proceedings at the Patent Board have become almost the default for a lot of patent practitioners, rather than

going to District Court. We don't expect that kind of sea [phonetic 00:24:39] change here. We expect that there are parties who will have to think and strategize a little bit more about whether they need to be in District Court, or need to be at the Board, or whether, you know, at some point they might need to put the Board case in suspension and then pursue a District Court action. But I can't say that we've seen any clear trends in that regard.

MS. DUNNER: Thanks.

MS. WELDON-WILSON: Are there any other questions for Judge Rogers, or comments? Well, thank you very much. We appreciate that. Our next report is going to be from our CIO, John Owens, and our TMNG Portfolio Manager, Raj Dolas, but I see we have Rob Harris here.

MR. HARRIS: We're agile, right? So we're running ahead of schedule a little bit. I think John maybe on his way down, but we can either wait for him--I think he was going to--thanks, Gerry--just introduce and hand to me, or I can just plow right in. Raj Dolas, unfortunately, is out sick today, so I'm going to pretend to be Raj

for the next few minutes.

MS. WELDON-WILSON: Well, that sounds good. Just don't pretend to sick part and we're in good shape. I am absolutely fine with you beginning now, and then when John comes, we can--at an appropriate time, whatever you consider appropriate--he can make his comments, as well. Thank you so much --

MR. HARRIS: Okay.

MS. WELDON-WILSON: --for being here today.

MR. HARRIS: No problem. So again, my name is Rob Harris. I'm the TMNG Program Manager, and I would like to take the next few minutes and the information I'll present to you is organized--as it has been at prior TPAC meetings--organized by the investments. Our first investment is TMNG II, which is focused on delivering all of our internal TMNG capabilities to allow, and provide, an end-to-end electronic processing solution for all of the trademark businesses examination, and non-examination functions.

The second investment is TMNG External,

and those are all of our external facing products, delivered to our customers and used by our external customers, examples being electronic filing, electronic EOG, et cetera. Once we transition through those the next few years, our attention will turn to our friends at the Trademark Trial and Appeal Board.

So, the next slide is recent accomplishments. Internally from a TMNG II perspective, our focus has been on delivering a sweep of capabilities needed for examining attorneys to do their jobs in a Next Gen environment. That capability has been deployed to a first law office and we're currently working on incorporating their feedback and addressing known bugs before deploying to the remaining law offices later this year.

From a non-examination capability, our focus is on our two--our two top business priorities which are a product for TMNG Madrid for international filings and secondly, for TMNG Petitions which is a product for our Trademark Office of Petitions.

MS. WELDON-WILSON: I did want to note

that John has arrived, and we apologize--we ran a little ahead of time which was surprising considering we were running behind at the start.

MR. OWENS: I apologize for being late.

MS. WELDON-WILSON: Well, you weren't--you're still early, but thank you.

MR. OWENS: From an external perspective of recent accomplishments, first from an electronic Official Gazette perspective, our team lead by Chris Doninger, has been doing outstanding work in that area. We've enhanced EOG to incorporate customer feedback and we're also on the cusp of deploying capability that will allow for registration certificates, and updated registration certificates to be produced in a PDF format.

A third piece of this, which is not customer facing, but certainly one that we feel is very critical is TMOG has been our guinea pig and we have demonstrated our disaster recovery capability in support of EOG and we'll work this summer to expand that disaster recovery capability to the entire TMNG environment.

From an e-file perspective, Tanya and

her team continue to work very hard to define the business requirements that will be needed to restart development, hopefully this fall. And from a TSDR perspective, we have recently deployed an enhancement that allow for status of applications and registrations to USPTO with uniform icons and terms. From a legacy perspective, there's a list here of about a half dozen legacy systems that we have recently enhanced, or in the process of deploying that capability actually this weekend. LCMM, the Legacy Content Management Migration system, we continue to enhance the performance of retrieving images for TMNG. TEAS, we've recently deployed capability that allows our external customers to store electronic payment options. The ESTTA and TTBAS, both for support of our Trademark Trial and Appeal Board, there was about a half dozen enhancements for each of those systems that were focused on first incorporating prioritized feedback from our customers, and second, a batch of high priority bugs, and lastly, there are some work being done to make the lives of our paralegals and customer support reps just a

little bit better. And then there were minor enhancements recently deployed for our Electronic Trademark Assignment System, and also Trademark Federal Statutes and Rules. I believe that last one was to make--it's currently a PDF form to allow it to be searchable online which is a small step there.

