

Chief Administrative Patent Judge ES-1222 Alexandria, VA

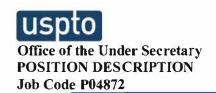
I. Introduction

The Chief Administrative Patent Judge (Chief Judge) is a full voting member of the Patent Trial and Appeal Board (Board) as provided by Title 35 U.S. Code, Section 6, and is the immediate supervisor of the Deputy Chief Administrative Patent Judge and second-line supervisor for the Board Executive and all of the Vice Chief Administrative Patent Judges (Judges) assigned to the Board. The Director, the Deputy Director, the Commissioner for Patents, the Commissioner for Trademarks, and the several Administrative Patent Judges (including the Chief Judge, Deputy Chief Judge, Vice Chief Judges, and Lead Judges) constitute the membership of the Board. Any three or more of these individuals may constitute a 3-judge panel of the Board to render a decision in a patent appeal, an interference proceeding, a post grant review proceeding, an inter partes review proceeding, a derivation proceeding, or a proceeding under the Transitional Program for Covered Business Methods Patents (CBM). The Board also hears and adjudicate ex parte patent appeals from decisions of the Patent Examiners in the Patent Examination Corps. The Board also holds oral hearings when requested, and has the authority to grant rehearings.

With respect to patent appeals, final decisions of the Board, if unfavorable to an applicant, may be appealed to the United States Court of Appeals for the Federal Circuit in accordance with 35 U.S.C. § 141. Alternatively, dissatisfied applicants may elect to bring a civil action in accordance with 35 U.S.C. § 145. With respect to interferences, final decisions of the Board, if unfavorable to a party, may be appealed to the United States Court of Appeals for the Federal Circuit in accordance with 35 U.S.C. § 141. Alternatively, dissatisfied parties may elect to bring a civil action in accordance with 35 U.S.C. § 146. With respect to inter partes reviews, post grant reviews, and CBM proceedings, final decisions of the Board, if unfavorable to a party, may be appealed only to the United States Court of Appeals for the Federal Circuit in accordance with 35 U.S.C. § 141. With respect to derivation proceedings, final decisions of the Board, if unfavorable to a party, may be appealed to the United States Court of Appeals for the Federal Circuit in accordance with 35 U.S.C. § 141. Alternatively, dissatisfied parties may elect to bring a civil action in accordance with 35 U.S.C. § 146.

II. Duties

Subject to the direction of the Director, the Chief Judge is responsible for implementing USPT rules and policies associated with patent appeals, interferences, post grant reviews, inter partes reviews, derivations, and CBM proceedings. These rules include Title 37 of the Code of Federal Regulations, Part 41: Subparts A through E, and Title 37 of the Code of Federal Regulations, Part 42: Subparts through D. Subject to the direction of the Director, and in coordination with other Agency leadership (such as the Commissioner for Patents,



General Counsel, and Solicitor), the Chief Judge is also responsible for developing rules and regulations governing Board procedure, and periodically updated the same as circumstances warrant. Subject to the direction of the Director, the Chief Judge is also responsible for developing and implementing the Standard Operating Procedures necessary for the internal operation of the Board. In addition, the Chief Judge is charged with adhering to Agency policy (including but not limited to patent policy) and ensuring adherence to Agency policy by all Board Judges. Furthermore, the Chief Judge is charged with ensuring predictability, reliability, and consistency across the thousands of decisions issued every year by the several hundred Board judges that he or she oversees. Furthermore, the Chief Judge is responsible for adjudicating petitions for the Under Secretary of Commerce for Intellectual Property and Director of the USPTO.

The Chief Judge performs the comprehensive executive management, strategic planning, and financial functions essential to effective Board operation. Under authority that may be delegated by the Director, the Chief Judge may be responsible for the assignment of panels of administrative patent judges to adjudicate all patent appeals, interference and derivation proceedings, and AIA trial proceedings, on which panels the Chief Judge periodically serves. The Chief Judge further develops and implements quality, timeliness, and productivity performance standards for the Judges.

The Chief Judge interacts with the legal community, including the Court of Appeals for the Federal Circuit, bar associations, etc., actively participates in public conferences and meetings, and makes presentations to foreign dignitaries regarding the Board.

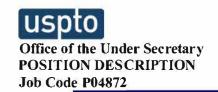
III. Educational Requirement

Due to the complexity of this position, the Chief Judge must possess both a technical degree and a law degree. Additionally, the Chief Judge must be a member in good standing of the Bar of any state, the District of Columbia, Puerto Rico, or any territorial court under the Constitution. Furthermore, the Chief Judge must possess significant work experience in both the fields of patent law and organizational management.

IV. Professional Technical Qualifications

The Chief Judge must possess the following Professional and Technical Qualifications:

- Expert knowledge of the legal principles and technical subject matter associated with
 patent appeals, interferences, post grant reviews, inter partes reviews, derivations, and
 CBM proceedings. Demonstrated ability to understand technical subject matter, apply
 relevant patent law legal principles involved in patent appeals, interferences, post
 grant reviews, inter partes reviews, derivations, and CBM, and effectively work in
 groups to resolve complex technical and legal issues.
- 2. Demonstrated executive level experience in directing, supervising, and evaluating the activities of a professional, technical, and legal organizational unit.



Demonstrated ability to develop and achieve organizational goals, prepare and execute organizational budgets, delegate assignments, motivate subordinate groups and individuals, establish and execute programs to implement policies, and establish and maintain a positive working environment.

3. Executive level experience in effectively communicating orally and in writing regarding complex technical and legal issues, as well as the ability to fully comprehend the complex technical and legal issues discussed in a work group, the ability to lead said working group(s), and the demonstrated experience to effectively interact with the legal community and other internal and external stakeholders.

V. Executive Core Qualifications

The incumbent must possess the following Executive Core Qualifications:

- Leading People
- Leading Change
- Results Driven
- Business Acumen
- Building Coalitions

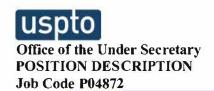
VI. Supervision and Guidance

The Chief Judge provides oversight and direction within the Patent Trial and Appeal Board, including the coordination of the day-to-day activities of assigned staff. The Chief Judge develops procedures for program operations and oversees assignment and completion of functions. He/She also assures that an active effort is made to promote diversity within the organization and outside the organization through personnel outreach efforts.

The Chief Judge reports to the Deputy Director. Performance is judged in terms of accomplishment of objectives and overall effectiveness. The Chief Judge is expected to exercise independent judgment in deciding appropriate courses of action to implement Agency policy, and is also expected to seek input and approval from the Deputy Director and Director as required, and keeping the same informed of significant and newsworthy events.

VII. SES Designation

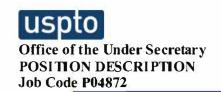
In light of the Department's mission in protecting the integrity of this position, and the incumbent's accountability for the management and administration of the functions of the position, we believe that the principal duties of this position entail direct responsibility to the public for managing and operating the Board's functions. Therefore, this position has been designated as *Career Reserved*.



VIII. Security Designation, Drug Testing Requirement, Cyber Security Code

The security designation for this position is listed as 6N, there is a drug testing requirement for this position.

The cyber security code for this position is as follows: Primary: 000 1st: 00 2nd: 00



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VIII. Security Designation, Drug Testing Requirement, Cyber Security Code

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The cyber security code for this position is as follows: Primary: ••• 1st: •• 2nd: ••

SES Performance Management System Executive Performance Agreement



Part 1. Consultation. I have reviewed this plan and have been consulted on its development.										
Executive's Name (Last, First, MI): Boalick, Scott R. Digitally signed by Users,								Appraisal Pd. 10/1/20 - 9/30/21		
Executive's Signature: Users, Boalick, Scott Date: 2020.10.01							Date: 10/1/2020			
Title: Chief Administration	ve Patent	Judge	14:49:48-04'00'				Organ	ization: P	ГАВ	
Rating Official's Name (L	ast, First, I	Mi): Peter, La	iura A.				CA 🖂	NC L	.T/LE 🔃	
Rating Official's Signatur	(b)(6)						Date:	9/30/	2020	
Part 2. Progress Review										
Executive's Signature:							Date:			
Rating Official's Signatur	e:						Date:			
Reviewing Official's Signa	ature (Opt	ional):					Date:			
Part 3. Summary Rating			4							
Initial Summary Rating						Level Inimal atisfact	ly	Level 1 Unsatisfactory		
Rating Official's Name (Last, First, MI): Peter, Laura A.										
Rating Official's Signature	e:						Date:			
Executive's Signature:							Date:			
Reviewing Official's Signature (Optional): Date:										
Higher Level Review (if a	pplicable)									
☐ I request a higher leve	el review.	Executive's	Initials:				Date:			
Higher Level Review Com	pleted						Date:			
Higher Level Reviewer Sig	gnature:									
Performance Review Boo	ard Recom	mendation	Level 5		Level 4	Le	evel 3	Leve	12 Level 1	
PRB Chair Signature:								Date:		
Annual Summary Rating			Level 5		Level 4	Le	evel 3	Leve	I 2 Level 1	
Appointing Authority Sign	nature:							Date:		
Part 4. Derivation Formu	ula and Ca	culation of A	Annual Summary	Rating	100	- 1			15 B	
	Element Rating Score Final Final									
Critical Element 1. Leading Change	Initial	(if changed) Weight 10%	Initial	(if chang	ged)	5	ummary	Level Ranges	
2. Leading People			10%) = Level S	
3. Business Acumen			10%						l = Level 4) = Level 3	
Building Coalitions Results Driven			10%) = Level 3) = Level 2	
Total	THE REAL	7.2.38	100 points				Any CE rated Level 1 = Level 1			
		WEST MILES					L			

Part 5. Performance Standards and Critical Elements

Performance Standards for Critical Elements (The performance standard for each critical element is specified below; examples for the top three performance levels can be found in the system description)

- Level 5: The executive demonstrates exceptional performance, fostering a climate that sustains excellence and optimizes results in the executive's organization, agency, department or Governmentwide. This represents the highest level of executive performance, as evidenced by the extraordinary impact on the achievement of the organization's mission. The executive is an inspirational leader and is considered a role model by agency leadership, peers, and employees. The executive continually contributes materially to or spearheads agency efforts that address or accomplish important agency goals, consistently achieves expectations at the highest level of quality possible, and consistently handles challenges, exceeds targets, and completes assignments ahead of schedule at every step along the way.
- Level 4: The executive demonstrates a very high level of performance beyond that required for successful performance in the executive's position and scope of responsibilities. The executive is a proven, highly effective leader who builds trust and instills confidence in agency leadership, peers, and employees. The executive consistently exceeds established performance expectations, timelines, or targets, as applicable.
- Level 3: The executive demonstrates the high level of performance expected and the executive's actions and leadership contribute positively toward the achievement of strategic goals and meaningful results. The executive is an effective, solid, and dependable leader who delivers high-quality results based on measures of quality, quantity, efficiency, and/or effectiveness within agreed upon timelines. The executive meets and sometimes exceeds challenging performance expectations established for the position.
- Level 2: The executive's contributions to the organization are acceptable in the short term but do not appreciably advance the organization towards achievement of its goals and objectives. While the executive generally meets established performance expectations, timelines and targets, there are occasional lapses that impair operations and/or cause concern from management. While showing basic ability to accomplish work through others, the executive may demonstrate limited ability to inspire subordinates to give their best efforts or to marshal those efforts effectively to address problems characteristic of the organization and its work.
- Level 1: In repeated instances, the executive demonstrates performance deficiencies that detract from mission goals and objectives. The executive generally is viewed as ineffectual by agency leadership, peers, or employees. The executive routinely does not meet established performance expectations/timelines/targets and fails to produce or produces unacceptable work products, services, or outcomes.

Level 5 = 5 points

Level 4 = 4 points

Level 3 = 3 points

Level 2 = 2 points

Level 1 = 0 points

Rating Official Narrative: (Optional)

Critical Element Rating – Leading People	Level 5	Level 4	Level 3	Level 2	Level 1		
Executive Name and ID: Bealick, Scott R.			Appraisal	Period: 10/1	/20 - 9/3 0 /21		
Critical Element 3. Business Acumen (Minimum weight 5 points) Weight 10%							
Mandatory Performance Requirement: Assesses, analyzes, acquires, and administers human, financial, material, and information resources in a manner that instills public trust and accomplishes the organization's mission. Uses technology to enhance processes and decision making. Executes the operating budget; prepares budget requests with justifications; and manages resources. Agency-Specific Performance Requirements Support development of improved PTAB IT system and system integration. Manage allocation of budget resources to accommodate business unit needs. Develop and enhance tools to promote transparency and enable increased use of operational data. Identify and direct administrative initiatives to ensure PTAB's staffing is sufficient and appropriate to support the Board's size and workload.							
Rating Official Narrative: (Optional)							
Critical Element Rating – Business Acumen	Level 5	Level 4	Level 3	Level 2	Level 1		
		!	[
Critical Element 4. Building Coalitions		(IV	Tinimum weig	ht 5 points)	Weight 10%		
Critical Element 4. Building Coalitions Mandatory Performance Requirement: Solicits a customers. Coordinates with appropriate parties facilitate an open exchange of opinion from diver advocates, and expresses facts and ideas in a con externally, as appropriate. Develops a profession external politics that affect the work of the organ Agency-Specific Performance Requirements	to maximize inpurse groups and strowincing manner and later to the control of the	dback from int it from the wid engthen interi nd negotiates	ernal and extendest range of a nal and external with individua	ernal stakeholo ppropriate sta al support. Ex Is and groups	ders or akeholders to plains, internally and		
Mandatory Performance Requirement: Solicits a customers. Coordinates with appropriate parties facilitate an open exchange of opinion from diver advocates, and expresses facts and ideas in a con externally, as appropriate. Develops a profession external politics that affect the work of the organ	to maximize inpurse groups and stream to the stream of the	dback from int at from the wid engthen interi nd negotiates other organiza usiness units to prations and e	ernal and external and external and external and external and identifications and identifications and identification opposes understandin	ernal stakeholo ppropriate sta al support. Ex Is and groups tifies the inter strategies for a prtunities with g. Collect pub	ders or akeholders to plains, internally and nal and achieving a examiners.		
Mandatory Performance Requirement: Solicits a customers. Coordinates with appropriate parties facilitate an open exchange of opinion from diver advocates, and expresses facts and ideas in a con externally, as appropriate. Develops a profession external politics that affect the work of the organ Agency-Specific Performance Requirements Collaborate and share information within PTAB auspropriate used to educate about PTAB practian about PTAB proceedings to guide enhancements	to maximize inpurse groups and stream to the stream of the	dback from int at from the wid engthen interi nd negotiates other organiza usiness units to prations and e	ernal and external and external and external and external and identifications and identifications and identification opposes understandin	ernal stakeholo ppropriate sta al support. Ex Is and groups tifies the inter strategies for a prtunities with g. Collect pub	ders or akeholders to plains, internally and nal and achieving a examiners.		

Critical Element Rating – Building Coalitions	evel 5	l.evel 4	T	Level 3	Level 2	Level 1			
Executive Name and ID: Boalick, Scott R. Appraisal Period: 10/1/20 - 9/30/21									
Critical Element 5. Results Driven (Minimum Weight 20 points) Weight 60%									
This critical element must have at least 1 performance requirement (there is no maximum number of requirements, agency should specify if it sets a maximum number).									
This critical element includes specific performance requirements expected of the executive during the appraisal period, focusing on measurable results from the strategic plan or other measurable outputs and outcomes clearly aligned to organizational goals and objectives. At a minimum, the performance requirements must contain measurable results and their quality indicators describing the range of performance at Level 3 for each result specified. In addition to the quality indicators, applicable measures of quantity, timelines, and/or cost-effectiveness may be included as appropriate. It is recommended to also establish the threshold quality indicators and measures for Levels 5 and 2. Indicators must reflect the same level of performance as the respective performance standard contained in Part 5.									
Strategic Alignment–identify clear, transparent alignment to agency strategic planning initiatives (e.g., relevant agency or organizational goals/objectives with cited page numbers from the Strategic Plan, Congressional Budget Justification/Annual Performance Plan, or other organizational planning document) in the designated section for each performance requirement.									
Note: Performance requirements must contain results and quality indicators that are clearly and differentially identified (e.g., highlighted, bold, underlined) so that it is readily evident on what the senior executive will be rated and what is expected for success.									
Performance Requirement 1: 25% Weight			Str	ategic Alig	nment:				
America Invents Act Trial Timeliness: Achieve AIA trial completion in compliance with applicable requirements in 12 months from institution, or in 18 months cases with extensions for good cause, for 95% of all AIA to joinder. Achieve issuance of AIA petition decisions on compliance with applicable legal requirements within stamonths for 95% of all AIA petitions.	subject in	FY 2018-2022 USPTO Strategic Plan, Goal 1 - Optimize Patent Quality and Timeliness, Objective 4 - Enhance Operations of the Patent Trial And Appeal Board							
Performance Requirement 2: 25% Weight				ategic Alig					
Ex Parte Appeal Timeliness:					! USPTO Strate nize Patent Qi	•			
Manage the average overall pendency for exparte appear	als, excludir	ng	1	neliness,	IIIZE Fatent Qi	idiity anu			
appeals for reexam and reissue proceedings, to resolve e	ex parte app	peals in a		•					
timely manner consistent with available resources, and in	mplement	programs		-	Enhance Oper				
to balance pendency across technologies.			—·• ·· — · ·	···	nd Appeal Bo	ard			
Performance Requirement 3: 25% Weight Strategic Alignment: FY 2018-2022 USPTO Strategic Plan, Goal 1 - Optimize Patent Quality and Timeliness,									
Ensure that PTAB judges render high quality, well-reason written orders and opinions in accordance with the authoritle 35 of the United States Code and Title 37 of the Cod	ority grante le of Federa	ed under al	Ob	jective 4 - I	Enhance Oper				
Regulations, binding case law precedent, and written guide PTAB proceedings issued by the Director or the Director's review of 25% of final AlA decisions, excluding rehearing decisions in cases on remand from the U.S. Court of Appel Circuit, and 2% of ex parte appeals decisions.	s delegate. decisions a	Ensure Ind	Pat	ent Tria l A	nd Appeal Bo	ard			

·						
Performance Requirement 4: 25% Weight	Strategic Alignment: FY 2018-2022 USPTO Strategic Plan,					
Effective Communications:			Goal 1 - Opti	mize Patent O	uality and	
Ensure clear, timely, and accurate communication to PTAB judges and staff, other USPTO business u		Timeliness,				
stakeholders to decrease uncertainty and increase transparency, and reliability.		Objective 4 - Enhance Operations of the Patent Trial And Appeal Board				
			:			
Rating Official Narrative: (Optional)					··	
Critical Element Rating – Results Driven	Level 5	Level 4	Level 3	Level 2	Level 1	

Executive Name and ID: Boalick, Scott R.	Appraisal Period: 10/1/20 - 9/30/21
Part 6: Summary Rating Narrative (Mandatory)	
Part 7: Executive's Accomplishment Narrative (Optional)	the same of the same of the same of
Part 8: Agency Use	

Derlying the Results Driven Rating Worksheet

Executive Name	Rating Period
LACCULIVE MAINE	nating renou

Results Driven Performance Requirements (PR)	Performance Requirement Rating Level Score	Weight (multiply by)	Performance Requirement Points Score	Point Ranges to Rating Level Score	Results Driven Initial Element Score
Performance Requirement 1		142 11		Points 475 – 500 = Level 5 Rating Score Points 400 – 474 = Level 4 Rating Score	
Performance Requirement 2				Points 300 – 399 = Level 3 Rating Score Points 200 – 299 = Level 2 Rating	
Performance Requirement 3				Score Any PR rated Level 1 overall score must be = Level 1 Rating Score	
Performance Requirement 4					
		= 100%	建		
Performance Requirement Total Score				= Level	

Example of Results Driven Element Being Rated Level 4

Results Driven Performance Requirements (PR)	Performance Requirement Rating Level Score	Weight (multiply by)	Performance Requirement Points Score	Point Ranges to Rating Level Score	Results Driven Initial Element Score
Table Service	THE REAL PROPERTY.	100		Points 475 – 500 = Level 5 Rating	CONTRACTOR OF THE PARTY OF THE
Performance Requirement 1	4	x 25	100	Score Points 400 – 474 = Level 4 Rating	
Performance Requirement 2	5	x 30	150	Score Points 300 – 399 = Level 3 Rating	
Performance Requirement 3	5	x 15	75	Score Points 200 – 299 = Level 2 Rating	
Performance Requirement 4	3	x 30	90	Score Any PR rated Level 1 overall score	
ATTENDED TO THE	1000000	= 100%	The state of the	must be = Level 1 Rating Score	The second
Performance Requirement Total Score		Y.	415	415= Level 4	4*

^{*}Results Driven Rating is 4 – to be transferred to Initial Element Score beside Results Driven Critical Element on the bottom of page 1.

SES Performance Management System Executive Performance Agreement



Part 1. Consultation. 1 h	ave revie	wed this plan	and have been d	consulted	on its dev	elopm	ent.			
Executive's Name (Last, First, MI): Boalick, Scott R.							Appraisal Pd. 10/1/19 - 9/30/20			
Executive's Signature: (b)(6)						Date: 9/30/2019				
Title: Chief Administrativ	e Patent	Judge						ization: P		
Rating Official's Name (Lo		MI): Peter, La	iura A.		82		CA 🖂	NC L	T/LE	
Rating Official's Signature	(b)(6)						Date:	9/30	12	019
Part 2. Progress Review	-							1		
Executive's Signature:							Date:			
Rating Official's Signature	2:				7 11 W.272		Date:			
Reviewing Official's Signa	ture (Opt	ional):					Date:			
Part 3. Summary Rating	THE T				-					
Initial Summary Rating	Level S Level 4 Level 3 Pating Outstanding Commendable Fully Successful						Leve Ainimal atisfact	ly	Un:	Level 1 satisfactory
Rating Official's Name (Lo	ist, First, I	MI):								
Rating Official's Signature: Date:										
Executive's Signature:		0.00					Date:			
Reviewing Official's Signa	ture (Opt	ional):					Date:			
Higher Level Review (if a	pplicable)									
I request a higher leve	el review.	Executive's	s Initials:				Date:			
Higher Level Review Com	pleted						Date:			
Higher Level Reviewer Sig	nature:									
Performance Review Boa	rd Recon	nmendation	Level 5		Level 4	Le	evel 3	Leve	12	Level 1
PRB Chair Signature:								Date:		4
Annual Summary Rating			Level 5		Level 4	Le	evel 3	Leve	12	Level 1
Appointing Authority Sign	ature:	W				701		Date:		
Part 4. Derivation Formu	la and Ca	Iculation of	Annual Summary	Rating		11	7 34			NE - B
	Elem	ent Rating			Score					
Critical Element	Initial	Final (if changed) Weight	Initial	Fina (if chan			Summary	Lovo	l Dangos
1. Leading Change	iiiiciai	(ii changed	10%	iiii(iai	(ii ciiali	geuj				
2. Leading People			10%					475-500		
3. Business Acumen			10%					400-474 300-399		
4. Building Coalitions			10%					200-299		
5. Results Driven	(p) 15 %		60%				Anv			1 1 = Level 1
Total	100 points									

Part 5. Performance Standards and Critical Elements

Performance Standards for Critical Elements (The performance standard for each critical element is specified below; examples for the top three performance levels can be found in the system description)

- Level 5: The executive demonstrates exceptional performance, fostering a climate that sustains excellence and optimizes results in the executive's organization, agency, department or Governmentwide. This represents the highest level of executive performance, as evidenced by the extraordinary impact on the achievement of the organization's mission. The executive is an inspirational leader and is considered a role model by agency leadership, peers, and employees. The executive continually contributes materially to or spearheads agency efforts that address or accomplish important agency goals, consistently achieves expectations at the highest level of quality possible, and consistently handles challenges, exceeds targets, and completes assignments ahead of schedule at every step along the way.
- Level 4: The executive demonstrates a very high level of performance beyond that required for successful performance in the executive's position and scope of responsibilities. The executive is a proven, highly effective leader who builds trust and instills confidence in agency leadership, peers, and employees. The executive consistently exceeds established performance expectations, timelines, or targets, as applicable.
- Level 3: The executive demonstrates the high level of performance expected and the executive's actions and leadership contribute positively toward the achievement of strategic goals and meaningful results. The executive is an effective, solid, and dependable leader who delivers high-quality results based on measures of quality, quantity, efficiency, and/or effectiveness within agreed upon timelines. The executive meets and sometimes exceeds challenging performance expectations established for the position.
- Level 2: The executive's contributions to the organization are acceptable in the short term but do not appreciably advance the organization towards achievement of its goals and objectives. While the executive generally meets established performance expectations, timelines and targets, there are occasional lapses that impair operations and/or cause concern from management. While showing basic ability to accomplish work through others, the executive may demonstrate limited ability to inspire subordinates to give their best efforts or to marshal those efforts effectively to address problems characteristic of the organization and its work.
- Level 1: In repeated instances, the executive demonstrates performance deficiencies that detract from mission goals and objectives. The executive generally is viewed as ineffectual by agency leadership, peers, or employees. The executive routinely does not meet established performance expectations/timelines/targets and fails to produce or produces unacceptable work products, services, or outcomes.

