

Statement of Duties for Patents and Trademarks Commissioners
35 U.S.C. § 3(b)(2)(a)

(2) Commissioner—

(A) Appointment and duties—

The Secretary of Commerce shall appoint a Commissioner for Patents and a Commissioner for Trademarks, without regard to chapter 33, 51, or 53 of title 5. The Commissioner for Patents shall be a citizen of the United States with demonstrated management ability and professional background and experience in patent law and serve for a term of 5 years. The Commissioner for Trademarks shall be a citizen of the United States with demonstrated management ability and professional background and experience in trademark law and serve for a term of 5 years. The Commissioner for Patents and the Commissioner for Trademarks shall serve as the chief operating officers for the operations of the Office relating to patents and trademarks, respectively, and shall be responsible for the management and direction of all aspects of the activities of the Office that affect the administration of patent and trademark operations, respectively. The Secretary may reappoint a Commissioner to subsequent terms of 5 years as long as the performance of the Commissioner as set forth in the performance agreement in subparagraph (B) is satisfactory.

(B) Salary and performance agreement—

The Commissioners shall be paid an annual rate of basic pay not to exceed the maximum rate of basic pay for the Senior Executive Service established under [section 5382 of title 5](#), including any applicable locality-based comparability payment that may be authorized under [section 5304\(h\)\(2\)\(C\) of title 5](#). The compensation of the Commissioners shall be considered, for purposes of [section 207\(c\)\(2\)\(A\) of title 18](#), to be the equivalent of that described under clause (ii) of [section 207\(c\)\(2\)\(A\) of title 18](#). In addition, the Commissioners may receive a bonus in an amount of up to, but not in excess of, 50 percent of the Commissioners' annual rate of basic pay, based upon an evaluation by the Secretary of Commerce, acting through the [Director](#), of the Commissioners' performance as defined in an annual performance agreement between the Commissioners and the Secretary. The annual performance agreements shall incorporate measurable organization and individual goals in key operational areas as delineated in an annual performance plan agreed to by the Commissioners and the Secretary. Payment of a bonus under this subparagraph may be made to the Commissioners only to the extent that such payment does not cause the Commissioners' total aggregate compensation in a calendar year to equal or exceed the amount of the salary of the Vice President under [section 104 of title 3](#).

(C) Removal—

The Commissioners may be removed from office by the Secretary for misconduct or nonsatisfactory performance under the performance agreement described in subparagraph (B), without regard to the provisions of title 5. The Secretary shall provide notification of any such removal to both Houses of Congress.

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Commissioner Performance Agreement

Part 1. Consultation. <i>I have reviewed this plan and have been consulted on its development.</i>						
Commissioner's Name (Last, First, MI): Hirshfeld, Andrew H.				Appraisal Pd. FY 2016		
Commissioner's Signature: (b)(6)				Date: 12/10/15		
Title: Commissioner for Patents				Organization: USPTO		
Secretary of Commerce Name (Last, First, MI): Pritzker, Penny						
Secretary of Commerce's Signature: (b)(6)				Date: 12-19-15		
Part 2. Progress Review						
Commissioner's Signature:				Date:		
Secretary of Commerce's Signature:				Date:		
Part 3. Annual Summary Rating						
Annual Summary Rating	<input type="checkbox"/> Level 5 Outstanding	<input type="checkbox"/> Level 4 Commendable	<input type="checkbox"/> Level 3 Fully Successful	<input type="checkbox"/> Level 2 Minimally Satisfactory	<input type="checkbox"/> Level 1 Unsatisfactory	
Commissioner's Signature:				Date:		
Secretary of Commerce:				Date:		
Part 4. Derivation Formula and Calculation of Annual Summary Rating						
Critical Element	Element Rating		Weight	Score		Summary Level Ranges
	Initial	Final (if changed)		Initial	Final (if changed)	
1. Leading Change			10			475-500 = Level 5 400-474 = Level 4 300-399 = Level 3 200-299 = Level 2 Any CE rated Level 1 = Level 1
2. Leading People			10			
3. Business Acumen			10			
4. Building Coalitions			10			
5. Results Driven			60			
Total			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.

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	Weight 10%
<p>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.</p>	
<p>Agency-Specific Performance Requirements 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:</p> <ul style="list-style-type: none"> • 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; • 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 long-term interests of the Department; • Uses creativity and innovation, and encourages new ideas and unconventional approaches in response to evolving conditions; • Monitors effectiveness of the revised count system for future improvements; • Puts procedures in place to analyze examination processes and explore prosecution efficiencies; • Oversees Patents telework and any expansion of the program; ensures coordination and agreement with the appropriate union for bargaining unit employees aspect; • Continues to strengthen time and attendance controls for both teleworking and non-teleworking employees; • Supports the continued deployment of Patents-End-to-End (PE2E) tools to examiners Corps-wide; • Supports the continued establishment of the office of the Deputy Commissioner for Patent Quality and related quality initiatives; and • Leads the implementation of all quality initiatives developed under the Enhanced Patent Quality Initiative (EPQI) in support of achieving excellence in: work products, customer service, and measuring patent quality. • Ensure that Training within Patents is delivered in a timely manner. • Ensure that Supervisory Patent Examiner workloads are monitored with respect to the EPQI and take appropriate steps to make sure that workloads are appropriate. 	
<p>Secretary of Commerce Narrative: <i>(Optional)</i></p>	
Critical Element Rating – Leading Change	<input type="checkbox"/> Level 5 <input type="checkbox"/> Level 4 <input type="checkbox"/> Level 3 <input type="checkbox"/> Level 2 <input type="checkbox"/> Level 1

