



Briefing Book for Trademark Public Advisory Committee

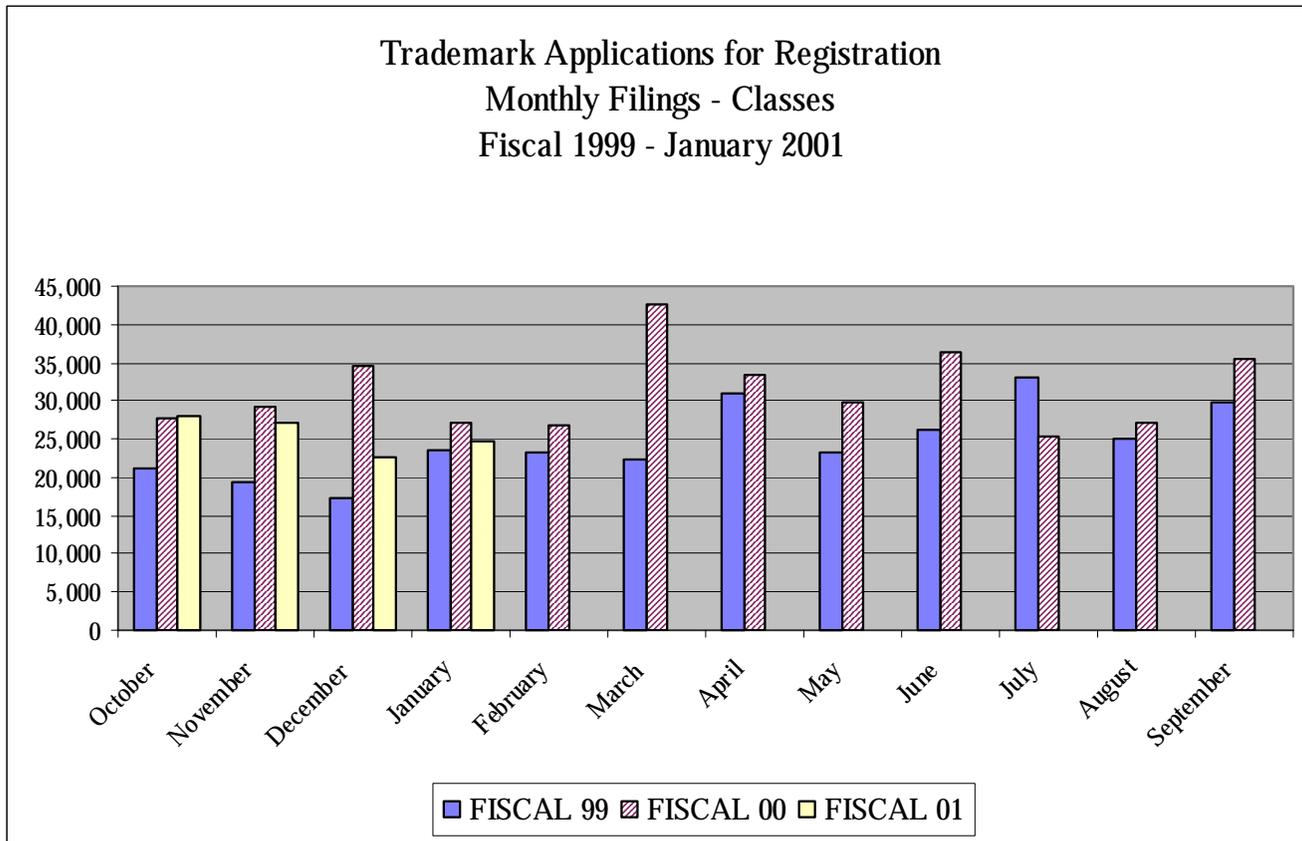
March 1, 2001



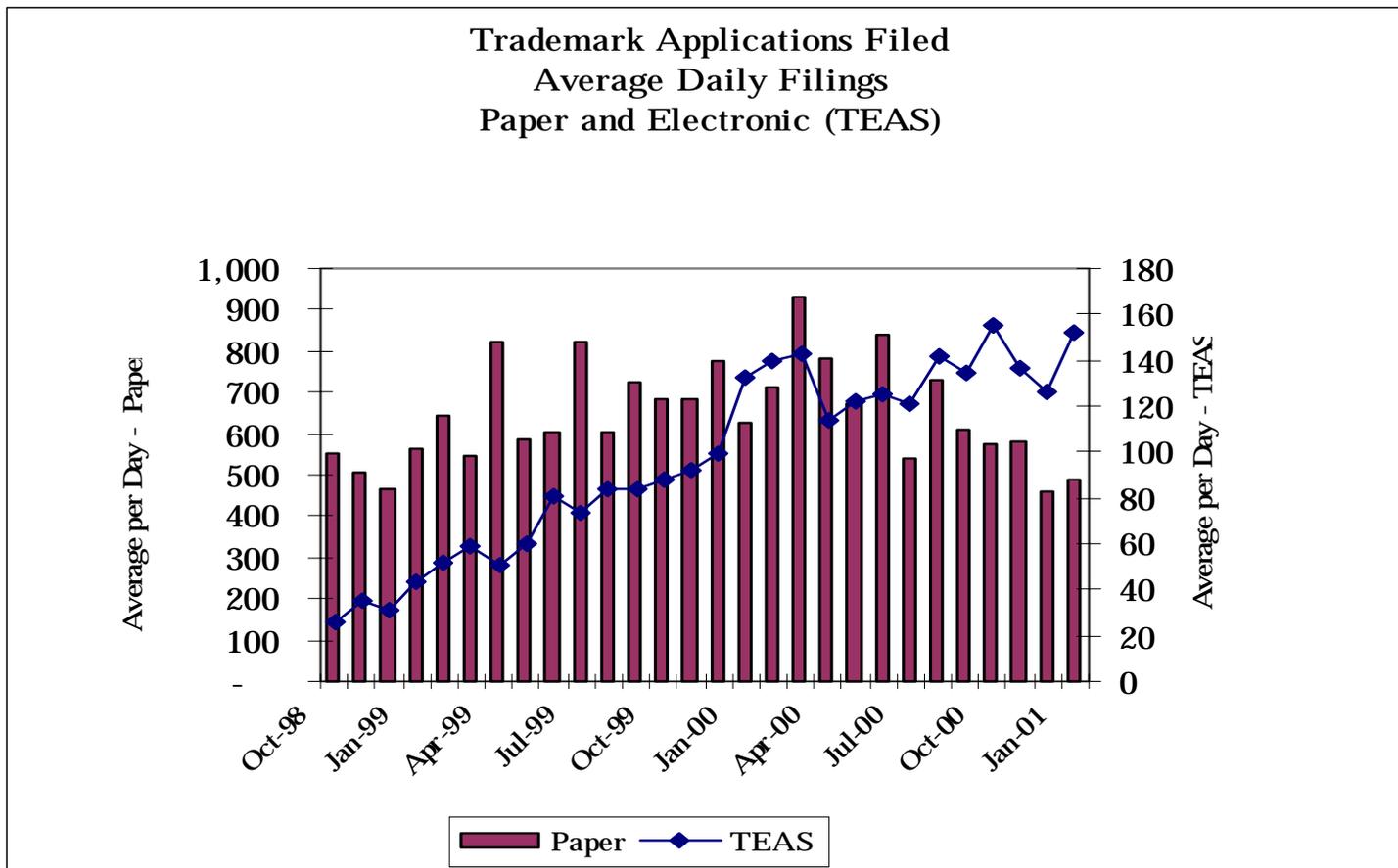
Trademark Operation Update

Anne H. Chasser

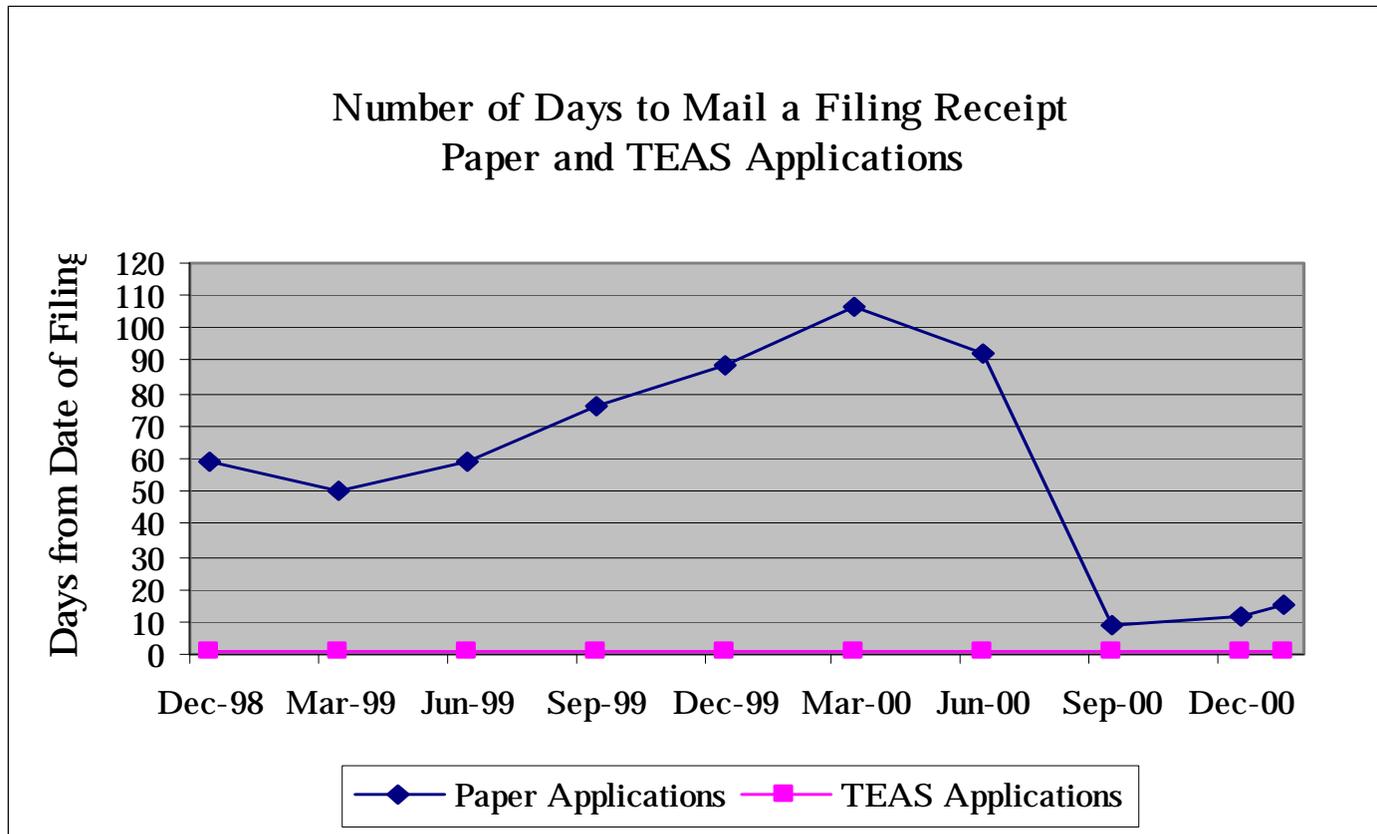
Trademark Application Filings



Trademark Applications Average Daily Filings



Trademark Filing Receipts

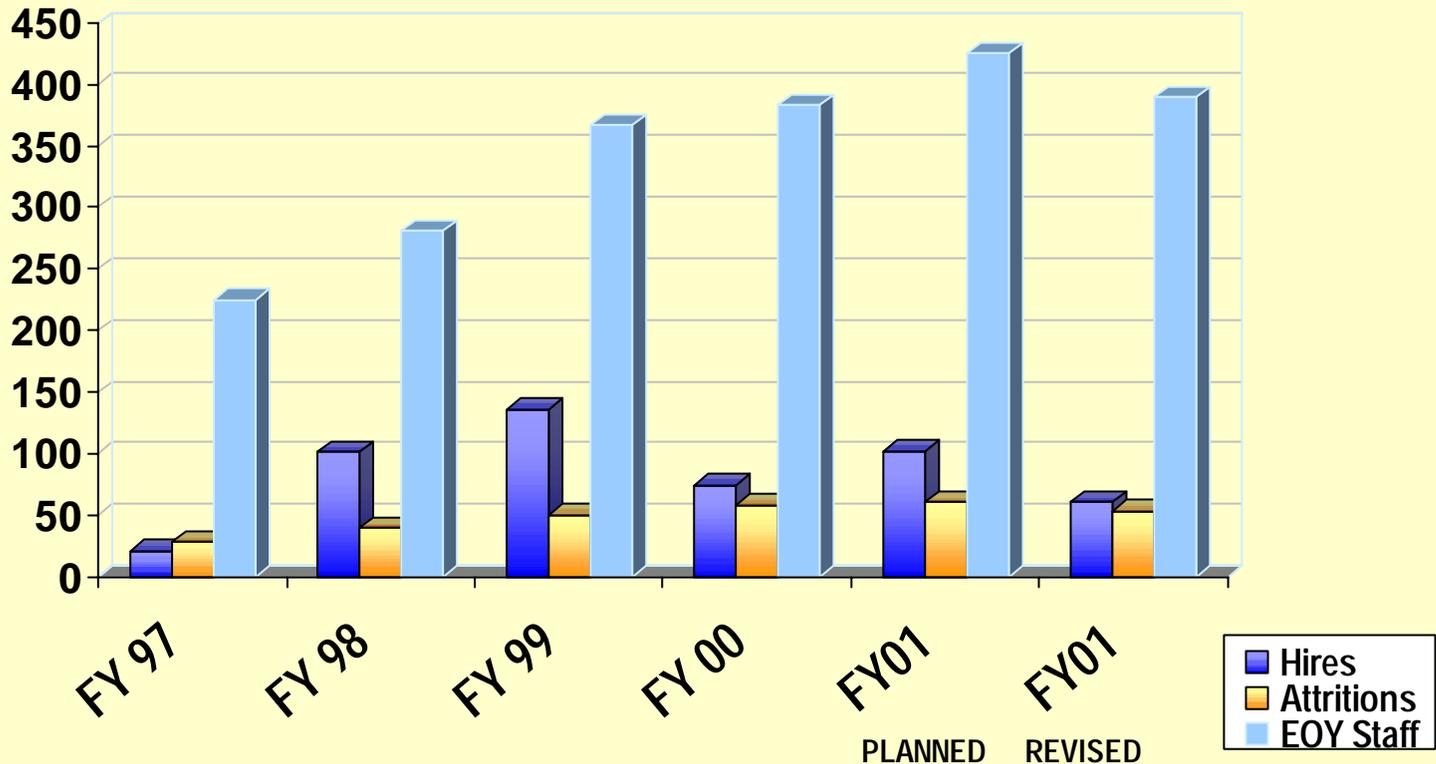


Trademark Staffing

- Administrative hiring freeze effective January 20
- Original Plan: 900 employees with 425 examiners
- Current Staff: 775 employees with 420 examiners
- Hiring to date: 85 employees with 60 examiners
- Attrition to date: 35 employees with 23 examiners
- Revised Plan - no replacement for attritions

Trademark Examiners

Trademark Examiner Hiring/Attrition Rates



Trademark Goals

GOAL 1 – Enhance the Quality of Our Products

GOAL 2 – Enhance the Quality of Our Services

GOAL 3 – Minimize Our Processing Time