And lastly, what's on the horizon. As I mentioned earlier, our focus is on deploying TMNG examination capability internally, the--our goal is to have all law offices trained on and using TMNG exam by the end of this calendar year, if not sooner. And this is a little bit out of order, I'll jump down to the fourth bullet. This summer, I mentioned disaster recovery capabilities--our goal is by the end of this summer to have disaster recovery capabilities available across all of the TMNG environment. And then from a FY17 perspective, the priorities are on our TMNG Madrid and Petitions products--from an external perspective, the focus is on continuing to develop e-file in 17 with the desire to have it deployed in early '18. And from a legacy perspective, we will have to

enhance TEAS, TTABIS, and ESTA to support rule changes that I believe you heard from Gerry earlier and that are recently published in the Federal Register. And I open it up for comments and questions.

MS. WELDON-WILSON: May I ask a question to begin with, or maybe for more elaboration. I--as I understand it, the registration certificates in PDF form is something that most of the office users will be able to go on and print out their own registration certificates. Is that how it--what you're talking about?

MR. OWENS: I heard a "yes" from behind--yes.

MS. WELDON-WILSON: Oh, good. And as I --

MR. OWENS: It's a team.

MS. WELDON-WILSON: --understand it, that'll be available relatively soon? I just want to emphasize that I think that's a great development.

MR. OWENS: --keep turning off.

SPEAKER VOICE: No, it's--you got to

speak very loud.

MR. OWENS: All right. It is. The capability's been developed and it is scheduled for deployment --

SPEAKER VOICE: End of June.

MR. OWENS: --I note--I didn't know of a specific date--end of June, so later this month.

MS. WELDON-WILSON: I think that's excellent and something that a lot of people will be able to use. I've also heard some compliments on the ability to store electronic payment information TEAS. So, I think that those--those two in particular, are things I've heard people compliment and I appreciate those changes.

MR. OWENS: Thanks for the feedback.  
Yes, ma'am?

MS. HAMPTON: I just had a quick question on clarification on the PDF--aren't we able to download PDFs, registration certificates now? So, I'm not sure what the difference is with this enhancement.

MR. OWENS: This is where I would love to have Raj or Chris Doninger here. I don't see either of them--I'm sorry?

SPEAKER VOICE: [unintelligible  
33:35]

MR. OWENS: Do you--Chris is here?  
Look--Chris.

MR. DONINGER: You can always go to  
TSDR and pull the PDF once the registration's  
issued to make it easier--I'm sorry?

MS. WELDON-WILSON: Turn the mic on.  
[inaudible 33:53]

MR. DONINGER: [inaudible]

MS. WELDON-WILSON: [inaudible], and  
this is Chris Doninger.

MR. OWENS: Sorry, Chris.

MR. DONINGER: Morning. Okay.

SPEAKER VOICE: You got to push the  
button.

MR. DONINGER: You can always get--

SPEAKER VOICE: No. Do it  
again--there we go.

MR. DONINGER: You can always get the  
PDF from TSDR, and that's been available for a  
long time. The enhancement that will take effect  
on June 21st is that you'll be able to get the PDFs  
right from within the OG itself. So, once the

registrations are issued, you can go and create a whole list of registrations and actually click and open the registration certificate right there. So, you don't have to click all the way through to TSDR, we were trying to save a step.

MS. HAMPTON: Thanks, Chris--got it.

MR. OWENS: Thanks, Chris.

MS. WELDON-WILSON: I appreciate that. Are there any questions on other matters, as well? I think that Anne had a question.

SPEAKER VOICE: You're welcome.

MS. CHASSER: Okay, thank you for your presentation. Earlier today, we heard from the Deputy Director that the new TMNG would be--has been launched to Law Office 112 and that --

SPEAKER VOICE: [inaudible 00:35:12]

MS. CHASSER: --well, I'm sorry--122. Thank you for that correction. And then we also heard from members of the TPAC that there is--and that we should expect some delays and increase in pendency through--in 2016 and potentially in 2017, and we understand that this an initiative of the office to deploy the TMNG. My question to you is it--well, you spoke about the known bugs

in the system and that you would be addressing the known bugs in the system. And my question to you, John, is there's been a lot of concern about the increase in pendency and what that will do for many of our major stakeholders. And I'm wondering what your strategy is to help mitigate those problems in the system when they're deployed.

MR. OWENS: So, today, there are about--what we call show stoppers. Those are--we cannot deploy until these are fixed. There's approximately 20 of them, give or take a few, at any given time. We're doing weekly deployments. We're going to continue those weekly deployments. That means we fix some of them and deploy them every week until they are fixed. And certainly I will not be a proponent, and I've already told Russ this, that the product shipped to anyone other than the testers--until those 20 are fixed, or any similar stop are found.

MS. CHASSER: Good.