Critical Element 2. Leading People	Weight 10%				
<p>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.</p>					
<p>Agency-Specific Performance Requirements Builds and manages an appropriately skilled workforce by:</p> <ul style="list-style-type: none"> • Supporting the enhancement of the Employee Relations (ER) liaison program; • Ensuring surveys (including Federal Employee Viewpoint Survey) and other instruments are in place to monitor and develop plans to provide a work environment that optimizes performance and increases job satisfaction • Embracing equal opportunity principles; • Fostering a diverse and inclusive environment characterized by cultural sensitivity and respect for divergent employee backgrounds; • Promptly and appropriately addressing allegations of harassment or discrimination; • Overseeing the recruitment, selection, appraisal and recognition of employees based on individual performance; • Supporting Agency efforts to train employees on equal opportunity principles; • Identifying talent gaps and providing training and developmental opportunities, coaching and counseling to employees to strengthen performance or address concerns; and • Encouraging employees to develop new and better ways of performing tasks. • Supporting a culture of transparency, communication and collaboration in the Patents Business area. 					
<p>Secretary of Commerce Narrative: <i>(Optional)</i></p> 					
<p>Critical Element Rating – Leading People</p>	<input type="checkbox"/> Level 5	<input type="checkbox"/> Level 4	<input type="checkbox"/> Level 3	<input type="checkbox"/> Level 2	<input type="checkbox"/> Level 1

Critical Element 3. Business Acumen	Weight 10%				
<p>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.</p>					
<p>Agency-Specific Performance Requirements</p> <ul style="list-style-type: none"> • Supports Hiring Reform efforts of improving the recruitment and hiring process to acquire highly qualified employees, reduces hiring time, and supports new hires' successful transition into the Federal Service; • Assesses current and future staffing needs on a regular basis; • Implements the Business Unit's Human Capital Strategic Plans that include recruitment strategies that support organizational objectives; • Demonstrates sound management of human, financial and technological resources in order to achieve established priorities, goals, and objectives. In doing so, manages program performance throughout the year to maximize operational efficiency and effectiveness within established budgetary resources; ensures overtime is effectively distributed and usage monitored; builds and manages an appropriately skilled and diverse workforce based on organizational goals, budget considerations, and staffing needs; and engages in succession planning as needed for long-term organizational effectiveness; • 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; ensures required property accountability processes are in place and ensures appropriate training of employees to avoid cyber-security threats; • 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; • 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; and, • Strengthens the USPTO's telework program and improves controls to best manage the USPTO's employees and focuses on the implementation of any new actions and guidance as may be necessary. 					
<p>Secretary of Commerce Narrative: <i>(Optional)</i></p> 					
<p><i>Critical Element Rating – Business Acumen</i></p>	<input type="checkbox"/> Level 5	<input type="checkbox"/> Level 4	<input type="checkbox"/> Level 3	<input type="checkbox"/> Level 2	<input type="checkbox"/> Level 1

Critical Element 4. Building Coalitions	Weight 10%					
<p>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.</p>						
<p>Agency-Specific Performance Requirements</p> <ul style="list-style-type: none"> • Assures 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; • 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; • 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; • 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; • Collaborates with stakeholders on outreach and on specific Patent-related initiatives; • Works closely with internal and external stakeholders in the development and implementation of quality initiatives that support the Enhanced Patent Quality Initiative; • Ensures appropriate investigation and resolution of labor issues raised with Patents management; • 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 complementary missions, and within the USPTO; and • Promotes 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. • Supports a transparent and collaborative work environment. • Encourages enhanced communication within and across Business Units. 						
<p>Secretary of Commerce: <i>(Optional)</i></p>						
<p><i>Critical Element Rating – Building Coalitions</i></p>	<table border="1"> <tr> <td><input type="checkbox"/> Level 5</td> <td><input type="checkbox"/> Level 4</td> <td><input type="checkbox"/> Level 3</td> <td><input type="checkbox"/> Level 2</td> <td><input type="checkbox"/> Level 1</td> </tr> </table>	<input type="checkbox"/> Level 5	<input type="checkbox"/> Level 4	<input type="checkbox"/> Level 3	<input type="checkbox"/> Level 2	<input type="checkbox"/> Level 1
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<p>Critical Element 5. Results Driven</p>	<p>Weight 60%</p>
<p>Agency Goals/Objectives for current FY: Must have at least 1 result (may have up to 4)</p>	
<p>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 for each result specified.</p> <p>Individual and organizational performance requirements expected to support USPTO strategic initiatives. The executive is accountable for up to four sub-elements aligned/linked to the USPTO'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 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 provides appropriate support for their achievement. Sub-elements may be weighed 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. <i>[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.]</i></p> <p>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.</p>	
<p>Sub Element/Performance Requirement 1: Patent Pendency, Backlog and Timeliness [Weight: 25%]</p> <p>Develop an effective and efficient business planning strategy and performance measurement system to contribute to the achievement of goals, objectives and targets based on requirements in the President's FY 2016 Budget.</p> <p>As a fee-funded agency, the USPTO relies on user fee collections to fund operations. The USPTO considers a number of economic factors and relevant indicators when forecasting its workloads. While many of these defining indicators point toward renewed economic expansion, considerable uncertainty still remains regarding the current and near future prospects for growth. This uncertainty could affect anticipated USPTO workloads and fee collections which in turn could significantly impact the USPTO's long-term goals, objectives and targets, and therefore simultaneously affect any interim results.</p> <p>Success of these objectives will be determined by the specific performance measures laid out in the attached document and will be measured based on overall performance taking into account the totality of all the measures in the attached document. Meeting or exceeding the targets set forth in the attached document represents a level of outstanding performance.</p>	<p>Strategic Alignment: Strategic Alignment: Strategic Goal 1 /Objective Alignment 1-2</p> <p>Goal I, Objectives 1 and 2 of the <i>USPTO 2014-2018 Strategic Plan</i> will be accomplished when patent pendency is optimized, allowing a final action on the merits within one year of filing for any applicant who requests it, with overall patent pendency time reduced to 10 months for a first office action and 20 months total pendency. This is a long-term, multi-year goal to be achieved over the next several years.</p>