-1.			45.	1 1	D
FIR	men	IT KA	TINE	Level	Points

Level 5 = 5 points

Level 4 = 4 points

Level 3 = 3 points

Level 2 = 2 points

Level 1 = 0 points

Critical Element 1. Leading Change		1)	Minimum weig	ght 5 points) Weight 10%
Mandatory Performance Requirement: Develop organizational and program goals, priorities, valuimplementing innovative solutions to make organ major shifts in direction or approach, as appropriservice and program performance; creates a work transparency; and maintains program focus, even Agency-Specific Performance Requirements	es, and other fact nizational improv ate. Balances cha k environment t h	tors. Assesses vements, rangir ange and conti nat encourages	and adjusts to ng from increm inuity; continu	o changing situations, nental improvements to ally strives to improve
Implement Presidential directives for enhancing Implement Director's objectives for enhancing of the organizational staffing, policies, and procedu precedential opinions, and guidance to stakehold	perations of USP ures, as needed. I	PTO and PTAB. Lead PTAB thr	Optimize PTA ough enhance	AB operations by modifying ements of rules of practice,
Rating Official Narrative: (Optional)				
Critical Element Rating – Leading Change	Level 5	Level 4	Level 3	Level 2 Level 1
Critical Element 2. Leading People Mandatory Performance Requirement: Designs a the organization horizontally and vertically, and for and goals. Provides an inclusive workplace that for participation by all employees; facilitates collabor of conflicts. Ensures employee performance plans receive constructive feedback, and that employee performance standards. Holds employees account considers employee input. Recruits, retains, and of that reflects the nation, with the skills needed to a workforce diversity, workplace inclusion, and equi	osters high ethica osters the develo ation, cooperations are aligned with as are realistically otable for appropole develops the tale accomplish organ	strategies that al standards in opment of othe on, and teamwo h the organizat y appraised aga riate levels of p ent needed to a nizational perfo	maximize emplemeeting the ours to their fullors, and supportion's mission abinst clearly deperformance abichieve a high pormance objecting the community of the community and the community of th	organization's vision, mission, potential; allows for full orts constructive resolution and goals, that employees fined and communicated and conduct. Seeks and quality, diverse workforce
Agency-Specific Performance Requirements Lead, develop, and implement actions to improgathered from sources including the USPTO Fand other initiatives. Promotes the protection of whistleblowers by:	People Survey, F	rederal Emplo	oyee Viewpoii	nt Survey, focus g roups
described in subparagraph (A) or (B) of section fostering an environment in which employees a employees or other appropriate authorities. Serve as Chief Judge and perform Business Unit H	on $2302(b)(8)$; to of the agency fed	aking respons el comfortable as appropriate.	sible actions to e making disc . Provide police	to resolve disclosures; and closures to supervisory
guidance to the PTAB. Ensure PTAB employees ar nationwide talent. Rating Official Narrative: (Optional)	e efficiently wor	king on missic	on-critical task	s. Retain and leverage
Critical Element Rating - Leading People	Level 5	Level 4	Level 3	Level 2 Level 1

Level 2

Level 1

Level 3

Level 4

Level 5

Critical Element Rating - Building Coalitions

Critical Element 5. Results Driven

(Minimum Weight 20 points) Weight 60%

This critical element must have at least 1 performance requirement (there is no maximum number of requirements, agency should specify if it sets a maximum number).

This critical element includes specific performance requirements expected of the executive during the appraisal period, focusing on measurable results from the strategic plan or other measurable outputs and outcomes clearly aligned to organizational goals and objectives. At a minimum, the performance requirements must contain measurable results and their quality indicators describing the range of performance at Level 3 for each result specified. In addition to the quality indicators, applicable measures of quantity, timelines, and/or cost-effectiveness may be included as appropriate. It is recommended to also establish the threshold quality indicators and measures for Levels 5 and 2. Indicators must reflect the same level of performance as the respective performance standard contained in Part 5.

Strategic Alignment-identify clear, transparent alignment to agency strategic planning initiatives (e.g., relevant agency or organizational goals/objectives with cited page numbers from the Strategic Plan, Congressional Budget Justification/Annual Performance Plan, or other organizational planning document) in the designated section for each performance requirement.

Note: Performance requirements must contain results and quality indicators that are clearly and differentially identified (e.g., highlighted, bold, underlined) so that it is readily evident on what the senior executive will be rated and what is expected for success.

5

Performance Requirement 1: 25% Weight

Strategic Alignment:

America Invents Act Trial Timeliness:

Achieve AIA trial completion in compliance with applicable legal requirements in 12 months from institution, or in 18 months from institution in cases with extensions for good cause, for 95% of all AIA trials not subject to joinder. Achieve issuance of AIA petition decisions on institution in compliance with applicable legal requirements within statutory period of 3 months for 95% of all AIA petitions.

FY 2018-2022 USPTO Strategic Plan, Goal 1 - Optimize Patent Quality and Timeliness.

Objective 4 - Enhance Operations of the Patent Trial And Appeal Board

Performance Requirement 2: 25% Weight

Strategic Alignment:

FY 2018-2022 USPTO Strategic Plan, Goal 1 - Optimize Patent Quality and Timeliness,

Ex Parte Appeal Timeliness:

Manage the average overall pendency for exparte appeals, excluding appeals for reexam and reissue proceedings, to resolve exparte appeals in a timely manner consistent with available resources, and implement programs to balance pendency across technologies.

Objective 4 - Enhance Operations of the Patent Trial And Appeal Board

Strategic Alignment:

FY 2018-2022 USPTO Strategic Plan, Goal 1 - Optimize Patent Quality and Timeliness,..

Performance Requirement 3: 25% Weight

Objective 4 - Enhance Operations of the Patent Trial And Appeal Board

PTAB Decision Consistency:

Ensure that PTAB judges render high quality, well-reasoned, and consistent written orders and opinions in accordance with the authority granted under Title 35 of the United States Code and Title 37 of the Code of Federal Regulations, binding case law precedent, and written guidance applicable to PTAB proceedings issued by the Director or the Director's delegate. Ensure review of 25% of final AIA decisions, excluding rehearing decisions and decisions in cases on remand from the U.S. Court of Appeals for the Federal Circuit, and 2% of exparte appeals decisions.

Performance Requirement 4: 25% Weight

Effective Communications:

Ensure clear, timely, and accurate communications concerning PTAB matters to PTAB judges and staff, other USPTO business units, and external

Strategic Alignment: FY 2018-2022 USPTO Strategic Plan, Goal 1 - Optimize Patent Quality and

Timeliness,

stakeholders to decrease uncertainty and inc transparency, and reliability.	eholders to decrease uncertainty and increase predictability, sparency, and reliability.			Objective 4 - Enhance Operations of t Patent Trial And Appeal Board				
Rating Official Narrative: (Optional)	··			<u>.</u>				
				<u> </u>				
Critical Element Rating – Results Driven	Level 5	Level 4	Level 3	Level 2	Level 1			

Deriving the Results Driven Rating Worksheet

Executive Name	Rating Period	
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Results Driven Performance Requirements (PR)	Performance Requirement Rating Level Score	Weight (multiply by)	Performance Requirement Points Score	Point Ranges to Rating Level Score	Results Driven Initial Element Score
Performance Requirement 1 Performance Requirement 2 Performance Requirement 3 Performance Requirement 4		400%		Points 475 – 500 = Level 5 Rating Score Points 400 – 474 = Level 4 Rating Score Points 300 – 399 = Level 3 Rating Score Points 200 – 299 = Level 2 Rating Score Any PR rated Level 1 overall score must be = Level 1 Rating Score	
Performance Requirement Total Score		= 100%		= Level	

Example of Results Driven Element Being Rated Level 4

Results Driven Performance Requirements (PR)	Performance Requirement Rating Level Score	Weight (multiply by)	Performance Requirement Points Score	Point Ranges to Rating Level Score	Results Driven Initial Element Score
TABLE OF	Post Sill as		THE A TRUE	Points 475 – 500 = Level 5 Rating	
Performance Requirement 1	4	x 25	100	Score Points 400 – 474 = Level 4 Rating	
Performance Requirement 2	5	x 30	150	Score -Points 300 – 399 = Level 3 Rating	
Performance Requirement 3	5	x 15	75	Score Points 200 – 299 = Level 2 Rating	
Performance Requirement 4	3	x 30	90	Score Any PR rated Level 1 overall score	
NOTES OF		= 100%	DATE STATE	must be = Level 1 Rating Score	EAST STATE
Performance Requirement Total Score			415	415= Level 4	4*

^{*}Results Driven Rating is 4 – to be transferred to Initial Element Score beside Results Driven Critical Element on the bottom of page 1.

SES Performance Management System Executive Performance Agreement



Part 1. Consultation. 1 h	ave review	ved this plan an	d have been	consulte	d on its dev	velopme	nt.	
Executive's Name (Last, F	irst, MI): E	Boalick, Scott R				1	Apprai	sal Pd. 3/13/19 -9/30/19
Executive's Signature: (b)(6)						1	Date:	3/25/19
Title: Chief Administrativ	e Patent J	udge				(Organi	zation: PTAB
Rating Official's Name (Lo	ast, First, N	///): Peter, Laura	a A.			(CA 🖂	NC LT/LE
Rating Official's Signature	e: (b)(6)					1	Date:	4/24/2019
Part 2. Progress Review								
Executive's Signature:	(b)(6)				- 1	Date:	4/24/16
Rating Official's Signature	e: (b)(6)						Date:	4/24/16
Reviewing Official's Signa	ture (Opti	onal):					Date:	1. 11
Part 3. Summary Rating					4 1016	TIL		
Initial Summary Rating	(b)(6)	998						
Rating Official's Name (Lo	ast, First, N	11): Kera	2, LAM	4	4.			
Rating Official's Signature	(b)(6)					1	Date:	11/1/2019
Executive's Signature:	(b)(6)					Date: 11/1/2019	
Reviewing Official's Signa	ture (Opti	onal):					Date:	
Higher Level Review (if a	pplicable)							
I request a higher lev	el review.	Executive's Ir	nitials:				Date:	
Higher Level Review Com	pleted						Date:	
Higher Level Reviewer Si	gnature:							
Performance Review Boo	ard Recom	mendation	Level	5 [Level 4	Lev	vel 3	Level 2 Level 1
PRB Chair Signature:								Date:
Annual Summary Rating			Level	5	Level 4	Lev	vel 3	Level 2 Level 1
Appointing Authority Sign	nature:					-		Date:
Part 4. Derivation Form	ula and Ca	lculation of An	nual Summa	ry Rating	3	TT		
	Elem	ent Rating Final			Score	nal		
Critical Element	Initial	(if changed)	Weight	Initia			, (Summary Level Ranges
	(b)(6)		10%	(b)(6)				475-500 = Level 5
2. Leading People			10%					475-500 = Level 5 400-474 = Level 4
Business Acumen Building Coalitions	4		10%					300-399 = Level 3
4. Building Coalitions			10%					200-299 = Level 2
5. Results Driven			60%				Anv	CE rated Level 1 = Level 1
Total	HE I'V	WEST STATE	100 points					The second secon

Part 5. Performance Standards and Critical Elements

Performance Standards for Critical Elements (The performance standard for each critical element is specified below; examples for the top three performance levels can be found in the system description)

- Level 5: The executive demonstrates exceptional performance, fostering a climate that sustains excellence and optimizes results in the executive's organization, agency, department or Governmentwide. This represents the highest level of executive performance, as evidenced by the extraordinary impact on the achievement of the organization's mission. The executive is an inspirational leader and is considered a role model by agency leadership, peers, and employees. The executive continually contributes materially to or spearheads agency efforts that address or accomplish important agency goals, consistently achieves expectations at the highest level of quality possible, and consistently handles challenges, exceeds targets, and completes assignments ahead of schedule at every step along the way.
- Level 4: The executive demonstrates a very high level of performance beyond that required for successful performance in the executive's position and scope of responsibilities. The executive is a proven, highly effective leader who builds trust and instills confidence in agency leadership, peers, and employees. The executive consistently exceeds established performance expectations, timelines, or targets, as applicable.
- Level 3: The executive demonstrates the high level of performance expected and the executive's actions and leadership contribute positively toward the achievement of strategic goals and meaningful results. The executive is an effective, solid, and dependable leader who delivers high-quality results based on measures of quality, quantity, efficiency, and/or effectiveness within agreed upon timelines. The executive meets and sometimes exceeds challenging performance expectations established for the position.
- Level 2: The executive's contributions to the organization are acceptable in the short term but do not appreciably advance the organization towards achievement of its goals and objectives. While the executive generally meets established performance expectations, timelines and targets, there are occasional lapses that impair operations and/or cause concern from management. While showing basic ability to accomplish work through others, the executive may demonstrate limited ability to inspire subordinates to give their best efforts or to marshal those efforts effectively to address problems characteristic of the organization and its work.
- Level 1: In repeated instances, the executive demonstrates performance deficiencies that detract from mission goals and objectives. The executive generally is viewed as ineffectual by agency leadership, peers, or employees. The executive routinely does not meet established performance expectations/timelines/targets and fails to produce or produces unacceptable work products, services, or outcomes.

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Level 5 = 5 points
Level 4 = 4 points
Level 3 = 3 points
Level 2 = 2 points
Level 1 = 0 points

Critical Element 1. Leading Change		(№	/linimum weig	ht 5 points)	Weight 10%		
Mandatory Performance Requirement: Develops and implements an organizational vision that integrates key organizational and program goals, priorities, values, and other factors. Assesses and adjusts to changing situations, implementing innovative solutions to make organizational improvements, ranging from incremental improvements to major shifts in direction or approach, as appropriate. Balances change and continuity; continually strives to improve service and program performance; creates a work environment that encourages creative thinking, collaboration, and transparency; and maintains program focus, even under adversity.							
Agency-Specific Performance Requirements							
Implement Presidential directives for enhancing operation of federal government agencies (e.g., Executive Orders). Implement Director's objectives for enhancing operations of USPTO and PTAB. Optimize PTAB operations by modifying the organizational structure, policies, and procedures, as needed. Lead PTAB through enhancements of rules of practice, precedential opinions, and guidance to stakeholders to ensure balance, reliability, transparency, and predictability.							
Rating Official Narrative: (Optional)							
Critical Element Rating – Leading Change	Level 5	Leve I 4	Level 3	Level 2	Level 1		
Critical Element 2. Leading People		(N	/linimum weig	ht 5 points)	Weight 10%		
Mandatory Performance Requirement: Designs and implements strategies that maximize employee potential, connects the organization horizontally and vertically, and fosters high ethical standards in meeting the organization's vision, mission, and goals. Provides an inclusive workplace that fosters the development of others to their full potential; allows for full participation by all employees; facilitates collaboration, cooperation, and teamwork, and supports constructive resolution of conflicts. Ensures employee performance plans are aligned with the organization's mission and goals, that employees receive constructive feedback, and that employees are realistically appraised against clearly defined and communicated performance standards. Holds employees accountable for appropriate levels of performance and conduct. Seeks and considers employee input. Recruits, retains, and develops the talent needed to achieve a high quality, diverse workforce that reflects the nation, with the skills needed to accomplish organizational performance objectives while supporting workforce diversity, workplace inclusion, and equal employment policies and programs.							
Agency-Specific Performance Requirements							
Lead, develop, and implement actions to improve employee engagement in your area based on employee feedback gathered from sources including the USPTO People Survey, Federal Employee Viewpoint Survey, focus groups and other initiatives.							
Promotes the protection of whistleblowers by: responding constructively when an employee makes disclosures described in subparagraph (A) or (B) of section 2302(b)(8); taking responsible actions to resolve disclosures; and fostering an environment in which employees of the agency feel comfortable making disclosures to supervisory employees or other appropriate authorities.							
employees or other appropriate authorities.		er consjortast	O	crosures to su	ipervisory		

Rating Official Narrative: (Optional)					
Critical Element Rating – Leading People	Level 5	Level 4	Level 3	Level 2	Level 1
Executive Name and ID: Boalick, Scott R.			Appraisal Per	iod: 3/13/19	-9/30/19
Critical Element 3. Business Acumen		(n	/linimum weig	tht 5 points)	Weight 10%
Mandatory Performance Requirement: Assesses					
information resources in a manner that instills put to enhance processes and decision making. Execu		•	•		•
and manages resources.		5 baaget, prep			
Agency-Specific Performance Requirements					
Support development of improved PTAB IT syste	m and system inf	tegration Ma	nage allocatio	n of hudget re	esources to
accommodate business unit needs. Develop and		_	_	_	
operational data. Identify and direct administrat		-	•		
and appropriate to support the Board's size and	workload.				
Rating Official Narrative: (Optional)			-		
Critical Element Rating – Business Acumen	Level 5	Level 4	Level 3	Level 2	Level 1
Critical Element 4. Building Coalitions			linimum weig	ht 5 points)	Weight 10%
Mandatory Performance Requirement: Solicits a					
customers. Coordinates with appropriate parties facilitate an open exchange of opinion from divers	•		_		
advocates, and expresses facts and ideas in a con-					
externally, as appropriate. Develops a profession		ther organizat	tions and iden	tifies the inter	nal and
external politics that affect the work of the organic Agency-Specific Performance Requirements	ization.				
Agency-specific refrontiance requirements					
Collaborate and share information within PTAB a	and with other bu	usiness units t	o implement s	strategies for	achieving
USPTO and/or PTAB objectives. Pursue formal or			• •		
Interact with public to educate about PTAB pract					
about PTAB proceedings to guide enhancements transparency, and predictability.	or policies and p	rocedures to p	promote baiai	nce, renability	,
Rating Official Narrative: (Optional)					

	<u></u> -
Critical Element Rating — Building Coalitions	Level 3 Level 2 Level 1
Executive Name and ID: Boalick, Scott R. Apprai	sal Period: 3/13/19 – 9/30/19
Critical Element 5. Results Driven (Mi	nimum Weight 20 points) Weight 60%
This critical element must have at least 1 performance requirement (there is no	
should specify if it sets a maximum number).	,
This critical element includes specific performance requirements expected of the focusing on measurable results from the strategic plan or other measurable outporganizational goals and objectives. At a minimum, the performance requirement their quality indicators describing the range of performance at Level 3 for each reindicators, applicable measures of quantity, timelines, and/or cost-effectiveness recommended to also establish the threshold quality indicators and measures for the same level of performance as the respective performance standard containents. Strategic Alignment—identify clear, transparent alignment to agency strategic plan organizational goals/objectives with cited page numbers from the Strategic Plan Performance Plan, or other organizational planning document) in the designated	outs and outcomes clearly aligned to ints must contain measurable results and esult specified. In addition to the quality may be included as appropriate. It is or Levels 5 and 2. Indicators must reflect in Part 5. Inning initiatives (e.g., relevant agency or , Congressional Budget Justification/Annual
Note: Performance requirements must contain results and quality indicators the (e.g., highlighted, bold, underlined) so that it is readily evident on what the senion papers of for success.	
expected for success. Performance Requirement 1: 25% Weight	Strategic Alignment:
America Invents Act Trial Timeliness:	FY 2018-2022 USPTO Strategic Plan,
Achieve AIA trial completion in compliance with applicable legal	Goal 1 - Optimize Patent Quality and
requirements in 12 months from institution, or in 18 months from institution	Timeliness,
in cases with extensions for good cause, for 95% of all AIA trials not subject	Objective 4 Fabruary Operations of the
to joinder. Achieve issuance of AIA petition decisions on institution in compliance with applicable legal requirements within statutory period of 3	Objective 4 - Enhance Operations of the
months for 95% of all AIA petitions.	Patent Trial And Appeal Board
Thomas for 35% of all AIA pecialons.	
Performance Requirement 2: 25% Weight	Strategic Alignment:
	FY 2018-2022 USPTO Strategic Plan,
Ex Parte Appeal Timeliness:	Goal 1 - Optimize Patent Quality and
Manage the average overall pendency for ex parte appeals, excluding	Timeliness,
appeals for reexam and reissue proceedings, to resolve ex parte appeals in a	
timely manner consistent with available resources, and implement programs	Objective 4 - Enhance Operations of the
to balance pendency across technologies.	Patent Trial And Appeal Board
Performance Requirement 3: 25% Weight	Strategic Alignment:
DTAR Decision Consistency	FY 2018-2022 USPTO Strategic Plan,
PTAB Decision Consistency: Ensure that PTAB judges render high quality, well-reasoned, and consistent	Goal 1 - Optimize Patent Quality and
Ensure that PTAB judges render high quality, well-reasoned, and consistent written orders and opinions in accordance with the authority granted under	Timeliness,
Title 35 of the United States Code and Title 37 of the Code of Federal	Objective 4 - Enhance Operations of the
Regulations, binding case law precedent, and written guidance applicable to	Patent Trial And Appeal Board
PTAB proceedings issued by the Director or the Director's delegate. Ensure	Tatent Hidi And Appeal board
_ · · · · · · · · · · · · · · · · · · ·	
review of 25% of final AIA decisions, excluding rehearing decisions and	

decisions in cases on remand from the U.S. Court of Appeals for the Fede	eral
Circuit, and 2% of exparte appeals decisions.	
Performance Requirement 4: 25% Weight	Strategic Alignment: FY 2018-2022 USPTO Strategic Plan,
Effective Communications:	Goal 1 - Optimize Patent Quality and
Ensure clear, timely, and accurate communications concerning PTAB mat	ters Timeliness,
to PTAB judges and staff, other USPTO business units, and external	
stakeholders to decrease uncertainty and increase predictability,	Objective 4 - Enhance Operations of the
transparency, and reliability.	Patent Trial And Appeal Board
Rating Official Narrative: (Optional)	
Critical Element Rating – Results Driven	evel 4 Level 3 Level 2 Level 1

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Deriving the Results Driven Rating Worksheet

- · · · · · · · · · · · · · · · · · · ·	Rating Period
Executive Name	Rating Perion
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Results Driven Performance Requirements (PR)	Performance Requirement Rating Level Score	Weight (multiply by)	Performance Requirement Points Score	Point Ranges to Rating Level Score	Results Driven Initial Element Score
Performance Requirement 1 Performance Requirement 2 Performance Requirement 3	SCOTC			Points 475 – 500 = Level 5 Rating Score Points 400 – 474 = Level 4 Rating Score Points 300 – 399 = Level 3 Rating Score Points 200 – 299 = Level 2 Rating Score Any PR rated Level 1 overall score must be = Level 1 Rating Score	
Requirement 4		= 100%			
Performance Requirement Total Score	Hones Light			= Level	

Example of Results Driven Element Being Rated Level 4

Results Driven Performance Requirements (PR)	Performance Requirement Rating Level Score	Weight (multiply by)	Performance Requirement Points Score	Point Ranges to Rating Level Score	Results Driven Initial Element Score
	FET WELL	A	- Production	Points 475 – 500 = Level 5 Rating	The state of
Performance Requirement 1	4	x 25	100	Score Points 400 – 474 = Level 4 Rating	
Performance Requirement 2	5	x 30	150	Score Points 300 – 399 = Level 3 Rating	
Performance Requirement 3	5	x 15	75	Score Points 200 – 299 = Level 2 Rating	12.55
Performance Requirement 4	3	x 30	90	Score Any PR rated Level 1 overall score	
	A THURST	= 100%		must be = Level 1 Rating Score	
Performance Requirement Total Score			415	415= Level 4	4*

^{*}Results Driven Rating is 4 – to be transferred to Initial Element Score beside Results Driven Critical Element on the bottom of page 1.

Scott R. Boalick, Chief Administrative Patent Judge FY19 End-of-Year Performance Narrative

Summary

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Critical Element 1: Leading Change

AIA Trials & Ex Parte Appeals

Implementation of USF	PTO §101	Guidance by	<u>/ PTAB</u> .

