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**United States Patent and  
Trademark Office  
2022–2026  
STRATEGIC PLAN**



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## Message from the Under Secretary of Commerce for Intellectual Property and Director of the United States Patent and Trademark Office

Intellectual property (IP) is a critical engine that powers our economy and one reason our Nation is a global leader in innovation and entrepreneurship. It is one reason why the products of American ingenuity can be found in nearly every home, office, lab, hospital, and in the hands or pockets of many around the world. It's what helps to save lives, improve our standard of living, and send us breathtaking images from inside the human body to the far corners of our galaxy and beyond.



It also creates valuable jobs for many millions of Americans. According to a recent report by this agency's Office of the Chief Economist, IP-intensive U.S. industries contribute almost \$8 trillion to the gross domestic product (GDP) and account for 44% of all U.S. jobs.<sup>1</sup> These industries generally pay higher wages and offer better benefits. For example, workers in utility patent-intensive industries earned almost \$1,900 per week in 2019, 97% more than the average weekly wage of workers in non-IP-intensive industries.

Now more than ever, we need the progress and growth that protected IP can provide, and we need an IP ecosystem that will cultivate an innovation mindset and catalyze inclusive innovation and entrepreneurialism, economic prosperity, U.S. competitiveness, supply chain resiliency, national security, and creative world problem-solving. Regardless of whether the innovation is technical, scientific, creative, or brand-focused, we need to incentivize and protect more innovation, entrepreneurship, and creativity and bring them all to impact. We need to unleash America's untapped potential. As Federal Reserve Governor and former United States Patent and Trademark Office (USPTO) Edison Fellow Lisa Cook of Michigan State University concluded, if we could quadruple the number of inventors, we could increase the overall level of the U.S. GDP by up to 4.4%, or by about \$1 trillion.<sup>2</sup>

My key focus as Director of this agency is reflected in our new USPTO mission statement: "Drive U.S. innovation, inclusive capitalism, and global competitiveness." Through a collaborative effort within the USPTO, which comprises over one quarter of the U.S. Department of Commerce's

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<sup>1</sup> Andrew A. Toole, Richard D. Miller, and Nicholas Rada, *Intellectual Property and the U.S. Economy*, 3rd ed. (Alexandria, VA: USPTO, 2021), [www.uspto.gov/sites/default/files/documents/uspto-ip-us-economy-third-edition.pdf](http://www.uspto.gov/sites/default/files/documents/uspto-ip-us-economy-third-edition.pdf).

<sup>2</sup> Lisa D. Cook, *Policies to Broaden Participation in the Innovation Process*, Policy Proposal 2020-11 (Washington, DC: The Hamilton Project, August 2020).

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(DOC's) workforce, and based on valuable input from our stakeholders, we have developed a roadmap to do just that. I, along with Derrick Brent, Deputy Under Secretary of Commerce for Intellectual Property and Deputy Director of the USPTO, and the entire staff of over 13,000 dedicated professionals at "America's innovation agency," am committed to five important goals:

- Drive inclusive U.S. innovation and global competitiveness;
- Promote the efficient delivery of reliable IP rights;
- Promote the protection of IP against new and persistent threats;
- Bring innovation to positive impact; and
- Generate impactful employee and customer experiences (CXs) by maximizing agency operations.

Overall, we are re-imagining the USPTO of the future, an agency that issues, upholds, and protects robust and reliable IP rights that incentivize innovation and commercial enterprises. Accordingly, it is my great pleasure to introduce the USPTO 2022–2026 Strategic Plan, our path forward for continued success. A lot of creative and critical thought went into developing this Plan and coming up with a new mission statement and new strategic goals. As an innovation agency, we owe no less to the inventors, creators, entrepreneurs, brand owners, and all who support them throughout this great country.

We **all** have a stake in the success of this agency and the future of the American IP ecosystem.

[Director Vidal's signature block and digital signature]

## Introduction

### Who We Are

The USPTO is the federal agency that grants patents, registers trademarks, and advises the Administration, through the Secretary of Commerce, on IP policy. (Throughout this Strategic Plan, IP refers to patents, trademarks, copyrights, and trade secrets.)

In doing so, the USPTO:

- Fulfills the mandate of article I, section 8, clause 8 of the Constitution, which grants the legislative branch the power to "promote the Progress of Science and useful Arts, by securing for limited Times to Authors and Inventors the exclusive Right to their respective Writings and Discoveries"; and
- Supports effective administration of the Commerce Clause of the Constitution (article I, section 8, clause 3), whose purpose is "[t]o regulate Commerce with foreign Nations, and among the several States, and with the Indian Tribes."

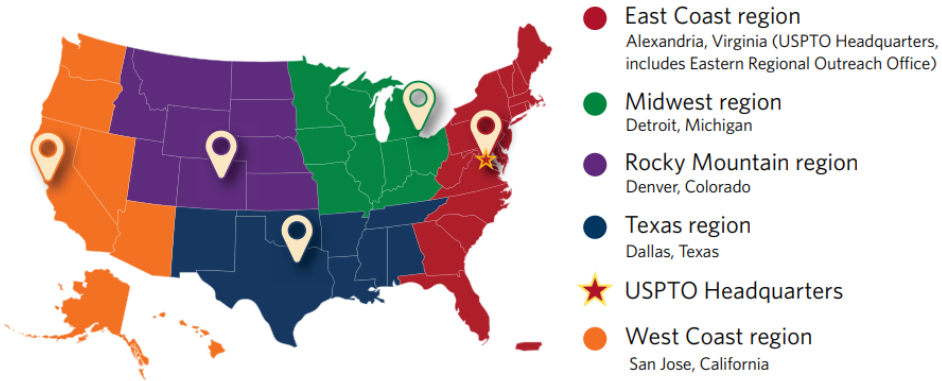
The United States has become one of the most innovative and prosperous countries in the world in part because of our strong IP system, which helps drive job creation, economic development and prosperity, U.S. competitiveness, and national security. Our IP system incentivizes and protects the deep investment of time, money, resources, and collaboration needed to solve problems, deliver solutions, and enrich the lives of many Americans.

Given that IP rights are largely governed by individual countries, it is important for U.S. companies to protect their ideas and brands in the countries where they plan to do business. To accomplish this, the United States works with other governments to support strong and transparent IP rights. The USPTO helps lead Administration efforts to improve IP protection and enforcement around the world, including by providing education and capacity-building for foreign governments, representing the United States at international forums and organizations, concluding and implementing cooperative agreements with counterpart national IP offices, and supporting the U.S. Trade Representative in negotiating the IP provisions of U.S. trade agreements.

### Where We Are

The USPTO is headquartered in Alexandria, Virginia. We maintain regional offices in Dallas, Texas; Denver, Colorado; Detroit, Michigan; San Jose, California; and Alexandria, Virginia (located within the USPTO headquarters). The agency employs approximately 13,000 professionals across its headquarters and regional offices and through its robust telework program. The USPTO is a majority-minority organization with a highly skilled and dedicated workforce that is committed to delivering excellence to the innovators, creators, entrepreneurs, brand owners, and other IP

stakeholders we serve each day, as well as expanding that base of stakeholders for the good of our country.