MR. OWENS: That being said, the system is not the old system. The system is different and it will take some time to learn. And any

negotiation between Trademarks, the front office, and the union, on what that training and/or impact to the examiner will take, and subsequent effect on the examination process in time, is theirs. My goal is to deliver a product free of stoppers, not free of all bugs--no software at this level of order or magnitude is free of bugs by anyone can tell you that. But that it's free of stoppers, it's functionally equivalent and that there are no major issues with data corruption, speed, performance or anything like that. And I will not deploy to any more until those things are done. That being said, we--after deployment, and whatever's negotiated from--between Trademarks and the front office, and 245, we will be on-call and continue that weekly cycle until we are sure that the system is stable and doesn't have any other issues. By the way, we do not roll out all at once, right. We roll out a law office at a time, and so as more people use it, we'll wait, we'll look--particularly at the beginning. See if anyone finds anything else, we'll fix it, you know, deploy it weekly, you know, and continue

that on. And it'll--so, the first folks will be more affected by the folks at the end. That's pretty typical of IT deployments and any business unit. And we will be on-call 24 by seven by 365 to address the issues that are found at a timely manner, particularly those that are deemed unacceptable and will impede further progress in learning the new system. But new systems have adoption time. I think we've all had our new home computer, and we look at it, and it's not the same operating system or the same version of Word or whatever, and it takes a little getting used to. And under production restrictions, I think that's what the concern about the impact of production is. Does that explain?

MS. CHASSER: Yeah, there is a real concern about the increase in pendency because the offices work for so many years to get the pendency down to a number that is very much accepted by the stakeholders. And the big concern is that if this would have a huge impact on that and the quality also, that perhaps it might not be the best thing to rush into deploying it.

MR. OWENS: So, there will never be a perfect time to deploy a new system that's different than the last system. There will always be a learning curve. And I think we've all experienced that when we've updated software packages in our personal computers, or in our work computers, and other places. So, that problem will never disappear, and never go away. My goal is to make sure it is as short-lived as possible to minimize the impact to the business.

MS. CHASSER: Thank you.

MS. WELDON-WILSON: Lisa, go ahead.

MS. DUNNER: John, thanks. I understand that there's no perfect scenario here and we're, sort of, trying to balance and juggle cause and effect with rolling this out. I'm going to ask the pendency issue just a little bit differently. Knowing that pendency is a huge concern for stakeholders, are you all going to monitor pendency as you roll this out so that if pendency starts to increase, then you might stop the roll out until we can catch back up to keep it at a certain level? So in other words, maybe pendency never goes beyond three and half months,

for example? And if you are going to do that, what would be the threshold for a good level of pendency?

MR. OWENS: I think there's a little confusion. The CIO's office isn't the person that determines whether or not the system rolls out. That's the business. Now, we're a partner there and we work closely together, so it's really a joint decision. I will not one day decide to put it out there to more law offices and turn off the old system. That's not the way it works. Okay. This is a joint co-operative effort.

The second thing I'd like to say is, just so we're all aware, I, the CIO do not measure anyone's pendency, right. The business does. The business decides when to accept, the business works as a team to decide when to deploy, the business monitors the pendency and the business can stop the deployment at will. So, I am a facilitator, but I am not a decider in those efforts. I am co-operative, I work together. It is important that we eventually get off the legacy systems--I think we all know the reason why we spent an inordinately large amount of money get

off those legacy systems and that it will never be the perfect time. But the CIO does not manage pendency, ma'am. The CIO facilitates.

So, if your scenario were to happen and I'm sure Mary will comment in a minute and it reaches some unacceptable threshold and we had to stop, then the CIO would stop. Period because that's what the business asked for. My goal is to limit the amount of adjustment necessary, and limit the amount of time in particular and fix the issues found as quickly as possible. But it's--it's a necessity to have a change and be prepared for that impact and to let everyone know, rather than everyone be surprised--which would not be an optimal situation. But change does cost and it will always cost. It's cost for Patents, and it will cost for Trademarks--cost in every business.

MS. WELDON-WILSON: Bill, you had a question?

MR. BARBER: Yeah. Hi, John. I'm a little bit confused, or maybe I just misheard it as to what the current plan is for rolling out to other offices. I think I heard there was a goal

of rolling it out completely to all of the offices by the end of this calendar year. I've also heard, no, it's going to stretch into next fiscal year. So, I'm just a little bit confused what the current plan is.

MR. OWENS: So, the current plan, as presented, was to get it done by the end of this calendar year. We have 20 show stoppers. The plan currently calls for them to be fixed by the end of July. Will we find more? I cannot tell you that. We fix bugs, people then use the tool, they may find more bugs--that's typical because they-- the bug may have prohibited them from doing something, and now that they can, they find a different issue. Any one of those bugs may or may not be a show stopper, or impactful. Show stoppers are if we've released the product, something will break, something will be corrupt, something will--some time or performance issue will not, you know, be adequate and so on and so forth. The real things that affect the business are called stoppers. Not the colors off or, you know, the screen's a little messed up here, the window's a little weird. Those are all going to

be fixed, they're just not as critical.