(b)(6)			
Claim Construction Final Rule. (b)(6)			
Motions to Amend in AIA Trials.		39	6
o <u>Pilot Program</u> .	E		
(b)(6)			

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	Reissue/Reexam Information to Public. (b)(6)	
	o Burden of Proof NPRM.	
	(b)(6)	X
	Twiel Bunetics Cuide (TBC) Undete	ï
•	Trial Practice Guide (TPG) Update. (b)(6)	
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•	Precedential Opinion Process (POP) and Board Precedent.	
	(b)(6)	
•	Paneling Process.	
	(b)(6)	
•		
	p)(6)	
•	<u>Data Studies</u> .	
(b)(6)	

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<u>learings</u>	5		\$%
6)			

Reorganization, Hiring, Onboarding, and Modeling

)	<u>Reorganization</u> .
85	O Judge Divisions.
	(b)(6)
	Hiring and Onboarding.
	o <u>Judges</u> .
	(b)(6)
	Patent Attorney.
	(b)(6)
	o <u>Law Clerk</u> .
	(b)(6)
	O Board Operations Division.
	(b)(6)
	o <u>Detailees</u> .
	(b)(6)

• <u>IVI</u>	lodeling.		
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<u>Critica</u>	l Element 2: Leading People		W 3(4)
Serve a	s Chief Judge		
100	dge Advisory Committee (JAC).		
	(b)(6)		
• <u>Al</u>	A Review Committee (ARC).		e. •
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• PA	AP Committee.		
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	rvey Committee.	Δ.	ř
	b)(6)		
	rgaining Units.		Ŋ.
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<i>Pol</i> (b)(6)	licy and Guidance Direction	

(b)(6)	
<u>Business Unit Head Functions</u>	
b)(6)	

(b)(6)	
<u>Motivate Employees</u>	
(b)(6)	
Critical Element 3: Business Acumen	
Advance Improved IT systems	
Internal Reports.	
(b)(6)	
Public Reports.	
(b)(6)	

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PTAB Website.	39 (946)	88 5	a 1 5	60	99 8	
(b)(6)						
		30		88		
nage Budget						58

Develop Management Team Capabilities
(b)(6)
Critical Element 4: Building Coalitions Collaborate with Other Business Units (e.g., to reduce ex parte appeal
inventory within AIA trial limits imposed by statutory deadlines)
Office of the Under Secretary:
(b)(6)

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•	PPAC.			
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•	Stakeholder Meetings.			
	(b)(6)			
•	Webinars.			8
SI	(b)(6)			
•	Speaking Engagements.			
	(b)(6)			

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Critical Element 5: Results Driven	8 6 36
Performance Requirement 1, AIA Trial Timeliness	
(b)(6)	
Performance Requirement 2, Ex Parte Inventory	
(b)(6)	

(b)(6)	
Quarterly Appeals Close-out Program.	
(b)(6)	
Technology Re-Balancing Program.	
(b)(6)	
erformance Requirement 3, PTAB Decision Consistency	
5)	

SES Performance Management System Executive Performance Agreement



Part 1. Consultation. //	nave reviev	ved this plan an	d have been	consulte	d on its	developme	ent.	
Executive's Name (Last, First, MI): Boalick, Scott R.					Apprai	sal Pd. 3/13/19-9/30/19		
Executive's Signature: (b)(6)						Date:	3/25/19	
Title: Chief Administrati	ve Patent J	ludge					Organi	zation: PTAB
Rating Official's Name (L	ast, First, N	///): Peter, Laur	a A.				CA 🖂	NC LT/LE
Rating Official's Signatur	e: (b)(6)						Date:	4/24/2019
Part 2. Progress Review								
Executive's Signature:	8	h					Date:	4/24/14
Rating Official's Signatur	e: (b)(6)						Date:	4/24/14
Reviewing Official's Sign	ature (Opti	ional):					Date:	
Part 3. Summary Rating	3							
Initial Summary Rating	(b)(6)							
Rating Official's Name (L	ast, First, I	VII): Pera	2, LAM	4	4.			
Rating Official's Signatur	e: (b)(6)						Date:	11/12/19
Executive's Signature:	(b)(6)					Date:	11/112019
Reviewing Official's Sign	Reviewing Official's Signature (Optional):					Date:		
Higher Level Review (if a	applicable)							
I request a higher lev	el review.	Executive's In	nitials:				Date:	
Higher Level Review Con	npleted						Date:	
Higher Level Reviewer S	ignature:							
Performance Review Bo	ard Recom	nmendation	Level	5 [Level	4 Le	vel 3	Level 2 Level
PRB Chair Signature:								Date:
Annual Summary Rating	7		Level	5 [Level	4 🔲 Le	evel 3	Level 2 Level
Appointing Authority Sig	gnature:							Date:
Part 4. Derivation Form	ula and Ca	alculation of An	nual Summa	ry Ratin	3			
	Elem	ent Rating			Score			
Fig. 18 and 18 and 18 and 18 and		Final				Final		
Critical Element	Initial (b)(6)	(if changed)	Weight	Initia	l (if c	changed)	- 5	Summary Level Ranges
Leading Change Leading People	(b)(6)		10%	(b)(6)				475-500 = Level 5
Business Acumen			10%	-				400-474 = Level 4
4. Building Coalitions			10%	-				300-399 = Level 3
5. Results Driven	1		60%					200-299 = Level 2
The state of the s							Any	CE rated Level 1 = Level
Total		45.55.5	100 points					

Part 5. Performance Standards and Critical Elements

Performance Standards for Critical Elements (The performance standard for each critical element is specified below; examples for the top three performance levels can be found in the system description)

- Level 5: The executive demonstrates exceptional performance, fostering a climate that sustains excellence and optimizes results in the executive's organization, agency, department or Governmentwide. This represents the highest level of executive performance, as evidenced by the extraordinary impact on the achievement of the organization's mission. The executive is an inspirational leader and is considered a role model by agency leadership, peers, and employees. The executive continually contributes materially to or spearheads agency efforts that address or accomplish important agency goals, consistently achieves expectations at the highest level of quality possible, and consistently handles challenges, exceeds targets, and completes assignments ahead of schedule at every step along the way.
- Level 4: The executive demonstrates a very high level of performance beyond that required for successful performance in the executive's position and scope of responsibilities. The executive is a proven, highly effective leader who builds trust and instills confidence in agency leadership, peers, and employees. The executive consistently exceeds established performance expectations, timelines, or targets, as applicable.
- Level 3: The executive demonstrates the high level of performance expected and the executive's actions and leadership contribute positively toward the achievement of strategic goals and meaningful results. The executive is an effective, solid, and dependable leader who delivers high-quality results based on measures of quality, quantity, efficiency, and/or effectiveness within agreed upon timelines. The executive meets and sometimes exceeds challenging performance expectations established for the position.
- Level 2: The executive's contributions to the organization are acceptable in the short term but do not appreciably advance the organization towards achievement of its goals and objectives. While the executive generally meets established performance expectations, timelines and targets, there are occasional lapses that impair operations and/or cause concern from management. While showing basic ability to accomplish work through others, the executive may demonstrate limited ability to inspire subordinates to give their best efforts or to marshal those efforts effectively to address problems characteristic of the organization and its work.
- Level 1: In repeated instances, the executive demonstrates performance deficiencies that detract from mission goals and objectives. The executive generally is viewed as ineffectual by agency leadership, peers, or employees. The executive routinely does not meet established performance expectations/timelines/targets and fails to produce or produces unacceptable work products, services, or outcomes.

Element Rating Level Points	
	Level 5 = 5 points Level 4 = 4 points Level 3 = 3 points Level 2 = 2 points
	Level 1 = 0 points

Critical Element 1. Leading Change				ht 5 points)			
Mandatory Performance Requirement: Develops and implements an organizational vision that integrates key organizational and program goals, priorities, values, and other factors. Assesses and adjusts to changing situations, implementing innovative solutions to make organizational improvements, ranging from incremental improvements to major shifts in direction or approach, as appropriate. Balances change and continuity; continually strives to improve service and program performance; creates a work environment that encourages creative thinking, collaboration, and transparency; and maintains program focus, even under adversity.							
Agency-Specific Performance Requirements							
Implement Presidential directives for enhancing Implement Director's objectives for enhancing of the organizational structure, policies, and procedential opinions, and guidance to stakehold	erations of USPTO aures, as needed. Le	and PTAB. (ead PTAB th	Optimize PTAI rough enhanc	B operations been been to be a second and the secon	oy modifying es of practice,		
Rating Official Narrative: (Optional)	···						
				·			
Critical Element Rating – Leading Change	Level 5	Leve 14	Level 3	Level 2	Level 1		
Critical Element 2. Leading People		(M	linimum weigl	ht 5 points)	Weight 10%		
Mandatory Performance Requirement: Designs and implements strategies that maximize employee potential, connects the organization horizontally and vertically, and fosters high ethical standards in meeting the organization's vision, mission, and goals. Provides an inclusive workplace that fosters the development of others to their full potential; allows for full participation by all employees; facilitates collaboration, cooperation, and teamwork, and supports constructive resolution of conflicts. Ensures employee performance plans are aligned with the organization's mission and goals, that employees receive constructive feedback, and that employees are realistically appraised against clearly defined and communicated performance standards. Holds employees accountable for appropriate levels of performance and conduct. Seeks and considers employee input. Recruits, retains, and develops the talent needed to achieve a high quality, diverse workforce that reflects the nation, with the skills needed to accomplish organizational performance objectives while supporting workforce diversity, workplace inclusion, and equal employment policies and programs.							
the organization horizontally and vertically, and for and goals. Provides an inclusive workplace that for participation by all employees; facilitates collabor of conflicts. Ensures employee performance plant receive constructive feedback, and that employees performance standards. Holds employees account considers employee input. Recruits, retains, and that reflects the nation, with the skills needed to	sters high ethical states the development of the sters the development of the sters the development of the sters the sters the sters the sters the sters the sters of the sterior of the sters of the sterior of the sters of the sterior of th	tandards in rent of other and teamwore organizate praised agate levels of preeded to a	meeting the or rs to their full pork, and suppo ion's mission a inst clearly de performance a ichieve a high ormance object	ganization's v potential; allow orts constructivend goals, that fined and com nd conduct. S quality, diverse	ision, mission, ws for full ve resolution employees imunicated eeks and e workforce		
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the organization horizontally and vertically, and for and goals. Provides an inclusive workplace that for participation by all employees; facilitates collabor of conflicts. Ensures employee performance plan receive constructive feedback, and that employee performance standards. Holds employees accour considers employee input. Recruits, retains, and that reflects the nation, with the skills needed to workforce diversity, workplace inclusion, and equ	esters high ethical states the developmentation, cooperation, as are aligned with the sare realistically appropriate levelops the talent recomplish organizate employment policione employee engagove employee engagores.	tandards in rent of other and teamwore organizate praised agate levels of preeded to a actional perforcies and pro	meeting the or rs to their full pork, and suppo- ion's mission a inst clearly de- performance a chieve a high ormance object grams.	rganization's v potential; allow orts constructive and goals, that fined and com nd conduct. S quality, diverse tives while sup	ision, mission, ws for full ve resolution employees imunicated eeks and e workforce opporting		
the organization horizontally and vertically, and for and goals. Provides an inclusive workplace that for participation by all employees; facilitates collabor of conflicts. Ensures employee performance plan receive constructive feedback, and that employee performance standards. Holds employees accour considers employee input. Recruits, retains, and that reflects the nation, with the skills needed to workforce diversity, workplace inclusion, and equivalence. Agency-Specific Performance Requirements Lead, develop, and implement actions to improgathered from sources including the USPTO 1.	sters high ethical states the development on, cooperation, a are aligned with this are realistically appropriately	tandards in rent of other and teamwork	meeting the ores to their full pork, and supported in the control of the control	rganization's vocation's vocation's vocation's allow ports constructive and goals, that fined and commod conduct. Squality, diversitives while supposed on employme Survey, food oyee makes divoresolve discovered to content of the co	ision, mission, ws for full ve resolution employees municated eeks and e workforce oporting vee feedback cus groups		

Rating Official Narrative: (Optional)					
Critical Element Rating – Leading People	Level 5	Level 4	Level 3	Level 2	Level 1
Executive Name and ID: Boalick, Scott R.			Appraisal Per	iod: 3/13/19	-9/30/19
Critical Element 3. Business Acumen		(1)	/linimum weig	tht 5 points)	Weight 10%
Mandatory Performance Requirement: Assesses					
information resources in a manner that instills pu to enhance processes and decision making. Execu		•	•		• • • • • • • • • • • • • • • • • • • •
and manages resources.	ates the operating	g buuget, prep	ares budget i	equests with j	ustifications,
Agency-Specific Performance Requirements					
Support development of improved PTAB IT syste	am and system in	tegration Ma	nage allocatio	n of hudget re	esources to
accommodate business unit needs. Develop and	=	_	_	_	
operational data. Identify and direct administrat		-	•		
and appropriate to support the Board's size and	workload.				
Rating Official Narrative: (Optional)			-		
,					
Critical Element Rating – Business Acumen	Level 5	Level 4	Level 3	Level 2	Level 1
	[] resel 2			Level 2	
Critical Element 4. Building Coalitions			1inimum weig		Weight 10%
Mandatory Performance Requirement: Solicits a customers. Coordinates with appropriate parties					
facilitate an open exchange of opinion from diver-	•		_		
advocates, and expresses facts and ideas in a con-	•	•		• •	•
externally, as appropriate. Develops a profession external politics that affect the work of the organ		other organiza	tions and iden	tifies the inter	rnal and
Agency-Specific Performance Requirements					
Collaborate and share information within PTAB			-	_	_
USPTO and/or PTAB objectives. Pursue formal or Interact with public to educate about PTAB pract			• •		
about PTAB proceedings to guide enhancements					
transparency, and predictability.				•	•
Datie Official Naviation (Outline)					·
Rating Official Narrative: (Optional)					

	Critical Element Rating — Building Coalitions Level 5 Level 4	Level 3 Level 2 Level 1
	Executive Name and ID: Boalick, Scott R. Appra	isal Period: 3/13/19 – 9/30/19
	Critical Element 5. Results Driven (Mi	inimum Weight 20 points) Weight 60%
	This critical element must have at least 1 performance requirement (there is no	
	should specify if it sets a maximum number).	
	This critical element includes specific performance requirements expected of the focusing on measurable results from the strategic plan or other measurable out organizational goals and objectives. At a minimum, the performance requirement their quality indicators describing the range of performance at Level 3 for each reindicators, applicable measures of quantity, timelines, and/or cost-effectiveness recommended to also establish the threshold quality indicators and measures for the same level of performance as the respective performance standard contained Strategic Alignment—identify clear, transparent alignment to agency strategic plan organizational goals/objectives with cited page numbers from the Strategic Plan	puts and outcomes clearly aligned to ints must contain measurable results and result specified. In addition to the quality may be included as appropriate. It is or Levels 5 and 2. Indicators must reflect ed in Part 5.
	Performance Plan, or other organizational planning document) in the designated requirement.	
	requirement.	
	Note: Performance requirements must contain results and quality indicators th (e.g., highlighted, bold, underlined) so that it is readily evident on what the senic expected for success.	
	Performance Requirement 1: 25% Weight	Strategic Alignment:
	America Invents Act Trial Timeliness:	FY 2018-2022 USPTO Strategic Plan,
	Achieve AIA trial completion in compliance with applicable legal	Goal 1 - Optimize Patent Quality and
	requirements in 12 months from institution, or in 18 months from institution	Timeliness,
	in cases with extensions for good cause, for 95% of all AIA trials not subject	Objective 4. Enhance Operations of the
	to joinder. Achieve issuance of AIA petition decisions on institution in compliance with applicable legal requirements within statutory period of 3	Objective 4 - Enhance Operations of the Patent Trial And Appeal Board
	months for 95% of all AIA petitions.	Patent Thai And Appeal Board
	months for 35% of all AIA petitions.	:
	Performance Requirement 2: 25% Weight	Strategic Alignment:
	•	FY 2018-2022 USPTO Strategic Plan,
	Ex Parte Appeal Timeliness:	Goal 1 - Optimize Patent Quality and
	Manage the average overall pendency for ex parte appeals, excluding	Timeliness,
	appeals for reexam and reissue proceedings, to resolve ex parte appeals in a	
	timely manner consistent with available resources, and implement programs	Objective 4 - Enhance Operations of the
	to balance pendency across technologies.	Patent Trial And Appeal Board
	Performance Requirement 3: 25% Weight	Strategic Alignment:
	PTAB Decision Consistency:	FY 2018-2022 USPTO Strategic Plan, Goal 1 - Optimize Patent Quality and
	Ensure that PTAB judges render high quality, well-reasoned, and consistent	Timeliness,
	written orders and opinions in accordance with the authority granted under	
	Title 35 of the United States Code and Title 37 of the Code of Federal	Objective 4 - Enhance Operations of the
- 1		
	Regulations, binding case law precedent, and written guidance applicable to	
	Regulations, binding case law precedent, and written guidance applicable to PTAB proceedings issued by the Director or the Director's delegate. Ensure	Patent Trial And Appeal Board
	•	

decisions in cases on remand from the U.S. Court of Appeals for the Federal Circuit, and 2% of exparte appeals decisions.			
Performance Requirement 4: 25% Weight	Strategic Alignment: FY 2018-2022 USPTO Strategic Plan,		
Effective Communications:	Goal 1 - Optimize Patent Quality and		
Ensure clear, timely, and accurate communications concerning PTAB matter	s Timeliness,		
to PTAB judges and staff, other USPTO business units, and external			
stakeholders to decrease uncertainty and increase predictability,	Objective 4 - Enhance Operations of the		
transparency, and reliability.	Patent Trial And Appeal Board		
Rating Official Narrative: (Optional)			
	······································		
Critical Element Rating – Results Driven	14 Level 3 Level 2 Level 1		

7

Deriving the Results Driven Rating Worksheet

Participation of the Control of the	D-41 - D-1-1
Executive Name	Rating Period

Results Driven Performance Requirements (PR)	Performance Requirement Rating Level Score	Weight (multiply by)	Performance Requirement Points Score	Point Ranges to Rating Level Score	Results Driven Initial Element Score
Performance Requirement 1 Performance Requirement 2				Points 475 – 500 = Level 5 Rating Score Points 400 – 474 = Level 4 Rating Score Points 300 – 399 = Level 3 Rating Score	
Performance Requirement 3				Points 200 – 299 = Level 2 Rating Score Any PR rated Level 1 overall score must be = Level 1 Rating Score	
Performance Requirement 4		= 100%			
Performance Requirement Total Score	House			= Level	

Example of Results Driven Element Being Rated Level 4

Results Driven Performance Requirements (PR)	Performance Requirement Rating Level Score	Weight (multiply by)	Performance Requirement Points Score	Point Ranges to Rating Level Score	Results Driven Initial Element Score
		- AF	100	Points 475 – 500 = Level 5 Rating	Teta so
Performance Requirement 1	4	x 25	100	Score Points 400 – 474 = Level 4 Rating	
Performance Requirement 2	5	x 30	150	Score Points 300-399 = Level 3 Rating	
Performance Requirement 3	5	x 15	75	Score Points 200 – 299 = Level 2 Rating	12.50
Performance Requirement 4	3	x 30	90	Score Any PR rated Level 1 overall score	
3 To 1 To 1		= 100%	731 - 12	must be = Level 1 Rating Score	
Performance Requirement Total Score			415	415= Level 4	4*

^{*}Results Driven Rating is 4 – to be transferred to Initial Element Score beside Results Driven Critical Element on the bottom of page 1.

Scott R. Boalick, Chief Administrative Patent Judge FY19 End-of-Year Performance Narrative

Summary

(b)(6)	

Critical Element 1: Leading Change

AIA Trials & Ex Parte Appeals

•	Implementation of USPTO §101 Guidance by PTAB.	
	(b)(6)	
•	Claim Construction Final Rule.	
(b	o)(6)	
•	Motions to Amend in AIA Trials.	E2
	o Pilot Program.	
	(b)(6)	

(b)(6)				ā
• Reissue/	Reexam Information to	o Public.	яî	
(b)(6)				
Burden of	of Proof NPRM.	0		
(b)(6)				
• Trial Practice G	uide (TPG) Update.		,	
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•	Precedential Opinion Process (POP) and Board Precedent.
	(b)(6)
•	Paneling Process.
	(b)(6)
•	SAS Implementation.
	(b)(6)
•	
	Data Studies.
(D))(6)

(b)(6)	
<u>Hearings</u>	D.
(b)(6)	

Reorganization, Hiring, Onboarding, and Modeling

Reo	rganization.
C	Judge Divisions.
	(b)(6)
• <u>Hirir</u>	ng and Onboarding.
0	Judges.
	(b)(6)
C	Patent Attorney.
	(b)(6)
0	Law Clerk.
	(b)(6)
0	Board Operations Division.
	(b)(6)
0	
税	(b)(6)

 Modeling. 		
(b)(6)		
Cultical Flavourt 2: Lording Donale	, z	(E)
Critical Element 2: Leading People Serve as Chief Judge		*
 Judge Advisory Committee (JAC). 		
(b)(6)		
AIA Review Committee (ARC).		का सी
(b)(6)		
PAP Committee.	i	10
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• Survey Committee.	* * *	
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Bargaining Units.		H H -
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(b)(6)	
Policy and Guidance Direction	
n(6)	

(b)(6)			
	n		
Business Unit Head Funct	ion <u>s</u>	ē.	34
(b)(6)			

(b)(6)
<u>Motivate Employees</u>
(b)(6)
Critical Element 3: Business Acumen
Advance Improved IT systems
• <u>Internal Reports</u> . (b)(6)
Public Reports.
(b)(6)

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<u>Man</u>	(b)(6)	52		8					
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<u>Man</u>	(b)(6)	\$2		9					
<u>Man</u>	(b)(6)			38					
<u>Man</u>	(b)(6)								
<u>Man</u>	(b)(6)			- 35					

PTAB E2E IT System.

Develop Management Team Capabilities

(b)(6)
Critical Element 4: Building Coalitions
Collaborate with Other Business Units (e.g., to reduce ex parte appeal
inventory within AIA trial limits imposed by statutory deadlines)
Office of the Under Secretary:
(b)(6)

atents:	(b)(6)	 19		
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• <u>CFO</u> :	
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• <u>CAO:</u>	動
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•	OPIA / OGA:	
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•	OGL/Solicitor's Office:	
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((b)(6)	
•	Regional Offices (ROs):	3
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Engo	age with Public	
•	PPAC.	
9	(b)(6)	
•	Stakeholder Meetings.	
	(b)(6)	
•	Webinars.	
St	(b)(6)	
•	Speaking Engagements.	
	(b)(6)	

			50 EF	ē.	24
Critic	l Element 5: Results D	<u> Driven</u>		t 0 (6)	gr.
	mance Requirement 1, A	IA Trial Timeliness			
(b)(6)					
Perform	nance Requirement 2, Ex	Parte Inventory	n	5	
b)(6)					

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	rly Appeals Clos	e-out Program.	K		
(b)(6)					
Techno	logy Re-Balanci	ng Progr <u>am</u> .			
(b)(6)	19.839 Elipsonious.com				
1025	25		Decision Con		
orforma	ince Requiren	NANT & PIAK	Haridian Con	SISTENCY	
AT 10 100 100 100 100 100 100 100 100 100	nce Requiren	nent 3, PTAB	Decision Con	<u>sistency</u>	
Performa	ince Requiren	nent 3, PTAB	<u>Decision Con</u>	sistency	
AT 10 100 100 100 100 100 100 100 100 100	ince Requiren	nent 3, PTAB	pecision con	sistency	
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AT 10 100 100 100 100 100 100 100 100 100	ince Requiren	nent 3, PIAB	<u>pecision con</u>	sistency	

SES Performance Management System Executive Performance Plan



Part 1. Consultation. I have reviewed this plan and have been consulted on its development.							
Executive's Name (Last, F	irst, MI):	BOALICK, SCOT	TR.			Apprais 9/30/1	sal Pd. 10/01/17 - . 8
Executive's Signature: (b)(6)						Date:	9/26/18
Title: Deputy Chief Admi Patent and Trademark O		Patent Judge,	Patent Trial a	and Appeal	Board, U.S.	Organi	zation: PTAB
Rating Official's Name (La Patent Judge	ist, First, N	///): RUSCHKE,	DAVID P., Ch	ief Adminis	trative	CA	NC LT/LE
Rating Official's Signature	2:					Date:	
Part 2. Progress Review							
Executive's Signature: Date:							
Rating Official's Signature	2:			5:		Date:	
Reviewing Official's Signa	ture (Opti	ional):				Date:	
Part 3. Summary Rating					4		
Initial Summary Rating (b)(6)							
Rating Official's Name (Lo	ist, First, N	11): RUSCHKE,	DAVID P., Ch	ief Adminis	trative Patent	Judge	Scardin, Anthony, P
Rating Official's Signature		**				Date:	11/6/18
Executive's Signature:	(b)	(6)				Date:	11/6/18
Reviewing Official's Signa	ture (Opti	ional):				Date:	
Higher Level Review (if a	pplicable)						
☐ I request a higher leve	el review.	Executive's In	itials:			Date:	
Higher Level Review Com	pleted					Date:	-
Higher Level Reviewer Sig	gnature:						
Performance Review Boo	ard Recom	mendation	Level	5 TL	evel 4 Le	evel 3	Level 2 Level 1
PRB Chair Signature:							Date:
Annual Summary Rating			(b)(6)				1,-
Appointing Authority Sign				-			Date:
Part 4. Derivation Form	ula and Ca	lculation of An	nual Summa	ry Rating			
	Elem	ent Rating			5core		
0 ''' 1 = 1		Final			Final		
Critical Element 1. Leading Change	Initial (b)(6)	(if changed)	Weight 10%	Initial (b)(6)	(if changed)	1 3	Summary Level Ranges
2. Leading People	(5)(5)		10%	(b)(6)			475-500 = Level 5
3. Business Acumen			10%	Ĺ			400-474 = Level 4
4. Building Coalitions			10%	- E			300-399 = Level 3
5. Results Driven	ĺ		60%				200-299 = Level 2
Total	Any CF rated Level 1 = Leve					CE rated Level 1 = Level 1	

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- Level 4: The executive demonstrates a very high level of performance beyond that required for successful performance in the executive's position and scope of responsibilities. The executive is a proven, highly effective leader who builds trust and instills confidence in agency leadership, peers, and employees. The executive consistently exceeds established performance expectations, timelines, or targets, as applicable.
- Level 3: The executive demonstrates the high level of performance expected and the executive's actions and leadership contribute positively toward the achievement of strategic goals and meaningful results. The executive is an effective, solid, and dependable leader who delivers high-quality results based on measures of quality, quantity, efficiency, and/or effectiveness within agreed upon timelines. The executive meets and sometimes exceeds challenging performance expectations established for the position.
- Level 2: The executive's contributions to the organization are acceptable in the short term but do not appreciably advance the organization towards achievement of its goals and objectives. While the executive generally meets established performance expectations, timclines and targets, there are occasional lapses that impair operations and/or cause concern from management. While showing basic ability to accomplish work through others, the executive may demonstrate limited ability to inspire subordinates to give their best efforts or to marshal those efforts effectively to address problems characteristic of the organization and its work.
- Level 1: In repeated instances, the executive demonstrates performance deficiencies that detract from mission goals and objectives. The executive generally is viewed as ineffectual by agency leadership, peers, or employees. The executive routinely does not meet established performance expectations/timelines/targets and fails to produce or produces unacceptable work products, services, or outcomes.

