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TPAC Members:

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SUSAN NATLAND, Vice Chair
STEPHANIE BALD
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TRACY DEUTMEYER
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JAY BESCH, NTEU 245
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DREW HIRSHFELD, Performing the Functions and Duties of the Under Secretary of Commerce for Intellectual Property and Director of the United States Patent and Trademark Office

DAVID GOODER, Commissioner for Trademarks

DAN VAVONESE, Deputy Director for Trademark Operations
PARTICIPANTS (CONT'D):

AMY COTTON, Acting Deputy Commissioner for Trademark Examination Policy

GREG DODSON, Deputy Commissioner for Trademark Administration

JAMIE HOLCOMBE, Chief Information Officer

OSMAN TURAN, Acting TM Product Line Manager

KIMBERLY ALTON, Acting Director, Office of Governmental Affairs

KARIN FERRITER, Deputy Chief Policy Officer and Deputy Director for International Affairs

THE HONORABLE GERARD ROGERS, Chief Administrative Trademark Judge, Trademark Trial and Appeal Board

COKE STEWART, Acting Deputy Undersecretary of Commerce for Intellectual Property and Acting Deputy Director of the USPTO

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CHRISTINE COOPER, Trademarks Chief of Staff

ANASTASIA JOHNSON, Executive Assistant

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CHAIRMAN KELLY: Hello and welcome to the first TPAC meeting of 2021. My name is Chris Kelly. I am a partner at Wiley Rein in Washington D.C., and it is my great honor to serve this year as the Chair of TPAC. I took over from last year's stellar chair, Elisabeth Escobar. Before we begin today, I would like to introduce the other TPAC members beginning with this year's Vice Chair, Susan Natland. Susan is a partner at Knobbe Martens firm in Irvine, California. Moving on in order of seniority, Stephanie Bald. Stephanie is a partner at Kelly IP in Washington, D.C.

Next is Kelly Walton. Kelly is Senior Counsel at Electronic Arts in Austin, Texas. Next is Jennifer Kovalcik. Jennifer serves as Vice President, Technology and Intellectual Property Counsel at Community Health Systems in Franklin, Tennessee. Next is Tricia Thompkins. Tricia serves as General Counsel at Shoe Show in
Charlotte, North Carolina. Moving on, I would like to introduce the newly appointed TPAC members beginning with David Cho. David is Assistant Vice President and Senior Legal Counsel for trademarks and copyrights at AT&T in Dallas.

Tracy Deutmeyer. Tracy is a shareholder at the Fredrikson & Byron firm in Des Moines and Jomarie Fredericks. Jomarie serves as Deputy General Counsel and Chief Intellectual Property and Brand Counsel at Rotary International in Evanston, Illinois. I would also like to acknowledge our union representatives, Jay Besch and Harold Wilson from NTEU and Pedro Fernandez from POPA.

Welcome to you all and thank you for being here today. Our first order of business is the swearing in of our new members and that will be done by Acting USPTO Director and Commissioner for Patents, Drew Hirshfeld. I believe, Director Hirshfeld, you are also going to provide us with some opening remarks.

So on behalf of TPAC, thank you very
much for being here today and for your support.
We all appreciate it very much and, with that, I will turn it over to you.

DIRECTOR HIRSFELD: Thank you, Chris.

I'm looking forward to having some remarks from you today and swearing in the new members. I would like to give just a few remarks. First of all, let me share that it is my pleasure to be here with all of you today. As Chris mentioned, this is the first TPAC that we've had this year.

It's actually the first since October of -- last October. So, it is great to have you all together even virtually. The office continues to be virtual as you know primarily and we are doing very well virtually continuing to do the work that we need to do. It has been since the last October many significant events have taken place and I'm going to get to some of those in a second.

I did want to mention one significant event, as Chris said, is we've had the change in administration which has put me temporarily in the role of performing the functions of the Under
Secretary and Director. That is quite an honor for me to do that. I am comforted by the fact that I have a wonderful executive team at PTO and feel we are able to proceed while we are waiting for true political leadership at the PTO without missing -- without missing a beat.

I wanted -- I know most of you don't likely know me very well because I've been my whole career I've been 26-plus years on the patent side and I want to just share two fundamental beliefs that I have and one of those is to be very transparent with everybody and to be very collaborative. So I'm grateful for all the efforts of the members of TPAC and also TPAC on the patent side. I'm grateful for interactions with the public and I hope that you will see in everything I do in this position or in my day job as commissioner for patents or as long as I'm in any role at the agency. I will continue to be transparent and collaborative with everybody.

So greatly looking forward to that. By the way, we were fortunate this week to have newly
appointed, newly confirmed Secretary Raimondo visit the USPTO or at least virtually visit the USPTO. She and I did a fireside chat and she said a phrase which I'm going to repeat here because I loved what she said. At the end of our chat, I asked if she had anything to add for us and she said well, I'd like to say that I'm unusually accessible which I felt was quiet fascinating because, one, I pride myself on being accessible so I love to hear the same thing from her.

Two, the fact that she was six days on the job and yet having a fireside chat at PTO I thought was wonderful and, by the way, we had over 5,000 people in attendance at that fireside chat and we heard her wonderful remarks and her support for IP and so that was a wonderful start with the new secretary. As Chris mentioned, we have three new members. I'd like to welcome the three new members.

Of course, as Chris mentioned, David Cho, Tracy Deutmeyer, and Jomarie Fredericks. Let's start now before we get on to some other
remarks that I will give, but let's jump right in
and start with a swearing in of our three new
members. So if I can ask you all -- I know it's a
little awkward to do this virtually, but if I can
ask you all to raise your right hand and repeat
after me so hopefully not on mute of course. All
right. So I'll start now. So please repeat after
me. I do solemnly swear --

    (New members were sworn.)

Congratulations to David, Tracy,

and

    Jomarie. I can't think of a more

awkward way to swear people in than remotely, but
thank you. You all handled that very well and
we're thrilled to have you as new TPAC members.
Congratulations also to Chris for your new role as
Chair and our new Vice Chair, Susan Natland.

    So congratulations to all of you and

thank you to all of the TPAC members for the great
work that you either have done and the new members
that you will do together with the new -- with the
new group. So a few remarks before we get into
the main event. I had mentioned some significant activities have taken place. Of course, the top of the list of significant activities is the passage of the Trademark Modernization Act. (Inaudible) from Dave Gooder and his staff and we are actively moving forward with our short period of one year for implementation. So we have to the end of December to have a full implementation. That by the way as I know you all know is the most comprehensive change in trademark law and operations in greater than 15 years. I've heard others say much longer. I guess it depends on perspective.

But it is a very significant change and we look at that as job one quite frankly on the trademark side. Now a few -- a few words. Normally, what we would like to do in a rule making process such as this is we'd like to have a request for comments, a notice of proposed rule and then a final rule. That way, you have a lot of opportunity to have a back and forth with the public, to hear comments and to make the most
educated final rule that we can do. With a one year implementation time, we're really tight in that schedule.

As a matter of fact, there really is no time to do all three of those steps. So we cannot do the request for comments to start, but sticking with my goals of transparency and collaboration, we've been really working hard to see how we can ensure that we have the most informed final rule and we are engaging with the public and we are hearing your comments. So we've taken a number of steps that I wanted to address with all of you today to make sure that we are getting as much feedback as possible so we make the most educated final rule that we can do.

First of all, I know that David Gooder and his team have been receiving emails and I know they've set up an email box for people to give feedback on as soon as the rule came out and I think that was extremely helpful. I know they've spoken to many people as well. We've also had a round table which hopefully you all participated
in. That was on March 1st. We had 378 attendees which I think is a wonderful number. We had 13 speakers who represented large and small practices, small business owners, multi-national corporations.

I thought it was a fantastic round table and we were able to get a great deal of feedback to help us to move forward. So thank you to everyone who participated in that and provided us feedback. And then of course our next step will be a notice of proposed rule which will come out and what we are hoping for around the late May time frame and I do think that this is an opportunity for us to use this to get the best comments back from the public and the most varied comments that we can get and let me explain what I mean.

Normally, in a notice of proposed rule, you say here's what our -- here's what we are intending to do. And then people have an opportunity to comment on that. Since we are short in time here and not able to have that
request for comments which normally comes before
the notice of proposed rule or often comes before
that, what we are going to do in the notice of
proposed rulemaking is we're going to lift our
preferred way of moving forward and then we're
also going to have in areas where we think its
helpful list options or alternatives that we
either have considered or are still considering or
we feel would be helpful to get public comment on.

This is a slightly different step than
we normally take at PTO when we make rules.
However, I think it is really important here that
we do so. This will give the public and anyone
who wants to comment the best insight into
everything that we're thinking about and
everything that is possible for us to do and so
they can make the most educated comments possible
and then of course we on the other side will be
able to get the benefit of those comments and make
the most educated final rule.

So we are still months away from being
at a point where that will be published, but we
are actively working on it and we are keeping in mind the goal of how do we foster a public discussion and a back and forth on that. So I think we have a very good step and approach that I hope you will all appreciate. I'm thankful to Dave and Amy who are working very hard on this and helping us to move forward. Dave and his team will talk more later on in the meeting about the Trademark Modernization Act and our next steps with the notice of proposed rulemaking.

The other significant or another significant occurrence is just the fascinating increase in the number of filings that the trademarks have seen. I even struggle saying this without, you know, pausing, hesitating, double checking my numbers because, as the Commissioner for Patents, I know this hasn't happened on the patent side of the house. I don't know how we would be able to make it through those to be honest with you, but trademarks have seen unprecedented growth in their filings.

New applications are up by 75 percent
compared to the same time last year, which is an
absolutely remarkable number. I know last year
was I believe down a little bit, but still no
matter how you get to its down but how you get to
75 percent is absolutely fascinating to me. It's
an increase of 136,000 more applications compared
to last year. A great deal of that is, of course,
due to the pandemic, to people doing a lot more
online shopping and online retail sales where
these platforms do require people to have
trademark registration.

So that is certainly helping to drive
this but that is, quite frankly, an absolutely
fascinating number and one that I know that Dave
and his team are focused on to make sure that we
minimize the impact to pendency. I'm sure there
-- I know there will be. There already are some
quite frankly impacts to pendency and that is, of
course, inevitable but we also want to make sure
that there are no impact to quality. The
trademarks team does a wonderful job and their
examining attorneys do a great job of high quality
and they will continue the quality regardless of
the number of filings we have and certainly
tendency is likely to be impacted some.

With that, more from Dave and his team.

So with that, I will just say welcome to all of
you for being here. Welcome to our new members.
Thank you very much for giving me the opportunity
to address you all and I look forward to
continuing to work with you and feel free to reach
out and let me know how I can be helpful to you
anything you are working on. So with that, I will
pass it over to Dave.

MR. GOODER: Thanks, Drew. I appreciate
all the comments and yes, the growth is pretty
amazing. Can you all hear me okay? Good.
Wonderful. I wanted to just kind of step back and
as we look at everything today and we'll be
digging into a lot of numbers. We'll be digging
into a lot of what's happening and what's going on
in the economy, of what's going on at the
trademark office, what's going on with TMA. It is
a really, really crazy time. Actually, it's a
great time to be a trademark person in the U.S.
There's a lot happening and lots of good
things. Welcome to the first TPAC meeting of
2021. It's hard to believe that as I sat
preparing for this that just literally a bit over
year ago I was sworn in. A year ago this week,
the entire PTO pivoted to start working entirely
remotely and I was -- I was absolutely impressed
at how flawlessly that seem to occur.
And I realize a lot of people were
already set up to do it, but there were people who
weren't. It's the new normal that created at
least for year's new normal has really allowed us
to keep moving and in a way that I never thought
it could. So the trademarks out of the office
it's been a year of change, of incredible
resilience by the people who work here, and
adaptation to different ways of doing things. At
the same time, with an absolute roller coaster of
filings and the economy et cetera. And we'll talk
a little bit about why that uniquely affects
trademarks quite directly.
You'll hear a lot about the fees today and, with that, let's go ahead and dive in. Next slide please. So today what we'll do in the course of our updates here we're going to talk a little bit about the business of the Trademark Office and some of the metrics. We will hear from Jay Hoffman, the CFO of the agency, talking about the trademark business financial performance. We'll explain a little bit about what our chief priorities are for fiscal '21 which we are now five months into for the fiscal year.

And, then inside of that, we will talk some of those will do the Trademark Modernization Act, the surge of filings that we are experiencing, et cetera. After that, we will hear from our Chief Information Officer, Jamie Holcomb, and then our Office of Government Affairs Office of Policy and International Affairs. And then we'll wrap it up at the end of the day with Jerry Rogers again talking about the Trademark Trial and Appeal Board (TTAB) and at then at end of that we will have time for questions if there are any.
So, with that, let's move along to the business of trademarks inside the office. First of all, we'll talk about there obviously are some new faces. You will remember that the Chairman of Trademarks retired at the end of last year.