So, we have a goal and I like working towards goals because if you don't have goals, you can't achieve them. But that goal is not fixed. The goal was actually at the beginning of the year to finish this by Q2. We found that--we found stoppers, we're fixing those stoppers. We shifted the date to accommodate. If it takes us into next year, that's fine. It wouldn't be preferred on my part, but I'm not going to force delivery of a product if I know that there are stoppers in it. So, if I have to come back to you in a quarter from now and say, "We found more, and things aren't going well," I will. And if things are going well, I'll tell you that. So, the plan--the goal is--by the end of this calendar year. Will we make it will be dependent on what we find, and I have no plan right now to deploy a product that will break the business. That's not my goal. Nor do I have the authority to do that. Does that answer your question?

MS. WELDON-WILSON: Mei-Lan?

MS. STARK: So, this is a little bit of a follow-up to that because you've indicated that

there this is a plan and that the plan is flexible, I guess--is what I think you just said.

MR. OWENS: Yes.

MS. STARK: And you've said that as of now, you know of 20 show stoppers and that there may be more that are yet to be discovered as you do these weekly deployments. And you said the plan is then to try and get the show stoppers all done by sometime in July. So, I'm just trying to figure out, since that's just a few weeks away, and to my ears, 20 sounds like a lot if they're really show stoppers. I'm trying to figure out whether you actually think that that's a reasonable target that you and your team can hit. That those will all be fixed to the point where the system can work in a way that allows the examiners to do their work in a decently, seamlessly manner?

MR. OWENS: So I'm not going to undermine the fact that there are a lot of issues and it's approximately 20. I don't want to be called down on--in other words, it's less than 25, but it's around 20. So, we haven't been working on them this--starting this week. We've been

working on them for over a month and a half--almost two months. So, yes, 20 sounds like a lot, but it was--that number was quite a bit bigger a few months ago. And we have a schedule and the schedule shows by the end of July that they'll be fixed. So, do I think that's aggressive? No, I do not. Do I think that it's doable? Yes, I do. Do I think that there will be--we will find something else? We will definitely find something else.

The question is, is will it be one of those impactful things we find or not. So, I don't want to leave anyone with the impression that we just got this list of 20 yesterday. And we have been working on them for a little awhile and we've removed at least a dozen off of that list and we'll continue to do so. But the schedule is the schedule and we're sticking to the schedule. So, we also have to remember that the opposite I've heard is true. If you're going to be done by the end of July and, you know, why do you think it's going to take so much longer? Don't forget, we have an end of a quarter-- quiet time--we're not going to deploy that will impact the business,

or pendency in the meantime. So, there are lot of factors at play and then we have to have the appropriate level of testing time, and be comfortable, both Mary and myself, on what impact it will have and any conversation with, you know, Mary, the union, the front office, and what impact that would have--is that agreement has got to be reached all in parallel. But the product will not ship unless I'm confident that it will not impact, or have the minimalist impact on the business as possible, but it will have one. Does that answer your question, ma'am?

MS. WELDON-WILSON: I think Deb had a question and then we'll go to Tim.

MS. HAMPTON: Morning, John.

MR. OWENS: Morning.

MS. HAMPTON: Sort of piggybacking off of Mei-Lan's question, I guess what I'd like to understand is given the discovery, which I understand is not something that's happened overnight of the show stoppers and the concern about pendency. I guess what I'd like to understand is where these are--is there a concrete, sort of Plan B, Plan C in partnership,

obviously, with the Trademark Office for--if there are critical issues that keep coming up, and it's becomes clear that the system cannot be deployed as originally planned, what is the Plan B and the timing to then roll out the system, even if that particularly means a delay to fix those critical issues and again, with the understanding that as you're working out the existing 20 show stoppers, that there is a real possibility or a possibility that new issues will arise. And again, what is the plan for that?

MR. OWENS: Okay. I think there's a little bit of confusion, so I'd like to clarify. The 20 show stoppers have nothing to do with pendency issues. The product will not ship--I will not ship the product to anyone else, other than the testers, until those bugs and any associated found stoppers afterward are fixed, period. So, they're not going to be given a product with show stoppers in it and expected to do their job. Are we all clear on that? I mean, there are 20 show stoppers, it used to be a lot higher, and we've been finding them and we've been getting rid of them. So, that plan is the plan.