Element Rating Level Points	
	Level 5 = 5 points
	Level 4 = 4 points
	Level 3 = 3 points
	Level 2 = 2 points
	Level 1 = 0 points
	·

Executive Name and ID: SCOTT R BOALICK			,	Appraisal Per	iod: FY2018			
Critical Element 1. Leading Change		7)	/linimum weig	ht 5 points)	Weight 10%			
Mandatory Performance Requirement: Develops and implements an organizational vision that integrates key organizational and program goals, priorities, values, and other factors. Assesses and adjusts to changing situations, implementing innovative solutions to make organizational improvements, ranging from incremental improvements to major shifts in direction or approach, as appropriate. Balances change and continuity; continually strives to improve service and program performance; creates a work environment that encourages creative thinking, collaboration, and transparency; and maintains program focus, even under adversity. Agency-Specific Performance Requirements								
Lead PTAB through continuing appropriate development, enhancement, and optimization of organizational structure, policies, and proceedings. Make further appropriate adjustments in number of judges and other personnel. Lead PTAB through further phases of issuing America Invents Act Trial final decisions and appropriate enhancement of rules of practice, precedential opinions, and guidance to stakeholders.								
Rating Official Narrative: (Optional)								
Critical Element Rating Leading Change	Level 5	Level 4	Level 3	Level 2	Level 1			
Critical Element 2. Leading People		•	Minimum weig		Weight 10%			
Mandatory Performance Requirement: Designs the organization horizontally and vertically, and f and goals. Provides an inclusive workplace that f participation by all employees; facilitates collabor of conflicts. Ensures employee performance plar receive constructive feedback, and that employe performance standards. Holds employees accour considers employee input. Recruits, retains, and that reflects the nation, with the skills needed to workforce diversity, workplace inclusion, and equal Agency-Specific Performance Requirements	osters high ethical osters the develous ration, cooperations are aligned with es are realistically ntable for appropedevelops the tale accomplish organial employment p	al standards in pment of other on, and teamwent the organizar appraised against levels of the needed to anizational perfections and pro-	meeting the orers to their fully ork, and supportion's mission a ainst clearly deperformance a achieve a high ormance objects of the control	rganization's v potential; allo orts constructi and goals, that fined and com and conduct. S quality, divers tives while su	vision, mission, ws for full ve resolution temployees and seeks and e workforce pporting			
Lead, develop, and implement actions to impossible gathered from sources including the USPT and other initiatives.		~ ~	•		• •			
Serve as Deputy Chief Judge. Provide policy dire Unit Head functions as appropriate. Lead continuate the America Invents Act. Ensure PTAB en	nuing activities di	rected at PTA	B execution of	duties given t				
Rating Official Narrative: (Optional)								
Critical Element Rating – Leading People	Level 5	Level 4	Level 3	Level 2	Leve l 1			

Executive Name and ID: SCOTT R BOALICK Appraisal Period: FY2018 Critical Element 3. Business Acumen (Minimum weight 5 points) Weight 10% Mandatory Performance Requirement: Assesses, analyzes, acquires, and administers human, financial, material, and information resources in a manner that instills public trust and accomplishes the organization's mission. Uses technology to enhance processes and decision making. Executes the operating budget; prepares budget requests with justifications; and manages resources. Agency-Specific Performance Requirements Advance development of improved PTA8 IT systems and system integration to support PTAB's mission. Manage allocation of budget resources to accommodate business unit needs. Rating Official Narrative: (Optional) Critical Element Rating - Business Acumen Level 5 Level 4 Level 3 Level 2 Level 1 **Critical Element 4. Building Coalitions** (Minimum weight 5 points) Weight 10% Mandatory Performance Requirement: Solicits and considers feedback from internal and external stakeholders or customers. Coordinates with appropriate parties to maximize input from the widest range of appropriate stakeholders to facilitate an open exchange of opinion from diverse groups and strengthen internal and external support. Explains, advocates, and expresses facts and ideas in a convincing manner and negotiates with individuals and groups internally and externally, as appropriate. Develops a professional network with other organizations and identifies the internal and external politics that affect the work of the organization, Agency-Specific Performance Requirements Collaborate with other business units, where possible and appropriate, to implement strategies for achieving USPTO objectives or PTAB objectives such as reducing ex parte appeals inventory / pendency within limits imposed by AIA trial inventory and deadlines. Interact with public to collect feedback and to inform on PTAB AIA trial and appeal practice and procedures. Ensure clear and consistent messaging is coordinated internally and communicated to the public. Rating Official Narrative: (Optional)

Level 2

Level 1

Level 3

Level 4

Level 5

Critical Element Rating -- Building Coalitions

Critical Element 5. Results Driven

(Minlmum Weight 20 points) | Weight 60%

This critical element must have at least 1 performance requirement (there is no maximum number of requirements, agency should specify if it sets a maximum number).

This critical element includes specific performance requirements expected of the executive during the appraisal period, focusing on measurable results from the strategic plan or other measurable outputs and outcomes clearly aligned to organizational goals and objectives. At a minimum, the performance requirements must contain measurable results and their quality indicators describing the range of performance at Level 3 for each result specified. In addition to the quality indicators, applicable measures of quantity, timelines, and/or cost-effectiveness may be included as appropriate. It is recommended to also establish the threshold quality indicators and measures for Levels 5 and 2. Indicators must reflect the same level of performance as the respective performance standard contained in Part 5.

Strategic Alignment-identify clear, transparent alignment to agency strategic planning initiatives (e.g., relevant agency or organizational goals/objectives with cited page numbers from the Strategic Plan, Congressional Budget Justification/Annual Performance Plan, or other organizational planning document) in the designated section for each performance requirement.

Note: Performance requirements must contain results and quality indicators that are clearly and differentially identified (e.g., highlighted, bold, underlined) so that it is readily evident on what the senior executive will be rated and what is expected for success.

Performance Requirement 1: 25% Weight

Strategic Alignment:

America Invents Act Trial Timeliness:

Achieve AIA trial completion in compliance with applicable legal requirements in 12 months from institution, or in 18 months from institution In cases with extensions for good cause, for 95% of all AIA trials not subject to joinder. Achieve issuance of AIA petition decisions on institution in compliance with applicable legal requirements within statutory period of 3 months for 95% of all AIA petitions.

USPTO Strategic Plan, Goal 1, **Objective 7**

Performance Requirement 2: 25% Weight

Ex Parte Inventory / Pendency Reduction:

Achieve progress toward a reduction in the average time from jurisdiction passing to the Board to decision on regular ex parte appeals, or achieve progress toward a reduction of ex parte appeal inventory by Issuing decisions in accordance with applicable legal requirements.

Strategic Alignment:

USPTO Strategic Plan, Goal 1, **Objective 7**

Performance Requirement 3: 25% Weight

Strategic Alignment:

PTAB Decision Consistency:

USPTO Strategic Plan, Goal 1, Objective 7

In accordance with the authority granted under Title 35 of the United States Code and Title 37 of the Code of Federal Regulations, binding case law precedent, and written guidance applicable to PTAB proceedings issued by the Director or the Director's delegate, ensure that PTAB judges render clear and consistent decisions for proceedings before the PTAB. Ensure review of 25% of final AIA decisions, excluding rehearing decisions, and 2% of regular ex parte appeals decisions.

Performance Requirement 4: 25% Weight		Strategic Alignment:				
Federal Circuit Remand Decision Timeliness:			USPTO Strate Objective 7	egic Plan, Goa	Í 1,	
Ensure completion of decisions on remand in cor legal requirements from the Federal Circuit in 12 the Federal Circuit's mandate for 50% of all such	months from iss					
Rating Official Narrative: (Optional)						
Critical Element Rating – Results Driven	Level 5	Level4	Level 3	Level2	Level 1	

Executive Name and 10: SCOTT R BOALICK	Appraisal Period: FY2018
Part 6: Summary Rating Narrative (Mandatory)	
Tate 6. Summary having heartactive (Manageory)	
Part 7: Executive's Accomplishment Narrative (Optional)	
Tat 7. Executive 5 Accomplishment tall bette (operation)	
Part 8: Agency Use	
Tutto rigoria de	

Deriving the Results Driven Rating Worksheet

Executive Name	Rating Period

Results Driven Performance Requirements (PR)	Performance Requirement Rating Level Score	Weight (multiply by)	Performance Requirement Points Score	Point Ranges to Rating Level Score	Results Driven Initial Element Score
Performance Requirement 1			· · · · · · · · · · · · · · · · · · ·	Points 475 – 500 = Level 5 Rating Score Points 400 – 474 = Level 4 Rating Score	
Performance Requirement 2				Points 300 – 399 = Level 3 Rating Score Points 200 – 299 = Level 2 Rating	
Performance Requirement 3				Score Any PR rated Level 1 overall score must be = Level 1 Rating Score	
Performance Requirement 4	i				
		= 100%			
Performance Requirement Total Score				= Level	

Example of Results Driven Element Being Rated Level 4

Results Driven	Performance	Weight	Performance	Point Ranges to Rating Level Score	Results Driven
Performance	Requirement	(multiply	Requirement	TOTAL MANAGES TO MANAGE ELVERS SCOTE	Initial Element
Requirements	Rating Level	by)	Points Score		Score
(PR)	Score] ",	, omis cost c		June
			<u>. </u>	Points 475–500= Level 5 Rating	
Performance	4	x 25	100	Score	
Requirement 1				Points 400-474 = Level 4 Rating	
Performance	5	x 30	150	Score	
Requirement 2				Points 300 – 399 = Level 3 Rating	
Performance	5	x 15	75	Score	
Requirement 3		ĺ		Points 200~299 = Level 2 Rating	
Performance	3	x 30	90	Score	14 m
Requirement 4				Any PR rated Level 1 overall score	
		= 100%		must be = Level 1 Rating Score	
Performance					
Requirement			415	415= Level 4	4*
Total Score	e de la companya de l	2263			<u> </u>

^{*}Results Driven Rating is 4 – to be transferred to Initial Element Score beside Results Driven Critical Element on the bottom of page 1.

Scott R. Boalick, Acting Chief Administrative Patent Judge FY2018 End-of-Year Performance Narrative

Critical Element 1: Leading Change

AIA Trials & Ex Parte Appeals	AIA	Trials	8	Ex	Parte	A	ppeal	S
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•	Planning and Implementing Improvements to AIA proceedings.
	(b)(6)
•	Claim Construction Rule.
	Notice of Proposed Rulemaking (NPRM).
	(b)(6)
	o Final Rule (FR).
	(b)(6)
•	Motion to Amend Request for Comments (RFC).
	(b)(6)
_	Trial Practice Guide (TRC) Undate
	Trial Practice Guide (TPG) Update. (b)(6)

•	Standard Operating Procedure (SOP) for Precedential Opinion Panel (POP).
	(b)(6)
•	Standard Operating Procedure (SOP) for PTAB Paneling Process.
	(b)(6)
•	<u>SAS Guidance.</u> (b)(6)
•	Aqua Products Guidance.
	(b)(6)

(b)(6)			
• <u>Studies</u> .			
(b)(6)			
Revamp of AIA tri	al statistics.		
		(b)(6)	
Board Precedent	/ Guidance.		
(b)(6)			
arings			
()			

b)(6)	
Reorganizati	on and Hiring
• Reorg	ganization.
0	Judge Division. (b)(6)
0	Board Executive Division (b)(6)
0	Modeling (b)(6)
• Hiring	
0	(b)(6)
0	(b)(6)
0	(b)(6)
•	Board Executive Division
	(b)(6)
•	Detailees. (b)(6)

Critical Element 2: Leading People

Treed Electricity of South 1, 2001								
Serve as Acting Chief Judge								
(b)(6)								

Policy and Guidance Direction

((b)(6)

Business Unit Head Functions

(b)(6)
<u> 1otivate Employees</u>
)(6)

<u>Critical Element 3: Business Acumen</u>

Advance Improved IT systems

Internal Reports.
(b)(6)
Public Reports.
(b)(6)
PTAB E2E IT System.
Workspaces and Widgets User Interfaces.
(b)(6)

4	
PTAB Website.	(b)(6)
<u>Manage Budget</u>	
(b)(6)	
Develop Management Team Capabilities	
(b)(6)	

Critical Element 4: Building Coalitions

<u>Collaborate with Other Business Units (e.g., to reduce ex parte appeal inventory within AIA trial limits imposed by statutory deadlines)</u>

	Under Secretary's Office:
(t	b)(6)
	<u>Patents</u> :
	(b)(6)
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	OGL/Salicitor's Office:
	(b)(6)

(b)(6)	
• <u>TTAB</u> :	
(b)(6)	
• <u>CFO</u> :	
(b)(6)	
• occo:	
(b)(6)	
• <u>CIO</u> : (b)(6)	

OPIA / OGA:	
(b)(6)	
Regional Offices (ROs):	
(b)(6)	
Engage with Public	
GAO Report.	(b)(6)
• PPAC.	
(b)(6)	
District Court Visitation Program	
	(b)(6)

	Stakeholder Meetings. (b)(6)	
0869	Judicial Conference. (b)(6)	
Ď.	• Webinars.	
	(b)(6) Speaking Engagements.	
	(b)(6)	

Critical Element 5: Results Driven

Performance Requirement 1, AIA Trial Timeliness
(b)(6)
Performance Requirement 2, Ex Parte Inventory
b)(6)
Quarterly Appeals Close-out Program. (b)(6)

Technology Re-Balancing Program. (b)(6)
Performance Requirement 3, PTAB Decision Consistency
(b)(6)
Performance Requirement 4, Federal Circuit Remand Decision Timeliness
(b)(6)

SES Performance Management System Executive Performance Plan



Part 1. Consultation. I have reviewed this plan and have been consulted on its development.					
I Eventutive's Name // set First MIL DISCUITE DAVID D			Appraisal Pd. 10/01/17 - 9/30/18		
Executive's Signature:			Date: 9/29/2017		
Title: Chief Administrat	ive Patent Judge		Organization: PTAB		
Rating Official's Name (L	ast, First, MI): Scardino,	Anthony P.	CAM NC LT/LE		
Rating Official's Signatur	e: (b)(6)	Anna and an anna anna anna anna anna ann	Date: 9/29/2017		
Part 2. Progress Review					
Executive's Signature:			Date: 4/30/2018		
Rating Official's Signatur	·e:	i Aresti	Date: 4/30/2018		
Reviewing Official's Sign	ature (Optional):		Date:		
Part 3. Summary Rating	(b)(6)		plet.		
Initial Summary Rating					
Rating Official's Name (L	ast, First, MI): Scard	ino Anthony P.	,		
Rating Official's Signatur	(1-1/01		Date: 11/7/18		
Executive's Signature:	Date:				
Reviewing Official's Signature (Optional): Date:					
Higher Level Review (if a	applicable)				
I request a higher lev	rel review. Executive's l	nitials:	Date:		
			Date:		
Higher Level Reviewer Si	gnature:				
Performance Review Bo	ard Recommendation	(b)(6)	2		
PRB Chair Signature:	(b)(6)	*	Date:		
Annual Summary Rating	(A) / (B)	(b)(6)			
Appointing Authority Signature: (b)(6) Date:					
Part 4. Derivation Formula and Calculation of Annual Summary Rating					
Critical Element	Element Rating Final Initial (if changed)	Score	Final Summary Level Ranges		
Leading Change Leading People Business Acumen Building Coalitions Results Driven Total	(b)(6)	10% (b)(6) 10% 10% 10% 60% 100%	475-500 = Level 5 400-474 = Level 4 300-399 = Level 3 200-299 = Level 2 Any CE rated Level 1 = Level 1		

Part S. Performance Standards and Critical Elements

Performance Standards for Critical Elements (The performance standard for each critical element is specified below; examples for the top three performance levels can be found in the system description)

- Level 5: The executive demonstrates exceptional performance, fostering a climate that sustains excellence and optimizes results in the executive's organization, agency, department or Governmentwide. This represents the highest level of executive performance, as evidenced by the extraordinary impact on the achievement of the organization's mission. The executive is an inspirational leader and is considered a role model by agency leadership, peers, and employees. The executive continually contributes materially to or spearheads agency efforts that address or accomplish important agency goals, consistently achieves expectations at the highest level of quality possible, and consistently handles challenges, exceeds targets, and completes assignments ahead of schedule at every step along the way.
- Level 4: The executive demonstrates a very high level of performance beyond that required for successful performance in the executive's position and scope of responsibilities. The executive is a proven, highly effective leader who builds trust and instills confidence in agency leadership, peers, and employees. The executive consistently exceeds established performance expectations, timelines, or targets, as applicable.
- Level 3: The executive demonstrates the high level of performance expected and the executive's actions and leadership contribute positively toward the achievement of strategic goals and meaningful results. The executive is an effective, solid, and dependable leader who delivers high-quality results based on measures of quality, quantity, efficiency, and/or effectiveness within agreed upon timelines. The executive meets and sometimes exceeds challenging performance expectations established for the position.
- Level 2: The executive's contributions to the organization are acceptable in the short term but do not appreciably advance the organization towards achievement of its goals and objectives. While the executive generally meets established performance expectations, timelines and targets, there are occasional lapses that impair operations and/or cause concern from management. While showing basic ability to accomplish work through others, the executive may demonstrate limited ability to inspire subordinates to give their best efforts or to marshal those efforts effectively to address problems characteristic of the organization and its work.
- Level 1: In repeated instances, the executive demonstrates performance deficiencies that detract from mission goals and objectives. The executive generally is viewed as ineffectual by agency leadership, peers, or employees. The executive routinely does not meet established performance expectations/timelines/targets and fails to produce or produces unacceptable work products, services, or outcomes.

outcomes.				
Element Rating Level Point	s			
			Level 5 = 5 points	
	,		Level 4 = 4 points	
			Level 3 = 3 points	
		,	Level 2 = 2 points	
		*	Level 1 = 0 points	
		-		

Executive Name and ID: DAVID PRUSCHKE

Appraisal Period: FY2018

Cultinal	Clamant d	I a adia -	Change
{ rittcal	Flement 1.	Leading	Lnange

(Minimum weight 5 points) Weight 10%

Mandatory Performance Requirement: Develops and implements an organizational vision that integrates key organizational and program goals, priorities, values, and other factors. Assesses and adjusts to changing situations, implementing innovative solutions to make organizational improvements, ranging from incremental improvements to major shifts in direction or approach, as appropriate. Balances change and continuity; continually strives to improve service and program performance; creates a work environment that encourages creative thinking, collaboration, and transparency; and maintains program focus, even under adversity.

Agency-Specific Performance Requirements

Lead PTAB through continuing appropriate development, enhancement, and optimization of organizational structure, policies, and proceedings. Make further appropriate adjustments in number of judges and other personnel. Lead PTAB through further phases of issuing America Invents Act Trial final decisions and appropriate enhancement of rules of practice, precedential opinions, and guidance to stakeholders.

Rating Official Narrative: (Optional)

Critical Element Ratina - Leading Change

(b)(6)

Critical Element 2. Leading People

(Minimum weight 5 points) | Weight 10%

Mandatory Performance Requirement: Designs and implements strategies that maximize employee potential, connects the organization horizontally and vertically, and fosters high ethical standards in meeting the organization's vision, mission, and goals. Provides an inclusive workplace that fosters the development of others to their full potential; allows for full participation by all employees; facilitates collaboration, cooperation, and teamwork, and supports constructive resolution of conflicts. Ensures employee performance plans are aligned with the organization's mission and goals, that employees receive constructive feedback, and that employees are realistically appraised against clearly defined and communicated performance standards. Holds employees accountable for appropriate levels of performance and conduct. Seeks and considers employee input. Recruits, retains, and develops the talent needed to achieve a high quality, diverse workforce that reflects the nation, with the skills needed to accomplish organizational performance objectives while supporting workforce diversity, workplace inclusion, and equal employment policies and programs.

Agency-Specific Performance Requirements

Lead, develop, and implement actions to improve employee engagement in your area based on employee feedback gathered from sources including the USPTO People Survey, Federal Employee Viewpoint Survey, focus groups and other initiatives.

Serve as Chief Judge. Provide policy direction and guidance to the PTAB. Perform Business Unit Head functions as appropriate. Lead continuing activities directed at PTAB execution of duties given to the PTAB under the America Invents Act. Ensure PTAB employees are efficiently working on mission-critical tasks.

Rating Official Narrative	e: (Optional)
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Critical Element Rating - Leading People

(b)(6)

Executive Name and ID: DAVID P RUSCHKE	Appraisal Period: FY2018			
Critical Element 3. Business Acumen	(Minimum weight 5 points) Weight 10%			
Mandatory Performance Requirement: Assesses, analyzes, acquir information resources in a manner that instills public trust and acc to enhance processes and decision making. Executes the operating and manages resources.	complishes the organization's mission. Uses technology			
Agency-Specific Performance Requirements				
Advance development of improved PTAB IT systems and system is allocation of budget resources to accommodate business unit need				
	¥			
Rating Official Narrative: (Optional)				
Critical Element Rating – Business Acumen (b)(6)				
Critical Element 4. Building Coalitions	(Minimum weight 5 points) Weight 10%			
Mandatory Performance Requirement: Solicits and considers feedback from internal and external stakeholders or customers. Coordinates with appropriate parties to maximize input from the widest range of appropriate stakeholders to facilitate an open exchange of opinion from diverse groups and strengthen internal and external support. Explains, advocates, and expresses facts and ideas in a convincing manner and negotiates with individuals and groups internally and externally, as appropriate. Develops a professional network with other organizations and identifies the internal and external politics that affect the work of the organization.				
Agency-Specific Performance Requirements				
Collaborate with other business units, where possible and appropriate, to implement strategies for achieving USPTO objectives or PTAB objectives such as reducing exparte appeals inventory / pendency within limits imposed by AIA trial inventory and deadlines. Interact with public to collect feedback and to inform on PTAB AIA trial and appeal practice and procedures. Ensure clear and consistent messaging is coordinated internally and communicated to the public.				
Rating Official Narrative: (Optional)				

Critical Element Rating - Building Coalitions

(b)(6)

Executive Name and ID: DAVID P RUSCHKE

Critical Element 5. Results Driven

(Minimum Weight 20 points) Weight 60%

This critical element must have at least 1 performance requirement (there is no maximum number of requirements, agency should specify if it sets a maximum number).

This critical element includes specific performance requirements expected of the executive during the appraisal period, focusing on measurable results from the strategic plan or other measurable outputs and outcomes clearly aligned to organizational goals and objectives. At a minimum, the performance requirements must contain measurable results and their quality indicators describing the range of performance at Level 3 for each result specified. In addition to the quality Indicators, applicable measures of quantity, timelines, and/or cost-effectiveness may be included as appropriate. It is recommended to also establish the threshold quality indicators and measures for Levels 5 and 2. Indicators must reflect the same level of performance as the respective performance standard contained in Part 5.

Strategic Alignment-identify clear, transparent alignment to agency strategic planning initiatives (e.g., relevant agency or organizational goals/objectives with cited page numbers from the Strategic Plan, Congressional Budget Justification/Annual Performance Plan, or other organizational planning document) in the designated section for each performance requirement.

Note: Performance requirements must contain results and quality indicators that are clearly and differentially identified (e.g., highlighted, bold, underlined) so that it is readily evident on what the senior executive will be rated and what is expected for success.

Performance Requirement 1: 25% Weight

America Invents Act Trial Timeliness:

Achieve AIA trial completion in compliance with applicable legal requirements in 12 months from institution, or in 18 months from institution in cases with extensions for good cause, for 95% of all AIA trials not subject to joinder. Achieve issuance of AIA petition decisions on institution in compliance with applicable legal requirements within statutory period of 3 months for 95% of all AIA petitions.

Strategic Alignment:

USPTO Strategic Plan, Goal 1: **OPTIMIZE PATENT QUALITY AND** TIMELINESS, Objective 7: Maintain the Patent Trial and Appeal Board's (PTAB) Ability to Provide Timely and High **Quality Decisions**

Performance Requirement 2: 25% Weight Ex Parte Inventory / Pendency Reduction:

Achieve progress toward a reduction in the average time from jurisdiction passing to the Board to decision on regular exparte appeals, or achieve progress toward a reduction of ex parte appeal inventory by issuing decisions in accordance with applicable legal requirements.

Strategic Alignment:

USPTO Strategic Plan, Goal 1: **OPTIMIZE PATENT QUALITY AND** TIMELINESS, Objective 7: Maintain the Patent Trial and Appeal Board's (PTAB) Ability to Provide Timely and High **Quality Decisions**

Performance Requirement 3: 25% Weight

PTAB Decision Consistency:

In accordance with the authority granted under Title 35 of the United States Code and Title 37 of the Code of Federal Regulations, binding case law precedent, and written guidance applicable to PTAB proceedings issued by the Director or the Director's delegate, ensure that PTAB judges render clear and consistent decisions for proceedings before the PTAB. Ensure review of 25% of final AIA decisions, excluding rehearing decisions, and 2% of regular ex parte appeals decisions,

Strategic Alignment:

USPTO Strategic Plan, Goal 1: OPTIMIZE PATENT QUALITY AND TIMELINESS, Objective 7: Maintain the Patent Trial and Appeal Board's (PTAB) Ability to Provide Timely and High **Quality Decisions**

Title 35 of the United States Code, Title 37 of the Code of Federal Regulations, binding case law precedent, and written guidance applicable to PTAB proceedings issued by the Director or the Director's delegate.

Performance Requirement 4: 25% Weight	Strategic Alignment:		
Federal Circuit Remand Decision Timeliness:	USPTO Strategic Plan, Goal 1: OPTIMIZE PATENT QUALITY AND		
Ensure completion of decisions on remand in collegal requirements from the Federal Circuit in 1 the Federal Circuit's mandate for 50% of all suc	TIMELINESS, Objective 7: Maintain the Patent Trial and Appeal Board's (PTAB) Ability to Provide Timely and High Quality Decisions		
Rating Official Narrative: (Optional)			
· ·			
Critical Clamant Patine - Results Drives	(b)(6)		

Executive Name and	I IU: DAVID P R	COSCHIKE			Apprais	sai Period: FYZU18
Part 6: Summary Rat	ing Narrative (M	landatory)				
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				2		
						v
Part 7: Executive's A	ccomplishment N	Narrative (Optional)			
					8	
Part 8: Agency Use						
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SES Performance Management System Executive Performance Plan



Part 1. Consultation. I have reviewed this plan and have been consulted on its development.					
I Eventutive's Name // set First MIL DISCUITE DAVID D				opraisal Pd. 10/01/17 - 30/18	
Executive's Signature:			Da	ate: 9/29/2017	
Title: Chief Administrat	ive Patent Judge	WXX - 41 - 11 - 12 - 12 - 12 - 12 - 12 - 12	Or	ganization: PTAB	
Rating Official's Name (L	ast, First, MI): Scardino,	Anthony P.	C	A⊠ NC ☐ LT/LE ☐	
Rating Official's Signatur	e: (b)(6)		Da	Date: 9/29/2017	
Part 2. Progress Review					
Executive's Signature:		- H - A - A - A - A - A - A - A - A - A	Da	ate: 4/30/2018	
Rating Official's Signatur	·e:	1.4.2	Da	ate: 4/30/2018	
Reviewing Official's Sign	ature (Optional):		Da	ate:	
Part 3. Summary Rating	(b)(6)				
Initial Summary Rating					
Rating Official's Name (L	ast, First, MI): Scard	ino Anthony	P	A STATE OF THE STA	
Rating Official's Signatur	/I- \ / C \		Da	Date: 11/7/18	
Executive's Signature:				Date:	
Reviewing Official's Signature (Optional): Date:				ate:	
Higher Level Review (if a	applicable)				
I request a higher lev	el review. Executive's I	nitials:	Da	ite:	
			Da	ite:	
Higher Level Reviewer Si	gnature:				
Performance Review Bo	ard Recommendation	(b)(6)			
PRB Chair Signature:	(b)(6)	*		Date:	
Annual Summary Rating	(1)(2)	(b)(6)			
Appointing Authority Signature: (b)(6) Date:					
Part 4. Derivation Formula and Calculation of Annual Summary Rating					
Critical Element	Element Rating Final Initial (if changed)	Weight Initial	Score Final (if changed)	Summary Level Ranges	
Leading Change Leading People Business Acumen Building Coalitions Results Driven Total	(b)(6)	10% (b)(6) 10% 10% 10% 60%		475-500 = Level 5 400-474 = Level 4 300-399 = Level 3 200-299 = Level 2 Any CE rated Level 1 = Level 1	

Part S. Performance Standards and Critical Elements

Performance Standards for Critical Elements (The performance standard for each critical element is specified below; examples for the top three performance levels can be found in the system description)

- Level 5: The executive demonstrates exceptional performance, fostering a climate that sustains excellence and optimizes results in the executive's organization, agency, department or Governmentwide. This represents the highest level of executive performance, as evidenced by the extraordinary impact on the achievement of the organization's mission. The executive is an inspirational leader and is considered a role model by agency leadership, peers, and employees. The executive continually contributes materially to or spearheads agency efforts that address or accomplish important agency goals, consistently achieves expectations at the highest level of quality possible, and consistently handles challenges, exceeds targets, and completes assignments ahead of schedule at every step along the way.
- Level 4: The executive demonstrates a very high level of performance beyond that required for successful performance in the executive's position and scope of responsibilities. The executive is a proven, highly effective leader who builds trust and instills confidence in agency leadership, peers, and employees. The executive consistently exceeds established performance expectations, timelines, or targets, as applicable.
- Level 3: The executive demonstrates the high level of performance expected and the executive's actions and leadership contribute positively toward the achievement of strategic goals and meaningful results. The executive is an effective, solid, and dependable leader who delivers high-quality results based on measures of quality, quantity, efficiency, and/or effectiveness within agreed upon timelines. The executive meets and sometimes exceeds challenging performance expectations established for the position.
- Level 2: The executive's contributions to the organization are acceptable in the short term but do not appreciably advance the organization towards achievement of its goals and objectives. While the executive generally meets established performance expectations, timelines and targets, there are occasional lapses that impair operations and/or cause concern from management. While showing basic ability to accomplish work through others, the executive may demonstrate limited ability to inspire subordinates to give their best efforts or to marshal those efforts effectively to address problems characteristic of the organization and its work.
- Level 1: In repeated instances, the executive demonstrates performance deficiencies that detract from mission goals and objectives. The executive generally is viewed as ineffectual by agency leadership, peers, or employees. The executive routinely does not meet established performance expectations/timelines/targets and fails to produce or produces unacceptable work products, services, or outcomes.