<p>Sub Element/Performance Requirement 2: Quality and Training [Weight: 45%]</p> <p>Develop an effective and efficient business planning strategy and performance measurement system to contribute to the achievement of goals, objectives and targets based on requirements in the President’s FY 2016 Budget.</p> <p>As a fee-funded agency, the USPTO relies on user fee collections to fund operations. The USPTO considers a number of economic factors and relevant indicators when forecasting its workloads. While many of these defining indicators point toward renewed economic expansion, considerable uncertainty still remains regarding the current and near future prospects for growth. This uncertainty could affect anticipated USPTO workloads and fee collections which in turn could significantly impact the USPTO’s long-term goals, objectives and targets, and therefore simultaneously affect any interim results.</p> <p>Success of these objectives will be determined by the specific performance measures laid out in the attached document and will be measured based on overall performance taking into account the totality of all the measures in the attached document. Meeting or exceeding the targets set forth in the attached document represents a level of outstanding performance.</p>	<p>Strategic Alignment: Strategic Alignment: Strategic Goal 1 /Objective Alignment 4</p> <p>Goal I, Objective 4 of the <i>USPTO 2014-2018 Strategic Plan</i> will be accomplished when issued patents are of higher quality, claim clarity is improved, and the stakeholder community has a clear understanding of the meaning of a “quality” patent.</p>
<p>Performance Requirement 3: Patent Classification Processes, International Cooperation/Engagement and Domestic Outreach [Weight: 15%]</p> <p>Improve on the existing classification system with a set of information services and information processes to contribute to the achievement of goals, objectives and targets based on requirements in the President’s FY 2016 Budget.</p> <p>Develop and strengthen outreach and partnerships with international IP communities especially as it relates to CPC.</p> <p>Develop and strengthen outreach and partnerships with domestic partners and stakeholders such as, independent inventors, small business, colleges and universities, women and minorities.</p> <p>As a fee-funded agency, the USPTO relies on user fee collections to fund operations. The USPTO considers a number of economic factors and relevant indicators when forecasting its workloads. While many of these defining indicators point toward renewed economic expansion, considerable uncertainty still remains regarding the current and near future prospects for growth. This uncertainty could affect anticipated USPTO workloads and fee collections which in turn could significantly impact the USPTO’s long-term goals, objectives and targets, and therefore simultaneously affect any interim results.</p> <p>Success of these objectives will be determined by the specific performance measures laid out in the attached document and will be measured based on overall performance taking into account the totality of all the measures in the attached document. Meeting or exceeding the targets set forth in the attached document represents a level of outstanding performance.</p>	<p>Strategic Alignment: Strategic Goal 1 /Objective Alignment 3.6</p> <p>Goal I, Objective 3 of the <i>USPTO 2014-2018 Strategic Plan</i> will be accomplished by increasing international cooperation and work sharing, fully implementing CPC, maximizing the use of PPH, and implementing the Global Dossier to improve examiner and external stakeholder access to work products of other IP offices.</p> <p>Goal I, Objective 6 of the <i>USPTO 2014-2018 Strategic Plan</i> will be accomplished by focusing on improving and enhancing stakeholder and public outreach and increasing awareness and transparency of patent information, and patent application and ownership information.</p>