Do I have a back-up plan? When I find out if there's some difference in delta, we will talk with Mary--just like we did the last time when this was supposed to be done in April. And we will re--we will figure out where we are, and we will reschedule-- just like we do in Agile. Agile is a constant series of meetings, weekly, daily, where we constantly re-evaluate where we are, and if we have to move the schedule, we have to move the schedule. If I came out now and said it's not the end of the--we have a plan for end of the year, and by the way, if that fails, I have a problem for mid- year. You want to want to know what everyone will aim for? Mid- year--and that's just a fact. That's human nature. So the plan is for the end of the year. The Plan B is to re-evaluate, and see what we find. Now, the bugs are going away, and as they go away and the system stabilizes under real use because now that we have a lot of testers testing it, we will fix the bugs. And this is very typical of the environment. If we find more stoppers, then we will push off the schedule and even if I was ordered to, I would refuse to deploy the product

with the level of--with stoppers in it because that means it's not functional for the business. Doesn't mean there won't be bugs in the product. Don't mean there won't be annoyances. But then we will continue to release on a schedule, weekly, bi-weekly, whatever it is and we will fix those. And just like we did with Patents, we'll take continuous customer feedback and fix those bugs. Patents right now is deploying monthly.

So, that is one conversation. The separate conversation of pendency, and what it takes for an examiner to learn the new system and adapt and go from being extremely familiar with the system to adapting to a new familiar--a new system and becoming just as familiar with it, and the impact on pendency, it's a separate conversation because you won't even get there until the stoppers are fixed, okay. And I will refuse to ship a product with stoppers that hurt the business. Now, that doesn't mean we won't find one, but just like with FPNG and the My USPTO roll out, we have a stopper bug fix process from identification of a stopper, to the deployment of the fix for FPNG, and My USPTO of one day. Now,

because we do not roll it out to everyone at once that means that the people at most risk will be the earliest adopters, or those earliest units that take the program because they're more likely to find the issues. But as we move on in the roll out, that'll get better, and better, and better. So the impact will not be universal amongst all the groups. But the two are separate problems and the back-up plan to be completely honest is a continuous re-evaluation. The plan was last year. We re-evaluated, we re-factored some things, we re-wrote some things. Plan was April. Mary and I got together, we gave it to more people--some 50 examiners, Mary, or approximately?

MS. WELDON-WILSON: It's 50 testers--it's not--they're not all examiners.

MR. OWENS: All right, 50 testers. We found some more things. Some of them were pretty egregious once we were actually doing it--using, I mean those--some of those testers are actually doing real work with the product today, right.

MS. WELDON-WILSON: Yes.

MR. OWENS: Right?

MS. WELDON-WILSON: Yes.

MR. OWENS: And as those things are found, they're cataloged, they're rated on a daily basis during a bug scrub, and those that are stoppers are on a list and anything on that list will prevent final shipment, period. I'm sorry, I kind of got a little off track there --

MS. HAMPTON: Well, thank you.

MR. OWENS: Did I answer your question?

MS. HAMPTON: No, but thank you.

MR. OWENS: Well, what didn't I answer because I'd be happy to address it.

MS. HAMPTON: That's okay, John.

MR. OWENS: Okay.

MS. WELDON-WILSON: Okay, then Tim, did you have a question?

MR. LOCKHART: Yeah, first of all, John. I want to say thank you very much for your frankness today. I appreciate that. I know my fellow members of the TPAC do, as well, and members of the public. Obviously, there's a lot of interest in the roll out of the TMNG examination tools. We know there have been some bumps in the road. Speaking for myself, I know

the product's not going to be perfect because no software product ever created has been perfect. And we don't expect perfection. And we appreciate the fact that you don't have perfection in your back pocket, and nobody does. Nobody expects that. I do appreciate the fact that you--you've been frank about these 20 key issues, or as you say, show stoppers. I appreciate the fact that you said you're not going to deploy the TMNG examination tool beyond the initial cadre of 50 testers until you think it's ready to be deployed. And I think that's the right approach, and I'm glad that you're so frank about stating that.

I also take your point about your office is not primarily and directly charged with maintaining pendency, or monitoring pendency, that falls under the Trademark Operation. Obviously, there's a relation because if the examination tools not working well, pendency will increase and I think that's why my fellow TPACers are so concerned about pendency. But I do take your point that that's not your primary responsibility. Your job is delivering a tool

that will work, that the examiners can use. Then, the pendency issue, foregoes from there. But I do think that you've been working hard on this--you and your team. I know it's been a heavy lift, it's been a tough job, and as the Deputy Director said in his remarks, we certainly appreciate the remarkable progress that you have made and we look forward to the progress to come. So, I think my fellow TPACers have asked most of the questions that I had about where you are, and where you intend to go from here.