Element Rating Level Points	Element	Rating	Level	Points
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Level 5 = 5 points

Level 4 = 4 points

Level 3 = 3 points

Level 2 = 2 points

Level 1 = 0 points

Executive Name and ID: DAVID PRUSCHKE

Appraisal Period: FY2018

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{ rittcal	Flement	1.	Leading	(nange

(Minimum weight 5 points) Weight 10%

Mandatory Performance Requirement: Develops and implements an organizational vision that integrates key organizational and program goals, priorities, values, and other factors. Assesses and adjusts to changing situations, implementing innovative solutions to make organizational improvements, ranging from incremental improvements to major shifts in direction or approach, as appropriate. Balances change and continuity; continually strives to improve service and program performance; creates a work environment that encourages creative thinking, collaboration, and transparency; and maintains program focus, even under adversity.

Agency-Specific Performance Requirements

Lead PTAB through continuing appropriate development, enhancement, and optimization of organizational structure, policies, and proceedings. Make further appropriate adjustments in number of judges and other personnel. Lead PTAB through further phases of issuing America Invents Act Trial final decisions and appropriate enhancement of rules of practice, precedential opinions, and guidance to stakeholders.

Rating Official Narrative: (Optional)

Critical Element Ratina - Leading Change

(b)(6)

Critical Element 2. Leading People

(Minimum weight 5 points) | Weight 10%

Mandatory Performance Requirement: Designs and implements strategies that maximize employee potential, connects the organization horizontally and vertically, and fosters high ethical standards in meeting the organization's vision, mission, and goals. Provides an inclusive workplace that fosters the development of others to their full potential; allows for full participation by all employees; facilitates collaboration, cooperation, and teamwork, and supports constructive resolution of conflicts. Ensures employee performance plans are aligned with the organization's mission and goals, that employees receive constructive feedback, and that employees are realistically appraised against clearly defined and communicated performance standards. Holds employees accountable for appropriate levels of performance and conduct. Seeks and considers employee input. Recruits, retains, and develops the talent needed to achieve a high quality, diverse workforce that reflects the nation, with the skills needed to accomplish organizational performance objectives while supporting workforce diversity, workplace inclusion, and equal employment policies and programs.

Agency-Specific Performance Requirements

Lead, develop, and implement actions to improve employee engagement in your area based on employee feedback gathered from sources including the USPTO People Survey, Federal Employee Viewpoint Survey, focus groups and other initiatives.

3

Serve as Chief Judge. Provide policy direction and guidance to the PTAB. Perform Business Unit Head functions as appropriate. Lead continuing activities directed at PTAB execution of duties given to the PTAB under the America Invents Act. Ensure PTAB employees are efficiently working on mission-critical tasks.

Rating Official Narrative: (Optional)

Critical Element Rating - Leading People

(b)(6)

Critical Element Rating - Building Coalitions

(b)(6)

Critical Element 5. Results Driven

(Minimum Weight 20 points) Weight 60%

This critical element must have at least 1 performance requirement (there is no maximum number of requirements, agency should specify if it sets a maximum number).

This critical element includes specific performance requirements expected of the executive during the appraisal period, focusing on measurable results from the strategic plan or other measurable outputs and outcomes clearly aligned to organizational goals and objectives. At a minimum, the performance requirements must contain measurable results and their quality indicators describing the range of performance at Level 3 for each result specified. In addition to the quality Indicators, applicable measures of quantity, timelines, and/or cost-effectiveness may be included as appropriate. It is recommended to also establish the threshold quality indicators and measures for Levels 5 and 2. Indicators must reflect the same level of performance as the respective performance standard contained in Part 5.

Strategic Alignment-identify clear, transparent alignment to agency strategic planning initiatives (e.g., relevant agency or organizational goals/objectives with cited page numbers from the Strategic Plan, Congressional Budget Justification/Annual Performance Plan, or other organizational planning document) in the designated section for each performance requirement.

Note: Performance requirements must contain results and quality indicators that are clearly and differentially identified (e.g., highlighted, bold, underlined) so that it is readily evident on what the senior executive will be rated and what is expected for success.

Performance Requirement 1: 25% Weight

America Invents Act Trial Timeliness:

Achieve AIA trial completion in compliance with applicable legal requirements in 12 months from institution, or in 18 months from institution in cases with extensions for good cause, for 95% of all AIA trials not subject to joinder. Achieve issuance of AIA petition decisions on institution in compliance with applicable legal requirements within statutory period of 3 months for 95% of all AIA petitions.

progress toward a reduction of ex parte appeal inventory by issuing decisions

Strategic Alignment:

USPTO Strategic Plan, Goal 1: **OPTIMIZE PATENT QUALITY AND** TIMELINESS, Objective 7: Maintain the Patent Trial and Appeal Board's (PTAB) Ability to Provide Timely and High **Quality Decisions**

Performance Requirement 2: 25% Weight Ex Parte Inventory / Pendency Reduction:

Achieve progress toward a reduction in the average time from jurisdiction passing to the Board to decision on regular exparte appeals, or achieve

Strategic Alignment:

USPTO Strategic Plan, Goal 1: **OPTIMIZE PATENT QUALITY AND** TIMELINESS, Objective 7: Maintain the Patent Trial and Appeal Board's (PTAB) Ability to Provide Timely and High **Quality Decisions**

Performance Requirement 3: 25% Weight

in accordance with applicable legal requirements.

PTAB Decision Consistency:

In accordance with the authority granted under Title 35 of the United States Code and Title 37 of the Code of Federal Regulations, binding case law precedent, and written guidance applicable to PTAB proceedings issued by the Director or the Director's delegate, ensure that PTAB judges render clear and consistent decisions for proceedings before the PTAB. Ensure review of 25% of final AIA decisions, excluding rehearing decisions, and 2% of regular ex parte appeals decisions,

Strategic Alignment:

USPTO Strategic Plan, Goal 1: OPTIMIZE PATENT QUALITY AND TIMELINESS, Objective 7: Maintain the Patent Trial and Appeal Board's (PTAB) Ability to Provide Timely and High **Quality Decisions**

Title 35 of the United States Code, Title 37 of the Code of Federal Regulations, binding case law precedent, and written guidance applicable to PTAB proceedings issued by the Director or the Director's delegate.

Performance Requirement 4: 25% Weight	Strategic Alignment:
Federal Circuit Remand Decision Timeliness:	USPTO Strategic Plan, Goal 1: OPTIMIZE PATENT QUALITY AND
Ensure completion of decisions on remand in compliance with applicable	TIMELINESS, Objective 7: Maintain the
legal requirements from the Federal Circuit in 12 months from issuance of the Federal Circuit's mandate for 50% of all such remands.	Patent Trial and Appeal Board's (PTAB) Ability to Provide Timely and High Quality Decisions
Rating Official Narrative: (Optional)	
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Critical Flament Pating - Parults Orivan (b)(6)	

Executive Name and	I IU: DAVID P R	COSCHIKE			Apprais	sai Period: FYZU18
Part 6: Summary Rat	ing Narrative (M	landatory)				
						1
				2		
						v
Part 7: Executive's A	ccomplishment N	Narrative (Optional)			
					8	
Part 8: Agency Use						
	1					

7

Scott R. Boalick, Acting Chief Administrative Patent Judge FY2018 End-of-Year Performance Narrative

Critical Element 1: Leading Change

AIA	Trials	8	Ex	Parte	Ap	peals

•	Planning and Implementing Improvements to AIA proceedings. (b)(6)
•	Claim Construction Rule.
	(b)(6)
	Motion to Amend Request for Comments (RFC)
	(b)(6)
•	Trial Practice Guide (TPG) Update.
	(b)(6)

•	Standard Operating Procedure (SOP) for Precedential Opinion Panel (POP).
	(b)(6)
•	Standard Operating Procedure (SOP) for PTAB Paneling Process.
	(b)(6)
•	SAS Guidance.
11.25	(b)(6)
•	Aqua Products Guidance.
	(b)(6)

Studies. (b)(6) Revamp of AlA trial statistics.	(b)(6)		72	
Revamp of AIA trial statistics. (b)(6) Board Precedent / Guidance. (b)(6)				
(b)(6)	Revamp of AIA trial statistics.	(b)(6)		

b)(6)		
eorganization and Hiring		
Reorganization.		
(b)(6)		
• Hiring.		
o <u>Judges</u> .	(b)(6)	
o Patent Attorneys.	(b)(6)	
o <u>Law Clerk</u> .	(b)(6)	
Board Executive Division	Į.	8
(b)(6)		
Detailees.		-
(b)(6)		

Critical Element 2: Leading People

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JUIVE	usn	CLITTIA	Cinc	Judge

(b)(6)	
Policy and Guidance Direction	
b)(6)	

Business Unit Head Functions

(b)(6)		
Motivate Employees		
(b)(6)		

<u>Critical Element 3: Business Acumen</u>

Advance Improved IT systems

•	Internal Reports.
	(b)(6)
•	Public Reports.
8	(b)(6)
•	PTAB E2E IT System.
	(b)(6)
	- Markenage and Mideste Hear Interfaces
	Workspaces and Widgets User Interfaces. (b)(6)
	(b)(6)

4		
• PTAB Website.	(b)(6)	
<u>Manage Budget</u>	28	
(b)(6)		
Develop Management Team Capab	<u>pilities</u>	
(b)(6)		

Critical Element 4: Building Coalitions

<u>Collaborate with Other Business Units (e.g., to reduce ex parte appeal inventory within AIA trial limits imposed by statutory deadlines)</u>

	<u>Under Secretary's Office</u> :
	(b)(6)
	Patents:
	(b)(6)
)	OGL/Solicitor's Office:
	(b)(6)

(b)(6)			
• TTAB			
(b)(6)		
• <u>CFO</u> :			
(b)(6			
• OCC	;		
(b)(6)		
• <u>CIO</u> :	6)		

OPIA / OGA:	
(b)(6)	
Regional Offices (ROs):	
(b)(6)	
Engage with Public	
GAO Report.	
(b)(6)	
• PPAC.	_
(b)(6)	
	Tai
District Court Visitation Program.	2
(b)(6)	
	i.

Stakeholder Meetings	(b)(6)	
Judicial Conference.	(b)(6)	
• Webinars.		
(b)(6)		
Speaking Engagements.		
(b)(6)		

Critical Element 5: Results Driven

Performance Requirement 1, AIA Trial Timeliness

(1) (1)
(b)(6)
Performance Requirement 2, Ex Parte Inventory
(b)(6)
Quarterly Appeals Close-out Program. (b)(6)

• Technology Re-Balancing Program.	
	(b)(6)
Performance Requirement 3, PTAB Decision	on Consistency
(b)(6)	
Performance Requirement 4, Federal Circu	uit Remand Decision Timeliness
(b)(6)	



SES Performance Management System Executive Performance Agreement



Part 1. Consultation. I have reviewed this plan and have been consulted on its development.							
Executive's Name (Lost, First, MI): RUSCHKE, DAVID P. Appraisal Pd. 10/01/16 9/30/17							
Executive's Signatur (b)(6)					Date:	10/25/16	
Title: Chief Administrative Patent Judge, U.S. Patent and Trademark Office						Organi	zation: PTAB
Rating Official's Name (L	ast, First, I	VII): SHIFER, RU	ISSELL D, Dep	outy Directo	or	CA	NC LT/LE
Rating Official's Signatur	Rating Official's Signature: (b)(6) Date: 10/25/16						10/25/16
Part 2. Progress Review		Á	^				
Executive's Signature:	(b)(6)					Date:	4/26/WI7
Rating Official's Signatur	e: (b)(6)					Date:	4/26/17
Reviewing Official's Signa	ature <i>(Òpti</i>	ional):				Date:	1,
Part 3. Summary Rating					(8-1-1-		
Initial Summary Rating	(b)(6)						
Rating Official's Name (L	ast, First, N	ИI): SLIFER, RU	SSELL D, Dep	uty Directo	or Scenta	o, A	futhony f
Rating Official's Signatur	e(b)(6)			_		Date:	11/1/17
Executive's Signature: (b)(6) Date: 11/1 / 2017						11/1/2017	
Reviewing Official's Signature (Optional): Date:							
Higher Level Review (if a	pplicable)	A.).		
☐ I request a higher lev	el review.	Executive's Ir	nitials:			Date:	
Higher Level Review Completed Date:							
Higher Level Reviewer Si	gnature:		4				
Performance Review Bo	ard Recom	mendatiøn /	(b)(6)				
PRB Chair Signatur (b)(6))						Date:
Annual Summary Rating	//	7 1 1-	(b)(6)				
Appointing Authority Sig	hature (b)(6)					Date:
Part 4. Derivation Form			nual Summa	ry Rating		167/	
	Elem	ent Rating			Score		
Critical Element	Initial	Final (if changed)	Weight	Initial	Final (if changed)		ummary Level Ranges
1. Leading Change	(b)(6)	(ii changea)	10%	(b)(6)	(ii changea)		
2. Leading People			10%				475-500 = Level 5
3. Business Acumen			10%				400-474 = Level 4 300-399 = Level 3
4. Building Coalitions			10%				200-299 = Level 2
5. Results Driven			60%			Anv	CE rated Level 1 = Level 1
Total	142 J. Park		100%				

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Part 5. Critical Elements

Performance Standards for Critical Elements (The performance standard for each critical element is specified below; examples for the top three performance levels can be found in the system description)

- Level 5: The executive demonstrates exceptional performance, fostering a climate that sustains excellence and optimizes results in the executive's organization, agency, department or government-wide. This represents the highest level of executive performance, as evidenced by the extraordinary impact on the achievement of the organization's mission. The executive is an inspirational leader and is considered a role model by agency leadership, peers, and employees. The executive continually contributes materially to or spearheads agency efforts that address or accomplish important agency goals, consistently achieves expectations at the highest level of quality possible, and consistently handles challenges, exceeds targets, and completes assignments ahead of schedule at every step along the way.
- Level 4: The executive demonstrates a very high level of performance beyond that required for successful performance in the executive's position and scope of responsibilities. The executive is a proven, highly effective leader who builds trust and instills confidence in agency leadership, peers, and employees. The executive consistently exceeds established performance expectations, timelines, or targets, as applicable.
- Level 3: The executive demonstrates the high level of performance expected and the executive's actions and leadership contribute positively toward the achievement of strategic goals and meaningful results. The executive is an effective, solid, and dependable leader who delivers high-quality results based on measures of quality, quantity, efficiency, and/or effectiveness within agreed upon timelines. The executive meets and often exceeds challenging performance expectations established for the position.
- Level 2: The executive's contributions to the organization are acceptable in the short term but do not appreciably advance the organization towards achievement of its goals and objectives. While the executive generally meets established performance expectations, timelines and targets, there are occasional lapses that impair operations and/or cause concern from management. While showing basic ability to accomplish work through others, the executive may demonstrate limited ability to inspire subordinates to give their best efforts or to marshal those efforts effectively to address problems characteristic of the organization and its work.
- Level 1: In repeated instances, the executive demonstrates performance deficiencies that detract from mission goals and objectives. The executive generally is viewed as ineffectual by agency leadership, peers, or employees. The executive does not meet established performance expectations/timelines/targets and fails to produce or produces unacceptable work products, services, or outcomes.

Element Rating Level Points

Leve(5 = 5 points

Level 4 = 4 points

Level 3 = 3 points

Level 2 = 2 points

Level 1 = 0 points

Executive Name and ID: DAVID PRUSCHKE Appraisal Period: FY 2016 Critical Element 1. Leading Change Weight 10% Develops and implements an organizational vision that integrates key organizational and program goals, priorities, values, and other factors. Assesses and adjusts to changing situations, implementing innovative solutions to make organizational improvements, ranging from incremental improvements to major shifts in direction or approach, as appropriate. Balances change and continuity; continually strives to improve service and program performance; creates a work environment that encourages creative thinking, collaboration, and transparency; and maintains program focus, even under adversity. Agency-Specific Performance Requirements Lead PTAB through continuing expansion with a further appropriate growth in number of judges and addition of other personnel. Lead PTAB through appropriate expansion of judge corps and hearings in regional offices. Lead PTAB through further phases of issuing America Invents Act Trial final decisions. Lead upgrade in quality of support staff. Rating Official Narrative: (Optional) (b)(6)Critical Element Rating - Leading Change Critical Element 2. Leading People Weight 10% Designs and implements strategies that maximize employee potential, connects the organization horizontally and vertically, and fosters high ethical standards in meeting the organization's vision, mission, and goals. Provides an inclusive workplace that fosters the development of others to their full potential; allows for full participation by all employees; facilitates collaboration, cooperation, and teamwork, and supports constructive resolution of conflicts. Ensures employee performance plans are aligned with the organization's mission and goals, that employees receive constructive feedback, and that employees are realistically appraised against clearly defined and communicated performance standards. Holds employees accountable for appropriate levels of performance and conduct. Seeks and considers employee input. Recruits, retains, and develops the talent needed to achieve a high quality, diverse workforce that reflects the nation, with the skills needed to accomplish organizational performance objectives while supporting workforce diversity, workplace inclusion, and equal employment policies and programs. Agency-Specific Performance Requirements Serve as Chief Judge. Provide policy direction and guidance to the PTAB. Perform Business Unit Head functions on the Policy Council, Management Council and Executive Committee of the Agency, and otherwise, as appropriate. Lead continuing activities directed at PTAB execution of new duties given to the PTAB under the America Invents. Act. Motivate PTAB to keep tackling substantial ex parte appeal case backlog. Rating Official Narrative: (Optional)

Critical Element Rating - Leading People

(b)(6)

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Executive Name and ID: DAVID P RUSCHKE Appraisal Period: FY 2016 Critical Element 3, Business Acumen Weight 10% Assesses, analyzes, acquires, and administers human, financial, material, and information resources in a manner that instills public trust and accomplishes the organization's mission. Uses technology to enhance processes and decision making. Executes the operating budget; prepares budget requests with justifications; and manages resources. Agency-Specific Performance Requirements Advance development of improved IT systems and system integration. Manage reallocation of budget resources to accommodate geographic and human resource expansion. Drive confidence in management of Board by further developing capabilities of larger management team. Rating Official Narrative: (Optional) (b)(6)Critical Element Rating - Business Acumen **Critical Element 4. Building Coalitions** (Minimum weight 5%) Weight 10% Solicits and considers feedback from internal and external stakeholders or customers. Coordinates with appropriate parties to maximize input from the widest range of appropriate stakeholders to facilitate an open exchange of opinion from diverse groups and strengthen internal and external support. Explains, advocates, and expresses facts and ideas in a convincing manner and negotiates with individuals and groups internally and externally, as appropriate. Develops a professional network with other organizations and identifies the internal and external politics that affect the work of the organization. Agency-Specific Performance Requirements Collaborate with other business units, where possible, to implement strategies for reducing ex parte appeals inventory within limits imposed by AIA trial inventory and deadlines. Interact with public to instruct on new PTAB jurisdiction and procedures. Rating Official Narrative: (Optional)

Critical Element Rating - Building Coalitions

(b)(6)

		Andrew Brown Brown Brown
		Electric Mercanic Management (1975)
		About Ext. L.

Critical Element 5. Results Driven

Weight 60%

Agency Goals/Objectives for current FY: Must have at least 1 result (may have up to 4)

This critical element includes specific performance requirements expected of the executive during the appraisal period, focusing on measurable outcomes from the strategic plan or other measurable outputs and outcomes clearly aligned to organizational goals and objectives. At a minimum, the performance plan will include performance requirements (including measures, targets, timelines, or quality descriptors, as appropriate) describing the range of performance at Level 3 for each result specified. It is recommended to also establish the threshold measures/targets for Levels 5 and 2.

Alignment--cite relevant goals/objectives, page numbers, from the Strategic Plan, Congressional Budget Justification/Annual Performance Plan, or other organizational planning document in the designated section for each performance requirement specified.

Performance Requirement 1: 35% Weight	Strategic Alignment:
America Invents Act Trial Timeliness: Reach AIA trial completion in 12 months, or in 18 months in cases with extensions for good cause.	USPTO Strategic Plan, Goal 1, Objective 7-A
Performance Requirement 2: 30 % Wei gh t	Strategic Alignment:
PTAB Expansion / Ex Parte Inventory Reduction: Facilitate Judge appointments with the submission to the Under Secretary of a sufficient number of proposed new APJs between May 22, 2016 and September 30, 2016, to achieve a reduction of ex parte appeal inventory by 10%.	USPTO Strategic Plan, Goal 1, Objective 7-B
Performance Requirement 3: 35 % Weight	Strategic Alignment:
PTAB Decision Consistency: Facilitate regular extra-panel review of at least 25% of final AIA decisions, excluding rehearing decisions, and management review of at least 5% of exparte appeals decisions.	USPTO Strategic Plan, Goal 1, Objective 7-D
Rating Official Narrative: (Optional)	
Critical Element Rating – Results Driven (b)(6)	

Executive Name and ID: DAVID PROSCHEE	Rating Period: FY 2016
Part 6: Summary Rating Narrative (Mandatory)	
Part 7: Executive's Accomplishment Narrative (Optional)	
Part 8: Agency Use	

Deriving the Results Driven Rating Worksheet

Executive Name DAVID P RUSCHKE

Rating Period FY 2016

Results Driven Performance	Performance Requirement	Weight (multiply	Performance Requirement	Point Ranges to Rating Level Score	Results Driven Initial Element
Requirements (PR)	Rating Level Score	by)	Points Score		Score
Performance Requirement 1				Points 475 – 500 = Level 5 Rating Score Points 400–474 = Level 4 Rating Score	
Performance Requirement 2				Points 300 – 399 = Level 3 Rating Score Points 200 – 299 = Level 2 Rating	
Performance Requirement 3				Score Any PR rated Level 1 overall score must be = Level 1 Rating Score	
Performance Requirement 4					
		= 100%			
Performance Requirement Total Score				= Level	

Example of Results Driven Element Being Rated Level 4

Results Driven	Performance	Weight	Performance	Point Ranges to Rating Level Score	Results Driven
Performance	Requirement	(multiply	Requirement		Initial Element
Requirements	Rating Level	by)	Points Score		Score
(PR)	Score				
		:		Points 475 – 500 = Level 5 Rating	
Performance	4	x 25	100	Score	:
Requirement 1				Points 400 – 474 = Level 4 Rating	
Performance	5	x 30	150	Score	
Requirement 2		i		Points 300 - 399 = Level 3 Rating	
Performance	5	x 15	75	Score	
Requirement 3				Points 200 – 299 = Level 2 Rating	
Performance	3	x 30	90	Score	
Requirement 4				Any PR rated Level 1 overall score	
		= 100%		must be = Level 1 Rating Score	
Performance					
Requirement			415	415= Level 4	4*
Total Score					

^{*}Results Driven Rating is 4 – to be transferred to Initial Element Score beside Results Driven Critical Element on the bottom of page 1.