## About this Strategic Plan

**Mission:** Drive U.S. innovation, inclusive capitalism, and global competitiveness

**Vision:** Unleashing America's Potential

The USPTO 2022–2026 Strategic Plan defines the USPTO's mission to drive U.S. innovation, inclusive capitalism, and global competitiveness for the benefit of all Americans. We do this by unleashing America's potential for long-term economic growth, supply chain resiliency, human prosperity, and national security. In other words, we are working to, first, accelerate the creativity that drives U.S. innovation in all its forms and, second, bolster the adoption of that innovation in key and emerging technologies while bringing more Americans into the innovation ecosystem. Our ultimate goal is to drive innovation, entrepreneurship, and creativity for the benefit of all Americans and people around the world. Guided by this mission and vision, the USPTO 2022–2026 Strategic Plan offers five goals that we aim to achieve.

**Goal 1:** Drive inclusive U.S. innovation and global competitiveness;

**Goal 2:** Promote the efficient delivery of reliable IP rights;

**Goal 3:** Promote the protection of IP against new and persistent threats;

**Goal 4:** Bring innovation to positive impact; and

**Goal 5:** Generate impactful employee and CXs by maximizing agency operations.

For each strategic goal, the Plan offers three key components: objectives, strategies, and key performance indicators (KPIs). Objectives describe a measurable, specific action we will take to accomplish a goal. Strategies are more targeted; they define specific activities and initiatives our teams will perform to accomplish an objective. Finally, KPIs indicate change and enable us to objectively measure our progress toward each objective.

The USPTO is committed to making evidence-based decisions as required under the Foundations for Evidence-Based Policymaking Act of 2018 ("Evidence Act"). This Strategic Plan was crafted with the Evidence Act's requirements in mind. Both strategies and KPIs allow us to map our progress toward their corresponding objectives and goals.

The infographic below explains the structure of the Strategic Plan.

[Infographic forthcoming]



## Goal 1: Drive inclusive U.S. innovation and global competitiveness

The USPTO plays a critical role in driving access and support for innovators, creators, entrepreneurs, and brand owners across the United States. We want everyone with a novel idea to know they can bring it to reality, create a brand, start a company, and secure investment—and that we are ready to help. Whether a veteran, a retiree, someone from a small town with few resources, or someone from a historically underrepresented IP stakeholder community, we want to reach every American and encourage their participation in our innovation ecosystem.

One significant way to drive global competitiveness is to ensure all Americans can participate fully in the innovation and entrepreneurial ecosystems that drive economic growth. As we focus on expanded and inclusive innovation, we are mindful that our country will benefit significantly from innovation, creativity, and entrepreneurship in key technology areas such as those that improve the health and wellness of all Americans, solve world challenges such as climate change, or advance U.S. competitiveness in emerging technologies such as artificial intelligence (AI). We, along with every sector of the innovation community, must incentivize more Americans to enter, innovate in, and bring more innovation to impact in these fields.

As Federal Reserve Governor and former USPTO Edison Fellow Lisa Cook concluded, if we could quadruple the number of inventors, we could increase the overall level of the U.S. GDP by up to 4.4%, or by about \$1 trillion. She noted that “GDP per capita could rise by 0.6% to 4.4% if more women and African Americans were included in the initial stages of the innovation process.”<sup>3</sup> One study by the National Bureau of Economic Research estimates that closing the gender gap in patents could increase the U.S. GDP per capita by 2.7%.<sup>4</sup>

To achieve this goal, we will take a multi-pronged approach, engaging key partners within and beyond government both domestically and abroad. For example, we will build on our existing outreach and educational initiatives, including the cross-government, multi-industry Council for Inclusive Innovation (CI<sup>2</sup>), and through our involvement in the Economic Development Administration’s National Advisory Council on Innovation and Entrepreneurship (NACIE), to serve a broader cross-section of the American people. We will leverage our regional offices to engage and partner with schools and organizations focused on key technology areas. We will also engage in cross-government and public-private partnerships focused on setting U.S. policy on standard essential patents for AI and emerging technologies. In the health and wellness space, we will continue our deep collaboration with the Food and Drug Administration (FDA). As

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<sup>3</sup> Lisa D. Cook, *Policies to Broaden Participation in the Innovation Process*, Policy Proposal 2020-11 (Washington, DC: The Hamilton Project, August 2020).

<sup>4</sup> Jennifer Hunt et al., *Why Don’t Women Patent?*, National Bureau of Economic Research Working Paper 17888 (Cambridge, MA: National Bureau of Economic Research, March 2012).

the world continues to manage complex economic, health, and climate crises, the USPTO will be at the forefront of progress and innovation.

### **Objective 1.1: Enhance the United States' role as a global innovation leader**

The USPTO must accelerate the pace of incentivizing innovation to solve the world's most pressing challenges. As the Nation's champion of IP rights, we will reduce barriers to innovation by cultivating access to and inclusion in the IP ecosystem. We will enable all Americans to reach their full potential by delivering IP-related educational programming to students, educators, innovators, and other community members, especially those who have been historically underrepresented in the IP ecosystem. We will measure our impact by the number of people we reach and the impact we have on them.

Innovation in key technology areas can strengthen economic resilience, support response to and recovery from current and future pandemics, and introduce green technologies that bolster climate resiliency. We will create domestic and global partnerships that multiply our ability to accelerate world citizens' access to these innovations. We will expedite IP protection and the ability to attract investment through new and expanded programs that aim to accelerate application and appeal pendency for innovations and new brands in key technology areas. We will expand our existing Patents for Humanity program to further encourage innovators who use game-changing technology to meet global humanitarian challenges. Program winners receive an acceleration certificate to expedite select proceedings at the USPTO. Publicly recognizing program winners showcases the power of IP to enable visionary creators to both develop and protect affordable, scalable, and sustainable solutions to some of the world's greatest challenges, inspiring future innovation. Building on the success of the patents program, we will explore the feasibility of establishing a parallel "Brands for Humanity" program to incentivize brand owners whose registered trademarks offer solutions to global humanitarian challenges.

### **Strategies**

Strategy 1: Develop incentives and programs to encourage innovation in key technology areas, including climate, health, manufacturing, and other critical and emerging technologies

Strategy 2: Work with federal partners to identify key technologies the United States should focus on and support innovation and IP protection in those areas

Strategy 3: Work to ensure money invested by the government and companies in U.S. innovation is safeguarded with IP protection

Strategy 4: Work with other nations on capacity-building and training to reduce times to protection for U.S. inventions

## Key Performance Indicators

KPI A: U.S. innovation, especially in key technology areas, as measured by patent data

KPI B: U.S. innovation and entrepreneurship as measured by trademark registration data

KPI C: Global data and studies of innovation by nation

KPI D: Innovation incentive program data

## Objective 1.2: Promote inclusive innovation through active engagement and widespread, ready access to IP resources and tools

All Americans should have the opportunity to participate fully in the innovation ecosystem that helps drive our economic growth. The USPTO is committed to providing enhanced access and support to innovators, creators, entrepreneurs, and brand owners across the country. The door to the innovation ecosystem should be open to anyone who has a bold new idea, be it an invention, an entrepreneurial dream, or a game-changing new product so that more can benefit from the achievements and products enhanced innovation will produce.