One, sort of, related question not directly on point with TMNG, but with respect to the legacy systems, which most examiners--I guess all the examiners who are not in Law Office 122 are still using--and a lot of them are going to be using that for apparently several months going forward. Do you have concerns about the viability of the legacy systems during this period where you are rolling out the new examiner tools to the full examination corps?

MR. OWENS: Well, thank you for that. I always have worries about the viability of the examination systems because they don't run 24 by

seven by 365 today and they do have issues. That being said, I don't have--I don't have any inkling that that's going to suddenly get worse anytime soon, but they are harder and harder to maintain at that quality level that's expected already. So, we have no plans on shutting off those systems until, you know, well after the roll out's done and I've certainly funded the Operations and Maintenance in the O&M, and next year to cover a full year in '17 of doing that. Happy to save that money if we turn it off earlier, but things have got to happen ahead of time.

It's interesting. I've done this for a long time and whenever you get ready to ship a product, there's always some concerns about the things you find when people start really using it. And this is not atypical. It wasn't a-typical when I worked at Netscape, or Compuserv, or AOL, or any of the other companies I've ever worked for. And we deployed to 32 plus million people around the globe, so you believe, they found bugs. It's about making sure that those bugs--we do not fully deploy a product until those bugs are fixed. I want you to be assured that we will not rush it

to meet a date. I've already missed several dates for you over the years. I'm not afraid of missing another one. I am afraid of releasing a product that it doesn't work and I'm going to make sure there are no stoppers in it and that's why we do a slow controlled roll out, and we're going to constantly measure.

But that does mean--because of the process here, things-- people will be affected and I do not want to affect as many of those people as possible because though it is not my responsibility, I do worry about the pendency for the agency because I work for the United States Patent and Trademark Office and I do appreciate that problem. Just so--make that clear.

MR. LOCKHART: No, that is clear and I think we all understand the distinction and the relative roles and responsibilities. So, to address, perhaps what my colleague, Deb Hampton, was eluding to with this Plan C. In a worse case scenario, and I don't think any of us imagine that this would ever happen, but you're going to keep those legacy systems around long enough so that we know throughout the entire Trademark

examination core that the new tools work. And if there were some additional show stoppers, as you said, that are discovered maybe several months from now after the system's been more widely deployed--if people had to, they could go back to the legacy systems while you fix those additional problems. You're going to keep it around, in case that worse case scenario were to happen.

MR. OWENS: Keeping the legacy systems around were part-- was part of Plan A, that's why I didn't pick up on that, I'm sorry if that was part of the question. I have no plans on turning it off. Now when people convert, we convert a law office to the new system. Because the new system is linked to the old one, but not in a way that would really be easy to facilitate a backward movement, those people that adopt it are going to be on it and we're just going to have to fix it. That's why I said the risk to that early law offices are going to be higher than the ones on the end.

So. I am sure because the current plan calls for it and of course, Mary and I would agree. That's got to be very slow, controlled, measured,

managed, pendency, looked at, and so on and so forth. This isn't hit the big nuclear button and everything--you just, happens. This is going to be--it's going to look like molasses coming out of a jar on a cold day in winter. I mean, it's going to be slow. Now, hopefully, things will go well. The 20 are the biggest, you know, the big ones. We're going to find a couple others, whatever, we'll be able to adapt to them and by the end, we're going to be close. And we may not make the end of the year, but hopefully we'll make enough that know that--and in the beginning of the next quarter, we'll clean it up. But, you know, I am encouraged that we're making progress. I am encouraged that we have the level of testing that we have, and I have to thank Trademarks for that. But the legacy systems are not being shut off anytime soon.

MS. WELDON-WILSON: We appreciate that. I just also want to comment that I know from an earlier conversation we had, that the current system does not address all of the examination possibilities like Madrid, and drafting of briefs, and things like that. So,

for that reason, you'd also be keeping the legacy system running. The new system, the TMNG--

MR. OWENS: Not --

MS. WELDON-WILSON: --not the last system.

MR. OWENS: Right.

MS. WELDON-WILSON: I'm sorry. I'm sorry if I misstated. The new system does not address that and that's why we need to keep the legacy --

MR. OWENS: Yes --

MS. WELDON-WILSON: --system --

MR. OWENS: --the legacy --

MS. WELDON-WILSON: --going.

MR. OWENS: --some of the legacy systems--when the roll out of this product happens, some of the legacy systems could be shut off, but those that are related or infrastructure-wise to support those things that have not been developed yet, that are currently in development they will have to be sustained. So, when the roll out happens, we will make sure that things are working well before we shut anything off. But there is no one date where the

whole legacy system suddenly all gets shut off all at one time. That's not in the plan. The plan is--I am fully funding those products with agreement from Trademarks well past next year. Though we would like to save some of the money and, you know, obviously we built a new system and once it's viable, we would like to save the money and shut off the legacy systems that we can shut off.