David Ruschke, Chief Administrative Patent Judge FY2017 End of Year Performance Narrative

Critical Element 1: Leading Change (10%)

diring and Reorganization
(b)(6)
learing <u>s</u>
b)(6)
atent Reform Initiative
(b)(6)

Critical Element 2: Leading People (10%)

<u>Serve as Chief Judge</u>
(b)(6)
Policy and Guidance Direction
(b)(6)
Business Unit Head Functions
(b)(6)

)(6)	
tivate Employees (e.g., to tackle ex parte appeal backlog) (6)	
(6)	

Critical Element 3: Business Acumen (10%)

	Advance Improved IT systems
(t	b)(6)
2.0	Manage Budget (b)(6)
	(b)(6)

Critical Element 4: Building Coalitions (10%)

<u>Collaborate with Other Business Units (e.g., to reduce ex parte appeal inventory within AIA trial limits imposed by statutory deadlines)</u>

•	Under Secretary's Office:
	(b)(6)
•	TTAB:
	(b)(6)
•	Patents:
	(b)(6)
•	CFO: (b)(6)
	and the second s
•	CIO: (b)(6)
•	OPIA / OGA:
	(b)(6)
	OGL:
	(b)(6)
	OCCO: (b)(6)

				,
Engage	with Public			
(b)(6)	with Public			

Regional Offices (b)(6)

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Critical Element 5: Results Driven (60%)

<u>Performance Requirement 1, AIA Trial Timeliness (35%)</u> <u>USPTO Strategic Plan, Goal 1, Objective 7-A</u>

(b)(6)	
8	
	Performance Requirement 2, PTAB Expansion/Ex Parte Inventory Reduction (30%)
	USPTO Strategic Plan, Goal 1, Objective 7-B
(b)(6)	
(-)(-)	

<u>Performance Requirement 3, PTAB Decision Consistency (35%)</u> <u>USPTO Strategic Plan, Goal 1, Objective 7-D</u>

(b)(6)		

SES Performance Management System Executive Performance Plan



Part 1. Consultation. I have reviewed this plan and have been consulted on its development.						
Executive's Name (Last,	First, MI): RUSCHILE, DA	VID P.		Appra 9/30/	isal Pd. 10/01/17 - 18	
Executive's Signature:		*		Date:	9/29/2017	
Title: Chief Administrative Patent Judge					ization: PTAB	
Rating Official's Name (Last, First, MI): Scardino, Anthony P.					NC LT/LE	
Rating Official's Signature: (b)(6)					9/29/2017	
Part 2. Progress Review	N					
Executive's Signature:				Date:	4/30/2018	
Rating Official's Signatur	re:			Date:	4/30/2018	
Reviewing Official's Sign	nature (Optional):			Date:		
Part 3. Summary Rating	g (p)(6)					
Initial Summary Rating						
Rating Official's Name (L	Last, First, MI): Scare	lino An	thong P.			
Rating Official's Signatur	re: (b)(6)		NA MARIA - 1811	Date:	Date: 11/7/18	
Executive's Signature:				Date:	Date:	
Reviewing Official's Signature (Optional):			Date:			
Higher Level Review (if	applicable)					
l request a higher lev	vel review. Executive's	Initials:		Date:		
Higher Level Review Con	mpleted			Date:		
Higher Level Reviewer Si	ignature:					
Performance Review Bo	ard Recommendation	(b)(6)				
PRB Chair Signature:	(b)(6)				Date:	
Annual Summary Rating	(b)(6)					
Appointing Authority Sig	nature				Date:	
Part 4. Derivation Form	ula and Calculation of A	nnual Summa	ry Rating			
Critical Element	Element Rating Final Initial (if changed)	Weight	Score Final (if changed)	-	Summary Level Ranges	
1. Leading Change 2. Leading People 3. Business Acumen 4. Building Coalitions 5. Results Driven Total	(b)(6)	10% 10% 10% 10% 60%	(b)(6)		475-500 = Level 5 400-474 = Level 4 300-399 = Level 3 200-299 = Level 2 CE rated Level 1 = Level 1	

Part S. Performance Standards and Critical Elements

Performance Standards for Critical Elements (The performance standard for each critical element is specified below; examples for the top three performance levels can be found in the system description)

- Level 5: The executive demonstrates exceptional performance, fostering a climate that sustains excellence and optimizes results in the executive's organization, agency, department or Governmentwide. This represents the highest level of executive performance, as evidenced by the extraordinary impact on the achievement of the organization's mission. The executive is an inspirational leader and is considered a role model by agency leadership, peers, and employees. The executive continually contributes materially to or spearheads agency efforts that address or accomplish important agency goals, consistently achieves expectations at the highest level of quality possible, and consistently handles challenges, exceeds targets. and completes assignments ahead of schedule at every step along the way.
- Level 4: The executive demonstrates a very high level of performance beyond that required for successful performance in the executive's position and scope of responsibilities. The executive is a proven, highly effective leader who builds trust and instills confidence in agency leadership, peers, and employees. The executive consistently exceeds established performance expectations, timelines, or targets, as applicable.
- Level 3: The executive demonstrates the high level of performance expected and the executive's actions and leadership contribute positively toward the achievement of strategic goals and meaningful results. The executive is an effective, solid, and dependable leader who delivers high-quality results based on measures of quality, quantity, efficiency, and/or effectiveness within agreed upon timelines. The executive meets and sometimes exceeds challenging performance expectations established for the position.
- Level 2: The executive's contributions to the organization are acceptable in the short term but do not appreciably advance the organization towards achievement of its goals and objectives. While the executive generally meets established performance expectations, timelines and targets, there are occasional lapses that impair operations and/or cause concern from management. While showing basic ability to accomplish work through others, the executive may demonstrate limited ability to inspire subordinates to give their best efforts or to marshal those efforts effectively to address problems characteristic of the organization and its world.
- Level 1: In repeated instances, the executive demonstrates performance deficiencies that detract from mission goals and objectives. The executive generally is viewed as ineffectual by agency leadership, peers, or employees. The executive routinely does not meet established performance expectations/timelines/targets and fails to produce - or produces unacceptable - work products, services, or outcomes.

I	Element Rating Level Points	
I		Level 5 = 5 points
ı		Level 4 = 4 points
1		

Level 3 = 3 points Level 2 = 2 points

Level 1 = 0 points

Critical Element Rating - Leading People

Executive Name and ID: DAVID PRUSCHKE	Appraisal Period: FY2018
Critical Element 1. Leading Change	(Minimum weight 5 points) Weight 10%
organizational and program goals, priorities, valuimplementing innovative solutions to make organization shifts in direction or approach, as appropriately	ps and implements an organizational vision that integrates key ues, and other factors. Assesses and adjusts to changing situations, anizational improvements, ranging from incremental improvements to riate. Balances change and continuity; continually strives to improve rk environment that encourages creative thinking, collaboration, and en under adversity.
Lead PTAB through continuing appropriate devi	elopment, enhancement, and optimization of organizational structure,
policies, and proceedings. Make further approp	oriate adjustments in number of judges and other personnel. Lead PTAB nts Act Trial final decisions and appropriate enhancement of rules of
Satisfaction (Continue)	
Rating Official Narrative: (Optional)	
36	¥
Critical Element Rating – Leading Change	(b)(6)
Critical Element 2. Leading People	(Minimum weight 5 points) Weight 10%
the organization horizontally and vertically, and the and goals. Provides an inclusive workplace that it participation by all employees; facilitates collabor of conflicts. Ensures employee performance plan receive constructive feedback, and that employee performance standards. Holds employees accounce considers employee input. Recruits, retains, and that reflects the nation, with the skills needed to workforce diversity, workplace inclusion, and each Agency-Specific Performance Requirements Lead, develop, and implement actions to import gathered from sources including the USPTO and other initiatives. Serve as Chief Judge. Provide policy direction are	rove employee engagement in your area based on employee feedback People Survey, Federal Employee Viewpoint Survey, focus groups and guidance to the PTAB. Perform Business Unit Head functions as at PTAB execution of duties given to the PTAB under the America
i i i i i i i i i i i i i i i i i i i	
Critical Flement Rating - Legaling Recole	(b)(6)

Critical Element 3	. Business	Acumen
--------------------	------------	--------

(Minimum weight 5 points); Weight 10%

Mandatory Performance Requirement: Assesses, analyzes, acquires, and administers human, financial, material, and information resources in a manner that instills public trust and accomplishes the organization's mission. Uses technology to enhance processes and decision making. Executes the operating budget; prepares budget requests with justifications; and manages resources.

Agency-Specific Performance Requirements

Advance development of improved PTAB IT systems and system integration to support PTAB's mission. Manage allocation of budget resources to accommodate business unit needs.

Rating Official Narrative: (Optional)

Critical Element Rating - Business Acumen

(b)(6)

Critical Element 4. Building Coalitions

(Minimum weight 5 points) | Weight 10%

Mandatory Performance Requirement: Solicits and considers feedback from internal and external stakeholders or customers. Coordinates with appropriate parties to maximize input from the widest range of appropriate stakeholders to facilitate an open exchange of opinion from diverse groups and strengthen internal and external support. Explains, advocates, and expresses facts and ideas in a convincing manner and negotiates with individuals and groups internally and externally, as appropriate. Develops a professional network with other organizations and identifies the internal and external politics that affect the work of the organization.

Agency-Specific Performance Requirements

Collaborate with other business units, where possible and appropriate, to implement strategies for achieving USPTO objectives or PTAB objectives such as reducing exparte appeals inventory / pendency within limits imposed by AIA trial inventory and deadlines. Interact with public to collect feedback and to inform on PTAB AIA trial and appeal practice and procedures. Ensure clear and consistent messaging is coordinated internally and communicated to the public.

Rating Official Narrative: (Optional)

Critical Element Rating - Building Coalitions

(b)(6)

Executive Name and ID: DAVID P RUSCHKE

Appraisal Period: FY2018

Critical Element 5. Results Driven

(Minimum Weight 20 points) Weight 60%

This critical element must have at least $\bf 1$ performance requirement (there is no maximum number of requirements, agency should specify if it sets a maximum number).

This critical element includes specific performance requirements expected of the executive during the appraisal period, focusing on measurable results from the strategic plan or other measurable outputs and outcomes clearly aligned to organizational goals and objectives. At a minimum, the performance requirements must contain measurable results and their quality indicators describing the range of performance at Level 3 for each result specified. In addition to the quality Indicators, applicable measures of quantity, timelines, and/or cost-effectiveness may be included as appropriate. It is recommended to also establish the threshold quality indicators and measures for Levels 5 and 2. Indicators must reflect the same level of performance as the respective performance standard contained in Part 5.

Strategic Alignment-identify clear, transparent alignment to agency strategic planning initiatives (e.g., relevant agency or organizational goals/objectives with cited page numbers from the Strategic Plan, Congressional Budget Justification/Annual Performance Plan, or other organizational planning document) in the designated section for each performance requirement.

Note: Performance requirements must contain results and quality indicators that are clearly and differentially identified (e.g., highlighted, bold, underlined) so that it is readily evident on what the senior executive will be rated and what is expected for success.

Performance Requirement 1: 25% Weight

Strategic Alignment:

America Invents Act Trial Timeliness:

Achieve AIA trial completion in compliance with applicable legal requirements in 12 months from institution, or in 18 months from institution in cases with extensions for good cause, for 95% of all AIA trials not subject to joinder. Achieve issuance of AIA petition decisions on institution in compliance with applicable legal requirements within statutory period of 3 months for 95% of all AIA petitions.

USPTO Strategic Plan, Goal 1: **OPTIMIZE PATENT QUALITY AND** TIMELINESS, Objective 7: Maintain the Patent Trial and Appeal Board's (PTAB) Ability to Provide Timely and High **Quality Decisions**

Performance Requirement 2: 25% Weight

Ex Parte Inventory / Pendency Reduction:

Achieve progress toward a reduction in the average time from jurisdiction passing to the Board to decision on regular exparte appeals, or achieve progress toward a reduction of ex parte appeal inventory by issuing decisions in accordance with applicable legal requirements.

Strategic Alignment:

USPTO Strategic Plan, Goal 1: **OPTIMIZE PATENT QUALITY AND** TIMELINESS, Objective 7: Maintain the Patent Trial and Appeal Board's (PTAB) Ability to Provide Timely and High **Quality Decisions**

Performance Requirement 3: 25% Weight

Strategic Alignment:

PTAB Decision Consistency:

In accordance with the authority granted under Title 35 of the United States Code and Title 37 of the Code of Federal Regulations, binding case law precedent, and written guidance applicable to PTAB proceedings issued by the Director or the Director's delegate, ensure that PTAB judges render clear and consistent decisions for proceedings before the PTAB. Ensure review of 25% of final AIA decisions, excluding rehearing decisions, and 2% of regular ex parte appeals decisions,

USPTO Strategic Plan, Goal 1: OPTIMIZE PATENT QUALITY AND TIMELINESS, Objective 7: Maintain the Patent Trial and Appeal Board's (PTAB) Ability to Provide Timely and High **Quality Decisions**

Title 35 of the United States Code, Title 37 of the Code of Federal Regulations, binding case law precedent, and written guidance applicable to PTAB proceedings issued by the Director or the Director's delegate.

Performance Regulrement 4: 25% Weight		Strategic Alignment:		
Federal Circuit Remand Decision Timeliness:	USPTO Strategic Plan, Goal 1: OPTIMIZE PATENT QUALITY AND			
Ensure completion of decisions on remand in c	ompliance with applicable	TIMELINESS, Objective 7: Maintain the		
legal requirements from the Federal Circuit in a the Federal Circuit's mandate for 50% of all suc	Patent Trial and Appeal Board's (PTAB) Ability to Provide Timely and High Quality Decisions			
Rating Official Narrative: (Optional)				
*	£	k.		
Critical Floment Rating - Parults Orivan	(b)(6)			

Executive Name and	I IU: DAVID P R	COSCHIKE			Apprais	sai Period: FYZU18
Part 6: Summary Rat	ing Narrative (M	landatory)				
						1
				2		
						v
Part 7: Executive's A	ccomplishment N	Narrative (Optional)			
					8	
Part 8: Agency Use						
	1					

7



SES Performance Management System Executive Performance Agreement



Part 1. Consultation. I have reviewed this plan and have been consulted on its development.							
Executive's Name (Lost, First, MI): RUSCHKE	Appraisal Pd. 10/01/16 - 9/30/17						
Executive's Signature: (b)(6)				Date: 10/25/16			
Title: Chief Administrative Patent Judge, U.	S. Patent and Trac	demark Off	ice	Organization: PTAB			
Rating Official's Name (Last, First, MI): SLIFE	R, RUSSELL D, Dep	outy Directo	or	CA NC LT/LE			
Rating Official's Signature: (b)(6)				Date: 10/25/16			
Part 2. Progress Review	ń						
Executive's Signature: (b)(6)				Date: 4/26/W17			
Rating Official's Signature: (b)(6)				Date: 4/26/17			
Reviewing Official's Signature (Optional):				Date:			
Part 3. Summary Rating		-151		The second second			
(b)(6) Initial Summary Rating							
Rating Official's Name (Lost, First, MI): SLIFE	R, RUSSELL D, De	outy Directo	or Scenda	to Anthony P			
Rating Official's Signature: (b)(6)				Date: 11/1/17			
Executive's Signature: (b)(6)		Date: 11/1 / 2017					
Reviewing Official's Signature (Optional): Date:							
Higher Level Review (if applicable)							
I request a higher level review. Executiv	ve's Initials:			Date:			
Higher Level Review Completed				Date:			
Higher Level Reviewer Signature:							
Performance Review Board Recommendation	(b)(6)	-		4			
PRB Chair Signature:(b)(6)				Date:			
Annual Summary Rating	(b)(6)						
Appointing Authority Signature (b)(6)	A)			Date:			
Part 4. Derivation Formula and Calculation	of Annual Summa	ry Rating					
Element Rating			Score				
Critical Element Initial (if change	TOTAL SAME OF THE SAME OF	Initial	Final	Cumman, Lovel Dannes			
Critical Element Initial (if change 1. Leading Change (b)(6)	ged) Weight 10%	(b)(6)	(if changed)	Summary Level Ranges			
2. Leading People	10%	(5)(0)		475-500 = Level 5			
3. Business Acumen	10%			400-474 = Level 4			
4. Building Coalitions	10%			300-399 = Level 3			
5. Results Driven	60%			200-299 = Level 2 Any CE rated Level 1 = Level 1			
Total	100%			Any CE rated Level 1 = Level 1			

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Executive Name and ID: DAVID P RUSCHKE Appraisal Period: FY 2016

Part 5. Critical Elements

Performance Standards for Critical Elements (The performance standard for each critical element is specified below; examples for the top three performance levels can be found in the system description)

- Level 5: The executive demonstrates exceptional performance, fostering a climate that sustains excellence and optimizes results in the executive's organization, agency, department or government-wide. This represents the highest level of executive performance, as evidenced by the extraordinary impact on the achievement of the organization's mission. The executive is an inspirational leader and is considered a role model by agency leadership, peers, and employees. The executive continually contributes materially to or spearheads agency efforts that address or accomplish important agency goals, consistently achieves expectations at the highest level of quality possible, and consistently handles challenges, exceeds targets, and completes assignments ahead of schedule at every step along the way.
- Level 4: The executive demonstrates a very high level of performance beyond that required for successful performance in the executive's position and scope of responsibilities. The executive is a proven, highly effective leader who builds trust and instills confidence in agency leadership, peers, and employees. The executive consistently exceeds established performance expectations, timelines, or targets, as applicable.
- Level 3: The executive demonstrates the high level of performance expected and the executive's actions and leadership contribute positively toward the achievement of strategic goals and meaningful results. The executive is an effective, solid, and dependable leader who delivers high-quality results based on measures of quality, quantity, efficiency, and/or effectiveness within agreed upon timelines. The executive meets and often exceeds challenging performance expectations established for the position.
- Level 2: The executive's contributions to the organization are acceptable in the short term but do not appreciably advance the organization towards achievement of its goals and objectives. While the executive generally meets established performance expectations, timelines and targets, there are occasional lapses that impair operations and/or cause concern from management. While showing basic ability to accomplish work through others, the executive may demonstrate limited ability to inspire subordinates to give their best efforts or to marshal those efforts effectively to address problems characteristic of the organization and its work.
- Level 1: In repeated instances, the executive demonstrates performance deficiencies that detract from mission goals and objectives. The executive generally is viewed as ineffectual by agency leadership, peers, or employees. The executive does not meet established performance expectations/timelines/targets and fails to produce or produces unacceptable work products, services, or outcomes.

Fleme	nt Ra	ting I	Level	Points
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Level 5 = 5 points

Level 4 = 4 points Level 3 = 3 points

Level 2 = 2 points

Level 1 = 0 points

Executive Name and ID: DAVID P RUSCHKE Appraisal Period: FY 2016 Critical Element 1. Leading Change Weight 10% Develops and implements an organizational vision that integrates key organizational and program goals, priorities, values, and other factors. Assesses and adjusts to changing situations, implementing innovative solutions to make organizational improvements, ranging from incremental improvements to major shifts in direction or approach, as appropriate. Balances change and continuity; continually strives to improve service and program performance; creates a work environment that encourages creative thinking, collaboration, and transparency; and maintains program focus, even under adversity. Agency-Specific Performance Requirements Lead PTAB through continuing expansion with a further appropriate growth in number of judges and addition of other personnel. Lead PTAB through appropriate expansion of judge corps and hearings in regional offices. Lead PTAB through further phases of issuing America Invents Act Trial final decisions. Lead upgrade in quality of support staff. Rating Official Narrative: (Optional) (b)(6)Critical Element Rating - Leading Change Critical Element 2. Leading People Weight 10% Designs and implements strategies that maximize employee potential, connects the organization horizontally and vertically, and fosters high ethical standards in meeting the organization's vision, mission, and goals. Provides an inclusive workplace that fosters the development of others to their full potential; allows for full participation by all employees; facilitates collaboration, cooperation, and teamwork, and supports constructive resolution of conflicts. Ensures employee performance plans are aligned with the organization's mission and goals, that employees receive constructive feedback, and that employees are realistically appraised against clearly defined and communicated performance standards. Holds employees accountable for appropriate levels of performance and conduct. Seeks and considers employee input. Recruits, retains, and develops the talent needed to achieve a high quality, diverse workforce that reflects the nation, with the skills needed to accomplish organizational performance objectives while supporting workforce diversity, workplace inclusion, and equal employment policies and programs. Agency-Specific Performance Requirements Serve as Chief Judge. Provide policy direction and guidance to the PTAB. Perform Business Unit Head functions on the Policy Council, Management Council and Executive Committee of the Agency, and otherwise, as appropriate. Lead continuing activities directed at PTAB execution of new duties given to the PTAB under the America Invents. Act. Motivate PTAB to keep tackling substantial ex parte appeal case backlog. Rating Official Narrative: (Optional)

Critical Element Rating - Leading People

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Executive Name and ID: DAVID P RUSCHKE Appraisal Period: FY 2016 Critical Element 3. Business Acumen Weight 10% Assesses, analyzes, acquires, and administers human, financial, material, and information resources in a manner that instills public trust and accomplishes the organization's mission. Uses technology to enhance processes and decision making. Executes the operating budget; prepares budget requests with justifications; and manages resources. Agency-Specific Performance Requirements Advance development of improved IT systems and system integration. Manage reallocation of budget resources to accommodate geographic and human resource expansion. Drive confidence in management of Board by further developing capabilities of larger management team. Rating Official Narrative: (Optional) (b)(6)Critical Element Rating - Business Acumen Critical Element 4. Building Coalitions (Minimum weight 5%) Weight 10% Solicits and considers feedback from internal and external stakeholders or customers. Coordinates with appropriate parties to maximize input from the widest range of appropriate stakeholders to facilitate an open exchange of opinion from diverse groups and strengthen internal and external support. Explains, advocates, and expresses facts and ideas in a convincing manner and negotiates with individuals and groups internally and externally, as appropriate. Develops a professional network with other organizations and identifies the internal and external politics that affect the work of the organization. Agency-Specific Performance Requirements Collaborate with other business units, where possible, to implement strategies for reducing ex parte appeals inventory within limits imposed by AIA trial inventory and deadlines. Interact with public to instruct on new PTAB jurisdiction and procedures. Rating Official Narrative: (Optional)

Critical Element Rating - Building Coalitions

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Critical Element 5. Results Driven

Weight 60%

Agency Goals/Objectives for current FY: Must have at least 1 result (may have up to 4)

This critical element includes specific performance requirements expected of the executive during the appraisal period, focusing on measurable outcomes from the strategic plan or other measurable outputs and outcomes clearly aligned to organizational goals and objectives. At a minimum, the performance plan will include performance requirements (including measures, targets, timelines, or quality descriptors, as appropriate) describing the range of performance at Level 3 for each result specified. It is recommended to also establish the threshold measures/targets for Levels 5 and 2.

Alignment--cite relevant goals/objectives, page numbers, from the Strategic Plan, Congressional Budget Justification/Annual Performance Plan, or other organizational planning document in the designated section for each performance requirement specified.

Performance Requirement 1: 35% Weight	Strategic Alignment:
America Invents Act Trial Timeliness: Reach AIA trial completion in 12 months, or in 18 months in cases with extensions for good cause.	USPTO Strategic Plan, Goal 1, Objective 7-A
Performance Requirement 2: 30 % Wei gh t	Strategic Alignment:
PTAB Expansion / Ex Parte Inventory Reduction: Facilitate Judge appointments with the submission to the Under Secretary of a sufficient number of proposed new APJs between May 22, 2016 and September 30, 2016, to achieve a reduction of ex parte appeal inventory by 10%.	USPTO Strategic Plan, Goal 1, Objective 7-B
Performance Requirement 3: 35 % Weight	Strategic Alignment:
PTAB Decision Consistency: Facilitate regular extra-panel review of at least 25% of final AIA decisions, excluding rehearing decisions, and management review of at least 5% of ex parte appeals decisions.	USPTO Strategic Plan, Goal 1, Objective 7-D
Rating Official Narrative: (Optional)	

Critical Element Rating - Results Driven

Executive Name and ID: DAVID PROSCHEE	Rating Period: FY 2016
Part 6: Summary Rating Narrative (Mandatory)	
Part 7: Executive's Accomplishment Narrative (Optional)	
Part 8: Agency Use	

Deriving the Results Driven Rating Worksheet

Executive Name DAVID P RUSCHKE

Rating Period FY 2016

Requirement Rating Level Score	Weight (multiply by)	Performance Requirement Points Score	Point Ranges to Rating Level Score	Results Driven Initial Element Score
			Points 475 – 500 = Level 5 Rating Score Points 400-474 = Level 4 Rating Score	
			Points 300 – 399 = Level 3 Rating Score Points 200 – 299 = Level 2 Rating	
			Score Any PR rated Level 1 overall score must be = Level 1 Rating Score	
	= 100%		= Level	
	Rating Level Score	Rating Level by) Score	Rating Level Score Points Score	Rating Level Score Points 475 – 500 = Level 5 Rating Score Points 400-474 = Level 4 Rating Score Points 300 – 399 = Level 3 Rating Score Points 200 – 299 = Level 2 Rating Score Any PR rated Level 1 overall score must be = Level 1 Rating Score = 100%

Example of Results Driven Element Being Rated Level 4

Results Driven	Performance	Weight	Performance	Point Ranges to Rating Level Score	Results Driven
Performance	Requirement	(multiply	Requirement		Initial Element
Requirements	Rating Level	by)	Points Score		Score
(PR)	Score				
				Points 475 – 500 = Level 5 Rating	
Performance	4	x 25	100	Score	:
Requirement 1				Points 400 – 474 = Level 4 Rating	
Performance	5	x 30	150	Score	
Requirement 2		i		Points 300 – 399 = Level 3 Rating	
Performance	5	x 15	75	Score	
Requirement 3				Points 200 – 299 = Level 2 Rating	
Performance	3	x 30	90	Score	
Requirement 4			 	Any PR rated Level 1 overall score	22
		= 100%		must be = Level 1 Rating Score	
Performance					
Requirement			415	415= Level 4	4*
Total Score					

^{*}Results Driven Rating is 4 – to be transferred to Initial Element Score beside Results Driven Critical Element on the bottom of page 1.