The USPTO has a strong track record of nationwide outreach extending from our headquarters in Alexandria, Virginia to the other four regions that collectively cover our country. We will continue to expand access to innovation by increasing opportunities for all individuals to participate in our innovation ecosystem. Through CI<sup>2</sup>, we will develop a comprehensive national strategy to increase participation in our innovation ecosystem by encouraging, empowering, and supporting all future innovators. We will build on our existing outreach and educational initiatives by improving the dissemination and usefulness of IP information to first-time users, non-English speakers, and socially and economically disadvantaged individuals. We will engage with our stakeholders in a way that allows inventors, creators, and entrepreneurs to self-select how they engage with our website based on their current knowledge level. We will tailor our IP services and information resource webpages to meet people where they are and show them where they can go. Where needed, we will offer resources to overcome the digital divide that limits some communities' ability to participate in the IP ecosystem.

We can reduce barriers to innovation by cultivating access to and inclusion in the IP ecosystem. To ensure greater access to counsel and to assist in procuring IP protection, we will continue to expand our partner pro bono services and IP law school clinic programs. We will enhance collaboration with community sectors as well as the U.S. invention education network, while utilizing our nationwide workforce within their respective geographies to bring awareness of and education on the IP system and innovation. We will work across government and with industry and community partners.

## **Strategies**

Strategy 1: Execute multi-faceted outreach campaigns to incentivize innovation and IP protection

Strategy 2: Maximize the development, availability, and accessibility of innovation and IP educational materials, programs, and training

Strategy 3: Expand and promote the availability and benefits of our patent pro bono and IP law school clinic programs

Strategy 4: Expand pro se services and enhance support and training

## **Key Performance Indicators**

KPI A: Outreach and impact data

KPI B: Geographic and socioeconomic innovation data

KPI C: Participation in pro bono programs for patents and trademarks

KPI D: Participation in law school clinics for patents and trademarks

KPI E: Geographic and socioeconomic diversity data about the individuals reached through pro bono and law school clinic programs

## **Objective 1.3: Foster an innovation mindset in more Americans, starting with our youth**

IP and innovation education are critical to bringing more Americans into the innovation ecosystem. We must engage the next generation while they are young students and continue to provide training and opportunities for them to gain exposure to IP as they mature.

We have a strong track record of working with K-12 institutions to shape the next generation. We will continue this work by collaborating with the National Inventors Hall of Fame (NIHF) on their successful Camp Invention summer programs and Club Invention after-school programs. We will also continue to serve as co-chair of the federal science, technology, engineering, and mathematics (STEM) inter-agency working group. We will also focus on secondary education through our National Summer Teacher Institute and through our ongoing work with community colleges, Hispanic-Serving Institutions (HSIs), and Historically Black Colleges and Universities (HBCUs). We will honor and celebrate the brilliance of college students and their game-changing innovations through NIHF's Collegiate Inventors Competition. We will continue to work with the National Academy of Inventors to offer a mentoring platform to connect students with academic inventors on college campuses nationwide. We will also continue hosting monthly webinars on IP and other topics related to innovation and entrepreneurship for teachers interested in integrating IP activities into their STEM curriculums.

We will continue to provide talented high-school, college, graduate school, and law school—students from diverse communities with exciting opportunities to develop valuable skills and gain professional experience through our intern, extern, and law-clerk programs. We will expand our efforts and work to integrate innovation and IP training into curriculums across the country.

### **Strategies**

Strategy 1: Enhance innovation and IP educational programs and resources and get them into the hands of more Americans

Strategy 2: Integrate innovation and IP training and courses into educational and learning institutions across the country, including in areas with underrepresented IP stakeholders

Strategy 3: Expand paid work-based learning and internship opportunities to high school, college, and law school students

Strategy 4: Work across government to establish a volunteer-based community outreach program for IP education and innovation

Strategy 5: Develop online resources, computer programs, and advanced technology to promote innovation and provide broad access to the same

### **Key Performance Indicators**

KPI A: Data related to educational, learning, and other institutions and organizations that offer innovation and IP training

KPI B: Geographic and socioeconomic diversity data about the individuals reached through educational programs

KPI C: Data related to the USPTO's collaborators on outreach and information exchange

## Goal 2: Promote the efficient delivery of reliable IP rights

Clear, enforceable patents and trademarks are essential to economic growth, global competitiveness, and promoting innovation, including in key technology areas. The high demand for the USPTO's products and services is one indication of the immense value of IP protection. Since 2000, patent application filings from domestic and foreign entities have more than doubled. During that same time, the number of trademark application filings from U.S. residents nearly doubled, and filings from foreign entities increased more than 500%.

As America's innovation agency, we understand the importance of delivering timely, efficient services that help innovators, creators, entrepreneurs, and brand owners to bring their ideas to impact more quickly and efficiently. Robust and reliable patents and trademarks offer meaningful, enforceable IP protection to those who hold them. By fostering a robust and reliable system for IP protection, the rights granted by the USPTO and enforced at the Nation's borders and in its courts and tribunals incentivize investment of time and money in research and development (R&D), commercialization, licensing, technology transfer, and implementation.

To deliver reliable, timely IP to stakeholder, we will work to optimize our technology, practices, policies, and rules. Only through thoughtful visioning of what the future could hold will we be able to set a course for change that benefits our workforce and the external IP community.

### Objective 2.1: Issue and maintain robust and reliable patents that incentivize and protect innovation

Issuing and maintaining patents is one of our core services. The USPTO issues patents and maintains them upon receipt of maintenance fees. Our Patent Trial and Appeal Board (PTAB) and Patents' Central Reexamination Unit (CRU) also play a key role in providing an efficient system for amending or voiding any patent claims that overreach and stunt innovation and economic growth.

Recognizing that patent applications are becoming increasingly more complex and technologies are converging, we will continue to equip our examiners with the guidance, training, tools, advanced technology, and procedural resources they need to meet the future's challenges. We will also work to ensure post-issuance challenges to patent rights through the PTAB or the CRU help to protect innovation and the investments in and commercialization of innovation.

Our future will be marked by ongoing communication, knowledge sharing, and collective problem solving between the Patents organization and the PTAB. This collaboration will enable us to identify and continue to implement guidelines and best practices to serve the patent system.

As part of the Biden administration's ongoing efforts to ensure access to medicine for more Americans, we are collaborating with the FDA to ensure the USPTO issues robust and reliable patents that promote and protect innovation and are of proper scope so as to not improperly delay generic and biosimilar competition. To support this priority, the USPTO will collaborate

with the FDA to provide patent examiners with training on publicly available FDA resources they can use in prior art searches and training on the state of the art in the pharmaceutical and biologics fields. The USPTO will also provide new tools for patent examiners to use to search enormous and growing global databases of technical information, including publicly available sources maintained by the FDA, to determine whether similar innovations already exist. The USPTO will also explore ways to improve its procedures to bolster the robustness and reliability of patent rights.

## **Strategies**

Strategy 1: Optimize the strategic integration of AI and robotic process automation (RPA) into the patent application system to achieve greater efficiency in examination, including enhanced and more efficient access to prior art

Strategy 2: Better ensure the Patents and PTAB workforces have the needed expertise, guidance, and support to assess patentability

Strategy 3: Strengthen the feedback loop between Patents (including the CRU) and the PTAB

Strategy 4: Enhance application readiness by promulgating rules and working with patent application filers to improve training and tools for patent prosecution

Strategy 5: Continuously enhance training programs to keep pace with emerging issues and challenges

Strategy 6: Enhance collaboration between art units to address applications where technologies converge

Strategy 7: Support and enhance expedited examination processes in key technology areas

Strategy 8: Explore changes to USPTO procedures to protect and promote U.S. innovation while advancing competition

## **Key Performance Indicators**

KPI A: Patent statutory compliance, all statutes

KPI B: Patent customers' net promoter score on overall patent examination quality (i.e., customer survey data)

## **Objective 2.2: Issue and maintain accurate and reliable trademark registrations that protect brands and investments**

Registering and maintaining trademarks is one of our core services. Our Trademarks organization registers trademarks and maintains them upon receipt of maintenance fees and the filing of documentation of continued use of trademarks in commerce. Our Trademark Trial and

Appeal Board (TTAB) and our Office of Trademark Examination Policy play key roles in providing individuals, businesses, and the USPTO with effective systems to clear away unused marks from the federal register and foster a robust trademark protection system. The TTAB also handles appeals from refusals to register trademarks and adversary proceedings between parties involving applications or registrations.