MS. WELDON-WILSON: We understand that and appreciate that. And I think we have one last question from Mei-Lan.

MR. OWENS: Oh, go ahead.

MS. STARK: So, that--part of my question was what Dee Ann just asked. But part of my question was, you had mentioned before that the roll out of the new system will not be an independent decision made by the OCIO's office. That it's in conjunction with, what you call the front office, and with Mary and the Trademark Office. I'm wondering if the decision to--when and which legacy systems will be shut down will also be a collaborative decision, as opposed to a decision that rests with the OCIO.

MR. OWENS: Oh, yeah.

MS. STARK: Or if that's--if that's different?

MR. OWENS: Unlike my predecessor CIO's, I don't make unilateral decisions at all, period. So, the answer to your question is, yes, in fact--though I do want to see the system succeed, as I hope we all would, I would never fight against the delay nor would I shut off a system without Mary's agreement. And if necessary, if there was a significant push from the front office and I truly didn't believe it was ready, or it would negatively, unduly affect the business, I would vote against it certainly siding with my customer. I probably shouldn't say this and I'll get in trouble, but Administrations come and go. Trademarks is forever. So as long as I plan on keeping this job--which I do like--I'm not going to fight with Mary, if she truly believes that there is an impact that is unduly warranted by a stopper that we all agree is a bug that needs to be fixed, or would prevent someone from doing their job. Again, that's not to say that there won't be more minor bugs we will fix later, but we have

demonstrated with this application as well as others, that we can fix and deploy those in a rapid fashion where we're not, like in the legacy systems in 2008 or before, waiting a year plus before we get an update. So, it is different. It is-- there's a lot of risk to manage, there's a lot of worry, but the fact of the matter is I don't deploy anything at this agency without agreement from my customers period. And I don't shut off anything at this agency without agreement from my customers, period. And those customers not only include Mary and Patents, but also the unions, and everything else. So, I--I actually have a lot less power than you might think I do, though I do want to see a strong, stable environment that is workable for this agency and Trademarks, and the years to come. And that is not what we have today with the legacy systems. So, we will make the transition, and there will be an adjustment, and we will get through it together. But I am not going to push a product that I do not--I would stand by and put my name on. I'm just going to do that.

MS. WELDON-WILSON: Well, I had

thought that was our last question. But Howard Friedman has a question.

MR. FRIEDMAN: Yeah, but first off, I'm going to be very curious to see if anybody files for a Trademark application in view of your slogan. [laughter] But secondly, I don't really have a question, but we obviously had a spirited debate today and a spirited debate yesterday. And since all of my peers have already asked a question, I really figured I needed to say something. So, the only thing I'm going to add is--and Mary's touched upon this, and you've touched upon this. We've had an unbelievable effort by our beta testers, not only in management but, in particular, those that I represent and to a large degree, they've sacrificed bonuses and other things just to show what the show stoppers are and to help your office, to help us, and to help Mary--and for that matter, to help the other members of TPAC. So, I just wanted to pass on how appreciative all of us are, and I, in particular, for our beta testers for making the system better.

MR. LOCKHART: And to help the outside

practitioners --

MR. FRIEDMAN: Yep.

MR. LOCKHART: --and Trademark holders.

MR. OWENS: Why--I definitely and I've said this in private, but on the record, I will definitely say from the bottom of my heart, this effort cannot be done without the testers--mainly the examiners that are doing this work and making sure that the product is ready. I'm sorry they've had to sacrifice. I know my team similarly has had to sacrifice, and (a) it cannot be done any other way; and (b) I am extremely personally and for this agency, as the CIO, very grateful that 245 has come forward with volunteers to help us, and I--or we wouldn't have gotten anywhere near where we are today. And I think you know, Howard, that you have my commitment that I want a good, solid product and those stoppers gone before we ship. And I have given you that commitment, and I'm going--a year has passed, and I'm going to re-iterate it today again, I am not going to ship a product with stoppers in it.

MS. WELDON-WILSON: Thank you very much for your time today, John.

MR. OWENS: Thanks.

MS. WELDON-WILSON: Mary would like to say a few words, too.