<p>Performance Requirement 4: Patent Legal Administration, Office of Petitions and Patent Administration [Weight: 15%]</p> <p>Develop an effective and efficient planning strategy and performance measurement system for the office of the Deputy Commissioner for Patent Examination Policy including the areas of patent legal administration the Office of Petitions to contribute to the achievement of goals, objectives and targets based on requirements in the President’s FY 2016 Budget.</p> <p>Develop an effective and efficient business planning strategy and performance measurement system for the Office of the Deputy Commissioner for Patent Administration to contribute to the achievement of goals, objectives and targets based on requirements in the President’s FY 2016 Budget.</p> <p>As a fee-funded agency, the USPTO relies on user fee collections to fund operations. The USPTO considers a number of economic factors and relevant indicators when forecasting its workloads. While many of these defining indicators point toward renewed economic expansion, considerable uncertainty still remains regarding the current and near future prospects for growth. This uncertainty could affect anticipated USPTO workloads and fee collections which in turn could significantly impact the USPTO’s long-term goals, objectives and targets, and therefore simultaneously affect any interim results.</p> <p>Success of these objectives will be determined by the specific performance measures laid out in the attached document and will be measured based on overall performance taking into account the totality of all the measures in the attached document. Meeting or exceeding the targets set forth in the attached document represents a level of outstanding performance.</p>	<p>Strategic Alignment: Strategic Goal 1 /Objective Alignments <u>1, 2, 4, 5</u></p> <p>Goal 1, Objectives 1 and 2 of the <i>USPTO 2014-2018 Strategic Plan</i> will be accomplished when patent pendency is optimized, allowing a final action on the merits within one year of filing for any applicant who requests it, with overall patent pendency time reduced to 10 months for a first office action and 20 months total pendency. This is a long-term, multi-year goal to be achieved over the next several years.</p> <p>Goal 1, Objective 4 of the <i>USPTO 2014-2018 Strategic Plan</i> will be accomplished when issued patents are of higher quality, claim clarity is improved, and the stakeholder community has a clear understanding of the meaning of a “quality” patent</p> <p>Goal 1, Objective 5 of the <i>USPTO 2014-2018 Strategic Plan</i> will be accomplished by improving the processing of electronic-based information, and providing information in a variety of services to employees to improve efficiencies, job performance , and achievement of strategic goals.</p>				
<p>Secretary of Commerce Narrative: <i>(Optional)</i></p>					
<p><i>Critical Element Rating – Results Driven</i></p>	<input type="checkbox"/> Level 5	<input type="checkbox"/> Level 4	<input type="checkbox"/> Level 3	<input type="checkbox"/> Level 2	<input type="checkbox"/> Level 1

Part 6: Summary Rating Narrative :

Part 7: Commissioner's Accomplishment Narrative (Optional)

Part 8: Agency Use

Deriving the Results Driven Rating Worksheet

Commissioner Name Andrew H. Hirshfeld 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 (Backlog, Pendency and Timeliness)		25%		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 2 (Quality and Training)		45%			
Performance Requirement 3 (Patent Classification Processes, International Cooperation/Engagement and Domestic Outreach)		15%			
Performance Requirement 4 (Patent Legal Administration, Office of Petitions and Patent Administration)		15%			
		= 100%			
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
Performance Requirement 1	4	x 25	100	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 2	5	x 30	150		
Performance Requirement 3	5	x 15	75		
Performance Requirement 4	3	x 30	90		
		= 100%			
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.				

Critical Element 5. Results Driven (Total Weight 60%)

Results Sub Element 1: Backlog, Pendency and Timeliness (Weight 25%)

<i>Backlog, Pendency and Timeliness Measures</i>	FY 2016 Targets	FY 2016 Results
Backlog Metrics		
Unexamined Backlog	450,000 - 500,000	
RCE backlog	25,000 - 29,000	
Pendency and Timeliness		
First Action Pendency	14.0 - 15.5	
Total Pendency	24.1 - 26.7	
UPR PUs	608,000 - 672,000	
T1 Pendency (snapshots < 12 months)	97.1% - 97.7%	
RCE Pendency (inventory > 4 months)	30% - 36%	

Results Sub Element 2: Quality and Training (Weight 45%)

<i>FY 2016 Quality Results, Measures and Targets</i>	FY 2016 Results
Develop and implement the Correctness and Clarity Data Collection Form (CCDC) for reviews in the Office of Patent Quality Assurance (OPQA).	
Obtain Public input on the CCDC and new Quality Metrics.	
Develop baseline Correctness and Clarity metrics utilizing the results of the FY 2016 CCDC reviews.	
Develop Quality Metrics and Targets for FY 2017 in the 4 th Quarter of the FY utilizing the baselined Correctness and Clarity Metrics.	
Implement Clarity of the Record Pilot Program - develop best practices for enhancing the clarity of all aspects of the prosecution record and then study the impact of implementing these best practices during examination.	
Develop a program/process for providing post-grant outcomes from sources, such as the Patent Trial and Appeal Board (PTAB), to the examiner of record and the examiners of related applications. (EPQI – Post Grant Outcome Initiative).	
Develop a program for reviewing the consistency of examination and developing programs to address any inconsistencies.	
Administer two External Quality Surveys and two Internal Quality Surveys	

<i>Training Measures and Targets</i>	FY 2016 Results
Ensure that Training is delivered in a timely manner in accordance with established timelines.	
Develop and provide Clarity of the Record Training modules for examiners on effective ways to improve all aspects of the clarity of the prosecution record.	
Patent Examiner Technical Training Program (PETTP) - Increase participation and the number of training hours over FY15 totals.	