Recognizing the great value that trademarks bring to entrepreneurs and businesses and the increased volume and variety of scams that violate our rules and defraud legitimate trademark owners, we will reimagine our internal systems to reinforce the integrity of our processes and maximize efficiency. We will continue to equip our trademark examining attorneys with updated tools, procedures, and clarifying guidance to enhance their ability to effectively examine all applications with solid legal expertise. We will also maximize the use of emerging technologies to streamline our work processes for greater efficiencies, adjust our staffing levels, and refine our staff's core duties to ensure they meet any significant changes in filing volumes and the variety of improper filing behaviors. We will continuously train our examining attorneys, judges, and support staff to equip them with the technological tools and legal clarity to make their work products of the highest quality for applicants, registrants, and appellants.

### **Strategies**

Strategy 1: Optimize the strategic integration of AI and RPA into the trademark application system to achieve greater efficiency in examination

Strategy 2: Expand the use of non-lawyers (e.g., paralegals or analysts) to handle duties including those that are not core elements of the trademark examination process

Strategy 3: Continuously enhance training programs to keep pace with changing filing demands and with emerging issues and challenges

### **Key Performance Indicators**

KPI A: Percentage of applications that employ some combination of AI and RPA during the examination process

KPI B: Average processing time for trademark applications

KPI C: Work conducted by non-lawyers in the examination process

KPI D: Application quality as measured by total quality review data

### **Objective 2.3: Improve patent application pendency**

Optimal pendency helps inventors and investors bring inventions to impact more quickly. The growing demand for patent services requires that we embrace new ways to deliver these critical IP services.



The USPTO will identify policies, process changes, and technologies to improve patent pendency. Some of those efforts will focus on operational improvements to the patent examination process, including aligning the patent workforce with the incoming workload in the most efficient manner. Other efforts will target improvements to how stakeholders engage with the agency and navigate the prosecution process. We anticipate that stakeholder needs will change as the innovation ecosystem expands. Empowering our stakeholders to have options for how they engage with us will promote innovation.

### **Strategies**

Strategy 1: Align examination resources with projected workloads

Strategy 2: Reimagine patent examination processes to maximize available efficiencies and take advantage of greater automation and technology solutions

Strategy 3: Provide additional application processing (prosecution) options to stakeholders

### **Key Performance Indicators**

KPI A: Percentage of mailed actions compliant with required patent review timeframes

KPI B: Percentage of remaining inventory compliant with required patent review timeframes

### **Objective 2.4: Improve trademark application pendency**

Applying to register a trademark is one of the key steps taken by creators, entrepreneurs, and established brand owners as they move from ideas for new products and services to the marketplace. The USPTO is focused on incentivizing more creativity and product innovation by removing unnecessary impediments or delays which, in turn, will help bring goods and services to impact more quickly.

We strive to reduce trademark pendency. Our pendency challenge is born of several years of sustained, robust increases in trademark filings punctuated by an unprecedented year-long surge in trademark filings that created a backlog of applications awaiting examination. The tightly coupled challenges of increased pendency and a sustained backlog provide a unique opportunity to innovate internally on ways to drive down trademark application pendency. We will approach these challenges by reimagining our own operating posture to nurture innovative efficiency gains and by setting data-driven trademark pendency goals informed by our stakeholders' needs for timeliness and quality. We will realign the Trademark workforce to better handle current and forecasted workload fluctuations to achieve optimized pendency goals. We will also explore opportunities to streamline and automate trademark work processes or apply technology solutions.

## **Strategies**

Strategy 1: Better align Trademark organization resources with incoming and forecasted workload

Strategy 2: Reimagine trademark work processes to maximize available efficiencies and take advantage of greater automation and technology solutions

## **Key Performance Indicators**

KPI A: Average processing time for trademark applications (first action pendency and total pendency)

KPI B: Average age of pending application classes prior to first office action or awaiting examination

## **Objective 2.5: Optimize patent and trademark application processes to enable efficiencies for applicants and other stakeholders**

The IP environment of the future is likely to be marked by rapid technological changes, increasing stakeholder demands, and the proliferation of information across international borders. We will continually reevaluate whether our current application systems, processes, and ways of working still make sense for a more dynamic IP environment.

To remain relevant and continue to deliver high-value services to our stakeholders, we will apply lessons learned from ongoing CX efforts to further optimize our application processes for both patents and trademarks. Streamlining our processes, implementing more user-friendly tools, and expanding end-to-end electronic filing to more of our services will enable ease, efficiency, and confidence in our processes and their outcomes. We will increase access to information about patent and trademark services by offering multiple channels through which to access our resources and tools in addition to using best practices for knowledge management. Our efforts to innovate for efficiency will extend from incoming applications through maintenance, trials, and appeals.

## **Strategies**

Strategy 1: Provide external patent and trademark user interfaces that enhance and modernize the CX

Strategy 2: Enhance tools to support end-to-end electronic services for patent and trademark applicants, holders, registrants, and appellants

Strategy 3: Develop multiple options for stakeholders to access information and online tools for patent and trademark filing and maintenance

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Strategy 4: Adopt knowledge management best practices to become an organization with an adaptive learning and innovation focus to enable future growth and efficiencies

Strategy 5: Deploy procedures or information technology (IT) improvements that enable efficient pursuit of appeals and trial cases

### **Key Performance Indicators**

KPI A: Efficiency gains via the use of technology

KPI B: Percentage of customers satisfied with the patent and trademark application user experience

## **Goal 3: Promote the protection of IP against new and persistent threats**

The USPTO endures to provide stable, reliable, and predictable IP rights for those who receive a patent or trademark registration. One of our top priorities is to protect patent and trademark owners and innovators from fraud, theft, and abuse perpetrated by those intent on stealing their proprietary ideas, designs, brand identities, and livelihoods. By reinforcing IP protections and deterring fraudulent practices, we will bolster confidence in America's IP ecosystem.

Criminal schemes involving IP and IP-protected goods and services continue to evolve and become increasingly sophisticated. We will advocate for best practices in the protection and enforcement of IP rights by partnering with domestic and international law enforcement agencies. Although we do not have the legal authority to sue or prosecute those who attempt to defraud our customers, we will continue to actively work with other federal agencies, such as the DOC's Office of Inspector General (OIG), the Department of Justice (DOJ), the Federal Trade Commission, and the United States Postal Inspection Service, to help raise awareness of fraudulent activity and fight back. We will continue to collaborate with these and other U.S. government agencies to deliver programs at home and empower our IP attachés working abroad to advocate for more streamlined, effective IP protections and enforcement protocols. We will also work across government, including with Congress to foster and protect innovation and with the courts to increase legal clarity and reliable IP rights.