**GOAL 4 – Implement E-Government into Our Business
Process**

GOAL 5 – Enhance Employee Satisfaction

GOAL 1

Enhance the Quality of our Products

Measure	FY 00 Results	FY 01 1st Qtr	FY 01 Targets
Average error rate affecting registrability: clear error rate as measured by the Office of Trademark Quality Review	3.4%	4.2%	3%
Average error rate for missed references as measured by the Office of Trademark Quality Review	1.5%	1.4%	1.5%
Key Drivers - Customer Satisfaction:			
Clear written communication	77%	Annual Survey	77%
Percentage of customers satisfied with the examiner's explanation of the office action	68%		70%
Percentage of customers satisfied with the examiner's search for likelihood of confusion	65%		68%

GOAL 2

Enhance the Quality of our Services

Measure	FY 00 Results	FY 01 1st Qtr	FY 01 Targets
TAC service level - respond to calls within 20 seconds	23%	57%	80%
Customer Satisfaction - key drivers: <ul style="list-style-type: none"> •Return phone calls within 1 day •Provide final determination regarding registrability within 13 months •Mail filing receipts within 14 days 	53% 41% 28%	Annual Survey	65% 70% 85%

GOAL 3

Minimize Processing Time

Measure	FY 00 Results	FY 01 1st Qtr	FY 01 Targets
Examiner First Actions	352,325	85,491	440,000
Pendency to First Action	5.7	6.1	6.6
Pendency to Final Disposition	17.3	17.4	19.0
Days to Mail a Filing Receipt: Paper Applications	9	15	14
Electronic Applications	1	1	1

GOAL 4

Implement e-Government into our Business

Measure	FY 00 Results	FY 01 1st Qtr	FY 01 Targets
Number of Applications Filed Electronically-YTD 1. Trademark Registration 2. ITU Applications 3. Post Registration Applications	44,108 N/A N/A	12,800 2,584 460	106,600 N/A N/A
Percent of Applications Filed Electronically-YTD 1. Trademark Registration 2. ITU Applications 3. Post Registration Applications	14.9% N/A N/A	21% 8.8% 1.6%	30% 15% 10%