MS. BONEY DENISON: Thank you, John, for your candor. It's really great to hear that you're fully supportive of the very slow controlled roll out, as we are, and it's also great to hear that you're not supportive of rolling out to anyone else until the show stoppers are fixed. So we look forward to continuing to work with you and we're very grateful that you've been able to do the weekly roll outs. There was another one last night, fixing some more issues, and having the weekly roll outs is extremely helpful because we can work through the list of show stoppers and other bugs. The other bugs, of course, is more--a much longer list. We can move through it much more quickly with the weekly roll outs. I also appreciate the serious concerns of our stakeholders about pendency and I treat your concerns about pendency very carefully, and I take them very seriously. I was a former

customer of the office, so I understand your concerns. And I'm also very concerned about the employees and the impact of rolling out any, sort of, product that would be highly frustrating to the employees and not enable them to work at somewhere near their regular capacity. So, we will continue to monitor this very carefully and we have a whole team--the 50 plus people in Trademarks who have been testing, as Howard said, not just his people, but the beta testers from 245 have been fabulous, and the managers, and seniors, and all the other staff who've been working on this have had a very, very hard job and they have exercised a great deal of patience. And Law Office 122, they just got here and they became a bit of the guinea pigs, and we're very grateful to them for their patience, as well. So, it's been going okay and we're trying to work through the list and as I said, I very appreciate John's commitment to not moving forward for further roll outs until we fix the show stoppers. Thank you.

MR. OWENS: And I appreciate your partnership, Mary.

MS. WELDON-WILSON: Well, thank you to everyone. And at this point, I think we have it open to questions and comments from the general public it sounds. Would you mind stating your name, and giving us your question, please? You can come up to one of these microphones. That might be easier, if you'd like.

MS. WONG: Hi. Good morning. This is Chen Wong. I am Deputy Executive Director for Regulatory Affairs at AIPLA, and this is my first TPAC meeting, so thank you so much for inviting the public, and also, I'm very--I feel very privileged to have an opportunity to hear about this concern around the IT transition. Having come from corporate, as well, before joining AIPOA certainly, you know, IT transitions are always very painful. But with the CIO, it sounds like has a lot of very hard-working people in place, and the beta team is very dedicated. So--and I also applaud the TPAC members for their questions today. One question that I don't think I've heard answered or asked is, I understand that this year, in 2016, there's three TPAC meetings and the fourth quarter meeting there is none.

And given the calendar year, end of the year is the timeline for completion of adoption of this new IT system, I'm wondering what the office plans to do in terms of reporting to the public on the pendency impact of the transition of the IT system so that we, you know, given that TPAC is not meeting in the fourth quarter, how we can continue to monitor the pendency issue. Thank you.

MS. BONEY DENISON: We have on an on-going basis, a report that is up on the website which is publicly available at all times. It's called The Dashboard, and The Dashboard has a quarterly report on pendency and a lot of other things. So, you could immediately--well, let's see. At the end of the September quarter, so at the end of the fiscal year, within two to three weeks, I would say, we should have new statistics up. So it should be public on our website what pendency is shortly after the end of September and, of course, if the--if there are concerns, we have regular interactions with AIPLA, ABA, INTA, ACC, ABA, and if there are concerns about pendency, we would be happy to have further meetings even though there's no TPAC meeting per

se scheduled. In addition, TPAC has regular--how often are they--monthly meetings with the IT sub-committee has regular calls with John Owens and me to monitor this. So, TPAC even with-- there is a September meeting so, of course, at that point, we will have more information. So there's a public meeting then. But even after that, there will be an ongoing dialogue with both TPAC, and any other bar groups that would like to have one. We try to be very accessible to our users and want to continue that. So, we're very happy to keep you in the loop as to what's going on with the pendency.

MS. WELDON-WILSON: In addition, Timothy Lockhart has reminded me that we'll also be issuing an annual report. TPAC's annual report will be coming out after the end of the fiscal year, and that may have some additional information and updates. Thank you very much for the question. And that reminds me to remind everyone that we do have our next TPAC meeting on September 16, so you may want to get that on your calendar. Are there any other questions from the general public? If not, we'll adjourn and I will

see you again on the 16th. Thank you very much  
everyone.

(Whereupon, at 12:00 p.m., the PROCEEDINGS were  
adjourned.)

\* \* \* \* \*



CERTIFICATE OF NOTARY PUBLIC

COMMONWEALTH OF VIRGINIA

I, Mark Mahoney, notary public in and for the Commonwealth of Virginia, do hereby certify that the forgoing PROCEEDING was duly recorded and thereafter reduced to print under my direction; that the witnesses were sworn to tell the truth under penalty of perjury; that said transcript is a true record of the testimony given by witnesses; that I am neither counsel for, related to, nor employed by any of the parties to the action in which this proceeding was called; and, furthermore, that I am not a relative or employee of any attorney or counsel employed by the parties hereto, nor financially or otherwise interested in the outcome of this action.

(Signature and Seal on File)

**Notary Public, in and for the Commonwealth of  
Virginia**

**My Commission Expires: August 31, 2017**

**Notary Public Number 122985**