Results Sub Element 3: Patent Classification Processes, International Cooperation/Engagement and Domestic Outreach (Weight: 15%)

Patent Classification Process Measures	FY 2016 Targets	FY 2016 Results
<i>CPC Quality Metrics</i>		
Ensure quality of PG Pubs symbol placement	90-95%	
International Cooperation/Engagement Measures	FY 2016 Targets	FY 2016 Results

Initiate Projects within the newly formed Industrial Design Five (ID5) Framework	Launch one or more projects to be led by OIPC/Patent Ops team	
Release the first service for Global Dossier – Dossier Access	Publically release – First Quarter FY 2016	
Define new services/features/functions for the Global Dossier	Deliver requirements for 1 or more new services to the implementation team	
Continue CPC engagement and training with other IP offices	3 to 5 Offices	

Domestic Outreach Measures	FY 2016 targets	FY 2016 Results
Independent inventor conferences	1-2	
Outreach programs to small business & entrepreneurs	8-12	
Outreach programs to colleges/universities	25-35	
Outreach programs to women & minority inventors	4-8	
Outreach programs for/with Satellite Offices	10-12	

Sub Element 4: Patent Legal Administration, Office of Petitions and Patent Administration (Weight: 15%)

<i>Patent Legal Administration Measures</i>	FY 2016 Targets	FY 2016 Results
% of Clear and Timely Guidance and Memos Completed	75-85%	
% of Clear and Timely Rulemaking and Notices Published	75-85%	
% of Timely Implementation of Legislative Changes and Case Law Developments	75-85%	
<i>Office of Petitions Measures</i>	FY 2016 Targets	FY 2016 Results
% of Timely Petition Decisions ¹⁾	75-85%	
% of Timely Track 1 Petition Decisions ²⁾	75-85%	
% of Timely PPH Petitions ³⁾	75-85%	

- 1) Petitions processed in less than six months from the filing date:
 - a. Does not include PTA petitions.
- 2) Track 1 petitions processed in less than 60 days.
- 3) PPH petitions processed in less than 120 days.

<i>Potent Administration Measures</i>	FY 2016 targets	FY 2016 Results
<i>Patents-End-to-End (PE2E) Transition</i>		
Implement IT components of PE2E in Operations (DAV)	1-2	
Test/Pilot IT components of PE2E in Operations (OC)	1-2	
<i>IT System Improvements</i>		
Deploy enhancements to PE2E Docket and Application Viewer tool	Enhancement Deployed	
Deploy enhancements to PE2E Cooperative Patent Classification tool	Enhancement Deployed	

Note: Meeting or exceeding the targets in the above sub elements represents a level of outstanding performance.



15-047395

UNITED STATES PATENT AND TRADEMARK OFFICE

UNDER SECRETARY OF COMMERCE FOR INTELLECTUAL PROPERTY AND
DIRECTOR OF THE UNITED STATES PATENT AND TRADEMARK OFFICE

DEC 11 2015

MEMORANDUM FOR THE SECRETARY

FROM: Michelle K. Lee (b)(6)
Under Secretary and Deputy Director

SUBJECT: Proposed 2016 Performance Agreement between Andrew H. Hirshfeld,
Commissioner for Patents, and the Secretary of Commerce

Attached for your approval and signature is a proposed Performance Agreement for Fiscal Year 2016 between Andrew H. Hirshfeld, Commissioner for Patents, USPTO, and the Secretary of Commerce, as specified by the Employment Agreement with Mr. Hirshfeld. The Performance Agreement incorporates organizational and individual goals in key operational areas as they relate to the management and direction of all aspects of patent operations.

Recommendation:

(b)(6)

Attachment

Executive Secretariat Clearance:

(b)(6)

Executive Secretariat

12/16/15
Date

2015 DEC 11 PM 2:57
EXECUTIVE SECRETARIAT

Executive Secretariat Clearance Sheet

Phone: 202-482-9080

Fax: 202-482-4090

Name: Agency Generated

Tracking No: 15-047395

Subject: Proposed 2016 Performance Agreement between Andrew H. Hirshfeld, Commissioner for Patents and the Secretary of Commerce

Agency: PTO

Signature Level: Secretary

Due Date: 12/15 @5pm

Re-Clear Due Date: _____

TIME CRITICAL DUE DATE & TIME: _____

Clearance Office	Date Sent	Date Returned to ES	Cleared by: name/comments	Re-Clear Date	Date Returned to ES	Re-Cleared by: name/comments
GC	12/11	12/14	Brian Di'Giacomo			
OPSP	12/11	12/14	Joshua Mundell			

ExecSec Clearance: 12/14/15 (b)(5) Delib Proc Priv _____ 3:50 PM
12/16-15 (b)(5) Delib Proc Priv _____ 4:05 pm
12/17- (b)(5) Delib Proc Priv _____

Processed in ExecSec - Date: 12/11 Time: 6:03pm Correspondence Analyst: Tisa McRae

DO NOT MAIL - Call (name and extension): _____

APPROVED FOR: Signature: _____ Autopen: _____ Date: _____ Approved by: _____

TIME CRITICAL

DATE NEEDED: _____

REASON FOR EXPEDITING: _____

Clearances:

(b)(6)

Andrew H. Hirshfeld
Commissioner for Patents
(571) 272-8800

Date

12/10/15

(b)(6)

Sarah T. Harris
General Counsel
(571) 272-7000

Date

12/10/15

(b)(6)

Vikram D. Ayier
Chief of Staff
(571) 272-8818

Date

12/10/15



Commissioner for Patents Performance Agreement

Part 1. Consultation. *I have reviewed this plan and have been consulted on its development.*

Commissioner's Name (Last, First, MI): **Hirshfeld, Andrew H.**

Appraisal Pd. **FY 2017**

Commissioner's Signature: (b)(6)

Date: **12/18/16**

Title: **Commissioner for Patents**

Organization: **USPTO**

Secretary of Commerce's Name (Last, First, MI): **Pritzker, Penny**

Secretary of Commerce's Signature: (b)(6)

Date: **1/11/17**

Part 2. Progress Review

Commissioner's Signature: (b)(6)

Date: **4/20/17**

Secretary of Commerce's Signature: (b)(6)

Date: **4.28.17**

Part 3. Annual Summary Rating

Annual Summary Rating

(b)(6)

Commissioner's Signature: (b)(6)

Date: **11/13/17**

Secretary of Commerce: (b)(6)

Date: **11/28/17**

Part 4. Derivation Formula and Calculation of Annual Summary Rating

Critical Element (CE)	Element Rating		Weight	Score		Summary Level Ranges
	Initial	Final (if changed)		Initial	Final (if changed)	
1. Leading Change	(b)(6)		10%	(b)(6)		475-500 = Level 5 400-474 = Level 4 300-399 = Level 3 200-299 = Level 2 Any CE rated Level 1 = Level 1
2. Leading People			10%			
3. Business Acumen			10%			
4. Building Coalitions			10%			
5. Results Driven			60%			
Total			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.

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

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

Exhibits 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:

- 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;
- 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 long-term interests of the Department;
- Uses creativity and innovation, and encourages new ideas and unconventional approaches in response to evolving conditions;
- Monitors effectiveness of the revised count system for future improvements;
- Puts procedures in place to analyze examination processes and explore prosecution efficiencies;
- Oversees Patents telework and any expansion of the program; ensures any necessary coordination and agreement with the appropriate union from a bargaining unit employee aspect;
- Continues to strengthen time and attendance controls for both teleworking and non-teleworking employees;
- Supports the continued deployment of Patents-End-to-End (PE2E) tools to all appropriate employees within the Patents Business Unit;
- Supports the continued development and establishment of the office of the Deputy Commissioner for Patent Quality and related quality initiatives;
- Leads the implementation of all quality initiatives developed within the Patents Business Unit in support of achieving excellence in: work products, customer service, and measuring patent quality;
- Ensures that training within the Patents Business Unit is delivered in a timely manner;
- Ensure that employee workloads are monitored and takes steps to ensure that workloads are appropriate;
- Supports the ongoing examination time analysis (ETA) and the USPTO's effort to conduct a comprehensive study of examination time; and
- Supports the Presidential transition efforts.

Secretary of Commerce Narrative: *(Optional)*

Critical Element Rating – Leading Change

Level 5

Level 4

Level 3

Level 2

Level 1

Critical Element 2. Leading People	Weight 10%
<p>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.</p>	
<p>Agency-Specific Performance Requirements Builds and manages an appropriately skilled workforce by:</p> <ul style="list-style-type: none"> • Supporting the enhancement of the Workforce Management Alliance and Patents Workforce Management Advisors; • Ensuring surveys (including Federal Employee Viewpoint Survey) and other instruments are in place to monitor and develop plans to provide a work environment that optimizes performance and increases job satisfaction; ▪ Embracing equal opportunity principles; • Fostering a diverse and inclusive environment characterized by cultural sensitivity and respect for divergent employee backgrounds; • Promptly and appropriately addressing allegations of harassment or discrimination; • Overseeing the recruitment, selection, appraisal and recognition of employees based on individual performance; • Supporting Agency efforts to train employees on equal opportunity principles; • Identifying talent gaps and providing training and developmental opportunities, coaching and counseling to employees to strengthen performance or address concerns; • Encouraging employees to develop new and better ways of performing tasks; and • Supporting a culture of transparency, communication and collaboration in the Patents Business Unit. 	
<p>Secretary of Commerce Narrative: <i>(Optional)</i></p>	
<i>Critical Element Rating – Leading People</i>	<input type="checkbox"/> Level 5 <input type="checkbox"/> Level 4 <input type="checkbox"/> Level 3 <input type="checkbox"/> Level 2 <input type="checkbox"/> Level 1