GOAL 5

Enhance Employee Satisfaction

Measure	FY 00 Results	FY 01 1st Qtr	FY 01 Targets
Employee Satisfaction	67%	Survey	70%
Examiners working from home	57	67	110

Legislative Updates

- **Technical Amendments Bill**
- **Madrid Protocol**



Customer Satisfaction

Employee Satisfaction

Mary Lee

T-PAC Presentation

Office of Quality Management and Training

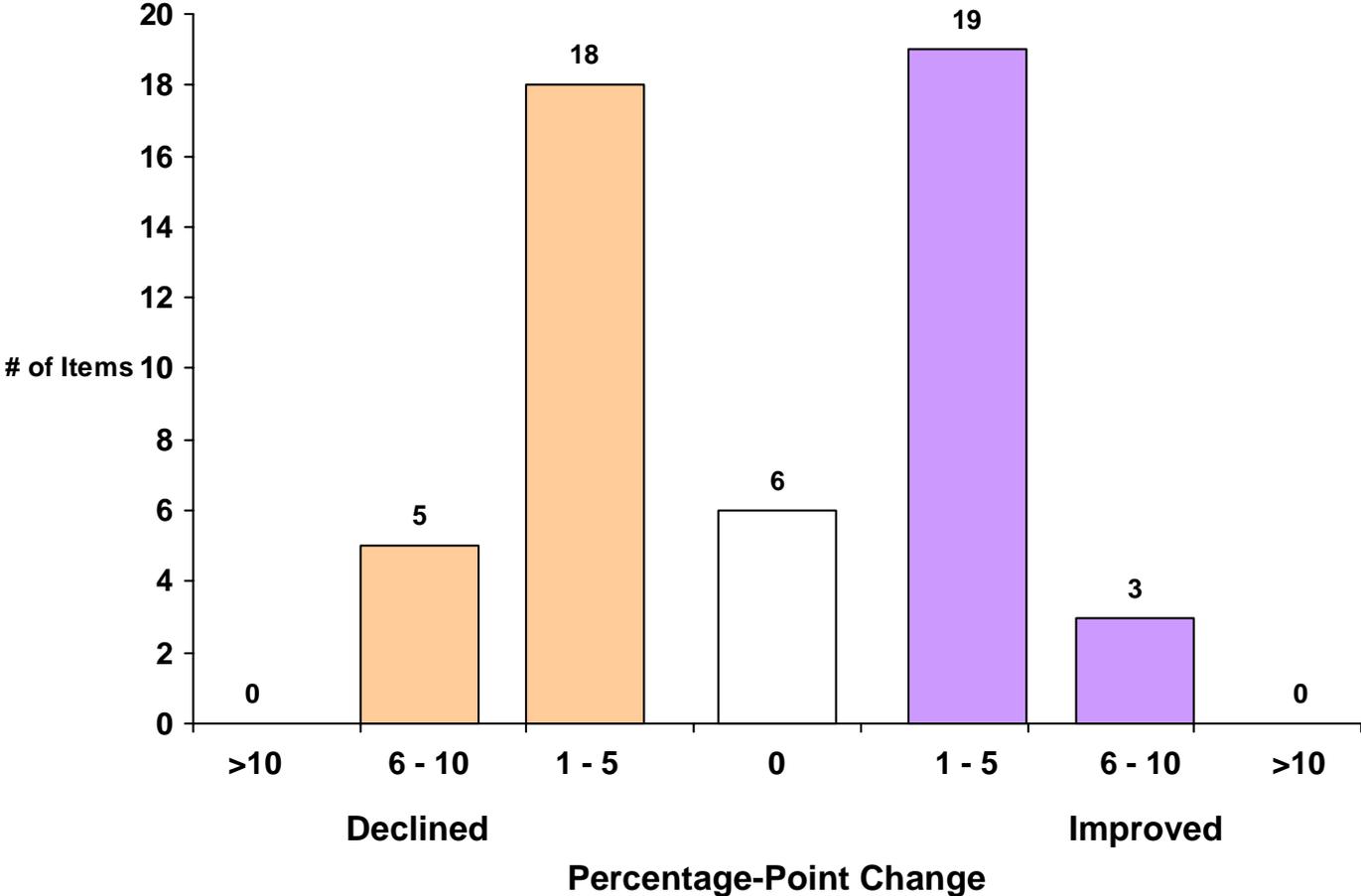
March 1, 2001

Office of Quality Management and Training

- **Ensure consistent training policies and practices**
- **Establish a linkage between training and performance measurement results**
- **Encourage best practice sharing across technologies and functions**
- **Eliminate duplication of efforts**