I'm very happy to announce that Dan Vavonese is now the Deputy Commissioner for Trademark Operations. Dan has been in the office I think 25-plus years. He was the examining attorney and managing attorney. He was the director of a lot of different things. We're thrilled that he can join us. I'm also happy to announce that Amy Cotton is now the full -- not just the acting -- but the full Deputy Commissioner for Trademark Examination Policy. We were able to steal her away from the Office of Policy and International Affairs which has been a real benefit as we deal with this the very first thing to drop into her lap was the TMA and we'll go into a bit more detail with that. So that's some of the new faces you'll hear from today. Next slide please.
So the office itself is just under 1,000 people. In fact, by mid-April we will be slightly over 1,000 employees. There are 639 examining attorneys. That number is about to go up by 47 in mid-April with the new class that starts. All employees have the option of telework and almost everybody is. There are protocols that people need and want to come into the office, but for the most part, people are safely ensconced at home and their adapted new office space.

Next slide please. So some people have heard me talk about this before, but this is kind of a fascinating thing. If you look at the S&P 500 over a long range, you see the trademark filings really do track what's going on, not only in the stock market but also in the economy. And you can see things like the financial crisis in 2007, '08, '09. And what you see as you move to the right is that the trademarks filings continued on up and up.

The trademark filings are obviously good thing. You'll see where we are today and it's not
only tracking the S&P but we've shot way above it. We have dropped below it and it would be very interesting to see where this tracks out. This is sort of an analytical, data driven way of saying trademarks are really at the tick of the economic sphere not only in our country but around the world because lots of trademark offices have a similar phenomenon. Next slide please.

So if we look at applications filing levels again this is taking us back 14 years in fiscal '20 we received 738,000 classes. That's not applications of classes. We track things by the number of classes in the applications because it ties more closely to the workload. Before I came to the office, I didn't really have an understanding of classes as we sorted applications but from the inside it's a little different. So it was a healthy increase in 2020, but what you see in the second is actually what was on 2020.

Fiscal year to date so far we're up to about 416,000. That's going to exceed one of the protections were last fall. We're up over --
well, depending on how you measure, it's up easily
60 percent year to date. Next slide please. So
if you think about last year it really was a tale
of two halves. So they first half of the year you
can see that really with the minor exception in
December typically does --there are ups and downs
but if you kind of look in January onward, we were
-- we were declining quite steadily including
especially in March. And then what we saw was we
were still down in April and May, but it was less
so and then literally from June forward we had
steadily increasing months and at the end of
September and August, it shot up. Next slide
please.

And if you look at this now over a whole
from January all the way through to today we see
that climb. We built in to the extent so you can
see what the left looks like which is the blue one
slightly in front of the orange line. I'm
colorblind so pardon me if I am describing these
colors incorrectly. Gray is the rest of the world
and the green line is the European Union or the
black. Really what you see is a lot of growth in the U.S. side. The rest of the world really fairly -- is up and down fairly but then you see China. And that's the topic that a lot of people have focused on. A lot of interest in that, but you will see two significant spikes. One at the end of our fiscal year.

That one is not as easily understood is the one that is at the end of the calendar year which we think pretty much ties to the fee increase that went into effect on January 2nd. So a lot of people were trying to get filings in. You saw the same climb with the U.S. side. Next slide please. So, in terms of those daily filings, we had -- our plan have been adjusted for about 789,000 filings and, if you look at this, this is all countries and everything in there. You will see the huge spike. In January, it has come back down a little bit, but it is still well up above plan for the year.

So some good things first of all it enables us to put back online most notably the
modernization of our IT functions, the ones internally but especially the ones on the external side. All of that had the explosion. You remember me talking about that last summer at the last TPAC meeting. We had to literally follow that so we've been able to bring things back online. Its moving along at a healthy pace. We don't know what the rest of the year will look like, but all signed are positive. Next slide please.

What's interesting when you look at who the trademark registration applications owners of the U.S. Trademark office and what you find is that one time filers -- that's people who file one time -- one registration, one application account for 33 percent of all filings. People with less than 10 account for 43 percent. So that means 76 percent of all of the cases are owned by people with less than 10 applications and that has a huge impact when you start looking at filing growth because, obviously, this growth when you see -- next slide please -- when you look at the growth
that we've been watching we try to understand
that.

Well, certainly the type of applicant
that's the largest growth areas are the small
filers and one time filers. They're largely
filing on the basis of use and that's pretty
consistent with the filings we see from China.
Most of them are use based and are not intent to
use. In terms of the entity types so to speak,
they are largely individuals.

Lots of people filing with new business
ideas. We're correlating it with startup of
business, et cetera. And then finally where
they're coming from and where a lot of the growth
is from China and secondly the U.S. China has
historically been somewhat in the 15 percent range
of our filings. This year, it's about 29 percent
which is -- it is quite a jump. Next slide
please. So Director Hirshfeld mentioned quality.
We're going to talk about pendency again and we'll
talk about pendency in a minute.

The good news on quality is on all three
of our measures that are used we are on target or exceeding target with the quality and that is just I think an amazing accomplishment by the examining corps and all the people who support it because to do that under the current not only the pressure of all the applications surge, but also during the pandemic and everybody working from home. I mean it's just quite an impressive accomplishment and I'm really proud of everyone for that. Next slide please.

So at this point, we talked about kind of the -- the kind of measurements the trademark people understand a little bit, but I want to turn it over to Jay Hoffman who will now take us through what does that mean in terms of dollars and cents and the financial help for the office. Jay, are you there?

MR. HOFFMAN: Yes. Can everybody hear me okay?

MR. GOODER: Sure can.

MR. HOFFMAN: Okay. All right. It's the perfect set up, Dave. Thank you very much.
Let's go ahead and dive right into it. Next slide please. Okay. So I'm just very briefly I'm going to walk you through our FY 2021 appropriations data and then we'll quickly shift gears and talk about the financial position and status of the visits, what Dave was alluding to. Let's do a number of slides.

I'm going to give you a little bit of insight on what's over the horizon with respect to our P-setting and then lastly just a very brief update on the TPAC on next steps with the FY '22 and FY '23 appropriations also. Next slide please. Okay. So when we last met in October, the Government was funded under the Committee Resolution through December 11th. The Government was funded under four additional short term CRs through December 28th until the passage of the full year omnibus December 27th.

So the good news is that bill funds the USPTO at $3.695 billion which aligns with the amount the agency requested in the FY 2021 budget. So the language in that bill requires that fees
collected for this amount go under the Patent and Trademark Fee Reserve Fund. As you recall, we had a small amount go into that fund last year. In addition, we'll be transferring $2 million to the Office of the Inspector General. That's a fairly standard amount and $13,500 for official reception and representation. This is an increase from last year but only slightly. Next slide please.

So Dave did a great job of giving you a sense of the trademark business. Just to emphasis some of the points that he made. Trademark application filings increased by 62.5 percent in FY 2021 through January compared to FY 2020 and year to date fee collections are 28 percent above plan. That includes the $22 million. Should collections continue to outpace our plans for the remainder of the year, they could exceed our plans by anywhere from $50 to $70 million.

On the renewal side, our year to date fee collections are 9 percent above planning levels. This is about $3 million and should collections continue to outpace our plans there
for the remainder of the year, they could be 7 to $10 million. We did implement a fee increase on January 2nd, and those fee rates are now in effect.

We are monitoring the impact of those fees and those changes that I'm going to show you on a slide here in a moment that gets at some of those behaviors that we're monitoring. Next slide please. So this graph here is based on data as of February 12th and it displays the aggregate revenues for the trademark business. Let me quickly acclimate some of the viewers to this slide and then I'll brief you on the results of this. So what this slide shows on the Y axis is the millions of dollars of trademark revenue.

The X axis are weeks of this fiscal year starting in November. You'll see three lines on the chart. There is a green line which our planning line, a horizontal line that runs across the bottom. Our plan for the year is about $445 million of trademark revenue. The blue line is an annualized reflection of the 25 day moving average
for trademark revenues. The pink line is our extrapolated end of year projection. So what you can see here is that right now we have projected to be above plan in the aggregate for the trademark revenues.

One interesting thing that you see is -- you saw this on Dave's slide -- there was a large increase as we get into December and the revenues you can see that blue line quickly steps down in January as the revenue rates fall. The reason we believe that that happened is what Dave was saying is that we had a lot of filers trying to file their applications right before the trademark fee increase and potentially taking advantage of the trademark sale price, if you will, and then those applications that otherwise would have been received in January happened in December.

We are continuing to monitor those revenue rates. As you can see here they are starting to tick back up again but our year-end predictions are very, very strong at this point. Next slide please. So let's take a look at our
spending situation in trademarks, this chart shows our revenue collections relative to our spending for the year. The X axis is again the millions of dollars in spending. The Y axis -- excuse me -- the Y axis is the millions of dollars in spending. The X axis is the time. There is a green bar running across the top and that's the planned level spending for the year. The blue bars represents spending. The red bars represents revenue. We are on track for our annual spending target. The blue bar is our forecast and will potentially match the spending planned by the end of the fiscal year. Revenues will actually exceed planned spending for the year at the current pace. What that means is that we can expect to have deposits in the operating reserve further strengthening the reserve position.

I would note that spending in the first quarter of the year has been a little higher than revenues. That's pretty good typical. The way our spending plans work is that our spending is frontloaded and that will even itself out as we go
through the year. Next slide please. Okay.

When we met last time, I had briefed you on the operating reserve and the operating reserve condition was not where we wanted it at the time that I had told you that there was some additional analysis that we were doing as a result of these revenues so. That's what this slide is to update you on what has happened since our last TPAC meeting. So this chart shows you our operating reserve balance projections for fiscal year '21 and fiscal year '22.

The x-axis here is in millions of dollars in reserve. The Y axis is FY 2021 and next year FY 2022. You'll see two lines in this chart. There is a green-colored line which is the minimum operating reserve of $75 million in about two and half months of operation and there is a blue line. That's our optimal reserve level and we like to get the trademark reserve and that includes about $215 million for six months of operating expenses.

A few months ago the operating reserve
for trademarks which is reflected by the green bar you see on this chart in both fiscal year '21 and fiscal year 2022 we were projecting the operating reserves for trademarks to be below minimum level. However, that information did not incorporate our new revenue projections and the strong demand that we have seen. We have updated those forecasts for the operating reserve and that is reflected by the green bars that you see here. As you can see, we are projected to be significantly above the minimum operating reserve level for trademarks for the FY '21 and FY 2022 exceeding $150 million in both years.

With the change of course, we could see a downturn in trademark demand, but I'll tell you that our spending profile is relatively conservative when compared to the demand that we are seeing. That coupled with the fee increase and the strength of these reserve levels I think we can navigate any sort of economic disruption should that happen but, again, none of our models at this point are showing that. So we have a very
strong position in terms of our cash position.

Next slide please. All right.

So as I mentioned previously, the agency is monitoring the impact of the recent fee rate increase that went into effect on January 2nd and on revenue collections and applicant behavior. Any time we change prices, you can see changes in applicant behavior. It's too soon to draw any conclusions. We expect that the annual impact of the fee increase will be $75 million once it's fully implemented on an annualized basis.

We do have one international applicant fee related to the Madrid protocol. That fee increased from $400 to $500 but that fee increase did not go into effect until February 18th of this year. There was a notification period that we had to go through before we could make that rate final. Next slide please.

So although we just set new fees in January, we are constantly looking at our fee structure and we will soon start evaluating proposals. We are conducting analysis on
potential adjustments to current fees. We have to start this work now because it takes a considerable amount of time to go through a fee setting rulemaking. That can take up to two years for those of you who have been on the TPAC for a while and it just takes time to start our analysis and go through the different rulemaking as Drew discussed in his opening remarks. So we are planning to engage with the TPAC soon on our plans and we currently target the late fall of this year for a public hearing.

Under the fee setting process, once the public hearing occurs the TPAC will issue a report and public comments are given. The comments will be considered and notice of proposed rulemaking will then be posted. A public comment period on the NPRM system is given and, finally, the agency drafts and issues the following ruling. So it's a lengthy process.

The fee structure must ensure the cost recovery. Excuse me. Must ensure cost recovery. And what the agency proposes and works with on the
TPAC will be decided. So, additionally, Dave also mentioned the Trademark Modernization Act. I won't repeat here on the slide, but you can see here there are a number of fees that Drew was alluding to. Is well and that are going to be dated as a result of the Trademark Modernization Act and, as previously discussed, that will likely impact us. All right. Let's go ahead and take a look at the next slide.