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 <ul style="list-style-type: none"> • Supports Hiring Reform efforts of improving the recruitment and hiring process to acquire highly qualified employees, reduces hiring time, and supports new hires' successful transition into the Federal Service; • Assesses current and future staffing needs on a regular basis; • Implements the Business Unit's Human Capital Strategic Plans that include recruitment strategies that support organizational objectives; • Demonstrates sound management of human, financial and technological resources in order to achieve established priorities, goals, and objectives. In doing so, manages program performance throughout the year to maximize operational efficiency and effectiveness within established budgetary resources; ensures overtime is effectively distributed and usage monitored; builds and manages an appropriately skilled and diverse workforce based on organizational goals, budget considerations, and staffing needs; and engages in succession planning as needed for long-term organizational effectiveness; • 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; ensures required property accountability processes are in place and ensures appropriate training of employees to avoid cyber-security threats; • 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; • 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; and, • Strengthens the USPTO's telework program and assesses and improves controls as needed to best manage the USPTO's employees and focuses on the implementation of any new actions and guidance as may be necessary. 	
Secretary of Commerce Narrative: <i>(Optional)</i>	
Critical Element Rating – Business Acumen	<input type="checkbox"/> Level 5 <input type="checkbox"/> Level 4 <input type="checkbox"/> Level 3 <input type="checkbox"/> Level 2 <input type="checkbox"/> Level 1

Critical Element 4. Building Coalitions

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

- Assures 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;
- 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;
- 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;
- 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;
- Collaborates with stakeholders on outreach and on specific Patent-related initiatives;
- Works closely with internal and external stakeholders in the development and implementation of quality initiatives that support the Enhanced Patent Quality Initiative;
- Ensures appropriate investigation and resolution of labor issues raised with Patents management;
- 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 complementary missions, and within the USPTO;
- Promotes 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;
- Supports a transparent and collaborative work environment; and
- Encourages enhanced communication within and across Business Units.

Secretary of Commerce: *(Optional)*

Critical Element Rating – Building Coalitions

Level 5

Level 4

Level 3

Level 2

Level 1

<p>Critical Element 5. Results Driven</p>	<p>Weight 60%</p>
<p>Agency Goals/Objectives for current FY: Must have at least 1 result (may have up to 4)</p>	
<p>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 for each result specified.</p> <p>Individual and organizational performance requirements expected to support USPTO strategic initiatives. The executive is accountable for up to four sub-elements aligned/linked to the USPTO'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 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 provides appropriate support for their achievement. Sub-elements may be weighed 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. <i>[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.]</i></p> <p>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.</p>	
<p>Sub Element/Performance Requirement 1: Patent Pendency, Backlog and Timeliness [Weight: 25%]</p> <p>Develop an effective and efficient business planning strategy and performance measurement system to contribute to the achievement of goals, objectives and targets based on requirements in the President's FY 2017 Budget.</p> <p>As a fee-funded agency, the USPTO relies on user fee collections to fund operations. The USPTO considers a number of economic factors and relevant indicators when forecasting its workloads. While many of these defining indicators point toward renewed economic expansion, considerable uncertainty still remains regarding the current and near future prospects for growth. This uncertainty could affect anticipated USPTO workloads and fee collections which in turn could significantly impact the USPTO's long-term goals, objectives and targets, and therefore simultaneously affect any interim results.</p> <p>Success of these objectives will be determined by the specific performance measures laid out in the attached document and will be measured based on overall performance taking into account the totality of all the measures in the attached document. Meeting or exceeding the targets set forth in the attached document represents a level of outstanding performance.</p>	<p>Strategic Alignment: Strategic Alignment: Strategic Goal 1 /Objective Alignment 1-2</p> <p>Goal 1, Objectives 1 and 2 of the <i>USPTO 2014-2018 Strategic Plan</i> will be accomplished when patent pendency is optimized, allowing a final action on the merits within one year of filing for any applicant who requests it, with overall patent pendency time reduced to 10 months for a first office action and 20 months total pendency. This is a long-term, multi-year goal to be achieved over the next several years.</p>