Customer Satisfaction: Trends 1999 to 2000

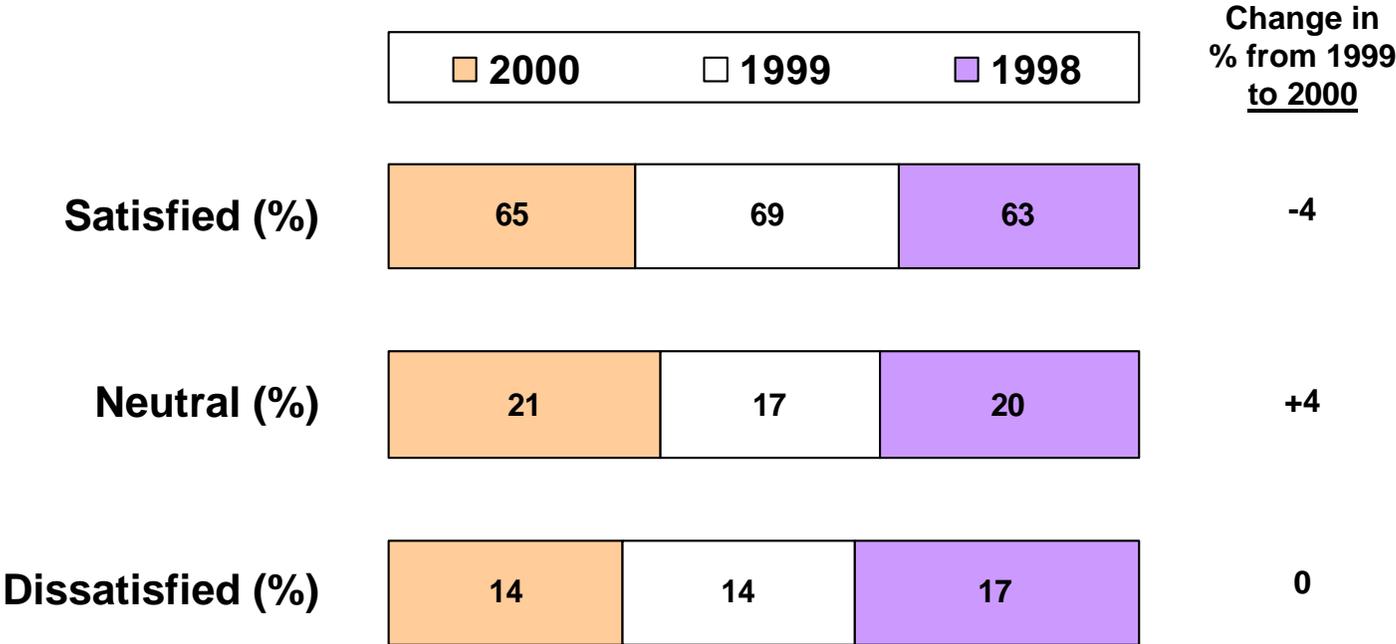
(51 comparable items - differences in % satisfied)



There were about equal numbers of declines and gains. Five items declined by 6 to 10 percentage points.

Customer Satisfaction: Overall Satisfaction

Considering all of your experiences with the USPTO trademark process, how satisfied are you OVERALL?



Overall satisfaction declined by 4 percentage points from 1999 to 2000. That decline is not statistically significant. Overall dissatisfaction remains low, at 14%.

Customer Satisfaction: Key Drivers of Satisfaction

<u>Service Standards</u>	<u>% Sat</u>	<u>Change</u>
B2. Direct you promptly to the proper office/person	68%	-1
B4. Clearly written communications of position of examining attorneys	77%	0
B8. Provide final determination regarding registrability within 13 months	41%	-1
B10. Mail filing receipts within 14 days after receipt of application	27%	-6
B14. Respond to amendments within 35 days	37%	+4
B24. Issue Certificates of Registration with the correct information	80%	+2
B27. Provide clear and accurate answers to questions through the Trademark Assistance Center	58%	+3

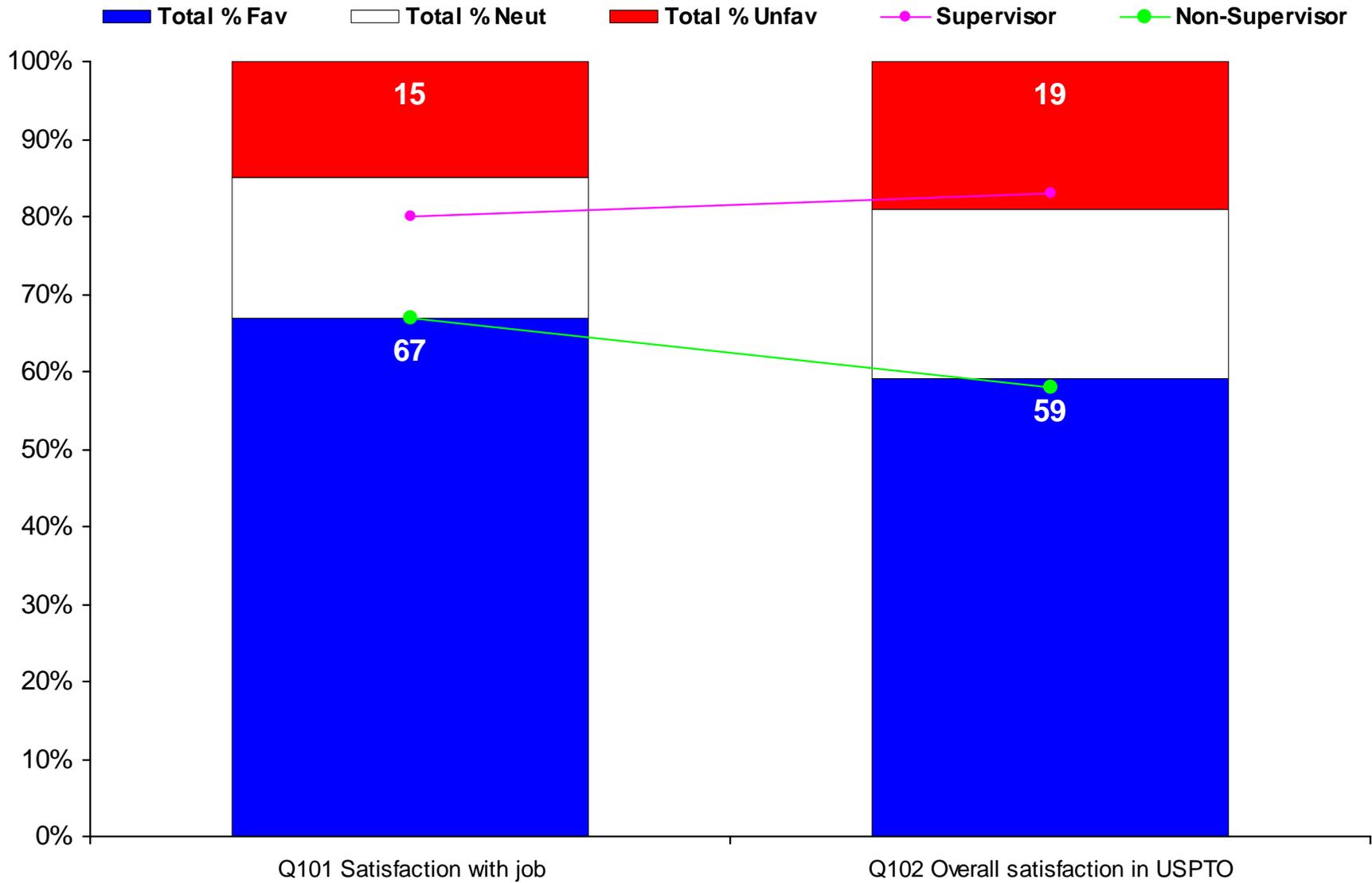
<u>Trademark Process</u>	<u>% Sat</u>	<u>Change</u>
C1AP5. Appropriateness of refusals made under 15 USC § 1052(d) – Likelihood of Confusion	45%	+2
C1OE2. Fairness of examination	73%	-1
C1OE3. Efficiency of the examination process	52%	-2
C1SC2. Genuinely committed to providing the best possible service	62%	0
C1SR2. Prompt and helpful service	63%	-1