So just a little bit of a primer before we get into that fall meeting. I thought it would be useful for the audience to have a sense of what drives trademark fee collection. So as you can see here more than 50 percent of all trademark fees are derived from applications. 20 percent are from renewals, 11 percent are from six month extensions for statement of use, 4 percent are for statement of use and alleged use. Everything else accounts for just 14 percent of trademark revenue.

So there is more than 100 trademark fees in total. It's really less than 10 that account for the vast majority of all the trademark
revenues that we receive. So as we get into this
analysis in the summer and fall with you, it's
good to sort of keep in mind what the big blocks
are in terms of trademark revenue production.
Next slide please.

Last topic for this morning or excuse me
for this afternoon is the next step in our
budgeting process. So we principally in this
discussion up to now have been focusing on the
current year and what's been happening. Looking
on to next year, the USPTO is in the process of
finalizing its requirements for the FY '22
President's Budget Commission. Generally, we
submit the President's budget in February.
However, as you know, we had a change in
administration this year and so that position has
been delayed as the new administration sort of
gets their legs under them. We are expecting
final guidance from the administration in June on
issuing our budget and we think that it will
probably go to the Hill sometime in late April or
early May. And, once that happens, there will
likely be appropriations hearings through the Department of Commerce.

We don't anticipate a lot of USPTO questions but, to the extent that there are questions from our oversight committees we will be sure to pass that information along to the TPAC. Looking over the horizon, the FY 2023 budget appropriations process will be kicking off this spring here with many agencies. So those of you who have been on the TPAC before you know that we've put the budget together with our latest revenue projections and demand projections over the summer and you would see something in the August timeframe prior to us advancing that budget to OMB for those. So we'll have more conversations on what those timelines and milestones are in the weeks ahead.

So I believe that concludes all the slides that I have for this afternoon. I'll pause there and turn it back over to Dave or take any questions that you like.

CHAIRMAN KELLY: Jay, thank you very
much. Any questions from TPAC members?

MS. NATLAND: Hi. It's Susan Natland.

I have a quick question, Jay. Great job. Thank you so much. It's very helpful. We spent some time talking about the increase in trademark applications, the surge regarding it. I noticed on your report also has an increase in new revenue level plan. I'm kind of curious. How do you decide what the plan is? Are you making some assumptions based on historical annual data? How do you determine that?

MR. HOFFMAN: Yes. So actually we did a work forecast from the trademark group side. Dave Gooder and his team have an analyst that projects what the application and renewal rates are. My team then takes that same data and we translate it into dollars for expected revenue. So I think if Dave's folks are on the call what they would tell you is that a lot of this is highly correlated to economic activity.

You saw that on the S&P 500 chart that Dave showed. Without getting too much into the
details though, the ratio of applications to renewals has been changing over time. That's what we're paying a lot of attention to, but overall it's a good new story for FY 2021 to be in the position that we are right now.

MS. NATLAND: All right. Thank you.

That was my understanding as to how (inaudible) may be going down in the future but just because of the cyclical nature of income stream (inaudible) interested to see if it's a plan with all of you. Thank you.

MR. HOFFMAN: Sure.

MR. GOODER: Susan, to add to that when the analysts have been looking at this, they're taking multiple economic forecasts and trying to kind of make educated decisions without which ones seem to be more in line. If you ever liked economics in college, you should sit in the discussions because the thinking and the debating and different agency and government forecasts it the differently.

The private sector forecasts
differently. So our folks are literally trying to sift all of that out and then come to some to some projections that make sense and you are correct that, as a percentage, renewals are actually on the decline a bit even though we are doing more of them because there are more filings, but it is an interesting phenomenon. And, actually, we're looking into that and trying to understand what is the phenomenon that is causing that. We may have more to report on that in a future meeting.

Any other questions for Jay? Okay. If we could get the slides back up and go through the next one please. So a lot of people were asking when I came in what are your priorities and for most of last year I told people that my first priority was to listen and I was obviously very skeptical of people who came into a new position and immediately figured they knew what the new priorities were without a lot of insight into it.

I don't think you can do that, but through the year I have now literally spoken to every group in the trademarks organization. I've
met with lots of stakeholders and bar associations and et cetera and just literally listened to what we do well, where we are struggling, et cetera. And so now for fiscal '21 -- and a lot of this will go into fiscal '22. There are essentially some huge priorities that I will tell you about today. The first one is, given the growth of the trademark operation over the years, and you saw that the curve is just enormous, we are going to look at how we're managing that how we are structured to manage it, et cetera. I mean we've gone from an organization of a few hundred people to 500 people and now we're over a thousand. And anybody who has been in an organization public or private that has that kind of growth you typically understand that the structure evolves with that and that's really what we're talking about here is the evolution. It's not a revolutionary change. It's an evolutionary change but it is designed to really improve how what we do in the areas of communication, in the areas of protecting the register, and dealing also
with IT and with the understory about the fees.

So the next slide.

So the evolution is at the core of that but there are four primary priorities here. The first is that we have to attack our application surge. The good news is that there are a ton of filings. The bad news is that there are a ton of filings. And so we've got to deal with that. The good part of that is that is stretching I think our thinking of what is possible.

We can't just handle it the way we handled it formerly. The numbers are too big. I don't know if they will ever decline significantly. So we've got to look at IT solutions, examination processes, how we staff things, how everything literally to try to find what is a better way to do this. So we're going to hear more about that when we hear from Dan because this area is uniquely tied to trademark operations.

The next if you move to your right and you've heard a lot we have to implement the
Trademark Modernization Act. We've got a deadline to do it by 27 December. So that obviously by definition makes it a huge priority. As I mentioned when trademark filings fell off last spring, I still remember this. I was only with the agency for about two or three weeks. We go to a meeting and Jay Hoffman walked up to me and he goes I have a little problem I need to talk to you about.

I'm thinking what could it be. And it's like we're about to lose $40 million out of the budget because we didn't know it was happening. Well, a lot of that had to do with how we modernized IT. We made sure to prioritize maintaining and keeping everything running well and the modernization part of it the part that impacted everyone. Whether you're inside the agency or outside the agency, you deal with our systems.

That's the part we are dealing with. That is now back on track and we'll hear more about that from Greg Dodson this afternoon. The
next thing is we've got to boost our trademark
register protection and that's a concept -- I am
talking about it differently because I think it
fits. I came from a world where brand protection
was an enormous issue; for the brands, for the
companies, for the industry, and, if you look at a
lot of the problems we deal with with regard to
the register and filing and deadwood and all that
kind of stuff -- scams, et cetera -- we have got
to protect our register better and that's what
we're going to do.

There has been lots of great work done
but some people say sometimes kick it up a notch
and I'll be talking more about that in a minute.
So at this point, I'm going to turn it over to Dan
Vavonese to talk about how we're dealing with what
we're calling the surge of '21. Dan?

MR. VAVONESE: Good afternoon everyone
can everyone hear me?

MR. HOFFMAN: Yes. We can.

MR. VAVONESE: Good. All right. Next
slide. What I'm going to do is talk a little bit
more about, you know, we've heard a lot a lot
about the surge in the number of applications
we've gotten. A lot of details from the data on
that. I want to go into more specifically how
that impacted operations and what we're, you know,
at several different levels and what we're really
doing about it both short-term and long-term what
we're going to do to make -- to really deal with
the issues coming up. Next slide.

So the first thing we've done in the
surge is the final showing is the unexamined
application inventory in classes. This is the
number of applications that are basically sitting
in our queue. These are the new applications that
have not been examined yet by an examining
attorney. And as you will see from this chart, we
are generally in the 150,000 application classes
range. That has always been a comfortable level
for us to make sure we had a steady inventory and
keep within what has traditionally been three to
three and a half months for first batch of
pendency that we've had for almost 15 years now.
This surge had such an impact on us that we couldn't keep up with those filings and then what happened was our inventory started to continue to go up and you will see just a giant spike that we've had since about summer which equates with the dates that you now you were shown on the other slides but we're now at 326,000 which is 200,000 applications more than what we are accustomed to. Next slide.

And as a result as you've seen, our first pass pendency has gone up. I mean we have prided ourselves on being in the three to three and a half months range and again we've been that for about the last 15 years. That pendency has continued to rise over the last -- over the last six months. We are currently at about 4.7 months on our first action pendency and, based on that inventory, that first action pendency will go up more before we are able to get it back down because we have to get through that huge backlog.

So we're working extremely hard on it, you know. At all levels of productivity is where
we want it to be. It's just a huge amount of work
and I'll talk a couple of minutes about what we're
doing to try to help move forward. Next slide.
So you know this is, again, this is just our
general target. While traditionally our goal for
a first action pendency is about two and half to
three and half months, we recently changed that to
two and a half to four and a half months to look
at the realities of where we are to give us more
flexibility moving forward in how we are reviewing
and how we're dealing with our caseload.
The good news is that our disposal
pendency which is we continue to keep well below
our goals on that at under 10 months. So the good
news is that while our first action pendency is
going up, our disposal pendency to either
abandonment or publication is continuing at the
numbers that we expect. Next slide. So I'll talk
about surge. You know. Most of these have
already been addressed. So far, you know, the
growth of online sales and, you know, the
requirement to join brand registry to get on to
various sales sites. The fee increase at the end of calendar FY '20. Everybody was trying to beat that. And then the government of China, you know, the Chinese government subsidies have certainly had an impact in the increase as well as there have been more marketing being done directly to the Chinese to identify various different lawyers and law firms to get more individual applications within China for small enterprises in the United States. Next slide.

So what is the impact? Because we talked about the first action pendency, the examination of the first examination, you know, of the application itself but the thing is this is a lot more than just the application. A lot of the new application surge is also a result of surges across all areas of trademarks. This is everything from amended filings that are coming in, post registration filings, Madrid filings. Everything. All areas of trademarks are experiencing increases and, you know, the first action pendency that we just talked about, yes.
We are now, you know, just under five months. Regarding new applications being uploaded into TSCR, I think there were some issues at the beginning of the calendar year but we wanted to clarify that, you know, generally when you file an application through TEAS that application is uploaded to TSCR within a week. There are rare situations where it is taking longer. Generally when there is not an international classification associated with it, but we are generally uploading the new applications with the data that has been provided with TEAS within one week.

The other big impact here is in our processing of our amendments in responses to the office actions. We pride ourselves on a 14-day turnaround and although our examinations core staff has been working as hard as they can, it's just a huge, huge filings and responses. We are now around 90 days or so, but we are working hard to catch up on that timeframe and we do -- I want to reemphasize, you know, we do process all responses and everything within the order --
within the order that they are received.

We really don't go out of order because as soon as we start doing that, that just impacts -- it impacts being able to keep up you know with the older style. Next slide. So what actions are we taking? You know, so again I'm going to continue to emphasize I mean this impacts the costs of trademarks but this is a lot more than just what we're doing in the law offices. Within our trademark services and support staff, we are organizing workloads among the staff to focus on where we need to prioritize the work and deal with the biggest backlog.

We are also reevaluating our staffing and all trademark services and support staff to make sure that we are setting ourselves up for both short-term and long-term for what we need when it comes to -- when it comes to keeping up with not only normal workload, but moving forward. At the -- at the law office level we are hiring of 50 examining attorneys that are starting in the beginning of April. So we're
hoping that that's going to give it a nice boost by the summertime and getting into some of this backlog and then we have plans moving forward for regular hiring over the next -- over the next couple of fiscal years to make sure that's steady, the steady increases of new staff are coming to help across all trademark.

We have also increased overtime opportunities to try to keep up with the work that we need to be done. I wanted to quickly emphasize also the importance several times we have mentioned quality, we are not going to jeopardize quality to increase -- to increase the work that needs to get done here. We pride ourselves on the quality of the product we're putting out and I want to thank all of our employees across all the trademarks for continuing to focus on quality even in the midst of the huge surges and in the midst of everything that has gone on this past year. You know.

The multi-prong approach is a lot more than just hiring and adding resources. We are
also looking at various IT solutions and processing improvements, costs across all of trademarks not only in automation of certain tasks if we can do that, but also adding tools, efficiency tools, so that will assist our employees in more quickly being able to process the work that they need to do to get out. You know. Greg Dodson will talk more about from the IT standpoint, you know, our larger IT plan.

And then, finally, from the transparency and communication standpoint, we are going to be -- we are finalizing communications that we are going to be getting out both internally and externally as far as where we are on our pendency, on our backlog. We want to get some notices out to our external sites so that we can just set expectations for all of our customers, all of our stakeholders on where we are. What they can -- what they can do if they have questions. And really just make sure that everybody understands the time frames we're talking about.