David Ruschke, Chief Administrative Patent Judge FY2017 End of Year Performance Narrative

Critical Element 1: Leading Change (10%)

<u>Hiring</u> and Reorganization
(b)(6)
<u>Hearings</u>
(b)(6)
Patent Reform Initiative
(b)(6)

Critical Element 2: Leading People (10%)

<u>Serve as Chief Judge</u>	
(b)(6)	y
Policy and Guidance Direction	
(b)(6)	
Business Unit Head Functions (b)(6)	

)(6)	
otivate Employees (e.a., to tackle ex parte appeal hacklog)	
otivate Employees (e.g., to tackle ex parte appeal backlog))(6)	

Critical Element 3: Business Acumen (10%)

Advance improved IT systems
(b)(6) Manage Budget
(b)(6)
Develop Management Team Capabilities
(b)(6)

Critical Element 4: Building Coalitions (10%)

Collaborate with Other Business Units (e.g., to reduce ex parte appeal inventory within AIA trial limits imposed by statutory deadlines)

• Under Secretary's Office:			
(b)(6)			
• TTAB:			
(b)(6)			
• Patents:			
(b)(6)			
• CFO:	(b)(6)	\$100 miles	
	V 7017		
• CiO: (b)(6)			
OPIA / OGA:	-22		
(b)(6)			
OGL:			
(b)(6)			
OCCO:(b)(6)		2	

•	Regional Offices
	Regional Offices (b)(6)
Engage	with Public
(b)(6)	

Critical Element 5: Results Driven (60%)

(b)(6)

<u>Performance Requirement 1, AIA Trial Timeliness (35%)</u> <u>USPTO Strategic Plan, Goal 1, Objective 7-A</u>

300		Performance Requirement 2, PTAB Expansion/Ex Parte Inventory Reduction (30%) USPTO Strategic Plan, Goal 1, Objective 7-B
(b)	(6)	

<u>Performance Requirement 3, PTAB Decision Consistency (35%)</u> <u>USPTO Strategic Plan, Goal 1, Objective 7-D</u>

(b)(6)		



SES Performance Management System Executive Performance Agreement



Part 1. Consultation. I have reviewed this plan and have been consulted on its development.									
Executive's Name (Last, First, MI): RUSCHKE, DAVID P. Appraisal Pd. 5/22/16 - 9/30/16									
Executive's Signature:							Date:		
Title: Chief Administrativ	ve Patent J	udge, U.S. Pate	ent and Trad	emark Offi	ice		Organi	zation: PTAB	
Rating Official's Name (Lo	st, First, N	11): SLIFER, RUS	SSELL D, Dep	uty Directo	or		CA 🗹	NC LT/LE	
Rating Official's Signature	2:						Date:		
Part 2. Progress Review									
Executive's Signature:		/		-			Date:		
Rating Official's Signature	(b)(6)			ğ			Date:	10/25/16	
Reviewing Official's Signa	ture (Optio	onal):					Date:		
Part 3. Summary Rating									
Initial Summary Rating	(b)(6)								
Rating Official's Name (Lo	ast, First, N	11): Stifer, RUS	SSELL D, Dep	uty Directo	or				
Rating Official's Signature					E0		Date:	10/25/16	
Executive's Signature:	(b)(6)						Date: 10/25/16 Date: 10/25/16		
Reviewing Official's Signature (Optional): Date:									
Higher Level Review (if a	pplicable)								
☐ I request a higher leve	el review.	Executive's In	itials:				Date:		
Higher Level Review Com	Higher Level Review Completed Date:								
Higher Level Reviewer Sig	gnature:								
Performance Review Boo	ard Recom	mendation	Level	5 🔲 1	Level 4	Le	vel 3	Level 2 Level 1	
PRB Chair Signature:				'			:=:	Date:	
Annual Summary Rating			Level	5 🔲	Level 4	Le	vel 3	Level 2 Level 1	
Appointing Authority Sign	nature:		-10	19v1		W		Date:	
Part 4. Derivation Form	ula and Ca	culation of An	nual Summa	ry Rating					
	Elem	ent Rating			Score				
Critical Element	Initial	Final	Weight	Initial		nal	c	Summary Level Panges	
Critical Element Initial (if changed) Weight Initial (if changed) Summary Level Ranges 1. Leading Change (b)(6) 10% (b)(6)									
2. Leading People	2		10%					475-500 = Level 5	
3. Business Acumen			10%					400-47 4 = Level 4 300-399 = Level 3	
4. Building Coalitions 5. Results Driven			10% 60%					200-299 = Level 2	
				(b)(6)			Any	CE rated Level 1 = Level 1	
Total			100%	(5)(5)					

Part 5. Critical Elements

Performance Standards for Critical Elements (The performance standard for each critical element is specified below; examples for the top three performance levels can be found in the system description)

- Level 5: The executive demonstrates exceptional performance, fostering a climate that sustains excellence and optimizes results in the executive's organization, agency, department or government-wide. This represents the highest level of executive performance, as evidenced by the extraordinary impact on the achievement of the organization's mission. The executive is an inspirational leader and is considered a role model by agency leadership, peers, and employees. The executive continually contributes materially to or spearheads agency efforts that address or accomplish important agency goals, consistently achieves expectations at the highest level of quality possible, and consistently handles challenges, exceeds targets, and completes assignments ahead of schedule at every step along the way.
- Level 4: The executive demonstrates a very high level of performance beyond that required for successful performance in the executive's position and scope of responsibilities. The executive is a proven, highly effective leader who builds trust and instills confidence in agency leadership, peers, and employees. The executive consistently exceeds established performance expectations, timelines, or targets, as applicable.
- Level 3: The executive demonstrates the high level of performance expected and the executive's actions and leadership contribute positively toward the achievement of strategic goals and meaningful results. The executive is an effective, solid, and dependable leader who delivers high-quality results based on measures of quality, quantity, efficiency, and/or effectiveness within agreed upon timelines. The executive meets and often exceeds challenging performance expectations established for the position.
- Level 2: The executive's contributions to the organization are acceptable in the short term but do not appreciably advance the organization towards achievement of its goals and objectives. While the executive generally meets established performance expectations, timelines and targets, there are occasional lapses that impair operations and/or cause concern from management. While showing basic ability to accomplish work through others, the executive may demonstrate limited ability to inspire subordinates to give their best efforts or to marshal those efforts effectively to address problems characteristic of the organization and its work.
- Level 1: In repeated instances, the executive demonstrates performance deficiencies that detract from mission goals and objectives. The executive generally is viewed as ineffectual by agency leadership, peers, or employees. The executive does not meet established performance expectations/timelines/targets and fails to produce or produces unacceptable work products, services, or outcomes.

Element Rating Level Points	
	Level 5 = 5 points
	Level 4 = 4 points
	Level 3 = 3 points
	Level 2 = 2 points
	Level 1 = 0 points

Rating Official Narrative: (Optional)

Critical Element 3. Business Acumen

Weight 10%

Assesses, analyzes, acquires, and administers human, financial, material, and information resources in a manner that instills public trust and accomplishes the organization's mission. Uses technology to enhance processes and decision making. Executes the operating budget; prepares budget requests with justifications; and manages resources.

Agency-Specific Performance Requirements

Advance development of improved IT systems and system integration. Manage reallocation of budget resources to accommodate geographic and human resource expansion. Drive confidence in management of Board by further developing capabilities of larger management team.

Rating Official Narrative: (Optional)

Critical Element Rating - Business Acumen

(b)(6)

Critical Element 4. Building Coalitions

(Minimum weight 5%)

Weight 10%

Solicits and considers feedback from internal and external stakeholders or customers. Coordinates with appropriate parties to maximize input from the widest range of appropriate stakeholders to facilitate an open exchange of opinion from diverse groups and strengthen internal and external support. Explains, advocates, and expresses facts and ideas in a convincing manner and negotiates with individuals and groups internally and externally, as appropriate. Develops a professional network with other organizations and identifies the internal and external politics that affect the work of the organization.

Agency-Specific Performance Requirements

Collaborate with other business units, where possible, to implement strategies for reducing exparte appeals inventory within limits imposed by AIA trial inventory and deadlines. Interact with public to instruct on new PTAB jurisdiction and procedures.

Rating Official Narrative: (Optional)

Critical Element Rating - Building Coalitions

(b)(6)

Critical Element 5. Results Driven

Weight 60%

Agency Goals/Objectives for current FY: Must have at least 1 result (may have up to 4)

This critical element includes specific performance requirements expected of the executive during the appraisal period, focusing on measurable outcomes from the strategic plan or other measurable outputs and outcomes clearly aligned to organizational goals and objectives. At a minimum, the performance plan will include performance requirements (including measures, targets, timelines, or quality descriptors, as appropriate) describing the range of performance at Level 3 for each result specified. It is recommended to also establish the threshold measures/targets for Levels 5 and 2.

Alignment--cite relevant goals/objectives, page numbers, from the Strategic Plan, Congressional Budget Justification/Annual Performance Plan, or other organizational planning document in the designated section for each performance requirement specified.

Performance Requirement 1: 35% Weight	Strategic Alignment:
America Invents Act Trial Timeliness: Reach AIA trial completion in 12 months, or in 18 months in cases with extensions for good cause.	USPTO Strategic Plan, Goal 1, Objective 7-A
Performance Requirement 2: 30% Weight	Strategic Alignment:
PTAB Expansion / Ex Parte Inventory Reduction: Facilitate Judge appointments with the submission to the Under Secretary of a sufficient number of proposed new APJs between May 22, 2016 and September 30, 2016, to achieve a reduction of ex parte appeal inventory by 10%.	USPTO Strategic Plan, Goal 1, Objective 7-B
Performance Requirement 3: 35% Weight	Strategic Alignment:
PTAB Decision Consistency: Facilitate regular extra-panel review of at least 25% of final AIA decisions, excluding rehearing decisions, and management review of at least 5% of exparte appeals decisions.	USPTO Strategic Plan, Goal 1, Objective 7-D
Rating Official Narrative: (Optional)	
(b)(6)	
Critical Element Rating – Results Driven (b)(6)	

Executive Name and ID: DAVID P RUSCHKE	Rating Period: FY 2016
Part 6: Summary Rating Narrative (Mandatory)	
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Part 7: Executive's Accomplishment Narrative (Optional)	
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Deriving the Results Driven Rating Worksheet

Executive Name DAVID PRUSCHKE

Rating Period FY 2016

Results Driven Performance Requirements (PR)	Performance Requirement Rating Level Score	Weight (multiply by)	Performance Requirement Points Score	Point Ranges to Rating Level Score	Results Driven Initial Element Score
Performance Requirement 1				Points 475 – 500 = Level 5 Rating Score Points 400 – 474 = Level 4 Rating Score	
Performance Requirement 2	5			Points 300—399 = Level 3 Rating Score Points 200 — 299 = Level 2 Rating	
Performance Requirement 3				Score Any PR rated Level 1 overall score must be = Level 1 Rating Score	
Performance Requirement 4					
Performance Requirement Total Score		= 100%		= Level	

Example of Results Driven Element Being Rated Level 4

Results Driven Performance Requirements (PR)	Performance Requirement Rating Level Score	Weight (multiply by)	Performance Requirement Points Score	Point Ranges to Rating Level Score	Results Driven Initial Element Score
				Points 475 – 500 = Level 5 Rating	
Performance Requirement 1	4	x 25	100	Score Points 400 – 474 = Level 4 Rating	
Performance Requirement 2	5	x 30	150	Score Points 300 – 399 = Level 3 Rating	
Performance Requirement 3	5	x 15	75	Score Points 200 – 299 = Level 2 Rating	
Performance Requirement 4	3	x 30	90	Score Any PR rated Level 1 overall score	
		= 100%		must be = Level 1 Rating Score	
Performance Requirement Total Score			415	415= Level 4	4*

^{*}Results Driven Rating is 4 – to be transferred to Initial Element Score beside Results Driven Critical Element on the bottom of page 1.

DAVID P. RUSCHKE Chief Administrative Patent Judge Patent Trial and Appeal Board

Assessment FY2016 (May 22 - September 30, 2016)

1.	Leading Change
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	Leading People
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3.	Business Acumen
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4. <u>F</u>	Building Coalitions	
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5. <u>j</u>	Results Driven	
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SES Performance Management System Executive Performance Agreement



Part 1. Consultation. I have reviewed this plan and have been consulted on its development.										
Executive's Name (Last, First, MI): RUSCHKE, DAVID P. Appraisal Pd. 5/22/16 - 9/30/16								6 -		
Executive's Signature: Date:										
Title: Chief Administrative Patent Judge, U.S. Patent and Trademark Office Organization: PTAB								Ė		
Rating Official's Name (Last, First, MI): SLIFER, RUSSELL D, Deputy Director CA NC LT/LE										
Rating Official's Signature	Rating Official's Signature: Date:									
Part 2. Progress Review										
Executive's Signature:	-	/					Date:			
Rating Official's Signature	(b)(6)					Date:	10/25	1/16	
Reviewing Official's Signa	ture (Opti	onal):		×			Date:			
Part 3. Summary Rating										
Initial Summary Rating	Level 5 Level 4 Level 3 Level 2 Level 1									
Rating Official's Name (Lo	ist, First, N	11): SLIFER, RU	SSELL D, Dep	uty Dire	ctor					
Rating Official's Signature	(b)(6				-18		Date:	19/20	5/14	
Executive's Signature:	(b)(6)).		6)			Date:	10/20	716	
Reviewing Official's Signature (Optional): Date:										
Higher Level Review (if a	pplicable)									
☐ I request a higher leve	el review.	Executive's In	itials:				Date:			
Higher Level Review Com	pleted						Date:			
Higher Level Reviewer Sig	gnature:									
Performance Review Boo	ard Recom	mendation	Level	s [Level 4	Le	vel 3	Leve	el 2	Level 1
PRB Chair Signature:								Date:		
Annual Summary Rating			Level	s [Level 4	Le	vel 3	Leve	el 2	Level 1
Appointing Authority Sign	nature:			No.		AV		Date:		
Part 4. Derivation Form	ula and Ca	lculation of An	nual Summa	y Ratin	g					
	Elem	ent Rating			Score					
Critical Element	Final Final Final Critical Element Initial (if changed) Weight Initial (if changed) Summary Level Ranges						Panges			
Leading Change	(b)(6)	(ii changeu)	10%	(b)(6)	ii {ii ciid	ingeuj	,			
2. Leading People	0		10%					475-S0		
3. Business Acumen 10% 400-474 = Level 4 4. Building Coalitions 10% 300-399 = Level 3										
4. Building Coalitions			10%							
	Results Driven 60% 200-299 = Level 2 Any CE rated Level 1 = Level 2									
Total		الواعظور	100%							

Part 5. Critical Elements

Performance Standards for Critical Elements (The performance standard for each critical element is specified below; examples for the top three performance levels can be found in the system description)

- Level 5: The executive demonstrates exceptional performance, fostering a climate that sustains excellence and optimizes results in the executive's organization, agency, department or government-wide. This represents the highest level of executive performance, as evidenced by the extraordinary impact on the achievement of the organization's mission. The executive is an inspirational leader and is considered a role model by agency leadership, peers, and employees. The executive continually contributes materially to or spearheads agency efforts that address or accomplish important agency goals, consistently achieves expectations at the highest level of quality possible, and consistently handles challenges, exceeds targets, and completes assignments ahead of schedule at every step along the way.
- Level 4: The executive demonstrates a very high level of performance beyond that required for successful performance in the executive's position and scope of responsibilities. The executive is a proven, highly effective leader who builds trust and instills confidence in agency leadership, peers, and employees. The executive consistently exceeds established performance expectations, timelines, or targets, as applicable.
- Level 3: The executive demonstrates the high level of performance expected and the executive's actions and leadership contribute positively toward the achievement of strategic goals and meaningful results. The executive is an effective, solid, and dependable leader who delivers high-quality results based on measures of quality, quantity, efficiency, and/or effectiveness within agreed upon timelines. The executive meets and often exceeds challenging performance expectations established for the position.
- Level 2: The executive's contributions to the organization are acceptable in the short term but do not appreciably advance the organization towards achievement of its goals and objectives. While the executive generally meets established performance expectations, timelines and targets, there are occasional lapses that impair operations and/or cause concern from management. While showing basic ability to accomplish work through others, the executive may demonstrate limited ability to inspire subordinates to give their best efforts or to marshal those efforts effectively to address problems characteristic of the organization and its work.
- Level 1: In repeated instances, the executive demonstrates performance deficiencies that detract from mission goals and objectives. The executive generally is viewed as ineffectual by agency leadership, peers, or employees. The executive does not meet established performance expectations/timelines/targets and fails to produce or produces unacceptable work products, services, or outcomes.

Level 5 = 5 points
Level 4 = 4 points
Level 3 = 3 points
Level 2 = 2 points
Level 1 = 0 points

(b)(6)

Critical Element Rating - Leading People

Critical Element 3. Business Acumen

Weight 10%

Assesses, analyzes, acquires, and administers human, financial, material, and information resources in a manner that instills public trust and accomplishes the organization's mission. Uses technology to enhance processes and decision making. Executes the operating budget; prepares budget requests with justifications; and manages resources.

Agency-Specific Performance Requirements

Advance development of improved IT systems and system integration. Manage reallocation of budget resources to accommodate geographic and human resource expansion. Drive confidence in management of Board by further developing capabilities of larger management team.

Rating Official Narrative: (Optional)

Critical Element Rating – Business Acumen

(b)(6)

Critical Element 4. Building Coalitions

(Minimum weight 5%)

Weight 10%

Solicits and considers feedback from internal and external stakeholders or customers. Coordinates with appropriate parties to maximize input from the widest range of appropriate stakeholders to facilitate an open exchange of opinion from diverse groups and strengthen internal and external support. Explains, advocates, and expresses facts and ideas in a convincing manner and negotiates with individuals and groups internally and externally, as appropriate. Develops a professional network with other organizations and identifies the internal and external politics that affect the work of the organization.

Agency-Specific Performance Requirements

Collaborate with other business units, where possible, to implement strategies for reducing exparte appeals inventory within limits imposed by AIA trial inventory and deadlines. Interact with public to instruct on new PTAB jurisdiction and procedures.

Rating Official Narrative: (Optional)

Critical Element Rating - Building Coalitions

(b)(6)

Critical Element 5. Results Driven

Weight 60%

Agency Goals/Objectives for current FY: Must have at least 1 result (may have up to 4)

This critical element includes specific performance requirements expected of the executive during the appraisal period, focusing on measurable outcomes from the strategic plan or other measurable outputs and outcomes clearly aligned to organizational goals and objectives. At a minimum, the performance plan will include performance requirements (including measures, targets, timelines, or quality descriptors, as appropriate) describing the range of performance at Level 3 for each result specified. It is recommended to also establish the threshold measures/targets for Levels 5 and 2.

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Performance Requirement 1: 35% Weight	Strategic Alignment:
America Invents Act Trial Timeliness:	USPTO Strategic Plan, Goal 1,
Reach AIA trial completion in 12 months, or in 18 months in cases with	Objective 7-A
extensions for good cause.	
Performance Requirement 2: 30% Weight	Strategic Alignment:
PTAB Expansion / Ex Parte Inventory Reduction:	USPTO Strategic Plan, Goal 1,
Facilitate Judge appointments with the submission to the Under Secretary of	Objective 7-B
a sufficient number of proposed new APJs between May 22, 2016 and	
September 30, 2016, to achieve a reduction of ex parte appeal inventory by	
10%.	
Performance Requirement 3: 35% Weight	Strategic Alignment:
3	
PTAB Decision Consistency:	USPTO Strategic Plan, Goal 1,
Facilitate regular extra-panel review of at least 25% of final AIA decisions,	Objective 7-D
excluding rehearing decisions, and management review of at least 5% of exparte appeals decisions.	
parte appeals decisions.	

Rating Official Narrative: (Optional)	
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Critical Element Rating – Results Driven (b)(6)	
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Executive Name and ID: DAVID P RUSCHKE	Rating Period: FY 2016
Part 6: Summary Rating Narrative (Mandatory)	
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Part 7: Executive's Accomplishment Narrative (Optional)	
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Deriving the Results Driven Rating Worksheet

Executive Name DAVID PRUSCHKE

Rating Period FY 2016

Results Driven Performance Requirements (PR)	Performance Requirement Rating Level Score	Weight (multiply by)	Performance Requirement Points Score	Point Ranges to Rating Level Score	Results Driven Initial Element Score
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Example of Results Driven Element Being Rated Level 4

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^{*}Results Driven Rating is 4 – to be transferred to Initial Element Score beside Results Driven Critical Element on the bottom of page 1.

DAVID P. RUSCHKE Chief Administrative Patent Judge Patent Trial and Appeal Board

Assessment FY2016 (May 22 – September 30, 2016)

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SES Performance Management System Executive Performance Agreement



Part 1. Consultation. I have reviewed this plan and have been consulted on its development.								
Executive's Name (Last, First, MI): RUSCHKE, DAVID P. Appraisal Pd. 5/22/16 - 9/30/16								
Executive's Signature:								
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Rating Official's Signature: Date:								
Part 2. Progress Review								
Executive's Signature: Date:								
Rating Official's Signature	(b)(6)						Date:	10/25/16
Reviewing Official's Signa	ture (Optio	onal):					Date:	
Part 3. Summary Rating								
Initial Summary Rating	(b)(6)							
Rating Official's Name (Lo	ist, First, N	11): Stifer, RUS	SSELL D, Dep	uty Direc	tor			
Rating Official's Signature	(b)(6)				Walting 2		Date:	19/25/16
Executive's Signature:	Rating Official's Signature: (b)(6) Executive's Signature: (b)(6) Date: 10/25/16						10/15/16	
Reviewing Official's Signature (Optional): Date:								
Higher Level Review (if a	Higher Level Review (if applicable)							
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Higher Level Review Com	pleted						Date:	
Higher Level Reviewer Sig	gnature:							
Performance Review Boo	ard Recom	mendation	Level :	s [Level 4	Le	vel 3	Level 2 Level 1
PRB Chair Signature:							250	Date:
Annual Summary Rating			Level :	s [Level 4	Le	vel 3	Level 2 Level 1
Appointing Authority Signature: Date:					Date:			
Part 4. Derivation Form	ula and Ca	culation of An	nual Summar	y Rating				
	Elem	ent Rating			Score			
Critical Element	Initial	Final (if changed)	Weight	Initial		nal		Summary Level Ranges
1. Leading Change (b)(6) 10% (b)(6)								
2. Leading 1 copie				475-S00 = Level 5				
3. Business Acumen 10% 400-474 = Level 4			400-474 = Level 4 300-399 = Level 3					
4. Duilding Codificions				200-299 = Level 2				
5. Results Driver								
Total			100%	5				

Part 5. Critical Elements

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Level 4 = 4 points
Level 3 = 3 points
Level 2 = 2 points
Level 1 = 0 points

(b)(6)

Critical Element Rating - Leading People

Critical Element 3. Business Acumen

Weight 10%

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Agency-Specific Performance Requirements

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Rating Official Narrative: (Optional)

Critical Element Rating – Business Acumen

(b)(6)

Critical Element 4. Building Coalitions

(Minimum weight 5%)

Weight 10%

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Rating Official Narrative: (Optional)

Critical Element Rating - Building Coalitions

(b)(6)

Critical Element 5. Results Driven

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Reach AIA trial completion in 12 months, or in 18 months in cases with	Objective 7-A				
extensions for good cause.					
Performance Requirement 2: 30% Weight	Strategic Alignment:				
PTAB Expansion / Ex Parte Inventory Reduction:	USPTO Strategic Plan, Goal 1,				
Facilitate Judge appointments with the submission to the Under Secretary of	Objective 7-B				
a sufficient number of proposed new APJs between May 22, 2016 and					
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Performance Requirement 3: 35% Weight	Strategic Alignment:				
Veight	Strategic Alignment.				
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Facilitate regular extra-panel review of at least 25% of final AIA decisions,	Objective 7-D				
excluding rehearing decisions, and management review of at least 5% of ex					
parte appeals decisions.					
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Rating Official Narrative: (Optional)					
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Critical Element Rating – Results Driven					

Executive Name and ID: DAVID P RUSCHKE	Rating Period: FY 2016
Part 6: Summary Rating Narrative (Mandatory)	
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Part 7: Executive's Accomplishment Narrative (Optional)	
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Deriving the Results Driven Rating Worksheet

Executive Name DAVID PRUSCHKE

Rating Period FY 2016

Results Driven Performance Requirements (PR)	Performance Requirement Rating Level Score	Weight (multiply by)	Performance Requirement Points Score	Point Ranges to Rating Level Score	Results Driven Initial Element Score
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Performance Requirement 4					
Performance Requirement Total Score		= 100%		= Level	

Example of Results Driven Element Being Rated Level 4

Results Driven Performance Requirements (PR)	Performance Requirement Rating Level Score	Weight (multiply by)	Performance Requirement Points Score	Point Ranges to Rating Level Score	Results Driven Initial Element Score
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		= 100%		must be = Level 1 Rating Score	
Performance Requirement Total Score			415	415= Level 4	4*

^{*}Results Driven Rating is 4 – to be transferred to Initial Element Score beside Results Driven Critical Element on the bottom of page 1.

DAVID P. RUSCHKE Chief Administrative Patent Judge Patent Trial and Appeal Board

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ssr	ment FY2016 (May 22 – September 30, 2016)
l.	Leading Change
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U.S. PATENT & TRADEMARK OFFICE SENIOR EXECUTIVE SERVICE (SES) PERFORMANCE PLAN/RATING

Name: JAMES DONALD SMITH Appraisal Period: FY 2013

Title/Unit: Chief Administrative Patent Judge/Patent Trial and Appeal Board (PTAB)

Performance Definitions (see Instructions page for detailed definitions)

•utstanding (O) – Performance targets consistently met and exceeded, and level of performance consistently exemplary. Commendable (C) – Performance expectations and goals met and often exceeded.

Fully Successful (I'S) Performance expectations and goals met.

Minimally Satisfactory (MS) - Performance level marginally acceptable, needs improvement.

Unsatisfactory (U) - Performance level undeniably unacceptable.

Mandatory Critical Element 1: Leadership/Management (25%)

The executive exhibits the sound judgment and decisiveness, personal accountability, integrity and ethical standards, and resilience integral to serving the American public and to functioning in a leadership role in the Department of Commerce. In demonstrating leadership, the executive:

- o establishes organizational goals that are consistent with priorities established by the Secretary and Deputy Secretary of Commerce, government-wide initiatives established by the Administration, and strategic goals of the Department; and ensures that they are appropriately reflected in performance plans throughout the organization with meaningful measures and clear priorities;
- c works collaboratively to foster economic growth and opportunity, to meet the needs of businesses and entrepreneurs, and to create jobs to benefit the American people;
- exhibits vision and strategic thinking to address concerns that cross organizational boundaries and to meet the longterm interests of the Department; and
- o uses creativity and innovation, and encourages new ideas and unconventional approaches in response to evolving conditions.