Timeliness of the process, specific aspects of responsive customer service, and examination quality are priority areas for improving satisfaction.

Customer Satisfaction: Targets for Improvement (The Vital Few)

- **From the write-in comments and the results of the data analyses, the following targets for improvement have been identified:**
 - Revise the standards for issuing refusals, and issue refusals only when it is clear that the refusals are appropriate. For customers who still have complaints, have a process for reviewing their complaints and responding to the customers.
 - Provide additional training, especially to new examining attorneys, on issues related to decisions under 1052(d) and 1052(e).
 - Acknowledge problems/difficulties reported in faxes and letters, and notify those reporting problems of the steps that will be taken to solve the problems.
 - Re-focus attention on returning phone calls within one day and, where appropriate, provide alternative customer service contacts through the voice mail system. In addition, continue to explore the feasibility of using e-mail to respond to general questions from applicants.
 - Consider establishing additional training modules for the TAC staff on the application process and on contact information for examining attorneys. Respondents continue to cite concerns about the Trademark Assistance Center; they have difficulty in getting through (are placed on hold too long), and only 58% of the respondents reported they receive accurate answers to questions.
 - Carefully analyze the types of administrative mistakes and errors being reported and notify applicants about efforts to improve quality control procedures within the administrative structure.
 - Develop an action plan to expand the number of applicants using electronic filing. Electronic filers are extremely positive about accessibility and ease of use of electronic filing and the accuracy of filing receipts.

Employee Satisfaction: Overall Satisfaction



Employee Satisfaction: Key Drivers and Trends

	<u>1998</u>	<u>2000</u>	<u>Change</u>
Q101 Satisfaction with job	49	67	+18
Q102 Overall satisfaction in USPTO	41	59	+18
Q86 Enjoy the work I do	65	74	+9
Q16 Proud to work for USPTO	*	70	*
Q3 Rate USPTO as place to work, compared to with other employers	*	66	*
Q85 Work provides feeling of personal accomplishment	49	61	+12
Q39 Recognition for doing a good job	*	34	*

* New question in 2000

47 of the 49 comparable survey questions improved from 1998.
34 items improved 10 percentage points or more.

Employee Satisfaction: Summary

Key Strengths

- Very satisfied with USPTO initiatives (e.g. midday flex procedures, range of work hours, sign in/out procedures, clear mission, vision and values)
- Immediate supervisor ratings (very favorable on a number of questions); above the norms too
- Pride in work and enjoy work
- Customer focus- understanding of customers, service goals aimed at customer expectations and products designed to meet customer needs/expectations
- Treatment of others in Business Unit

Key Opportunities

- Pay- ratings are very unfavorable, especially compared to outside companies
- Workload, as well as low levels of cooperation between different parts of USPTO, are negatively impacting ability to do quality work
- Trust and respect between management and employees is unfavorable; cooperation between management and unions is very unfavorable; communication across USPTO is also very unfavorable
- Perception that USPTO is striving for excellence and conducting business cost-effectively/efficiently is unfavorable
- Creativity/innovation and risk taking are not encouraged/rewarded in USPTO
- Differences between supervisors and non-supervisors are often larger than is normally seen (Supervisors are often much more favorable than non-supervisors)

Office of Trademarks FY2000 Accomplishments

- The Trademark Electronic Business Center was added to the USPTO web-site.
- The length of time from filing to mailing a filing receipt dropped from 107 days to 9 days over a six month period.
- Although first action pendency was higher than the projected target of 4.5 months, overall pendency to registration decreased by 1.6 months to 17.3 months.
- Trademarks issued 106,383 trademark registrations; including 127,794 classes. *(an increase of more than 21 percent over the number of registrations issued in 1999.)*
- The Office opened its first e-Commerce law office for the examination and processing of electronically filed applications for trademark registration.
- The Trademark Work at Home program was expanded to include up to 57 examiners.
- With the addition of seven intent to use and post registration forms added to the e-TEAS, it is now possible to file nearly all trademark applications electronically through the Trademark Electronic Application System (e-TEAS).
- In the e-TEAS second year of operation, application filings doubled to more than 44,100 from the 20,600 applications that were filed electronically in FY 99.
- The e-TEAS was declared a winner of the 2000 Government Technology Leadership Award sponsored by the Government Technology Leadership Institute and Government Executive Magazine
- The e-TEAS was recognized as a semi-finalist in the 2000 Innovations in American Government Awards Program, sponsored by the Ford Foundation and the Kennedy School of Government at Harvard University.
- Overall employee satisfaction increased 18% from 1998 results; seven percent beyond target.