And, finally, we're launching the new
monthly pendency metric for all of our internal processing across all areas of the trademarks, not only at the law office level but across all areas and services and with an examiner support in post registration so that not only internal employees but then we are also adding links for external customers as well so that you can look and see where the time frames are for the different -- for the different filings that you may have submitted. So that something that we are hoping that will be coming soon. Next slide.

And this is just a quick preview of -- we'll get a nicer version of this and probably get a link up on our dashboard in the next few weeks, but this is a preview at least to show kind of generally what kind of metrics we're talking about on posting very soon. Next slide. And that's it from operations. Next will be on to Amy Cotton to talk about the Trademark Modernization Act unless there are any questions.

CHAIRMAN KELLY: Any questions from TPAC members?
MS. BALD: Hi, Dan. This is Stephanie Bald. Thanks for that really helpful presentation.
I have a question about the anticipated hiring and current productivity. I understand the due to COVID there is currently a program in place where people who have dependent care and examining attorneys who have dependent care needs are not -- are able to basically have reduced productivity level.
I'm not sure of the details of that, but I'm wondering of projections in terms of hiring 50 new examining attorneys whether assumptions made about the program -- I understand it's a temporary program -- were there assumptions made that people will be back up 100 percent with the COVID protocols eliminated or how did that factor into the hiring analysis?
MR. VAVONESE: It was factored in, but like you said it is temporary. It has been extended I think through May right now but it's back up to 20 hours provided for all employees. Yes. That is an available benefit. You know. We
have to -- we're still meeting our current productivity numbers in spite of that which just shows how hard our employees are working but yes. I mean that is -- that's not the only thing that we have to plan for as far as how we project, I mean there are a lot of other areas where people have leave and, you know, time frames of those especially at the end of the end of the calendar year is when people have a lot of use it or lose it, but yes. I mean it's something -- it's something that we planned for in the midst of knowing that that is a temporary and we don't know -- we don't know when that will eventually go away just like with things with the pandemic.

MS. BALD: Right. Yes. I was just wondering if it would be helpful obviously if people are at reduced levels right now and we have this huge surge is part of the pendency due to, you know, people rightfully taking advantage of the program. I mean it's a great program. I think the question is more just in terms of how it gets factored into pendency.
MR. VAVONESE: Again, I mean our budget people look at an average amount of how much at least at the law office level how much examination is done across the entire corps and this is taking into consideration not only how much leave they have during the year, how much on average they are going to take and then additional -- additional opportunities, whether that's, you know, whether that's leave through the dependent care options or additional sick leave options that have come up as a result of the pandemic.

So that, you know, when we get new -- when we have new leave options like that, you know, and our budget people look at those and try to -- try to reevaluate -- to re-evaluate that, but in the planning projections especially going forward we are trying to look at numbers to bring in that aren't so focused on the ups and downs but more focused on making sure that we are having a good steady -- a good steady hiring plan going forward. So even if we have a drop we're still keeping those numbers up and that's really
our plan moving forward.

MS. BALD: Thank you.

MR. GOODER: Stephanie, Hi. It's Dave.

Also not 100 percent of the Trademark workforce uses what is referred to the ADC. I don't know --
don't hold me to that number but I remember being actually a bit lower than I thought. So it doesn't have as big an impact as it might.

Certainly if 100 percent of all that examiners and support people are taking it would have an impact you'd feel more, but they don't and I just don't recall what the percentage is.

MS. THOMPKINS: Hi, Dan. This is Tricia again. On your presidency, again, congratulations on the promotion.

MR. VAVONESE: Thanks, Tricia.

MS. THOMPKINS: This is kind of on with Stephanie's question with regards to the hiring and the potential impact on pendency. It sounds like the office takes into consideration leave and the special programs that examiners may avail themselves of.
Can you explain if the office has decided to hire at least in this class of 50 attorneys, do you have a hard number or hard (inaudible) that examiners take advantage of all of these? Let's say as to what the impact would be on pendency. So we see that if its 50 percent or higher how much of an impact do you anticipate hiring 50 attorneys would have?

MR. VAVONESE: I mean as far as first action pendencies?

MS. THOMPKINS: Yes.

MR. VAVONESE: I mean I did say that, you know, it is likely that our pendency is going to go up before we can get it back down. It is likely that it will get up over five before it gets back down. The 50 that we're talking about for April, that's to get us through. That's to get us through the rest of the fiscal year, but we are we are planning to hire at least that number or more in the fiscal year and the fiscal year thereafter but, again, we never commit to those numbers until very close to the actual hiring so
that we can update that as necessary.

But we have -- our budget is planned.

Our budget is planning for continued increase hiring as necessary to cover but we need --
because our goal is to obviously try to get our percent for pendency back down below four.

MS. THOMPKINS: Thank you.

CHAIRMAN KELLY: Go ahead. Go ahead,

Kelly.

MS. WALTON: Okay. Sorry. Hi. This is Kelly Walton from TPAC. I know we -- there is probably no way to predict the COVID or the China incentives for filing, but I did notice that some of the surge is attributable to people wanting to get in in before the fee increases took effect and I know that that happens from time to time. Is that something that you are regularly see and, if so, how do you address it?

MR. VAVONESE: Well, I think normally -- I can't speak as to the last time we had a fee increase. I mean I still that would generally happen with a fee spike. I think it was a
combination of the Chinese spike in December with
the fee increase. So it wasn't a single -- it
wasn't a single factor. We anticipated an
increase but we didn't anticipate the extended --
the extended increase. The extended serge that
we've had.

And we need to anticipate better and I
think, again, what I'm talking about with its
whether it's in our increased hiring and in our
process efficiency, we want to put in advancing
towards the future we want -- we want to put plans
in place so we can weaken weather these types of
larger storms going forward.

MS. WALTON: Okay. Thank you.

MR. GOODER: Kelly, I asked that
question. I asked that question, too, a lot
through the years and I know Jay's people have
tracked it but when you saw the size of that spike
that was so far beyond what people reasonably
would have thought especially based on our
financial projections. This is going to stump the
economy. It's going to become a case study I
think in business school about it.

MS. WALTON: Right. Right. Thank you.

MR. GOODER: Tricia, in answer to your question, they do look at it. Nabil Chabuki (phonetic), who runs this area, looks at the stuff and he does test it in varying levels because he is also the person doing the economic projections. So his team thinks that way and tries to narrow it into the most what they view as the most reasonable draw and then work that way.

MS. THOMPKINS: Dave, thank you for that. I thought as much because, you know, it's almost it sort of has to be some kind of actuarial thing that is going on behind the scenes. The question of how it pertains to our stakeholders and the expectations. So I hear Dan saying that it's more likely to go up and down. I think it's a question of how close you can get to communicating for pendency a decrease, if you will, because it's such an important metric that our stakeholders have come to expect to be fairly low having been so over the years.
MR. GOODER: Yes.

MS. NATLAND: I think this -- while this conversation is extremely relevant and helpful, I just I have a more minor point question and somewhat tied to it. So Dan you mentioned the 90 day period to process (inaudible) for example. I just want to understand what does that mean? Is that the examining attorneys? Is that what you mean by processing?

MR. VAVONESE: Right. The responses -- a response is filed with the office and, you know, a chunk -- a chunk of the responses are auto process depending on whether applicants are just submitting the responses with using the form fields in the TEAS response form. The ones that are not, especially if they are sending attachments, those have to be further processed before they had to go to the examining attorneys. So they are processed by our examination support unit and then -- and then once they are done with the processing they often have to enter additional data that wasn't put into the proper
data field and then they go on to -- then they get put into the examining attorney's office.

MS. NATLAND: Thank you.

CHAIRMAN KELLY: Any other questions for Dan from TPAC members? I guess not Dan thank you very much.

MR. VAVONESE: Thanks.

CHAIRMAN KELLY: Next up I believe is Amy Cotton.

MR. DODSON: Yes. We're running about minutes behind so we'll try to -- try to catch up on some of that.

MS. COTTON: Yes. I'm happy to be here with you today to tell you a little bit about the updates to the TMA and the statute. If you all have been watching the increasing links of identification of goods and services really over the last 10 years and some of you might remember in 2010 the USPTO held a roundtable along with George Washington University on the what we called the future of the youth-based register.

You actually can look at our website.
There is a record of it and a lot of stakeholder suggestions about what we should do to make sure we improve the accuracy of our youth based register. You would be fascinated as I was to go back and I was there so I should have remembered this but we've actually implemented almost every single one of the suggestions that we got from stakeholders all the way up to the point of what is in the TMA.

Actually, it was suggested back then that we implement a non-youth cancellation procedure like Canada and I think that's actually represented in the TMA. So look back if you're curious because I think there are some interesting things that we've done since then. In 2018 though, we started getting a surge of sort of sketchy specimens. Congress held hearings and asked us what we might need from them to help us respond to it. So we actually asked for the tools that are in the TMA.

First, we asked for the letter of protest procedure to be codified so that we could
have the clear authority to charge a fee. We asked for the authority to shorten the standard six months response time so we could move suspicious applications through the system faster and we asked for the non-youth cancellation proceeding to work faster and cheaper than a contested proceeding before the TPAB. Next slide please. So first starting with the letter protest, you know this procedure has been in place for years.

All the TMA does is codify that practice with a few minor tweaks. Remember, this is a way for third parties to bring something to our attention, some evidence to our attention that may be relevant to a brand refusal, something that we may have missed or that they just want to call attention to. The two tweaks are now we have the authority to charge a fee which is $50 as of the Trademark Fee Adjustment Act on January 2 of this year.

We also have now a two-month deadline time limit for sending the relevant evidence to
the examining attorney when we find that it's relevant but everything else is exactly the same as it's always been. No big changes there. Next slide please.

As for the flexible response period, you know, we normally have six months for an applicant to respond to an office action, but our data suggests that, while some applicants take full advantage of the six months, others actually move more quickly to respond to an office action. So you know in some situations, it suggests the six-month time period is reasonable and even necessary for complex office action but for those office actions with refusals or simple requirements six months was just too long. The last time means that these applications are taking up space in our system longer than they need to.

So the TMA allows us the authority to shorten the response time to increase examination efficiency and decrease pendency how. Shortening this time, and when shorter periods should be offered, those are all topics that are going to be
addressed in our rules and we're hoping to receive a lot of input from you all to help us shape those different options. Next slide please.

The TMA includes two new mechanisms for getting deadwood off the register. The key things to remember about these new proceedings is that they are not abandonment proceedings. So the intent to resume the user commenced use is not relevant. They are non-use cancellation proceedings where use was required as of a certain date and there is evidence that the mark was not in use as of that date. And, number three, these proceedings are before the director without having to file a petition of cancellation at the board. The goal is to create processes that are potentially quicker and cheaper than a contested board proceeding.

There are two targets of this procedure. Those marks that were never used and those that were not used as of the relevant date. Keep in mind that the expenses claimed will also be available before the trigger trial appeal board
with the new Section 14 ground for cancellation when the mark was never used in commerce as of the relevant date. Now, these claims -- this benefit claim that the board does not supplant or replace existing non-use claims at the board. So those will continue to remain available in the timelines that they typically are available. Next slide please.

So the petition to request institution of an extension of an expungement or re-examination proceeding has these elements. Obviously, this is pretty slim information here but the rule will expand on that and tell us a little bit more about what will be required in the petition, but to start the proceeding before the director -- a third-party or the director -- must submit a request to institute expungement or reexam proceeding.

The request can cover some or all of the goods or services in the registration and, of course, the rules will request a bit more here than you see here. Next slide please. Under the
statute, any person can request that a proceeding be instituted. This means there is no standing requirement. The director may also request a proceeding be instituted against a registration. Expungement proceedings can be requested at the (inaudible) registration as well as those under Section 44 Paris or 1666 Madrid.

Re-examination proceedings can be requested as to use-based registrations where use was required at the filing or the SORUAA stage. If the registrant submitted specimens to us that were accepted but based on other evidence should not have been, a third-party or the director can request a re-examination of that claim of use during the application stage. Next slide please.

The request for institution of these proceedings can only happen during certain windows of time. For expungement, that year -- that window is year three to year 10 post registration and for re-exam is from year zero to year five post-registration, where the registrant cannot establish use of the challenged goods or services,
those goods or services will be canceled from the registration. Next slide. The registrant may appeal any resulting cancellations from the director through the TTAB and then through the Court of Appeals for the Federal Circuit. As for reviews provisions, the statute provides that when the goods or services have been attacked and survived because use is established, those goods or services can never be attacked again. Next slide.

We are drafting the rules right now to design these proceedings and address the response period. We're looking for feedback on any aspect of TMA implementation, but we're especially interested to hear from you all on the issue of here which are what should constitute a reasonable investigation, what are the general types of evidence that could support a prima facie case, and what should the response in extension time period to be, what limits should be set on the number of petitions for a particular registration, if any, how should an expungement or
re-examination proceeding relate to other
proceedings concerning that same trigger
registration Next slide please.