The executive demonstrates sound management of human, financial and technological resources in order to achieve established priorities, goals, and objectives. In doing so, the executive:

- manages program performance throughout the year to maximize operational efficiency and effectiveness within established budgetary resources;
- builds and manages an appropriately skilled and diverse workforce based on organizational goals, budget considerations, and staffing needs; oversees the recruitment, selection, and appraisal and recognition of employees based on performance; provides training and developmental opportunities, coaching and counseling to employees to strengthen performance or address concerns; encourages team commitment and trust; and engages in succession planning as needed for long-term organizational effectiveness;
- acts as a leader in service—committed to the development of employees at all levels, responsive to employee needs, and ensuring proper coaching and training to help employees at all levels succeed
- o makes effective use of available information technology (IT) to achieve organizational goals; works collaboratively with IT professionals at the operating unit and Department levels, as appropriate, to safeguard IT equipment, software and data; and ensures appropriate training of employees to avoid cyber-security threats;
- c fosters a work environment that is safe, secure and conducive to the retention of a skilled and effective workforce, which includes continuity of operations planning and emergency preparedness, addressing unsafe working conditions or environmental concerns, and facilitating employee awareness of the procedures to follow in the event of an emergency; and
- o adheres to applicable administrative and programmatic laws, regulations, policies and procedures that provide the internal controls needed to safeguard resources, achieve organizational objectives, and protect the confidentiality of information provided to the agency, and respect individual privacy.
- o builds and manages an appropriately skilled workforce while embracing equal opportunity principles; fosters an inclusive environment characterized by cultural sensitivity and respect for divergent employee backgrounds; promptly and appropriately addresses allegations of harassment or discrimination; oversees the recruitment, selection, appraisal, and recognition of employees based on individual performance; supports Agency efforts that promote diversity (e.g.,

Community Day, Affinity Groups, etc.); and supports Agency efforts to train employees on equal opportunity principles."

Hiring Reform:

Improve the recruitment and hiring process to acquire highly qualified employees, reduce hiring time, and support new hires successful transition into the Federal Service by:

- Assessing current and future staffing needs at on a regular basis
- Implementing Business Unit's HC Strategic Plans that include recruitment strategies that support organizational objectives and hiring reform initiatives by the end of FY 2013
- Engaging actively in the recruitment process by working collaboratively with OHR to identify skills required for vacant positions; participating in panel and interview processes, and by making timely selections that will support OPM's 80-day timeframes for hiring.
- Focus on helping the agency achieve veteran hiring goals of at least 20% of hires for non-examiner positions and 10% of hires for examining positions.

Employee Survey:

Support employee overall job satisfaction by:

• Using results of the Federal Employee Viewpoint Survey to improve designated areas of opportunity for your Business Unit (BU) and improve scores in those areas;

List designated areas of opportunity for your BU:

AIA Implementation:

Ensures success of the America Invents Act (AIA) by actively supporting timely implementation, devoting sufficient resources, increasing awareness of new initiatives, and collaborating with all necessary parties to ensure an innovative, effective, and efficient reformed patent system.

For USPTO Business Unit Heads and Deputies:

Assure that each business unit participates in the formulation of clear, concise, and effective communication strategies, including providing appropriate information and documentation to the Office of the Chief Communication Officer.

Sub-Elements for Critical Element 1: Leadership/Management

Sub-Element: Leadership of the PTAB

Description and Strategic Goai 1/Objective Alignment 5

Serve as Chief Judge. Provide policy direction and guidance to the PTAB. Perform Business Unit Head functions on the Policy Council, the Management Council and otherwise, as appropriate. Work in conjunction with the Vice Chief Judge on reducing the backlog of ex parte appeals, maintaining the current reexamination workflow, maintaining the residual interference program, and achieving timely completion of the new trial proceedings under the America Invents Act.

Continue to drive implementation of AIA legislation by managing the hiring of personnel, carrying forward initial use of the rules for the new proceedings, acquiring space (including for new offices) and IT systems, and conducting specialized training for presiding over new proceedings and the preparation of materials for use in training.

Make or otherwise administer decisions on Petitions delegated to the Chief Judge by the Director.

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Mandatory Critical Element 2: Customer/Client Service Responsiveness (15%)

The executive demonstrates a high degree of responsiveness to the full range of clients, including end users of goods and services for which the executive is responsible, Departmental and operating unit leadership, members of Congress and their staffs, and the public in general. In order to appropriately address client needs, the executive:

- develops strategic alliances both within and across organizational lines to achieve common goals, meets evolving requirements, and shares knowledge, skills and experience needed for personal development and professional performance;
- builds consensus of opinion among stakeholders; and
- o seeks to identify client needs and expectations, responds to identified concerns promptly, professionally and fairly, and improves business and management processes based on customer and employee feedback.
- solicits employee feedback on direction received, opportunities provided, and recognition given, as inputs for improving how employees are led and motivated.

The executive develops and/or participates in formal cross-organizational boundary collaboration activities whenever appropriate to enhance service delivery and comprehensive mission coordination within the Department, among organizations with complimentary missions, and within the USPTO.

For USPTO Business Unit Heads:

To promote inter- and intra-agency collaboration, Business Unit heads are expected to accomplish the following during the rating period:

- Establish at least one taskforce with another business unit, focusing on specific matter of significance to both business units (e.g., 2012 budget plan, patents/finance, hiring planning).
- Speak at a meeting held by another business unit, at least once a quarter.
- Arrange for a detail opportunity to or from another business unit, for at least one person each quarter.
- Promote intra-agency cooperation by ensuring that all SES within their organizations incorporate specific measurable teaming/collaboration tasks in the development of their individual results sub-elements

Sub-Elements for Critical Element 2: Customer/Client Service Responsiveness

Sub-Element: Backlog Reduction/AIA Implementation

Description and Strategic Goal 1/Objective Alignment 1, 4, 5 (the underscore is a placeholder for number(s)):

Collaborate with business units, where possible, to implement strategies for reducing backlog of ex parte appeals at the PTAB.

Collaborate with the public in receiving feedback to implement the AIA, including receiving input on strategies for expanding the PTAB in the new USPTO cities, and obtaining input on further development of the AIA case management system.

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Critical Element 3: Results (60%)

Individual and organizational performance requirements expected to support of USPT® strategic initiatives. The executive is accountable for up to three sub-elements aligned/linked to the USPT®'s mission, strategic goals, program/policy objectives and/or annual performance plan, which contribute to the success of the agency effectively achieving goals in conformance with the Government Performance and Results Act. Performance meets or exceeds quality standards, is effective and efficient and produces significant benefits. Results reflect balanced consideration of public's and other stakeholders' concerns. Within his/her program area the executive provides leadership to ensure program objectives are met for quality, timeliness, efficiency, or other factors. The executive communicates USPTO objectives to employees; sets clear standards for their achievement and provide appropriate support for their achievement. Sub-elements may be weighted individually for a total of 60 percent and no sub-element should be weighted lower than 10 percent. Include specific measurable teaming/collaboration tasks designed to ensure collaboration and teamwork across business unit organization boundaries. Over the course of the appraisal cycle, it is acknowledged that certain performance commitments may be overtaken by events outside of the executive's control such as funding, additional initiatives, or changes in USPTO priorities.]

Sub-Elements	for Criti	cal Element	3:	Results

Sub-element A: Appeal Timeliness

/ 25 percent

Sub-element Description and Strategic Goal 1/Objective Alignment 5 (the underscore is a placeholder for number(s)):

Achieve patent appeal timeliness of decided appeals of 26 or fewer months. Achieve patent appeal Board inventory of 45 or fewer months.

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Sub-Elements for Critical Element 3: Results

Sub-element B: AIA Trial Timeliness

/ 25 percent

Sub-element Description and Strategic Goal 1/Objective Alignment 5 (the underscore is a placeholder for number(s)):

Reach AIA trial completion in 12 or fewer months or in 18 months where extensions are granted.

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Sub-element C: PTAB Expansion / 10 percent Sub-element Description and Strategic Goal ___/Objective Alignment ___ (the underscore is a placeholder for number(s)): Facilitate Judge appointments; submit for consideration by the Secretary of Commerce names of 35 Administrative Patent Judge Candidates by March 31, 2013. (b)(6)

The executive may attach a separate sheet describing individual and organizational achievements and results related to the critical elements of your performance plan. The attached narrative may be no longer than 6 pages.

The supervisor will attach a separate sheet summarizing your assessment of the executive's performance. Describe individual and organizational achievements and results related to the critical elements of the performance plan. The attached narrative may be no longer than 3 pages.

Signatures/Dates of	Performance	Managemen	t Activities
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Acknowledges consultation and receipt of Plan (b)(6) Supervisor	(b)(6) Executive				l Da	17/ ate*	13
(b)(6)	b)(6)					- 20 	29D
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Supervisor 6)		ons: Writte evel Revie		sponse	Yes Yes	No	**
PRB Recommended Summary Rating			О	C	FS	MS	Ü
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Chair, Performance Review Board/Date							
Under Secretary of Commerce for Intellectual Prop Director of the United States Patent and Trademark			3 0				

^{*} Acknowledges consultation & receipt

** Not applicable for direct reports to the Under Secretary

U.S. PATENT & TRADEMARK OFFICE SENIOR EXECUTIVE SERVICE (SES) PERFORMANCE PLAN/RATING

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SES Performance Plan/Rating Instructions

Performance Plan

All elements of the performance plan are critical. Established requirements are written at the Fully Successful level in support of Agency objectives. All executives will be rated on the Leadership/Management, Customer/Client Service Responsiveness, and Results elements.

In addition, the supervisor, in consultation with the executive, will develop and establish specific priorities in support of agency strategic initiatives. Commissioner level priorities and corporate work plans to be included as critical elements for Individualized Objectives.

The performance plan will be signed and dated by the supervisor and the executive* in Item 1 (Signature/Dates of Performance Management Activities). Written performance plans will be provided to the executive at the beginning of the appraisal period and a copy of the plan will be forwarded to the Office of Human Resources, Executive Resources Division (OHR/ExRD).

Progress Review

Supervisors will conduct at least one progress review. Supervisors must provide written documentation if performance on any element is less than the fully successful level. The supervisor and the executive must sign and date in Item 2 (Signature/Dates of Performance Management Activities) after a progress review is conducted. A copy of the signed progress review will be forwarded to the OHR/ExRD.

Performance Definitions

Outstanding (O): Performance targets consistently met and exceeded, and level of performance consistently exemplary, despite constantly changing priorities and/or externally driven deadlines or insufficient or unanticipated resource shortages. Consistently demonstrated exceptional integrity and performance in promoting the annual business plan and the USPTO strategic goals and objectives. His/her contributions had impact beyond his/her purview.

Commendable (C): Performance expectations and goals are met and often exceeded. In addition to placing appropriate emphasis on all stated responsibilities, actions taken were admirable in promoting accomplishment of the strategic goals and annual business plan. Overcame significant organizational challenges such as coordination with external stakeholders or insufficient resources. Effectiveness and contributions impact areas beyond his/her purview.

Fully Successful (FS): Personnance expectations and goals are met. Places appropriate emphasis on each area of responsibility with dependable performance. Appropriate actions were taken to support accomplishment of the strategic goals and annual business plan and demonstrated ability to meet the requirements of the job.

Minimally Satisfactory (MS): Performance level marginally acceptable, needs improvement. Placed insufficient emphasis on one or more sets of responsibilities. Actions taken were inappropriate or ineffective in meeting strategic goals or annual business plan accomplishments. Repeated observations of performance indicated negative consequences in key outcomes. Immediate improvement is essential.

Unsatisfactory (U): Performance undeniably unacceptable.

SES Performance Plan/Rating Instructions (cont'd)

Performance Assessment

Performance is assessed at the Outstanding (O) level, Commendable (C) level, Fully Successful (FS) level, Minimally Satisfactory (MS) level, or Unsatisfactory (U) level by a process described below:

At the end of the appraisal period, the executive may document accomplishments related to the critical elements. *Documentation will not exceed six pages*, will speak to results and as appropriate customer satisfaction and employee perspectives, and refrain from use of superlatives.

The supervisor will prepare a summarized assessment of the executives' performance. *Documentation will not exceed 3 pages.* The supervisor will also assign a rating for each element, and an Initial Summary rating for the plan. The supervisor and executive will sign and date in Item 3 (Signature/Dates of Performance Management Activities). A copy will be provided to the executive and the original forwarded to the OHR/ExRD. [For your convenience, a summary rating and score computation worksheet is attached. The Initial Summary Rating must be transferred/annotated to page 6. Item 3, where the supervisor and executive will sign and date].

Executives may (1) request a higher-level review** of their Initial Summary rating and/or (2) may provide a written response prior to the Performance Review Board (PRB) review.

If a higher-level review is requested, the reviewing official must make a separate written comment/recommendation to the PRB. The reviewing official (normally the 2nd line supervisor) may not change the Initial Summary rating. A copy of the reviewing official's input must be given to the executive and the supervisor and forwarded to the OIIR/ExRD. The executive will be given the opportunity to provide additional comments to the PRB.

All performance documentation will be forwarded to the OHR/ExRD. The OHR/ExRD will provide the Initial Summary rating, and additional documentation and any higher-level review to the PRB for their review.

The PRB will consider the Initial Summary rating, any executive's response and other pertinent input. The PRB Chair will recommend a rating and sign Item 4 (Signature/Dates of Performance Management Activities).

Final Rating

The Under Secretary will assign the Annual Summary ratings after considering recommendations of the PRB and other appropriate input.

The Annual summary rating will be provided to executives.

- * Acknowledges consultation and receipt.
- ** Not applicable for direct reports

U.S. PATENT & TRADEMARK OFFICE SENIOR EXECUTIVE SERVICE (SES) PERFORMANCE PLAN/RATING Summary Rating and Score Computation Worksheet

Name: JAMES DONALD SMITH

Appraisal Period: FY 2013

Title/Unit: Chief Administrative Patent Judge/Patent Trial and Appeal Board (PTAB)

Instructions:

- 1. Each critical element in the performance plan and its assigned weight has been listed below.
- 2. Assign a rating level for each element: (5) Outstanding, (4) Commendable, (3) Fully Successful, (2) Minimally Satisfactory, and (1) Unsatisfactory
- 3. Score each element by multiplying the weight by the rating level.
- 4. After each element has been scored, compute the total score by summing all individual scores.
- 5. The performance rating is based on the total score except that if any critical element is less than fully successful, the rating can be no higher than the lowest critical element rating.

Performance Element	Individual Weight	Element Rating Level (1-5)	Score
I. Leadership/Management (25%)			
Α.	25%	(b)(6)	
II. Customer/Client Service Responsiveness (15%)	S Some marks		
A.	15%		
III. Results (60%)			
A. Appeal Timeliness	25%		
B. AJA Trial Timeliness	25%		
C. PTAB Expansion	10%		
TOTAL SCORE	100%		

*Initial Summary Rating

(b)(6)

* The Initial Summary Rating must be transferred/annotated on page 6, Item 3, of the Performance Plan, where the supervisor and executive will sign and date.

ELEMENT I: Leadership/Management (25%)

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ELEMENT 2: Customer/Client Service Responsiveness (15%)

(b)(6)	
ELEMENT 3: Results A. Sub-element: Appeal Timeliness (25%) (b)(6)	

FY2013 End of Year Review James D. Smith, Chief Judge PTAB

B. Sub-element: AIA Trial Timeliness (25%)	
(b)(6)	
C. <u>Sub-element: PTAB Expansion (10%)</u>	
(b)(6)	

U.S. PATENT & TRADEMARK OFFICE SENIOR EXECUTIVE SERVICE (SES) PERFORMANCE PLAN/RATING

Name: JAMES DONALD SMITH Appraisal Period: FY 2013

Title/Unit: Chief Administrative Patent Judge/Patent Trial and Appeal Board (PTAB)

Performance Definitions (see Instructions page for detailed definitions)

Outstanding (O) – Performance targets consistently met and exceeded, and level of performance consistently exemplary. Commendable (C) – Performance expectations and goals met and often exceeded.

Fully Successful (I'S) Performance expectations and goals met.

Minimally Satisfactory (MS) - Performance level marginally acceptable, needs improvement.

Unsatisfactory (U) - Performance level undeniably unacceptable.

Mandatory Critical Element 1: Leadership/Management (25%)

The executive exhibits the sound judgment and decisiveness, personal accountability, integrity and ethical standards, and resilience integral to serving the American public and to functioning in a leadership role in the Department of Commerce. In demonstrating leadership, the executive:

- o establishes organizational goals that are consistent with priorities established by the Secretary and Deputy Secretary of Commerce, government-wide initiatives established by the Administration, and strategic goals of the Department; and ensures that they are appropriately reflected in performance plans throughout the organization with meaningful measures and clear priorities;
- c works collaboratively to foster economic growth and opportunity, to meet the needs of businesses and entrepreneurs, and to create jobs to benefit the American people;
- exhibits vision and strategic thinking to address concerns that cross organizational boundaries and to meet the longterm interests of the Department; and
- o uses creativity and innovation, and encourages new ideas and unconventional approaches in response to evolving conditions.

The executive demonstrates sound management of human, financial and technological resources in order to achieve established priorities, goals, and objectives. In doing so, the executive:

- manages program performance throughout the year to maximize operational efficiency and effectiveness within established budgetary resources;
- builds and manages an appropriately skilled and diverse workforce based on organizational goals, budget considerations, and staffing needs; oversees the recruitment, selection, and appraisal and recognition of employees based on performance; provides training and developmental opportunities, coaching and counseling to employees to strengthen performance or address concerns; encourages team commitment and trust; and engages in succession planning as needed for long-term organizational effectiveness;
- acts as a leader in service—committed to the development of employees at all levels, responsive to employee needs, and ensuring proper coaching and training to help employees at all levels succeed
- o makes effective use of available information technology (IT) to achieve organizational goals; works collaboratively with IT professionals at the operating unit and Department levels, as appropriate, to safeguard IT equipment, software and data; and ensures appropriate training of employees to avoid cyber-security threats;
- c fosters a work environment that is safe, secure and conducive to the retention of a skilled and effective workforce, which includes continuity of operations planning and emergency preparedness, addressing unsafe working conditions or environmental concerns, and facilitating employee awareness of the procedures to follow in the event of an emergency; and
- o adheres to applicable administrative and programmatic laws, regulations, policies and procedures that provide the internal controls needed to safeguard resources, achieve organizational objectives, and protect the confidentiality of information provided to the agency, and respect individual privacy.
- o builds and manages an appropriately skilled workforce while embracing equal opportunity principles; fosters an inclusive environment characterized by cultural sensitivity and respect for divergent employee backgrounds; promptly and appropriately addresses allegations of harassment or discrimination; oversees the recruitment, selection, appraisal, and recognition of employees based on individual performance; supports Agency efforts that promote diversity (e.g.,

Community Day, Affinity Groups, etc.); and supports Agency efforts to train employees on equal opportunity principles."

Hiring Reform:

Improve the recruitment and hiring process to acquire highly qualified employees, reduce hiring time, and support new hires successful transition into the Federal Service by:

- Assessing current and future staffing needs at on a regular basis
- Implementing Business Unit's HC Strategic Plans that include recruitment strategies that support organizational objectives and hiring reform initiatives by the end of FY 2013
- Engaging actively in the recruitment process by working collaboratively with OHR to identify skills required for vacant positions; participating in panel and interview processes, and by making timely selections that will support OPM's 80-day timeframes for hiring.
- Focus on helping the agency achieve veteran hiring goals of at least 20% of hires for non-examiner positions and 10% of hires for examining positions.

Employee Survey:

Support employee overall job satisfaction by:

• Using results of the Federal Employee Viewpoint Survey to improve designated areas of opportunity for your Business Unit (BU) and improve scores in those areas;

List designated areas of opportunity for your BU:

AIA Implementation:

Ensures success of the America Invents Act (AIA) by actively supporting timely implementation, devoting sufficient resources, increasing awareness of new initiatives, and collaborating with all necessary parties to ensure an innovative, effective, and efficient reformed patent system.

For USPTO Business Unit Heads and Deputies:

Assure that each business unit participates in the formulation of clear, concise, and effective communication strategies, including providing appropriate information and documentation to the Office of the Chief Communication Officer.

Sub-Elements for Critical Element 1: Leadership/Management

Sub-Element: Leadership of the PTAB

Description and Strategic Goai 1/Objective Alignment 5

Serve as Chief Judge. Provide policy direction and guidance to the PTAB. Perform Business Unit Head functions on the Policy Council, the Management Council and otherwise, as appropriate. Work in conjunction with the Vice Chief Judge on reducing the backlog of ex parte appeals, maintaining the current reexamination workflow, maintaining the residual interference program, and achieving timely completion of the new trial proceedings under the America Invents Act.

Continue to drive implementation of AIA legislation by managing the hiring of personnel, carrying forward initial use of the rules for the new proceedings, acquiring space (including for new offices) and IT systems, and conducting specialized training for presiding over new proceedings and the preparation of materials for use in training.

Make or otherwise administer decisions on Petitions delegated to the Chief Judge by the Director.

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Mandatory Critical Element 2: Customer/Client Service Responsiveness (15%)

The executive demonstrates a high degree of responsiveness to the full range of clients, including end users of goods and services for which the executive is responsible, Departmental and operating unit leadership, members of Congress and their staffs, and the public in general. In order to appropriately address client needs, the executive:

- develops strategic alliances both within and across organizational lines to achieve common goals, meets evolving requirements, and shares knowledge, skills and experience needed for personal development and professional performance;
- builds consensus of opinion among stakeholders; and
- o seeks to identify client needs and expectations, responds to identified concerns promptly, professionally and fairly, and improves business and management processes based on customer and employee feedback.
- solicits employee feedback on direction received, opportunities provided, and recognition given, as inputs for improving how employees are led and motivated.

The executive develops and/or participates in formal cross-organizational boundary collaboration activities whenever appropriate to enhance service delivery and comprehensive mission coordination within the Department, among organizations with complimentary missions, and within the USPTO.

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- Speak at a meeting held by another business unit, at least once a quarter.
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- Promote intra-agency cooperation by ensuring that all SES within their organizations incorporate specific measurable teaming/collaboration tasks in the development of their individual results sub-elements

Sub-Elements for Critical Element 2: Customer/Client Service Responsiveness

Sub-Element: Backlog Reduction/AIA Implementation

Description and Strategic Goal 1/Objective Alignment 1, 4, 5 (the underscore is a placeholder for number(s)):

Collaborate with business units, where possible, to implement strategies for reducing backlog of ex parte appeals at the PTAB.

Collaborate with the public in receiving feedback to implement the AIA, including receiving input on strategies for expanding the PTAB in the new USPTO cities, and obtaining input on further development of the AIA case management system.

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Critical Element 3: Results (60%)

Individual and organizational performance requirements expected to support of USPT® strategic initiatives. The executive is accountable for up to three sub-elements aligned/linked to the USPT®'s mission, strategic goals, program/policy objectives and/or annual performance plan, which contribute to the success of the agency effectively achieving goals in conformance with the Government Performance and Results Act. Performance meets or exceeds quality standards, is effective and efficient and produces significant benefits. Results reflect balanced consideration of public's and other stakeholders' concerns. Within his/her program area the executive provides leadership to ensure program objectives are met for quality, timeliness, efficiency, or other factors. The executive communicates USPTO objectives to employees; sets clear standards for their achievement and provide appropriate support for their achievement. Sub-elements may be weighted individually for a total of 60 percent and no sub-element should be weighted lower than 10 percent. Include specific measurable teaming/collaboration tasks designed to ensure collaboration and teamwork across business unit organization boundaries. Over the course of the appraisal cycle, it is acknowledged that certain performance commitments may be overtaken by events outside of the executive's control such as funding, additional initiatives, or changes in USPTO priorities.]

Sub-Elements for Critical El	lement 3: Results
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Sub-element A: Appeal Timeliness

/ 25 percent

Sub-element Description and Strategic Goal 1/Objective Alignment 5 (the underscore is a placeholder for number(s)):

Achieve patent appeal timeliness of decided appeals of 26 or fewer months. Achieve patent appeal Board inventory of 45 or fewer months.

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Sub-Elements for Critical Element 3: Results

Sub-element B: AIA Trial Timeliness

/ 25 percent

Sub-element Description and Strategic Goal 1/Objective Alignment 5 (the underscore is a placeholder for number(s)):

Reach AIA trial completion in 12 or fewer months or in 18 months where extensions are granted.

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Sub-element C: PTAB Expansion / 10 percent Sub-element Description and Strategic Goal ___/Objective Alignment ___ (the underscore is a placeholder for number(s)): Facilitate Judge appointments; submit for consideration by the Secretary of Commerce names of 35 Administrative Patent Judge Candidates by March 31, 2013. (b)(6)

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Signatures/Dates of Performance Management Activities	я
1. Acknowledges consultation and receipt of Plan (b)(6)	
(b)(6)	1/17
Supervisor / Exec	utive Date*
2 Progress Posts OP Marine Parine (b)(6)	1

3.	Initial Summary Rolling Summary Rating a		nutation worksheet, last page.	
	(b)(o)	(b)(6)	10/30/3013	
	Supervisor	Executive	Date*	

(b)(6) Options: Written Response Yes No ** Higher Level Review Yes No

5. Final Annual Summary Rating

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Chair, Performance Review Board/Date

4. PRB Recommended Summary Rating

Under Secretary of Commerce for Intellectual Property & Director of the United States Patent and Trademark Office

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^{*} Acknowledges consultation & receipt

^{**} Not applicable for direct reports to the Under Secretary

U.S. PATENT & TRADEMARK OFFICE SENIOR EXECUTIVE SERVICE (SES) PERFORMANCE PLAN/RATING

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SES Performance Plan/Rating Instructions

Performance Plan

All elements of the performance plan are critical. Established requirements are written at the Fully Successful level in support of Agency objectives. All executives will be rated on the Leadership/Management, Customer/Client Service Responsiveness, and Results elements.

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Performance Definitions

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Commendable (C): Performance expectations and goals are met and often exceeded. In addition to placing appropriate emphasis on all stated responsibilities, actions taken were admirable in promoting accomplishment of the strategic goals and annual business plan. Overcame significant organizational challenges such as coordination with external stakeholders or insufficient resources. Effectiveness and contributions impact areas beyond his/her purview.

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Unsatisfactory (U): Performance undeniably unacceptable.

SES Performance Plan/Rating Instructions (cont'd)

Performance Assessment

Performance is assessed at the Outstanding (O) level, Commendable (C) level, Fully Successful (FS) level, Minimally Satisfactory (MS) level, or Unsatisfactory (U) level by a process described below:

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All performance documentation will be forwarded to the OHR/ExRD. The OHR/ExRD will provide the Initial Summary rating, and additional documentation and any higher-level review to the PRB for their review.

The PRB will consider the Initial Summary rating, any executive's response and other pertinent input. The PRB Chair will recommend a rating and sign Item 4 (Signature/Dates of Performance Management Activities).

Final Rating

The Under Secretary will assign the Annual Summary ratings after considering recommendations of the PRB and other appropriate input.

The Annual summary rating will be provided to executives.

- * Acknowledges consultation and receipt.
- ** Not applicable for direct reports