A foundational step in protecting the Nation's IP is to optimize our internal business processes and practices, workforce, and technology to reflect mature risk management practices, strong cybersecurity protocols, and a culture of continuous improvement. Taking this step will allow us to detect and prevent practices that compromise the integrity of the IP ecosystem. We will train our workforce and equip them with tools to help identify scams and bad actors while we continue to leverage technology to support our deterrence goals.

We recognize that IP violations and abuses or misuses of our IP systems cut against our objectives. They harm consumers, create significant financial losses for individuals and businesses, and undermine U.S. competitive advantages. The USPTO deters and mitigates these violations through strong internal processes, domestic and global partnerships, education, advocacy, training, and policymaking.

### **Objective 3.1: Protect patents from fraudulent and abusive behaviors**

The USPTO will identify and address scams, suspicious activities, and behavior that thwarts our mission to drive innovation for the good of the American people and the world. We will vigilantly search for and identify any scams or abuse in the patent application process including erroneous or suspicious designations of micro or small-entity status.

We will also work to address abuses or behavior that does not advance the USPTO's mission as related to the PTAB. In 2011, the Leahy-Smith America Invents Act (AIA) established new post-grant proceedings "to establish a more efficient and streamlined patent system that will improve patent quality and limit unnecessary and counterproductive litigation cost." Based on the USPTO's experience administering this legislation, we recognize that AIA proceedings include the potential for inefficiency and gamesmanship. As such, we are taking steps to prevent abusive behaviors as well as activity that does not advance the USPTO's mission. We will continue to educate and inform our stakeholder community about the PTAB's work through the Boardside Chat webinar series, which offers opportunities for practitioners to ask questions and receive answers about best practices before the PTAB. We will also continue to create and revise education and outreach materials to reach broader audiences. The USPTO will continue to issue precedential and informative decisions about PTAB rules and practices to enhance procedural clarity. We will also investigate abuses and take appropriate legal action to strengthen our capacity to fight against improper and fraudulent actions.

### **Strategies**

Strategy 1: Analyze filing behavior, including micro or small-entity designations, to detect and curb any abuses

Strategy 2: Clarify, revise, and formalize appropriate use of discretion in AIA trial proceedings to address and deter process abuse and promote alignment with the USPTO's mission and the intent of the AIA

Strategy 3: Deliver educational resources, outreach, and training to inform and educate IP stakeholders on PTAB proceedings

### **Key Performance Indicators**

KPI A: Policy (guidance, precedent, rulemaking) or decisions to address abusive patent behaviors

KPI B: Data relating to education, outreach, and training events

### **Objective 3.2: Protect the integrity of the trademark register**

The trademark register should reliably reflect marks in use in commerce, allowing businesses to better position and differentiate their offerings. Register integrity is critical in preserving brand owners' trust in the IP protection system, which spurs more confidence in expanding their competitive presence in the local or global economies. The USPTO protects the integrity of the register by combating and mitigating scams and suspicious activities aimed at the trademark register and its customers.

We will invest in new or enhanced policies, procedures, and technologies to identify and mitigate threats to the register's integrity, including by maturing our adoption of the new and updated tools the Trademark Modernization Act (TMA) provides, and by evolving our identity verification processes to stay ahead of the scams and schemes of bad actors. We will expand the volume and variety of resources we deploy to protect the trademark register, including by partnering domestically and globally with IP offices, governments, and other stakeholders.

### **Strategies**

Strategy 1: Increase the USPTO's capacity to fight trademark scams

Strategy 2: Promote the nonuse cancellation remedies available under the TMA

Strategy 3: Evolve where necessary the trademark identity verification processes

Strategy 4: Develop domestic and international partnerships to prevent and combat scams

### **Key Performance Indicators**

KPI A: Policy (i.e., guidance, precedent, and rulemaking) or decisions to address abusive trademark behaviors

KPI B: Frequency of use of register protection tools

### **Objective 3.3: Facilitate partnerships to improve domestic IP enforcement and reduce domestic IP crime and infringement**

A whole-of-government approach and public-private partnerships are critical to combating domestic IP criminal activity. The USPTO collaborates with partners across the federal government, including the DOC's OIG, the DOJ, the Department of Homeland Security, and the Department of State, to reduce IP crime. We will facilitate the frequent exchange of information across agencies and deliver training to raise awareness of common crimes and infringement activities. Additionally, we will empower businesses to participate in IP enforcement activities by delivering education and training through our public-private partnerships.

### **Strategies**

Strategy 1: Collaborate across the federal government to conduct awareness-raising programs about the dangers of piracy and counterfeiting

Strategy 2: Partner with domestic law enforcement agencies to provide training on IP enforcement

Strategy 3: Conduct awareness-raising programs in the United States

### **Key Performance Indicators**

KPI A: Data related to efforts undertaken with other agencies to address IP enforcement

KPI B: Impact of USPTO-led awareness-raising programs (net promoter score)

### Objective 3.4: Facilitate partnerships to improve global IP enforcement and reduce global IP crime and infringement

The USPTO provides leadership, advocacy, and technical expertise to strengthen IP enforcement across the world. We deliver training through the Global Intellectual Property Academy, exchange ideas with international partners in the Trademark Five (TM5), support [STOPfakes.gov](https://stopfakes.gov) and the “Go for Real” campaign, conduct a China IP Road Show series, and engage in many more large-scale and targeted efforts. To continue building capacity for IP enforcement, we will participate in relevant policy discussions with global partners, deliver additional training and expand our reach with more virtual options, and conduct more impactful IP crime awareness campaigns.

#### Strategies

Strategy 1: Provide training and technical assistance to foreign governments and law enforcement officials to enhance IP protection and enforcement systems

Strategy 2: Conduct awareness-raising programs about the dangers of piracy and counterfeiting in collaboration with international partners

#### Key Performance Indicators

KPI A: Percentage of foreign law enforcement officials who report satisfaction with the USPTO's enforcement training and technical assistance programs

KPI B: Number of countries whose officials participate in USPTO programs on piracy and anti-counterfeiting

### Objective 3.5: Support the development and enforcement of clear IP laws

Consistency and clarity in the application of our IP laws is a critical pillar of reliable IP rights. As the executive branch's technical expert on IP issues, we will also proactively identify opportunities to support the USPTO's mission with officials at the federal, state, and local levels and with stakeholder groups. Leveraging strong relationships with the DOC, the Office of Management and Budget, other federal agencies and entities, and Congress, we will work across government to foster and protect innovation.

Our talented workforce of IP attorneys, policy experts, and IP operations experts will provide data, insights, and technical expertise to ensure proposed laws, policies, and practices are grounded in reality and exhibit a clear understanding of downstream impacts. We will also work

closely with the judicial system, at every level, to support increased legal clarity and reliable IP rights.

### **Strategies**

Strategy 1: Implement, defend, and support legal and policy positions where rule changes or additional consistency and clarity would better incentivize and protect innovation, especially in key and emerging technologies

Strategy 2: Monitor and continue engagement on dynamic IP issues in Congress and the courts

Strategy 3: Engage other U.S. government agencies and non-governmental stakeholders on policy and legislation that improves the IP system

### **Key Performance Indicators**

KPI A: Impact of USPTO-led actions to enhance legal clarity through legislation or court action

KPI B: Issuance of guidance, rules, and decisions to increase clarity and openness

### **Objective 3.6: Work with and on behalf of stakeholders to enable them to better protect their IP**

Once we issue a patent or register a trademark, the work to protect that right rests with the patent holder or trademark registrant. While the USPTO does not have a formal enforcement role, we stand ready to enable IP owners to derive maximum value from their investment in IP. The USPTO already offers significant education and outreach events to IP stakeholders about how to protect their IP as they shift from idea to execution. We will continue these efforts and expand upon them to reach bigger and more diverse audiences, especially first-time IP owners.