We have one year to implement. We are
working on the draft rule package. Actually, I'm
working on it right now as we speak. I will be
sending it to clearance within the administration
in the coming months. As I said, we are going to
be issuing a notice of proposed rulemaking in the
late spring. It will go out on the
FederalRegister.gov site. Once the NPRM issues,
we will have public roundtables to collect
feedback on the actual text so that, when we have
the rules in front of us, you can give us your
opinions about that.

The public comments at that stage should
be submitted in writing to the FederalRegister.gov
site and we will, of course, assimilate those
comments and responses when we issue the final
rule which will publish in December. We are
required to implement the expungement and
re-examination proceedings by December 27, 2021.
A letter of protest procedures are also required to be implemented but those already are actually as of the January 2nd Trademark Fee Adjustment Act rule. After the response period, there is no deadline for implementation so we have a little bit more flexibility there. Next slide. So please consult our website where we've got information about TMA. We are posting all of our stakeholder input on that website. You can review what people have already said about it. We have an email box for anyone to submit comments to us right now as were drafting the rule. Please use that email box and send us your comments. We will post those on our website as well but, of course, we will do the full consultation process once the MPR issues so that we can then assimilate that into the final rule. So that's all I have for now.

CHAIRMAN KELLY: Thank you, Amy. Any questions from TPAC members?

MR. CHO: Yes. David Cho. Amy, thank you again for that well thought out presentation.
One question I have is you said the expungement proceedings would go to the Director's Office. Could you explain right now the current plan and how that it is going to be handled then by the Director's Office?

MS. COTTON: Well, that is actually -- the procedures are going to be in the rule and at this point I can't tell you anything about the specifics of it because, if I share them with you, I have to basically make them publicly to everyone and they are being developed right now. So the idea though is that there would be an examiner who would look at the petition, determine whether it meets the filing requirements, and then decide at that point whether to institute a proceeding. And then it would move forward back and forth with the registrar back to the evidence of use but that's about all I can tell you right now.

MR. CHO: Thank you. Premature for me. Thank you.

CHAIRMAN KELLY: Thanks again, Amy. Any other questions? Okay.
MS. BALD: Chris?

CHAIRMAN KELLY: Yes.

MS. BALD: This is Stephanie Bald from TPAC. Amy, I just wanted to make the comment that I think from what I'm hearing from stakeholders they have been very appreciative to the PTO's involvement with the IG Bar Association in the process of coming up with how exactly the rulemaking is to unfold. Obviously, the TMA has a lot of potential but a lot can depend on how it is implemented.

And I would just from what I'm hearing basically complement the office for involving stakeholders and encourage the office to continue to do so as we get further along with this process. I would hope that we can have robust comments being submitted by the IG Bar Association and all the other types of stakeholders as we go down this road.

MS. COTTON: We welcome that input and it certainly been very useful so far to us. Thank you.
CHAIRMAN KELLY: Any other questions? I guess, Dave, back over to you.

MR. GOODER: Yes. Back to me. And if you can pull the slides up the next topic is going to be about the concept I mentioned of registry protection. Next slide. U.S. Practitioners certainly understand but often times we have to step back and say well, does the accuracy -- well, how much does it really matter? I mean we have filings, yes.

(inaudible) and really, if you think about it, the trademark registry in the U.S. is unique in the sense that there is an indicia of what marks at least that are in use or should be in use in commerce at some point when they were filed or when they file amendments of use or statements of use or new use, et cetera.

And it's a really useful tool. A lot of -- a lot of registries aren't that way. So if
you've got inaccurate claims, you end up in -- I
mean someone can lose their registration but you
end up with a really cluttered register which is
something that has aggravated me for years and it
really diminishes the register's ability to be a
tool for a business and the public. So it matters
a lot. Next slide please.

The second question really that you get
into is the integrity of it and really one of the
biggest things about it to me is maintaining a
registration by any means other than what we need
a really good -- the registrant and that's to
their advantage, I mean in a way it's a bit of a
form of competition in some ways. Challenging and
properly grounded registration is expensive. It's
time consuming. If you've ever had to clear a
mark and deal with that type of thing, you know
what that takes.

And the other area that is has
unfortunately growing are the scams that are aimed
at either targeting the PTO or customers of the
PTO and all of that is nothing but, you know,
(inaudible) victimize customers, et cetera. So
when you look at all of these things together, you
put based on that separate problems suffered
initially but I don't like doing that to step back
and adapt this more of a ground protection
approach. Next slide. So a lot of that has been
going on, but here's a taste of the kind of
behaviors we're talking about and I've kind of put
it into two buckets.

It's the sloppy behavior and the greedy
behavior or dodgy or whatever the legal term is.
So on the sloppy side we've seen a growth of over
claiming of goods and services in registration or
in applications. We have people who would do
things like put goods into a certain class
application and clearly they should be in a
multiclass application. Improper specimens that
everyone is familiar with, whether that is
altered, whether that's fake, whether that's just
not knowing the rules and submitting a
computer-generated image of the product. Improper
appointment of attorneys has been something that
has impacted numbers of attorneys where applicants are putting in attorney details that aren't accurate.

And, again, to some degree at some point it becomes unauthorized practice of law. You see it with filing and things like that. On the worst side of the column here, there are applicants claiming false domicile, meaning their location is bogus. Their name may be bogus. We have seen an uptick and an increase in bad actors trying to make unauthorized changes of address to redirect communications from the office. Credit card charge backs scams and then the scams and solicitations and it used to be more along the line of the sort of solicitations you get when you got a registration.

We've seen it totally changed. It has now become, as I'll tell you in a second, literally a business opportunity being exploited by foreign criminal groups. So next slide. So we've had a number of things going for a while to follow that behavior. We have we already have a
special task force that tracks the activities and scams, et cetera. It's in operation with law enforcement and then education and outreach. We're going to focus on those in a second, but also the efforts to require now log into a database and the increasing levels of security that that would take and the (inaudible). On the accuracy side, you have counsel rules. I think its been effective in bringing foreign applicants to better knowledge of what the rules are and trying to improve the substance of the applications. The specimen refusals of the educated examiner and they are the front line and a lot of this. Those are the ones who see this, et cetera. Post- registration audit program that went permanent a couple of years ago. It is absolutely aimed at the deadwood problem and then, of course, the Trademark Modernization Act. Next slide please.

There has been a lot written recently in the press about things the agency should do better and what I want everybody to understand is there
is a team that already is doing the stuff and they
do an amazingly good job and it is led by a former
examiner and policy lawyer. There are other
attorneys who support that along with analysts.
That is one of the areas we are increasing our
resources in. They have been supported by the
Office of the General Counsel, the Office of
Enrollment and Discipline, the CIO especially to
extend and start implementing cybersecurity and
then, of course, the communications area. Next
slide.

When you look at how this works,
basically the left side something will come in.
Something is suspicious in an application. An
attorney might make a complaint. The office might
make a complaint. We might find something to do a
latter and analytics, et cetera. It tends to come
into the examining attorney or maybe a trademark
policy attorney or analytics people et cetera or
even the Trademark Assistance Center. It then
goes for the special task force and they are the
ones who will look at what is going on,
investigate it, and figure out which way then we go with it. If it is criminal fraud, it goes up to the Office of the PTO General Counsel and they will engage law enforcement if necessary.

If it is attorney misconduct, that goes to the Office of Enrollment and Discipline who then will deal with it (inaudible). If it has to do with the violation of let's say a new CVP (phonetic) or something like that, the managing attorney and examining attorney will deal with it and then, finally, if it appears to be a very intentional violation of the rules or something bordering on fraud, we will then issue show cause orders that can lead to orders of termination. So the task force is critical in basically triaging all these types of activities. Next slide please.

In terms of agency cooperation, we work with, you know, the DOJ, the U.S. Postal Service, the SEC, and really any kind of protection agency and cooperate with U.S. and even non-U.S. law enforcement when we're trying to understand. There was an action that we recently did against
one individual named Victor Sikorskofsky (phonetic) in South Carolina. That case has now reached a plea bargain. It was an incredibly good result, especially in the restitution area, et cetera.

I won't go into detail. You can find it online if you're interested. Next slide please. The biggest area that were trying to develop even more is education and outreach. We're (inaudible) resources so it's not just a listing of non-scams. There is more guidance about what people can do. We are warning applicants and registrants, you know, at registration time. It is better to watch out for these things. We are talking about it. I hear literally there has been a presentation I do where we talk about this. And there (inaudible). There has been for a few months now a dedicated mailbox and that's pmscams@uspto.gov for people to report it. Next slide please.

And we went through in terms of how we are educating -- and back to that 76 percent figure -- of how many applicants are individuals
or small filers. We have now launched a trademark basics boot camp that we run four or five times a year. It's a six week, one day a week for a few hours, session that has now done its first run and had incredible participation and we're hoping that that will help educate people.

There are video series, new filer programs and programs for experienced filers, et cetera but the more we talk about this issue and the more that we educate brand owners about it that's one way to really help fight this so people aren't taken advantage of as much. Next slide please. And of course the tools are available for PTO. There is an app on your phone that you can put in field numbers and we are encouraging people to do this.

Obviously if you are a law firm with a lot of filings, it's probably 76 percent of our customers. The app is really quite useful. Next slide please. I think at this point I'm going to turn it over to Greg. Oh, well. I guess we pause a second. Are there any questions on this area?
MS. BALD: Commissioner Gooder, this is Stephanie Bald. I'm always interested in the bad behavior task force. I see so much bad behavior and I know the office is trying to very hard with the U.S. Consul and it's a little bit like whack-a-mole. You solve one problem and, you know, scammers come up with a way to circumvent that rule. So you mentioned that you would be expanding the resources of that task force.

So how many people are on that task force now and what are the plans in terms of expansion because it seems like such a critical area. You know. And, honestly, a hyper important one given how egregious and troubling some of that behavior is.

MR. GOODER: Yes. You raise a really good question, Stephanie. So right now the task force is five lawyers and analysts have just joined it and then you add -- they pull in more resources if they need it. And then, on top of that, that's not counting the people who are assigned to the projects from the other groups.
So for instance there is an investigator in the CIO's office who is incredibly good at working his way around the internet and all the places that these kinds of things tend to hide.

We are looking at adding additional analysts and investigators because there is so much digging that has to be done, as you know from, any kind of brand protection work. What you see on the surface is not what is going on down below and it does migrate. It does become -- the scams weeks off for five years ago or even two years ago are not the same as we're seeing today.

So I want to see the group get significantly bigger. We are also adding some database management solutions that help connect the dots more so that they can find things. That's one of the tools that is going on this year with the task force which is an AI driven tool. So when suspicious specimens are notified to them, this tool will go out and look across the entire database of the office and find every specimen that is identical or highly similar to it so they
can then take that specimen and see where else does this occur and who else is involved. What is going on with it? But that investigation is slow going sometimes as any trademark lawyer who has had any kind of work done knows. It's just time consuming. Does that answer your question?

MS. BALD: It does. And on that the follow on goes to potentially the digitally altered specimens. Is there -- I understand recently the pilot program was discontinued for the evals you could email in tips on the hotline. There was good communication I thought when the notice went out that letters of protest cannot be used in lieu of that process, but, in terms of the examiner training, what is going on? Is there any, you know, increased effort to really, you know, have examiners not be used so that examiners are not having to do the heavy lifting in terms of the word in the office issues?

MR. GOODER: The answer is yes. So when we issued the revised specimen guide that was coupled internally with a lot more education. We
are also looking at how do we take a key group of
people who have become really specialized in what
is the current trend of these things so that we
can communicate throughout the force? One thing
that is better actually this month is the scam of
the month for examiners so that people all over
trademarks understand what is happening now
because, for instance, on the specimen side the
fraudulent specimen entry years ago is not the
same issue that it is today because, you know,
people adapt. So yes. It is a big thing because
you don't want it flowing down examiners. You
want them to -- they aren't the investigators.
So we want them to be able to quickly
stop the issue and then know what to do with it.
Dan, do you want add anything to that? Did I miss
anything?

MR. VAVONESE: I think you covered it.
I mean it is about adapting and updating.
Updating and adapting to new types of specimen
scams that are coming out.

MS. BALD: Thank you.
CHAIRMAN KELLY: All right. Any other questions? If not. We'll jump to Greg quickly and take it from here, Greg. Thank you.


As the Commissioner said, I have the extreme honor of being the Deputy for Trademark Administration. I'm going to spend a few minutes and when I say few I mean a few minutes talking to you quickly about our IT modernization because I know I'm the only thing standing between you and a little bit of a break so with that, the next slide please, Anastasia. All right.