T-PAC Rules Review Protocol and Process for Nomination

James Toupin
Bernard Knight

Rules Review Protocol

- **PAC Consultation Required**
 - Proposed change to patent or trademark user fees
 - Proposed patent or trademark regulations for which opportunities for notice and comment are required by 5 U.S.C. § 553. 35 U.S.C. § 3.
- Consultation not required for procedural or interpretive rules, regulations or notices

Rules Review Protocol

(continued)

- **Changes in Patent or Trademark User Fees and Regulations**
 - Draft proposed rule/regulation provided to PAC at least 10 business days before submission to OMB if a “significant” rule/regulation and at least 10 business days before submission to Federal Register if not a “significant” rule/regulation
 - Final rule/regulation provided to PAC at least 10 business days before submission to Federal Register
- **Other Rules that Commissioner Decides to Send to PAC**
 - Draft proposed/final rule provided to PAC when submitted to OMB or Federal Register

Regulatory Review Plan*

“Regulatory Review Plan” requires all items for publication in the Federal Register to be cleared by department or agency head; no substantive rules are being approved at this time.

***Memorandum from Chief of Staff**

Dated January 20, 2001

Nomination of New Members

- T-PAC members whose term expire
- July 12, 2001:
 - Susan Lee
 - David Moyer
 - Griffith Price

Selection of New PAC Members

Proposed Timeline

Action	Date
Federal Register Notice Forwarded to the Director for Approval	March 15
Final Federal Register Notice Approved	March 22
Publication of Notice in the Federal Register	March 29
Nominations Due Date	April 30
Director's Recommendations Forwarded to Secretary	May 30
Secretary Makes Appointment Effective	July 30

NOTE: Proposed Federal Register Notice has been forwarded to DoC for Review prior to approval by Acting Under Secretary of Commerce for Intellectual Property and Acting Director of the United States Patent and Trademark Office



Electronic Filing Update

Robert Anderson



2001: e-Government

February 16, 2001

Overview:

- Pre-Examination
- Examination
- Post Examination
- Customers & uspto.gov
- File Management

Pre-Examination

● T I C R S

All paper, in all applications filed since April 1999 has been captured as an electronic image

Electronic applications as as filed are available at the desktop of all employees

Incoming and outgoing correspondence will be added to T I C R S - Late 2001

01-12-001
U.S. PATENT & TRADEMARK OFFICE

Applicant: Madison Square Garden
A Delaware Limited Partnership

Address: 2 Pennsylvania Plaza
New York, New York 10121

Services: entertainment services, namely providing professional ice hockey exhibitions.

Date of First Use: January 1, 1997

Date of First Use in Commerce: January 1, 1997



TRADEMARK
TM 1999

Pre-Examination

● TEAS

All TEAS applications are available in TICRS.

TEAS will be converted to XML – April 2002

Mandatory electronic filing:
Yes or No?

Drawing Page Serial Number:
18843821

Applicant:
McDATA Corporation
210 Interlocks Parkway
Broomfield CO USA 80021



Goods and Services:
Computer hardware and computer peripherals for use in connecting data processing equipment to data networks; controllers; computer programs for use with controllers; computer apparatus, namely, hardware and software utilized to analyze computer communications; metal and non-metal cabinets for use in the storage and housing of computer hardware and peripherals

Goods and Services:
Computer consulting and testing services, namely consultation and testing in connection with the design, installation, and configuration of computer hardware and software systems used to connect data processing equipment to data networks

Mark:



McDATA



NO OCR



01-12-2881

Pre-Examination

- Fees – Electronic Filing
 - Credit Card (Now)
 - Deposit Account (Now)
 - EFT (Mid to Late 2001)
 - E-Check (Mid to Late 2001)

Pre-Examination

● Postcard Mailers – Summer 2001

Goal 1: Increase reliability of “snail mail” mailings

Goal 2: Point customers to www.uspto.gov as a primary information resource

Receipt of the application for registration is acknowledged for the Trademark indicated below:

SERIAL NUMBER 71-288587

Filing Date: Aug 16, 1929

MARK (TEXT ONLY) MERCEDES BENZ

INT. CLASS 023

To review the USPTO data base regarding your application please go to:
<http://tarr.uspto.gov/tarr?regser=serial&entry=71288587>

If you believe there is an error in the application data related to your application, please submit a request for correction within 30 days to:
trademark.corrections@uspto.gov

Examination

● Electronic communication

- Adding data fields in TRAM for external e-mail addresses
- Central e-mail boxes for internal offices

● E-Commerce Law Offices

- TEAS applications go to these offices
- Pre-exam, examination and post examination activities are located in the law office

Post Examination

● TIPS

OG published from a Post Script file sent to GPO



A PDF TMOG is scheduled for www.uspto.gov later this year

Customers & uspto.gov

- **TARR** – Bibliographic and status info
- **TESS** – Search using examiners' system
- **TEAS** – Filing and fees for 7 activities and adding more in the future
- **Goods and Services** – eliminate 70% of your refusals
- **Other information** – Probably more than you ever wanted to know about us^{pto}

File Management: TIS



Today

Tomorrow



Finally:

Be an early adopter!

Help us design systems that work for you



Trademark Trial and Appeal Board (TTAB)