The USPTO will also continue to develop and enhance IP rights toolkits, which provide detailed information about protecting and enforcing IP rights in specific markets, along with contact information for local IP rights offices abroad and U.S. government officials available to assist interested parties. We will also continue our engagement with [STOPfakes.gov](https://stopfakes.gov), the U.S. government's one-stop shop for tools and resources on IP rights. [STOPfakes.gov](https://stopfakes.gov) focuses in particular on supporting small- and medium-sized enterprises as well as consumers, government officials, and the general public. Small- and medium-sized enterprises are the backbone of U.S. competitiveness. When they fall victim to IP theft, scams, and fraud, American jobs are threatened and the competitiveness of U.S. employers is weakened.

For decades, many practitioners and scholars have raised concerns about the high cost of IP infringement litigation, particularly for small and medium-sized enterprises and those owned by traditionally underrepresented groups. Suggestions continue to emerge about the feasibility and



prospective value of small claims courts for patents and trademarks. Analysis to date has been mixed. The USPTO is exploring this issue yet again given the current IP climate. We will work with the Administrative Conference of the United States to conduct an independent study of issues associated with and options for designing small claims courts for patents and trademarks. We will collect and analyze public comments on these proposals and submit a report to Congress that addresses, among other topics, whether there is a need for small claims courts; the feasibility and potential structure of each court; and the relevant legal, policy, and practical considerations for establishing a small claims court for patents, trademarks, or both.

### **Strategies**

Strategy 1: Equip new IP owners with information on how to protect their IP efficiently and effectively

Strategy 2: Work with online sellers and others on more efficient and effective ways for IP holders to protect their IP

Strategy 3: Investigate small claims courts for patent enforcement

Strategy 4: Investigate small claims courts for trademark enforcement

### **Key Performance Indicators**

KPI A: Number of IP stakeholders reached with information on enforcement best practices

KPI B: Number of IP stakeholders reached with ways to make IP protection more effective and efficient

KPI C: Status of congressional report on small claims courts for patents and trademarks

## Goal 4: Bring innovation to positive impact

Innovation is a critical driver of the U.S. economy. Industries that intensively use IP generate nearly \$8 trillion in GDP and account for 63 million jobs, or 44% of all U.S. jobs, according to the third edition of the USPTO’s “Intellectual Property and the U.S. Economy” report. IP-intensive industries also helped to indirectly support an additional 15.5 million jobs. These jobs are in non-IP-intensive industries that supply goods and services (i.e., the supply chain) as intermediate inputs to IP-intensive industries.

The USPTO is focused on driving innovation for long-term economic growth, supply chain resiliency, prosperity, and national security. To achieve this, IP-protected ideas, creativity, companies, and brands should be adopted and brought to impact. Getting IP-protected goods and services into the hands of those who can benefit from them—directly or indirectly—is a critical component to U.S. innovation, inclusive capitalism, and global competitiveness.

We will expand our offerings and partnerships to help those pursuing IP protection identify available public and private funding sources to bring their innovations to impact. We will continue to support a strong IP system that encourages innovation in high-impact sectors. We will incentivize innovations in key technology areas such as healthcare, manufacturing, and climate protection. To further promote U.S. competitiveness and economic growth, we will partner with agencies that fund R&D and provide IP education and outreach to encourage bringing federally funded innovations to impact for the American people.

We will also advocate for policies that support the creation, protection, and enforcement of IP rights both domestically and abroad. As a leader in the global IP ecosystem, the USPTO will provide expertise to IP stakeholders in the public and private sectors to facilitate the adoption of favorable global IP policies and best practices.

### Objective 4.1: Help those pursuing IP protection identify available funding sources

Access to grants, loans, tax incentives, and investments helps propel innovations from concept to market deployment. To maximize the inclusivity of the innovation ecosystem, some inventors, entrepreneurs, and brand owners will require assistance to secure funding and guard against costly infringement litigation.

The USPTO issues and registers the IP protections that often underlie a successful “go-to-market” strategy. Rather than start anew, we will collaborate with other federal agencies and private-sector partners to connect potential trademark registrants and patent grantees with financial resources. For example, in 2022, President Biden signed the Inflation Reduction Act, which, among other benefits, enables federal loans and loan guarantees for energy projects in the United States that utilize innovative technology to reduce, avoid, or sequester greenhouse gas emissions. Working with partner agencies and existing funding channels, we will target

outreach and industry networking to engage and educate innovators and brand owners about the value and impact of IP in differentiating and strengthening their value propositions when they seek access to potential funders and licensees. Without access to funding, many entrepreneurs, creators, and brand owners remain shut out of the innovation ecosystem, which ultimately hurts the country. Strengthening the visibility and value of our services for both innovators and prospective investors will expand IP's reach across a broader swath of the American population.

### **Strategies**

Strategy 1: Partner with other federal agencies and private-sector entities to connect inventors, creators, entrepreneurs, and brand owners to IP information and tools

Strategy 2: Offer targeted outreach and networking resources to link potential applicants with potential funders and licensees

### **Key Performance Indicator**

KPI A: Data related to connecting inventors, creators, entrepreneurs, and brand owners to IP resources, including cross-government collaboration

## **Objective 4.2: Promote the protection and domestic deployment of federally funded innovations**

In 2022, the U.S. government, working through several R&D and grant-making agencies, dedicated \$171 billion to funding R&D. This investment in R&D helps supports the type of exploration and discovery that could ultimately lead to innovative products that may warrant IP protections such as patents and trademarks. Such innovative products may also warrant action and investments that promote domestic deployment so more Americans can reap their benefits.

The USPTO will advocate for the protection and domestic deployment of federally funded IP by partnering with government entities that fund R&D, such as the Department of Defense, the National Science Foundation, and the National Institutes of Health, among others. Working through these partners, we aim to increase collective knowledge about the value of IP protections in general and specifically for federally funded innovations.

### **Strategies**

Strategy 1: Strengthen partnerships with federal R&D and grant-making agencies to encourage and develop IP protection for federally funded innovations

Strategy 2: Establish strategies for education and outreach about the value of IP protections for federally funded innovations

### **Key Performance Indicators**

KPI A: Number of federal R&D and grant-making agencies the USPTO has engaged on enhanced IP protection

KPI B: Patent applications filed to protect IP developed with government funding

### **Objective 4.3: Provide leadership to foster domestic and global ecosystems that support innovation**

The USPTO is an influential leader within the domestic and global innovation ecosystems. By strengthening our existing relationships with key organizations across the global IP landscape, we will maximize our reach as we advocate for laws, policies, and treaties that promote innovation and defend IP rights.

To encourage policies that promote innovation domestically, we will advocate for IP best practices across the U.S. government and in Congress. Globally, we will continue to engage with international partners (including the World Intellectual Property Organization) and with international standards bodies to promote pro-innovation and pro-IP policies and treaties that contribute to economic vitality. Further, we will substantiate our advocacy efforts with data that informs decision-making by conducting studies and evaluations to inform IP policies and practices.