So trademark future of IT. David is calling this IT modernization and the intensification of it. I couldn't agree more. If you are paying attention earlier in the brief, both the Commissioner and the CFO mentioned that we have taken quite a hit due to the pandemic in early part of the year to the tune of $40 million which is a lot of money in anybody's checkbook and
we recently were put in a position where we couldn't reestablish the program at the end of the last calendar year.

And just a few days before the turn of the new year, the vehicle that is known as the Alliant 2 IT contract was signed and after a rigorous amount of analysis and source selection, four really qualified IT teams, three of which were in the USPTO construct for some time, and a new vendor were selected and brought on board. We got extension within the cycle. The way you may hear it in federal system and certainly (inaudible) and then you've got Booz Allen Hamilton (inaudible) sometimes General Dynamics Information technology is DDIT and then REI Systems is the new one.

REI Systems we are very excited about. It's a company that was working very closely with NASA and has been working very closely on that side of the ledger for a great number of years and has a great success with the program. So we are very excited to have the team on board. As well,
you are going to hear about this next after the
break from Jamie Holcomb and his staff. We
haven't brought (inaudible) this process a new way
to work with it.

What trademark business unit
specifically has done to kind of help get us there
is we have created an organization with a new
director for information technology who is a
senior executive service member who has been
managing IT from soup to nuts, from birth to
death, from inception to burial and we're hoping
that that new process is going to allow the IT
development process to go all the way from design
to development to sustainment and finally to sun
down under the watchful eye of a dedicated group
of professionals. Let's talk about that dedicated
group of professionals.

I have a (inaudible) and it's not
because there is a footnote at the end of this
thing or test that you're going to have to take.
Dedicated means two things to us. They are
dedicated in the sense that instead of asking
people to do two jobs and wear two hats, they have an additional responsibility of IT plus their normal job. This is what their role is. This is what their function is. We have asked them to take this on and they have we have dedicated their job to this role and so we are expecting good things out of that. As well, we didn't force anybody into this business. So we offered an opportunity to them. We gave them some time to think about this and they volunteered for this. So they're dedicated in the sense that this is their job and they are dedicated in the sense that they are taking on this role. We've educated them. We've sent them to off-campus schooling. We brought in teams. Jamie had his folks from the CIO have brought in folks to come in and teach our people how to do this better and how to take this on and go all the way through the process. So we think we're going to make some progress there. We have empowered these folks so that decisions that could be made at the
lowest level are made at the lowest level.

We don't want the developer and the product owners and all the folks that to be looking to be looking at management to make decisions that we know that they can make upfront and keep the process moving. So we've empowered our folks to do that. That little bullet right there -- the smaller bullet -- who these people are. These are lead product owners. Product owners, tech leads, subject matter experts. The entire tapestry, if you will, of people that will bring IT to life are included in this group of people.

Jamie himself -- Jamie and his folks are a more robust agile methodology then those of you maybe who were involved in this process earlier within the PTO. Smaller teams, more autonomy as we said. The ability to make decisions. The ability to look at new options and new opportunities and put those into play without asking whether or not that something that we really need to consider.
So lots of good things there.

Development (inaudible) Development, security, and operations. They've seen the very beginning.

Right? It's this process of taking the entire package of what we are trying to do and make sure that we develop it instead of trying to put the security component on it after the fact of putting it in the middle and then taking it right operations and see how it works.

They're using best practices from both industry and government and we're actually doing at this time and not just talking about it as we done in the past. And then one thing that is really, really important is we understand that failing isn't failure. People in the IP business -- and it doesn't matter if you're in the government side of this or the corporate side of this -- IT is tough sometimes. And you fail at it and we don't want people to believe that just because they fail, they're going to have to go find a new job. We want them to understand that failing isn't failure. Next slide please,
This is cool -- no. This is the next to coolest slide. This is kind of the way we focused it. We are doing six business focused centers to build out. So we'll have a trademark center which if you think about it is the external work that we do. The application work. The work of being able to take a look at what the databases -- those things. That's the trademark center.

Exam services really where the rubber meets the road. This is the pre-exam folks, the examining attorneys, the post registration people. This is the heart and soul of what we do and this is where the bulk of the effort is being made. And we were thankful enough that Dan's predecessor, Marilyn Robery (phonetic) and her team -- a shout out to Marilyn -- were able to give us a highly qualified, you know, very, very capable attorney to run this program for us and we are very excited about that. I think Chief Judge Rogers is going to talk to you about the TTAB center a little bit later.
Suffice it to say that a very experienced TTAB judge is running this program for the Chief Judge. Also TTAB has all of those capabilities in league with what we're doing so its seamless and connected and only (inaudible) in those very specific areas where it doesn't need to be public. So we are very, very excited about this. Trademark Internal Center, Madrid, WIPO, the World International Property Office, the International Bureau. All of that interconnects. We've got a group setting up that. The kind of work I do, trademark data and analytics this is leading edge kind of stuff.

This is where your artificial intelligence, your machine learning, your robotics process automation -- all of those things happen as well as those things that kind of drive what we're doing. The reports, the analysis, and that work is all going to be done in here. And then, finally, the foundation of all of this that underpins this content management which was TRN, the old database TRN, which is our new database,
all the admin counsels in the way we're going to
make this work.

Finally, the next slide please,
Anastasia. Trademark AI, artificial intelligence,
machine learning, and robotics process automation
efforts, we can talk to that ASAP. You'll notice
for those of you who (inaudible) before we used to
call it the project. Now, it's a product because
we've actually put it on the street. It's a
limited use with the special task force for
improper activities.

We're kind of building it up. We're
putting a better user interface on and then were
going to try and open the aperture and see what
we've got, but this is a customized commercial
image searching software that our folks -- one of
the really, really smart attorneys on the
trademark administration side -- has sat down with
the developers of this and built a product that we
think is going to really really help us take a
look at that entire corporate specimen that we
have and compare and contrast it to the ones that
are coming in.

We're really excited about this. Most of you know that we've had a couple of requests for information out on the street. One is an internally developed product that we are working with some folks with Jamie, the CFO, has under contract to try to improve. And then we got another one which is a true classically built, if you will, vendor supply capability that we are looking out from the outside and we are in the right stages of acquisition for that one as well the one previous to that. Then, of course, Chatbots, robots, and something new which is Cobots. You know. Chatbots for those people who have engaged the Trademark Assistance Center, you know, some of those very basic questions that the team has to answer they're trying to build the process and the capabilities so those questions can be answered up front. You know.

Robots are a robotic process automation as you know. You've got plenty of examples with that in cobots. Things are collaborative robots,
right? They're working side by side with the
human next to it. We're thinking that we can do
some great work here with design coding and some
other things. I kind of had that professional
really efficient and effective, you know, working
side by side with the automated capability.
That's all I have. I'm standing by for any
questions from anybody. Sorry it was as quick as
it was, but I'm trying to get you back on track.

CHAIRMAN KELLY: Any questions for Greg?

Greg, thank you very much.

MR. DODSON: Thank you, Chris.

MR. CHO: One quick question, Greg?

MR. DODSON: Yes.

MR. CHO: Just I'm the new guy. At the
very beginning you mentioned that new team and the
devoted deputy. No. Group director. Correct?

MR. DODSON: Yes.

MR. CHO: So if I can understand in
layman's terms, you've got a team in IT that is
going to be a doing this job 100 percent. Right?
Nothing else. This is their sole job?
MR. DODSON: Yes. So you remember from your time here the group directors that manage the managing attorneys and they manage the law offices. Right? We looked at the construct of the way that our organization was set up and realized over the last fall into this period of time we had senior executive service members in charge of it. We've got -- we've got five GS-15 manager subordinates at the SPS.

Every one of them has a role. Every one of them has a function. Everyone has a professional staff subordinate to them focused on IT. All focused on getting them from A-to-Z in the most efficient and effective way possible.

CHAIRMAN KELLY: Any other questions for Greg? We are about approximately 30 minutes behind schedule which is great that there is so much to talk about and lots of good questions. So my question is do we want to break for five minutes or do people want to take the full 10?

MS. BALD: I think five makes sense.

CHAIRMAN KELLY: Yes. Okay. Anybody
else? I don't want to speak for the group.

Everybody has been sitting for a while. I'm sorry. What was that, David?

MR. CHO: Five is fine.

MS. THOMPKINS: I agree.

CHAIRMAN KELLY: All right. Well, it sounds like that's the consensus. So it's 2:52.
Can we meet back at 2:57?

MS. THOMPKINS: Okay.

(Recess)

CHAIRMAN KELLY: I was just saying it looks like we're back and so we're ready to move on to Jamie and his group I believe.

MR. HOLCOMBE: Good afternoon, everybody. I'm going to go through these slides quickly and I want to turn it over to Os as soon as I can. So next slide. Next slide. Hey, the top three priorities in the IT realm are cybersecurity, resiliency, and moving to the cloud. When I say that, I'm very proud of what Greg was talking about.

The new ways of working and how we are
leading cybersecurity and the design and architecture of trademarks registered such that it's protected, especially in the cybersecurity realm. We're also going to be talking about resiliency where we're moving to a new datacenter where we'll have a new backup facility which will eventually turn into our alternative processing site such that we will have business continuity of operations throughout.

In other words, in our new datacenter in Alexandria datacenter what will happen is if one goes out, the other one takes it up without anybody knowing. So that is our goal. And, finally, we're going to try to move through the cloud to reduce our footprint in our own datacenter and push that out to the cloud for all the advantages not only in cost but efficiency and performance as well. And so with, go Os go.

MR. TURAN: All right. Thank you, sir. Good afternoon everyone. I just want to make sure you all can hear me. Just click thumbs up. Thank you. All right. My name is Os Turan. I am the
Acting Product Line Manager supporting trademarks.

I will try to provide some additional IT highlights. I'll keep this short and try to see if we can get us back on track here. This slide here just some additional information about cybersecurity that Mr. Holcombe just covered.

One area I did want to focus on is focusing on improving and accelerating IT security awareness training to protect against phishing emails, insider threats, and privacy protection and one of the goals for this year is to establish an insider threat program and achieve an initial operating capability for monitoring and responding to these types of threats to help improve business operations security and also help protect the integrity of the register. Next slide.

The datacenter Jamie just covered that although I did want to point out that the move to Manassas will not only greatly allow us to improve our network resiliency but at the same time our throughput as now we will now be able to leverage NOAA's N-wave network. Okay. Next slide.
A little bit more information about the new ways of working which is helping our operations across the board to improve how we deliver business value. Last year, we started a new enterprise level agile delivery office to support successful delivery using agile best practices. Another significant benefit of this initiative is the use of innovated agile contracting methods which has helped us improve the speed and efficiency in how we acquire IT goods and services for trademark submissions. As Greg had mentioned, the Alliant contract vehicle that we're now using is highly flexible, fully self-contained, has strong vendor performance metrics, and it also allows us to quickly ramp up additional agile teams to support emergent requirements such as the Trademark Modernization Act. Next slide.

Now, a few additional highlights for the last TPAC public meeting in October, as mentioned earlier, ID proofing of login filing credentials is a critical priority for the OCIO. We did award
a contract last December to acquire ID proofing services from a third-party vendor. We're currently working to integrate that service in a tool which will release in a beta, a limited beta. Only about 15 to 20 participants around the May/June time frame and we'll be using that beta to collect valuable feedback to incorporate into our final product which the future deployment date is TBD at this time.

Next, we have implemented system changes to support the FY 2021 final trademark fee rule adjustments. Specifically, those changes affected the TNT (phonetic) Guide systems as well as (inaudible). Other enhancements for trademark exam include a petition or a letter a protest enhancement for TECLO. This provides the petitions the ability to send electronic office action correspondence in response to protests. And, finally, we have also implemented some new enhancements for evidence handling and also made some improvements to the next generation X search image display. All right. Next slide. All
Looking ahead, our main priority this year, of course, is implementing the required IT capability to support the Trademark Modernization Act. At the same time, we don't want to forget the ongoing modernization efforts as well to continue to improve our overall support. ID proofing also, of course, remains a top priority and we should be having limited data rolling out in the third quarter of this fiscal year. Next, we also have some enhancements coming right around the corner. We'll be supporting TECLO by allowing email notifications for informals or mis-assigned cases instead of requiring a paper-based office action. And, finally, we've got the best stabilization deployment in April which completely rewrites the software code into a modern language and this benefit, of course, is for improved long-term performance and stability. All right. So I went through that pretty quick and that concludes my presentation. At this point, I will pause to see if there any questions.
CHAIRMAN KELLY: Any questions for Oz?