David Sams

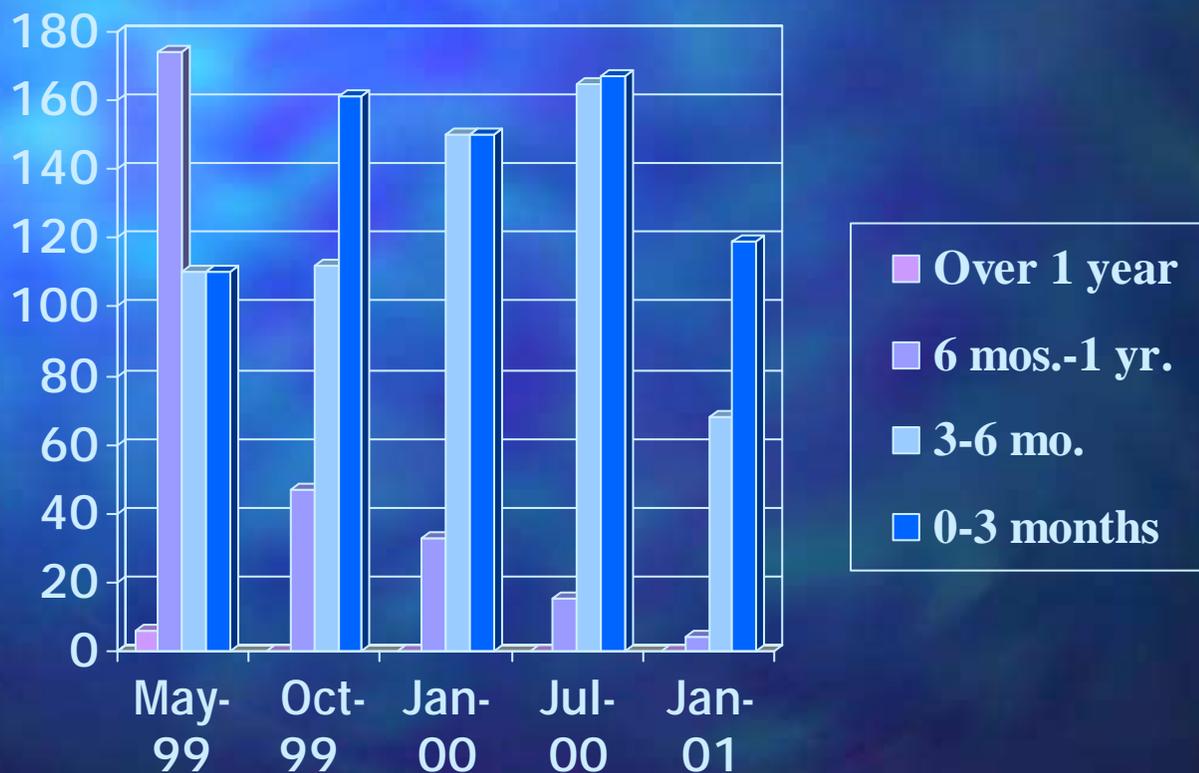


TTAB Business Goals

<i>Measure</i>	<i>Goals FY 2001</i>
■ Avg. weeks to decide cases on the merits after oral hearing or designation "on brief"	■ 20 weeks
■ Avg. weeks to decide on summary judgment motions	■ 32 weeks
■ Avg. days to decide on contested motions (other than summary judgment)	■ 90 days
■ Avg. days to process extensions of time to oppose (granted or denied)	■ 25 days
■ Avg. days to institute new oppositions and cancellation proceedings	■ 30 days
■ Avg. days to institute new ex parte appeals instituted	■ 30 days
■ Avg. days to process stipulated extensions of discovery and/or trial dates	■ 30 days
■ Avg. days to process uncontested motions	■ 60 days

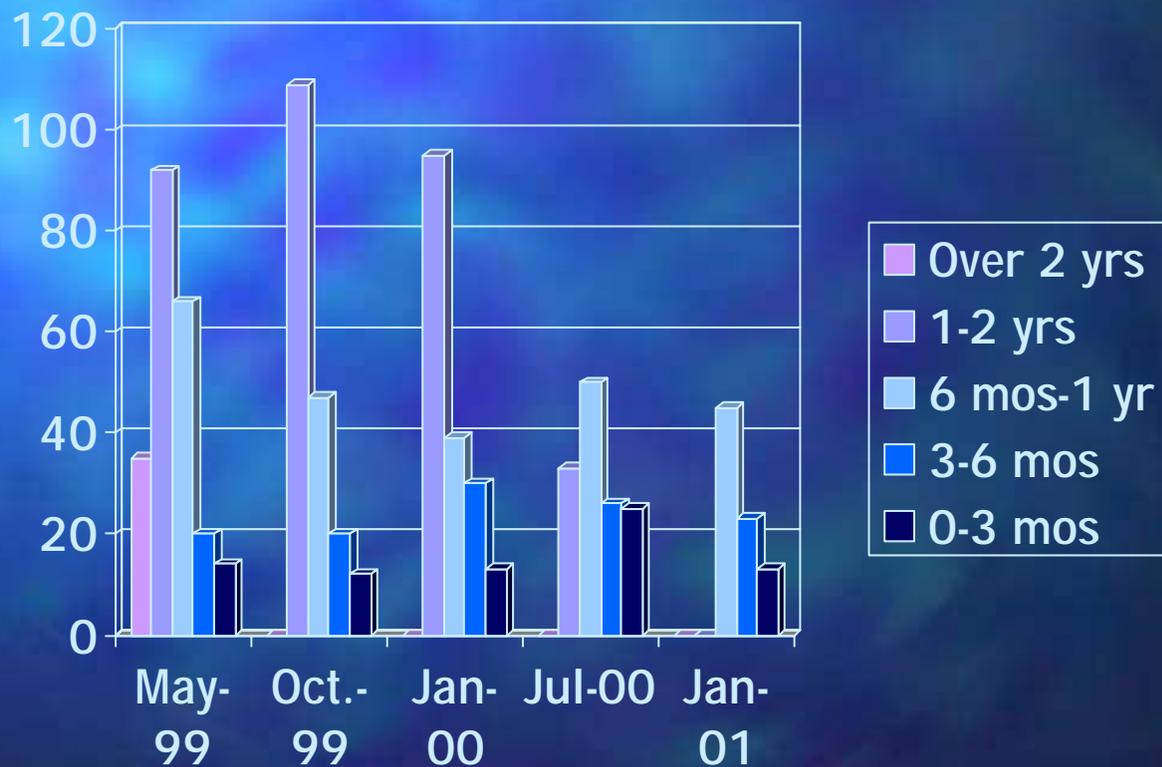
Accomplishments

Cases Awaiting Final Decision



Accomplishments

Cases with Motions for Summary Judgment





Thank You