### **Strategies**

Strategy 1: Promote the development of policies that improve the IP system, including by working with Congress, other U.S. government agencies, and other institutional stakeholders

Strategy 2: Support the Administration in negotiating robust IP provisions in trade and other agreements and monitor compliance

Strategy 3: Increase international worksharing efforts and promote harmonization of procedural processes between foreign IP offices

Strategy 4: Conduct economic studies to inform IP policymaking

### **Key Performance Indicators**

KPI A: Percentage of prioritized countries for which IP country teams have made progress on at least three of the four performance criteria specified in Strategic Objective 1.5, Strategy 4 in the [DOC Strategic Plan 2022 - 2026](#)

KPI B: Data related to international IP-related capacity-building, support, and training

## **Goal 5: Generate impactful employee and customer experiences by maximizing agency operations**

The USPTO requires a diversely talented workforce that is equipped to deliver high-quality, exemplary service. While welcoming talent that reflects the diversity of the American people, we will support our workforce’s professional development by providing employees with best-in-class training and opportunities to grow as leaders as part of a workforce that values health, wellness, community connections, and innovation. We will engage leaders to pursue ongoing learning about management and leadership best practices aimed at attracting and retaining the workforce of the future. We will equip employees with the tools, training, equipment, and knowledge they need to be successful in their careers while enabling them to invest time and attention in their health and personal pursuits.

To maximize agency operations, we will invest in learning about and implementing best practices in CX. We understand that positive CX is usually an outcome of positive and impactful employee experiences, so our efforts here will align, and we will share learnings across employees and customers. Implementing a modern IT infrastructure will increase accessibility to and the quality of our patent and trademark services for both employees and customers, while mature data analytics capabilities and optimized financial management practices will enable us to align our resources with strategic goals and provide exceptional service and organizational excellence.

### **Objective 5.1: Create employee experiences that balance productivity, wellness, inclusion, and community connectedness**

Like nearly every employer, the COVID-19 pandemic challenged the USPTO to re-imagine the future of work for our more than 13,000 employees. Pre-pandemic, the USPTO’s mature and extensive telework options were a competitive advantage that we leveraged to attract and retain talent. Through the pandemic, our telework-capable workforce and significant technology investments enabled us to continue to serve the IP community. Now, as the labor market tightens and more government and private sector employers adopt permanent telework programs and other work-life benefits to attract top-tier talent, we must pivot to redefine our value as an employer of choice.

The USPTO will continue to offer a flexible work environment that enables employees to balance productivity and career success with personal success. We will also cultivate a workforce that reflects the Nation’s diversity and values individuals. We will nourish the talent pipeline by inviting students and early career professionals into internships, externships, and fellowships when available. We will also prepare our existing workforce for the future by using career development programs, online training options, coaching, mentoring, and temporary work

opportunities to re-skill, up-skill, and expand employees' knowledge of potential career paths and opportunities, including internal succession pathways.

As part of its 2022–2026 Strategic Plan, the DOC established an objective to optimize its diversity, equity, inclusion, and accessibility (DEIA) practices to build a workforce that reflects the diversity of the American public. The USPTO strives to match this commitment and be a model employer for DEIA practices. We will build upon our existing diversity and foster greater inclusion to empower our workforce to serve the IP community successfully. We will research and implement leading-edge practices related to hiring, development, advancement, accessibility, and retention. We will base these practices on behavioral science research and data to integrate DEIA practices throughout the agency more effectively, following the DOC's lead where possible. Our culture will prioritize empathy, inclusiveness, and responsiveness to enable employees to feel valued, supported, and empowered.

Throughout all our efforts, we will track employee experience and outcomes using data gleaned from formal surveys, training evaluations, and recruiting and retention records. The USPTO will remain an employer of choice throughout the coming years by embracing a culture of continuous improvement and internal innovation.

### **Strategies**

Strategy 1: Provide employees equitable time, training, and tools needed to perform their jobs successfully and meet the demands of the future

Strategy 2: Establish strategies and processes to support thoughtful leadership succession planning and upward career mobility via employee skill development, feedback, coaching, and mentorship

Strategy 3: Adopt wellness and community engagement policies, practices, and programming to position the USPTO as a federal government leader in employee wellness, safety, and community connectedness

Strategy 4: Invest in programming and accessible technology that promotes engagement and belonging while enabling employees to form meaningful connections

Strategy 5: Foster agency-wide DEIA learning and commitment through ongoing management and leadership training and accessible, inclusive, and engaging employee events and awareness campaigns

Strategy 6: Create engaging and inclusive campaigns for employment opportunities, including paid internships, externships, and fellowships, that will nurture a diverse pipeline of new talent into the USPTO

Strategy 7: Engage the Chief DEIA Officer and DEIA Ambassadors & Advisors Council to support and sustain inclusive and equitable hiring, development, and advancement practices for all USPTO talent

## **Key Performance Indicators**

KPI A: Annual voluntary, non-retirement employee separation data, and exit survey results

KPI B: Employee engagement and satisfaction data

KPI C: Employee survey data related to career development, mentoring, and coaching programs

KPI D: Data and feedback from enrollees in paid internships and externships

KPI E: Participation rates of supervisors and managers in DEIA engagement and other training programs

KPI F: Diversity and inclusion data

KPI G: Annual employee representation trends by level, disaggregated by demographics where available

## **Objective 5.2: Equitably deliver exceptional customer experiences**

We strive to provide exceptional CXs to the hundreds of thousands of inventors, creators, entrepreneurs, small business owners, corporations, attorneys, paralegals, and other IP professionals we serve each year. As a designated high-impact service provider (HISP) of federal government services, the USPTO conducts yearly CX capacity assessments and service improvement action planning in areas such as value, service quality, delivery quality, reliability, consistency, and ease of doing business. We also publicly report customer satisfaction and trust data quarterly.

We will continue our commitment to CX as part of our HISP obligations and expand on our existing efforts, which include new customer engagement tools and outreach to more diverse customers. We will boost our organizational capacity by implementing best practices for internal processes, engagement strategies, feedback gathering, and internal and external communications. We will continuously ask our customers how we are doing and what we can do better to deliver an outstanding CX. With customer-focused data and insights, we will refine and continuously improve our offerings.

## **Strategies**

Strategy 1: Incorporate CX best practices into the design and delivery of patents and trademarks products and services

Strategy 2: Enhance the USPTO's CX capacity and commitment to equitable CXs

Strategy 3: Use CX surveys to collect insights about USPTO processes from diverse and varied customers

Strategy 4: Provide more plain language communications and enhanced engagement with those in our system to guide them through the application process and support them with the IP they secure

### **Key Performance Indicators**

KPI A: Customer satisfaction and feedback data

KPI B: Data related to training and implementation of CX principles and practices

### **Objective 5.3: Develop modern IT infrastructure and applications**

As a production-oriented entity, the USPTO relies upon IT as a mission-critical enabler for every aspect of the agency's operations. The quality, efficiency, and productivity of USPTO operations correlate with the performance of our IT solutions and the underlying infrastructure on which they operate. The USPTO's technology priorities are application and infrastructure resiliency, enhanced security, and adoption of cloud technologies.