MS. KOVALCIK: Hi, Oz. This is Jen Kovalcik from TPAC. I understand when COVID hit and filings decreased, the IT budget took quite a hit. Now, that filings have recovered and we're back to focusing on modernization efforts, could you give just at a high level some functionality that practitioners might be looking forward to with the modernization effort?

MR. TURAN: Well, based on the available capacity that we have, we are working with the lead product owners to find the most valuable efforts like, for example, the enhancements that I mentioned for trademark exams, those that are coming around the corner. We would like to take a look at modernizing some of our, you know, very long in the tooth systems like the TRN database. We're still in planning on that. Realizing that some of the features will need to be balanced with stabilization and modernization of our legacy systems, the foundational work is, of course, going to be a big part of that.
The loss of money a couple of years ago -- the $40 million -- unfortunately, that did send us behind in terms of modernizing the systems. With TMA, we were keeping our eye on the ball with TMA, but at the same time, we were able to get some additional funds within the agency to ensure we stay focused on TMA but at the same time keep other modernization efforts going. I don't know if, Jamie, you had some other specific thoughts in terms of issues that would like to stay focused on.

MR. HOLCOMBE: Not right now because we're right in the middle of that issue planning and we are trying to prioritize those to go to the top. We are not done with that process, but by the next trademark public committee meeting, we will be.

MR. TURAN: Thank you, sir.

MS. BALD: This is Stephanie Bald. Teeing off Jen's excellent question, is there anything in the foreseeable future plans for the TTAB's IT systems?
MR. TURAN: One of -- I do know that the TTAB Center is expanding its move to the cloud. Beyond that, I don't have any specifics at this time as we are still doing the foundational work. I just saw a mock webpage so it's still very much a work in progress. So there is a push in line with the priorities that Jamie mentioned earlier about moving to the cloud. You know. Getting off the legacy systems. Getting them into better platforms, more resilient platforms to include the cloud. We can certainly get back to you with additional specifics with respect to TTAB of course.

MS. BALD: Thank you.

MR. ROGERS: And if I may just jump in and supplement Oz and Jamie's response, Stephanie, we have -- Oz just mentioned a fast stabilization deployment that is going to go out in April. There is also going to be a stabilization deployment in April for ESTA and TTAB. So this is going to be the last stabilization effort that we're doing for our systems and that everything is
pretty much going to be focused on modernizing our systems.

As you probably recall, our current systems don't give us a lot of analytical tools, don't give us a lot of opportunities to capture data that would help our work and those are the kinds of things that David Mermelstein as our designation to the group that Greg Dodson was talking about is working on in the new ways of working. We're trying to present interfaces to our external customers that will work better, but we also want backend processes that will allow us to capture data.

And, as Jamie says, to be completely secure. No one can monkey with them and we can provide you with the information you need. So we can talk about that more again. I'm happy to talk with TPAC off-line. I think we might even have an operations session scheduled after this meeting and I'll give you more details than.

MS. BALD: Thank you, Chief Rogers. I always like to specifically mention TTAB when it
comes to IT because I know it's a priority of the
judges. I know it's a priority of stakeholders in
terms of interfacing with the PTO and I think it
requires a different approach instead of the other
issues we're talking about and I'm very happy to
hear to hear that we might be moving from the
stabilization to the modernization phase. So
thank you for that. And I look forward to seeing
what Jamie and his team can do. We are all
waiting. We're excited.

MR. ROGERS: Yes. And one of the things
that we are focused on in the team that David
Mermelstein is a part of is not having two
separate systems that you spend years trying to
have talk to each other and instead to have a
content management system that serves the
trademark and TTAB and our common customers and
that information can flow more smoothly back and
forth between trademarks and TTAB. So those are
the things that we are really kind to focused on
in the future so that it will make it easier for
an applicant's counsel, for example, who is
involved in an ex parte appeal to know precisely
do I file this request for remand through TEAS?
Do I file it through ESTA? What do I do? How
does it get to the person that needs to look at
it. That's all going to become crystal clear the
future.

MS. BALD: Wonderful. Thank you.
CHAIRMAN KELLY: Any other questions for
Jamie or Oz? And thank you, Judge Rogers. Okay.
Well, then I think next up is a legislative update
with Kimberly Alton. Jamie and Oz, thank you very
much.

MS. ALTON: Great. Well, good afternoon
everyone. I am Kim Alton, serving as the Acting
Head of the Government Affairs Office and I am
happy to give you all an overview of some of the
legislative activity that EGA has been working on
over the past few months. So if you can please go
to the next slide. So we'll start with just a
quick recap.

December and January were very busy
times for us in Government Affairs. As you can
see, the different bullets highlight some of the bills that were passed in Congress and that were ultimately signed into law. So that we had the patents for humanity improvement act, permanent authorization of TEP, and that's our telework program that's really popular at the PTO. It's been a pilot for a few years and it is permanent now. So we were really pleased about that. It's a popular program with employees and with management.

Also of course, the Trademark Modernization Act the Case Act that deals with establishing a small claims copyright court within the copyright office and then a bill -- the title of it is Protecting Lawful Streaming Act that really would increase the criminal penalties for illegal streaming and then, finally, you see that last bullet. We were able to work with Congress to elevate the rate of four of our IP attaches that work at different embassies across the world.

So that elevation -- that change in rank -- will really help them as they work with their
counterparts in different countries to really assist our stakeholders who are doing business in those different countries. Next slide please. So looking ahead the 117th Congress started in January and we did see some changes in terms of leadership on the committees that we have that have jurisdiction over the PTO.

So in the Senate, the Senate Judiciary Committee is now chaired by Senator Richard "Dick" Durbin and the ranking member now is Charles Grassley. So that's -- that's new leadership on the committee. The IP Subcommittee of the Senate Judiciary Committee will be chaired by Senator Patrick Leahy. So he is going to be taking over for Senator Coons was the previous ranking member of the committee and then Senator Thom Tillis from North Carolina will continue to serve on the committee as the -- on the subcommittee as the ranking member.

Turning to the House, not a lot of changes on the House side. We still have Chairman Nadler and ranking member Jordan in the House
Judiciary Committee and then Chairman Hank Johnson as the Chair of the IP Subcommittee. We did have one retirement with Congressman Robey so Darryl Issa will be the new ranking member of the IP Subcommittee in the House. So before we move to the next slide, I just want to flag for you all some of the things that we are hearing that Congress will be focused on this year are issues related to enforcement, counterfeiting, trade secret theft. Of course, drug pricing innovation, inclusion.

So those are all issues that we've worked on for quite some time and we do expect that we will see a lot of activity around those areas. In fact, coming up this Wednesday the House Judiciary IP subcommittee will hold a hearing on the Shop Safe Act and the title of the hearing is stemming the rising tide of unsafe counterfeit products online.

So that hearing again is this Wednesday, March 17 at 10:00 a.m. We have not seen the witness list yet, but we will be monitoring that
hearing and that issue. You all may remember the Shop Safe Act is legislation that was introduced last year that would establish liability -- contributory liability -- for online platforms with counterfeit products are sold on those websites. So we will watch that and are happy to provide updates on that legislation. Next slide please.

So also looking ahead, we did just have our Commerce Secretary confirmed on March 2nd. So Secretary Raimondo is in place and we are working closely with our counterparts in the legislative affairs shop at the Commerce Department and, just this past Wednesday, there was a hearing for her deputy and the nominee is Don Graves. And we will be following his process as he moves through the committee process and in the through vote in the full Senate.

So again he has a very interesting history. I'll just share quickly that he -- this is Don Graves, the nominee for Deputy Secretary. To share some of his family's ties to the Commerce
Department, it's very interesting story about the location of the current Commerce Department is where his family at one point had a business in downtown DC. So I think he will be a real ally of the office. His family -- the family who are patent holders it goes back I think his great-great-great grandfather. So we look forward to working with the new leadership at Commerce on advancing the PTO's legislative priorities. Any questions?

CHAIRMAN KELLY: Sounds like there are not any, Kim. Thank you very, very much.

MS. ALTON: You're welcome.

CHAIRMAN KELLY: And kudos again. I know we talked about this I think at a previous TPAC, but kudos again for getting the attaches elevated. That is such an important program.

MS. ALTON: Yes. We're really excited. I know the attaches are really pleased. So it was something that we were really glad to accomplish last year.

CHAIRMAN KELLY: Well, thank you again.
MS. ALTON: Thank you. Take care.

CHAIRMAN KELLY: So next up we have policy and international update with Karin Ferriter.

MS. FERRITER: Hi. Thank you. My name is Karin Ferriter. I'm the Deputy Chief Policy Officer for the Office of Policy and International Affairs. I'm pleased to be here with you today. Next slide please. As you can see, I have a number of entries and, in the interest of time, I will not read through the whole agenda and will skip to the next slide. So the OPIA priorities will be familiar to you. They are really USPTO priorities. As Commissioner Gooder noted, the office is interested in the behavior of trademark applicants and bad actors and he has spent some time talking about what the USPTO is doing in that regard.

In the Office of Policy and International Affairs, we're exchanging information with foreign trademark offices regarding ways to address improper filing. We are
also planning an international virtual meeting with foreign international policy offices to discuss the handling trademark scams, including both trademark size members and their intellectual property offices. This program will likely take place in April.

We continue also to advance essential elements for foreign governments to geographical indications protection regimes. Among more recent projects, the trademark team filed comments in 2020 on draft GIA laws in China regarding the determination of generic terms in the protection of GIAs in the draft protections on the protection of geographical indication. As I will discuss at the end of this presentation, the office has been very busy with a lot of training activities to support increased quality for trademark examination.

Next slide please. In particular today, we are going to provide some information regarding foreign pendency. The numbers are not all quite matching up because, for example, China doesn't
track first action tendency. They track the time from filing until final decision, but we have provided the information here so you would have it for comparative purposes. Next slide please. I'd like to give a plug for the TPAC International Committee. In that committee, we spent time talking about the recent paper of the USPTO trademarks and patents in China where we studied in depth filing trends and the darn (phonetic) market factors that were driving Chinese filings in China as well as in the USPTO.

We had such an interesting conversation we just decided that TPAC should have another session just on China so we could think more carefully together about Chinese filings. We will continue work on this area and we invite subject matter experts to help us suggest other themes for future research on what motivates filing behavior of applicants in China. Clearly, with CNIPA reporting 8.78 million applications having been examined in 2020 and 5.7 million registrations issued, it's a huge number of applications and it
could be a concern in the USPTO. Next slide please.

Another area where the USPTO is spending significant time is whether the Madrid system should have additional working languages. Currently, not all of the U.N. Languages are represented in the Madrid system. It's currently only English, French, or Spanish. Speakers of Arabic, Chinese, and Russian have an interest in having their language represented in the Madrid system. However, this would be a significant expense to the system which would have to be shouldered by Madrid system applicants so we've been spending some time to think about this carefully and try to consider whether the needs and interests of potential users of the Madrid system need again Arabic, Chinese, or Russian whether any of those needs could be addressed in other ways. Next slide please.

Another area which OPIA has been spending some time together with trademark operations is TM-5. CNIPA is the Secretariat for
2021 and upcoming we plan to have a meeting May 25th to 26th and the annual meeting will be in November. One significant accomplishment that we wanted to highlight was that Canada has joined the USPTO led GFI comment status indicators project with this project it shows the status of trademark applications and registrations using a set of stoplight color-coded status and symbols for each trademark record to immediately visually indicate the current status of the trademark without having to read through the text or unfamiliar pages. Canada is the first non-TM5 country to implement these user-friendly icons on status pages. So we want to congratulate Canada for that. TM5 partners are also working to improve the TM4 website and user experience including redesigning some pages to make the information easier to find. Also the partners have begun to work on a new project on improving TM5 communications with users as partners agreed at the 2020 annual meeting. Partners have also begun studying FMA resources at each TM5 office in WIPO.
Another area of USPTO work is attending meetings of the Internet Corporation for Assigned Names and Numbers or ICANN. That the meeting is coming up later this month. The USPTO has been an active participant of ICANN since 1999 and provides IP advice and counsel to the U.S. Department of Commerce National Telecommunications and Information's Administration or NTIA, the U.S. Government lead on domain name issues within ICANN.

The USPTO is part of a large interagency team with ICANN. OPIA is closely monitoring the development of a new framework that would provide friendly access to who is registration data. This is information that a team may know that as a result of the EU General Data Protection Regulation in May 2018 WHO's data went dark in the generic level domain space which made it very difficult for rights holders to address their concerns.

ICANN has recently reviewed its review
of the rights protection mechanism such as the trademark clearinghouse claims of sunrise applicable to the generic top-level domains launched under the 2012 program as part of the review expected to begin later this year, a look at uniform domain name dispute resolution policy and we are also winding up work involving subsequent procedures for new generic top-level domains. We do believe that there will be a new round of GLDs although it may not be for a couple of years.

We understand the number of trademark applicants are strongly supporting expansion.

Next slide please. This is my last slide if you are worried about time. I'm wrapping up down now. As I noted on the first substantive slide, OPIA has a priority to provide training. We provide training both to the U.S. stakeholders to increase their awareness of foreign intellectual property systems and we also provide a significant number of training programs to foreign government officials. Within OPIA, our trademark team
provides training to about 17 percent of our overall people trained which is a very good turnout compared to their relative size within OPIA. And that's all for me for now. I'm available with support from other members of the trademark team for any questions that people might have.

CHAIRMAN KELLY: Sounds like there are no questions Karin. Thank you very, very much. Very helpful.

MS. FERRITER: You're welcome. Thank you so much.

CHAIRMAN KELLY: And informative. So next up we turn to Judge Rogers for the TTAB update.

MR. ROGERS: Thank you, Chris. I'm going to just quickly -- I'm not going to run through all the slides because I don't think that it's necessary to do so. I have a small number of them anyway, but I do want to follow up first on some of the IT issues that we were talking about. In addition to the stabilization deployment that
will go on in just a few weeks in early April, we also are going to be reconfiguring some of the wiring, if you will, the connections between the new TTAB.

I will come back to the slides, Anastasia, in a minute, but I just want to cover these IT issues first and then I'll go through our pendency measures and filing levels which are in the slides. So in early May we are going to be redoing some of the connections, the wiring, the support for the TTAB reading room which was deployed last July 31st. I understand that not everyone has probably had a chance to look at that reading room, but I really commend it to you. It's a really big improvement over what used to be called the E--FOIA I'm reading room. It's much more searchable. It's much more user-friendly and please give us any feedback about the reading room through TTABfeedback@USPTO.gov in terms of any future enhancements you would like to see to the reading room.

It was built so its kind of is an early
example of a next-generation application for TTAB that came out last year. It was built with flexibility that allows us to make changes to it that we couldn't really make to the E-FOIA reading room that was in use for a long time until last July.

For the stabilization effort that will occur in April, if you have any problems on the external side of using ESTA or with TTAB view we know that sometimes when we're doing cleanup group work or remedial work or stabilization work on the backend of our processes, they can result in issues on the front end or the external side of the processes. So, again, use the TTABfeedback@uspto.gov email address or the ESTA@uspto.gov email address and let us know of any problems that may manifest themselves for you after these deployments occur in April for the stabilization and in May for the reading room.

These things are all tested very thoroughly before they are deployed so we don't expect any problems, but if there are and we're
not aware of them, we can't do anything about them, so let us know if you experience any problems, the other two things I'm going to mention are we heard from Greg earlier about the six centers that were being worked on under the new ways of working, one of which is the TTAB center. And the first thing that we are going to be working on in developing the new TTAB center, which essentially is going to be a replacement for using ESTA to send things to the TTAB, and the beginnings of the replacement for one on the inside for us known as TTAB I asked and on the outside to you as TTAB view, the electronic file system.

So the electronic filing system where you send things to us and then the electronic file system for the actual repository for everything that you send and everything that we send out. So the new TTAB center is going to start with the new filing form for notices of opposition and we are going to be working on that throughout the rest of '21 into '22 to get that specified and designed in
the way that will work the best for our filers.

The other thing that you should know in regard to our interface with the public is we are scheduled different business units of USPTO have been going through webpage redesigns. If you look at a business unit in the office that has a different-looking homepage than TTAB does, you're not confused. That's the way it is. All the business unit webpages have not yet been redesigned but TTAB is one of the next business units on deck for redesign of our webpage. So that something that will be coming hopefully later this year, but will be working on that.

So that's its kind of for IT systems and things that you should be aware of. We do have a lot of tips in the ESTA technical help section for your paralegals or your support staff or others who are going to be using ESTA to file things so we really commend regular review of the ESTA technical help and guidance section. So that's it for the IT stuff and things that are coming up.

Anastasia, if you can bring up the
slides, I'll run to the filing and pendency
numbers for everybody and so we go -- yes. Right
to that one. This one I've just I put up just to
provide some context. We've heard earlier about
the very significant recent surge in trademark
application filings, but many of you will remember
that there was a graph that we saw earlier that
showed increases in application filings every year
since about 2008 or 2009 when we had an economic
dislocation, but they have been going up every
year since then. So those early years of the 2010
to 2020 decade. Those increases in trademark
application filings eventually resulted in very
significant increases in the number of cases
coming to the board and they kind of hit a peak in
fiscal years '17, '18 and '19 and, not just in
appeals coming from examining internal refusals,
but in trial cases as well. We had this really
significant uptick in trial cases during these
three years.

That left us with a lot of trial cases
and a lot of motion practice and trial cases that
we were struggling to handle in fiscal '19 and '20. Next slide, Anastasia. So what we were able to accomplish in fiscal '20 as we were really knuckling down to tackle this work was we increased motion decisions of the attorneys. The interlocutory attorneys did a great job to increase motion decisions by 7 percent. The motions resolved by 8.5 percent. Pendency was still above where we wanted it to be above in FY '20 above the levels of '19. So motion practice pendency was growing through '19 and '20 but it stabilized in '20 and we reduced the inventory of pending motions waiting to be decided over the course of the year.

And at the end of fiscal year '20, we had cleared out everything that was older than 12 weeks pendency. So we started the current fiscal year in great shape as we'll see two slides down in a moment. I'll go to the next slide now and this tells you what the judges were able to accomplish in '19 and '20 to deal with this really large influx of trial cases that occurred in '17
and '18 and '19 and resulted in appeals of trial cases that needed to be decided in '19 and '20 on the merits. So the judges had two years in a row -- I really have to commend them -- where the increase in the number of cases in the percentage -- the percentage increase in the number of cases was decided within the double digits in both fiscal '19 and fiscal '20.

Two years in a row deciding 200 or more trial cases both really high water marks for the TTAB. As you can see in the third bullet on the quarterly breakdown in terms of our processing time for ex parte appeals, from the time those cases were ready to be decided by a panel of judges, the pendency came down of the course of the year and we met our goal at the end of the year which was to be under 12 weeks processing time for the appeals.

We didn't quite meet our goal for processing of trial cases. Again, we brought the numbers down during the course of FY '20. Our goal was to get them by the end of the year have
an average of full year of 15 weeks processing
time. We were above that at 17.7 weeks, but we
were well-positioned for at the beginning of this
fiscal year with these achievements of both the
attorneys and the judges in '19 and '20. Next slide.

And what we've seen so far was those
increases in fiscal '17, '18 and '19 of new cases
coming in the front door TTAB, the appeals, the
trial cases that began to moderate in FY '20. So
the appeals continued to increase in a percent
that is probably expected given the increases in
trademark application filings, but we actually saw
fewer oppositions come in in FY '20 than in FY '19
and earlier years.

Petitions to cancel increased a bit, but
not nearly as much as they had been increasing.
So things were moderating throughout FY '20 at
least in terms of what was coming in the front
door which helped a lot because it enabled us to
concentrate on getting out the work that was
already in the pipeline and so far this year in
the first quarter and in January and February of
the second quarter, we've seen similar filing
rates. So we haven't seen significant upticks
yet. We may see them in the future based on more
current filing increases in trademarks, but right
now, we seem to have a breather where, if we go to
the next slide, I can show you that we met all of
our pendency goals in the first quarter of FY '21.

We have goals of processing contested
motions within weeks or less. Ten to 12 weeks is
the goal there. Appeals decision pendency we have
a goal of 10 to 12 weeks. We came in at 8.2 weeks
on appeal decision pendency and the trial
decisions we have a goal of getting those decided
from the time that, again, that they are ready for
decision between 12 and 15 weeks and we were even
under the low end of the goal. We met those goals
again in January and February. So we seem to be
on a secure path for this fiscal year and we
expect that we'll be able to maintain our
commitment to these pendency processing measures
and we'll just continue to watch the incoming
filings and what may come out in trademarks given
the recent surge and focus on hiring accordingly,
but right now we're pretty much right size in
terms of the staffing.

So I think that's enough of an update
for TTAB and I'll be happy to take any questions
if you still have time left before Coke gives her
closing remarks.

CHAIRMAN KELLY: I don't think we have
any questions. Last chance. Judge Rogers, thank
you very much. Appreciate it. Informative and
helpful as always. So now we will receive closing
remarks by USPTO Deputy Director, Coke Stewart.

MS. STEWART: Hey, everybody. Can you
hear me okay?

CHAIRMAN KELLY: Yes.

MS. STEWART: We were behind and then
things started to move so quickly. It's a really
action-packed meeting. So thanks so much for
giving me a few minutes just to say hello to
everyone. As you said, I'm performing the duties
of the Deputy Director and assisting Drew
Hirshfeld in transition to the new administration
and I just really wanted to take a few minutes to
complement Commissioner Gooder, Deputy
Commissioners Amy Cotton, Dan Vavonese and Greg
Dobson and all the business unit leaders that
presented today for the information they shared
with the public.

I think the information shared today
particularly I have to say the slides that Dave
Gooder walked us through really captured the
challenges and the opportunities that we are
facing here at the USPTO which, you know, are very
significant as we all know. I'd also like to take
a moment to recognize the new TPAC members and
returning members. So hello and thank you to
Stephanie and David and Tracy and Jomarie and
Jennifer and our Chair, Chris, and Vice Chair
Susan. Thank you for your willingness to serve on
this important committee and for sharing the
benefit of your experience with the agency and, by
extension, our customers. It's really a
tremendous public service for you, for us, and for
you to serve the government on these advisory committees and we're so appreciative of you and everyone who raises their hand to apply to serve on the PACs. And I can tell you from my involvement, significant involvement in that application process, our PAC members are among the best in their respective fields.

And, finally, I wanted to say a big thank you to our stakeholders, employees, and members of the public who have tuned in today. With the passage of the Trademark Modernization Act, the partnership of our agency leaders, our PAC members and our stakeholders is critically important at this historic moment in the development of trademark law. The trademark team, the office of General Law and the Solicitor's Office and many other groups within the USPTO are working incredibly diligently on the implementation of the TMA. They have been and will continue to be engaged with you and stakeholders to obtain feedback.

The feedback that we very much need to
implement the TMA in a way that works well for everyone. I think the TMA process here just serves as a good reminder that USPTO is and should always be open to public feedback through formal means like rulemaking and through informal means and please know that any member of the public can always reach out to TPAC members, to Dave Gooder and his team, to Drew Hirshfeld and myself, and, of course, to our new politically appointed leaders when they arrive.

As I listened to the presentations this afternoon, I was reminded how critical our mission is, how vital our efforts are to our nation's economy and growth to ensure that brand members are able to protect their intellectual property and succeed in the U.S. and global markets.

Before I wrap up, I just wanted to note one last item. I wanted to promote an item which is this year's celebration of the 75th anniversary of the Lanham Act or Trademark Act. This, as you know, forms the basis of federal trademark law in the United States and was named for Representative
Fritz Lanham, a member of Congress from Fort Worth, Texas.

To acknowledge this special anniversary, USPTO will partner with the State Bar of Texas IP section on educational and commemorative activities this year. So I hope you will be able to participate in one or more of these events. We will be providing more information through social media, subscriber alerts, and other outreach to you.

With that, thank you again to the members of TPAC, your devotion to civic service, and to all of those engaged in what continues to be a very exciting and dynamic time for trademarks. On behalf of everyone here at the USPTO, I look forward to seeing you at the next TPAC meeting in May. Thank you so much for having me.

CHAIRMAN KELLY: Thank you again for coming today. So that concludes our formal presentation. I do understand that we have at least one question that was sent in from the
public but it's a very government-specific question that Commissioner Gooder believes, and I agree, might be dealt with by a phone call to this person rather than taking up the time of the TPAC meeting. In addition to that one question, have we received any others? I don't believe so, but I just want to confirm.

MR. GOODER: Christine -- excuse me.

Christine is texting me that no, there are no other questions.

CHAIRMAN KELLY: Okay. So before we wrap up, any -- any questions from TPAC members? Going once, going twice. I guess there are not any. So that concludes our first TPAC meeting of 2021. Our next meeting is Friday, May 21st and, Commissioner, if I can just say on behalf of everyone at TPAC we understand the time and effort that goes into preparing for these meetings on the PTO side and we thank you and we appreciate it very, very much.

MR. GOODER: Thanks, Chris. We're glad to do it.
CHAIRMAN KELLY: With that, I think we're out. Thank you everyone very much. Have a good weekend.

(Whereupon, at 3:49 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, 2021

Notary Public Number 122985