As we strive to bring technological innovations to impact for our customers, we will harness emerging technologies to improve operational efficiency and promote mission fulfillment. We will increase our IT workforce's capacity and skill sets to properly develop and manage cutting-edge technologies as we shift away from maintaining costly legacy systems. We will empower staff to choose learning engagements on emerging technologies and to use best practices in development, security, and operations (DevSecOps). We will shift our culture to prioritize security and risk mitigation at all levels of the IT community.

### **Strategies**

Strategy 1: Leverage cost-effective, modern cloud technology to deliver secure and resilient systems

Strategy 2: Invest in our IT workforce's technical knowledge, skills, and abilities

Strategy 3: Use automation and AI to enhance business processes

Strategy 4: Use emerging technologies to enhance business capabilities

Strategy 5: Integrate cybersecurity throughout the product life cycle

### **Key Performance Indicators**

KPI A: Ratio of IT spending on legacy technologies to IT spending on modern technologies

KPI B: Percentage of internal and external users satisfied with business capabilities provided by IT systems, as measured by surveys

KPI C: Percentage of IT workforce trained in DevSecOps principles and practices



KPI D: Percentage of critical security incidents resolved within a prescribed service level agreement (SLA)

KPI E: Percentage of eligible products using cloud technology

### Objective 5.4: Expand opportunity, discovery, and accountability through greater data maturity

The USPTO is a data-driven organization. Data and analytics are foundational to our posture as a continuously improving organization. From metrics such as human capital trends in retention and engagement to benchmarking pendency, quality, and financial management, data is at the core of our strategic decision-making process.

Strong data governance and data management practices further enhance our ability to execute the agency's mission and protect IP. Balancing efficient data access with data security is key to our long-term success; so too is equipping our workforce to become more confident and skilled in using data to support strategic and operational decision-making. Maturing data fluency and data skills more deeply across all levels of the USPTO will bolster an evidence-based culture characterized by sound decision-making and efficient use of resources.

#### **Strategies**

Strategy 1: Establish shared data management practices across the agency

Strategy 2: Enable efficient and secure data access

Strategy 3: Improve data collaboration, fluency, and skills

#### **Key Performance Indicators**

KPI A: Percentage of Federal Data Strategy practice deployment

KPI B: Percentage of employees who have completed at least one data skills training

KPI C: Percentage of employees satisfied with access to data required to perform official duties

### Objective 5.5: Resource mission success

The USPTO charges fees for its products and services, similar to a private enterprise. To deliver the best value to our customers, we must be effective stewards of our resources and operate as a highly efficient organization.

As a fully user fee-funded agency, we make data-driven decisions to align our spending priorities with fee revenue projections to meet workload requirements and maintain sufficient

operating reserve (OR) levels. The USPTO maintains two ORs: one for patents and another for trademarks. The ORs are a U.S. Government Accountability Office best practice for user fee-funded government agencies. The ORs enable the USPTO to consistently finance agency operations in the event of a lapse in funding, which can occur in the absence of federal appropriations or in the event of economic downturn.

Fee setting authority provides the USPTO with the necessary flexibility to set and adjust fees given financial, operational, and policy considerations. Fee setting authority is a supplementary tool to the ORs that enables the USPTO to resource mission success. The USPTO first gained full fee setting authority in the 2011 AIA (Pub. L. 112-29). The authority was extended in the Study of Underrepresented Classes Chasing Engineering and Science Success (SUCCESS) Act of 2018 (Pub. L. 115-273). We will continue to be a good steward of this authority so it may be extended again or made permanent before it expires in 2026.

We will continue to balance revenues with spending strategies to optimize mission objectives and mission support needs while mitigating risk using right-sized OR balances. We will ground our financial management decisions in sound, data-driven practices. We will strategically allocate our resources to accomplish our mission and continuously improve operations.

### **Strategies**

Strategy 1: Strategically balance revenues and costs to optimize mission return and mitigate financial and operational risks

Strategy 2: Enable sound, data-driven, enterprise financial management decisions

Strategy 3: Demonstrate sound stewardship of fee setting authority

Strategy 4: Prioritize operational innovations in resource allocation decisions

### **Key Performance Indicator**

- KPI A: OR balances for patents and trademarks

## Appendix A: Acronyms

[Acronym definitions used at least twice throughout the Plan. We will finalize the list once we confirm the narrative.]

- AIA: Leahy-Smith America Invents Act
- CI<sup>2</sup>: Council on Inclusive Innovation
- CRU: Central Reexamination Unit
- CX: Customer experience
- DEIA: Diversity, equity, inclusion, and accessibility
- DevSecOps: Development, security, and operations
- DOC: Department of Commerce
- HISP: High impact service provider
- IP: Intellectual property
- IT: Information technology
- OIG: Office of Inspector General
- OR: Operating reserve
- PTAB: Patent Trial and Appeal Board
- R&D: Research and development
- SLA: Service level agreement
- SUCCESS Act: Study of Underrepresented Classes Chasing Engineering and Science Success Act of 2018
- TTAB: Trademark Trial and Appeal Board
- USPTO: United States Patent and Trademark Office

## Appendix B: Statutes, significant legislation, and relevant executive orders

### The duties of the USPTO, per federal statute, are:

35 U.S.C. section 2

(a) IN GENERAL.—The United States Patent and Trademark Office, subject to the policy direction of the Secretary of Commerce—

(1) shall be responsible for the granting and issuing of patents and the registration of trademarks; and

(2) shall be responsible for disseminating to the public information with respect to patents and trademarks.

### Significant Legislation

- **Leahy-Smith America Invents Act (AIA):** The AIA was signed into law in September 2011. The key components of the act include provisions for transitioning to the “first inventor to file” system, improving patent quality, improving the administrative challenges of patent validity, providing more certainty in damages calculations, creating a supplemental examination process, providing USPTO fee setting authority, and banning tax patents.
- **Patents for Humanity Improvement Act:** This bill authorizes the holder of an acceleration certificate awarded under the Patents for Humanity program to transfer the certificate to another party.
- **Study of Underrepresented Classes Chasing Engineering and Science (SUCCESS) Act:** The SUCCESS Act directs the USPTO to study and report to Congress on the number of patents applied for and obtained:
  - By women, minorities, and veterans; and
  - By small businesses owned by women, minorities, and veterans.

The USPTO must provide legislative recommendations to increase the number of women, minorities, and veterans who participate in entrepreneurship activities and apply for patents. Additionally, the bill amends the AIA to extend for eight years the authority of the USPTO to set and adjust patent fees.

- **Trademark Modernization Act (TMA):** The TMA went into effect in December 2021. The TMA provides individuals, businesses, and the USPTO with tools to clear away

unused registered trademarks from the federal trademark register. Additionally, TMA creates provisions for the USPTO to move applications through the registration process more efficiently.

### **Relevant executive orders**

- **Executive Order 13985, Advancing Racial Equity and Support for Underserved Communities Through the Federal Government:** Outlines procedures for agencies to track and assess the impact of agency policies and programs on equity outcomes, including data gathering for equity measures.
- **Executive Order 14002, Economic Relief Related to the COVID-19 Pandemic:** Instructs agencies to identify actions they may take to address the economic crisis stemming from the COVID-19 pandemic.
- **Executive Order 14030, Climate-Related Financial Risk:** Requires the formulation and implementation of a government-wide strategy to assess and disclose climate-related financial risk.
- **Executive Order 14035, Diversity, Equity, Inclusion, and Accessibility in the Federal Workforce:** Establishes a framework for promoting, measuring, and maintaining diversity, equity, and inclusion in federal hiring and employment practices.