<p>Sub Element/Performance Requirement 2: Quality and Training [Weight: 45%] High-quality patents, i.e. patents that are correctly issued in compliance with all the requirements of Title 35 as well as the relevant case law at the time of issuance, fuel innovation and reduce needless litigation by providing an unambiguous notice of rights through clear claim boundaries, clear specifications, and clear prosecution histories. To ensure we continue to issue high-quality patents, the USPTO is continuing its efforts to enhance patent quality through the Enhanced Patent Quality Initiative (EPQI), which is a collection of programs and initiatives designed to enhance the quality of issued patents.</p> <p>The Patent business unit is committed to educational leadership, excellence, and quality in our products and services by (1) providing comprehensive training programs in innovative and progressive environments to employees of the Patent business unit and, (2) providing education and training in coordination with our partners in the Patent community.</p> <p>As a fee-funded agency, the USPTO relies on user fee collections to fund operations. The USPTO considers a number of economic factors and relevant indicators when forecasting its workloads. While many of these defining indicators point toward renewed economic expansion, considerable uncertainty still remains regarding the current and near future prospects for growth. This uncertainty could affect anticipated USPTO workloads and fee collections which in turn could significantly impact the USPTO's long-term goals, objectives and targets, and therefore simultaneously affect any interim results.</p> <p>Success of these objectives will be determined by the specific performance measures laid out in the attached document and will be measured based on overall performance taking into account the totality of all the measures in the attached document. Meeting or exceeding the targets set forth in the attached document represents a level of outstanding performance.</p>	<p>Strategic Alignment: Strategic Alignment: Strategic Goal 1 /Objective Alignment 4</p> <p>Goal I, Objective 4 of the <i>USPTO 2014-2018 Strategic Plan</i> will be accomplished when issued patents are of higher quality, claim clarity is improved, and the stakeholder community has a clear understanding of the meaning of a "quality" patent.</p>
<p>Performance Requirement 3: Patent Classification Processes, International Cooperation/Engagement and Domestic Outreach [Weight: 15%] Improve on the existing classification system with a set of information services and information processes to contribute to the achievement of goals, objectives and targets based on requirements in the President's FY 2017 Budget.</p> <p>Develop and strengthen outreach and partnerships with international IP communities especially as it relates to Cooperative Patent Classification (CPC).</p> <p>Develop and strengthen outreach and partnerships with domestic partners and stakeholders such as, independent inventors, small business, colleges and universities, women and minorities.</p> <p>As a fee-funded agency, the USPTO relies on user fee collections to fund operations. The USPTO considers a number of economic factors and relevant indicators when forecasting its workloads. While many of these defining indicators point toward renewed economic expansion, considerable uncertainty still remains regarding the current and near future prospects for growth. This uncertainty could affect anticipated USPTO workloads and fee collections which in turn could significantly impact the USPTO's long-term</p>	<p>Strategic Alignment: Strategic Goal 1 /Objective Alignment 3,6</p> <p>Goal I, Objective 3 of the <i>USPTO 2014-2018 Strategic Plan</i> will be accomplished by increasing international cooperation and work sharing, fully implementing CPC, maximizing the use of PPH, and implementing the Global Dossier to improve examiner and external stakeholder access to work products of other IP offices.</p> <p>Goal I, Objective 6 of the <i>USPTO 2014-2018 Strategic Plan</i> will be accomplished by focusing on improving and enhancing stakeholder and public outreach and increasing awareness and transparency of patent information, and patent application and ownership information.</p>

goals, objectives and targets, and therefore simultaneously affect any interim results.

Success of these objectives will be determined by the specific performance measures laid out in the attached document and will be measured based on overall performance taking into account the totality of all the measures in the attached document. Meeting or exceeding the targets set forth in the attached document represents a level of outstanding performance.

Performance Requirement 4: Patent Legal Administration, Office of Petitions and Patent Administration [Weight: 15%]

Develop an effective and efficient planning strategy and performance measurement system for the office of the Deputy Commissioner for Patent Examination Policy including the areas of patent legal administration in the Office of Petitions to contribute to the achievement of goals, objectives and targets based on requirements in the President's FY 2017 Budget.

Develop an effective and efficient business planning strategy and performance measurement system for the Office of the Deputy Commissioner for Patent Administration to contribute to the achievement of goals, objectives and targets based on requirements in the President's FY 2017 Budget.

As a fee-funded agency, the USPTO relies on user fee collections to fund operations. The USPTO considers a number of economic factors and relevant indicators when forecasting its workloads. While many of these defining indicators point toward renewed economic expansion, considerable uncertainty still remains regarding the current and near future prospects for growth. This uncertainty could affect anticipated USPTO workloads and fee collections which in turn could significantly impact the USPTO's long-term goals, objectives and targets, and therefore simultaneously affect any interim results.

Success of these objectives will be determined by the specific performance measures laid out in the attached document and will be measured based on overall performance taking into account the totality of all the measures in the attached document. Meeting or exceeding the targets set forth in the attached document represents a level of outstanding performance.

Strategic Alignment: Strategic Goal 1 /Objective Alignments 1, 2, 4, 5

Goal 1, Objectives 1 and 2 of the *USPTO 2014-2018 Strategic Plan* will be accomplished when patent pendency is optimized, allowing a final action on the merits within one year of filing for any applicant who requests it, with overall patent pendency time reduced to 10 months for a first office action and 20 months total pendency. This is a long-term, multi-year goal to be achieved over the next several years.

Goal 1, Objective 4 of the *USPTO 2014-2018 Strategic Plan* will be accomplished when issued patents are of higher quality, claim clarity is improved, and the stakeholder community has a clear understanding of the meaning of a "quality" patent

Goal 1, Objective 5 of the *USPTO 2014-2018 Strategic Plan* will be accomplished by improving the processing of electronic-based information, and providing information in a variety of services to employees to improve efficiencies, job performance, and achievement of strategic goals.

Secretary of Commerce Narrative: *(Optional)*

Critical Element Rating – Results Driven	<input type="checkbox"/> Level 5	<input type="checkbox"/> Level 4	<input type="checkbox"/> Level 3	<input type="checkbox"/> Level 2	<input type="checkbox"/> Level 1
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Part 6: Summary Rating Narrative :

Part 7: Commissioner's Accomplishment Narrative *(Optional)*

Part 8: Agency Use

Deriving the Results Driven Rating Worksheet

Commissioner Name Andrew H. Hirshfeld Rating Period FY 2017

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 (Patent Pendency, Backlog and Timeliness)		25%		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 2 (Quality and Training)		45%			
Performance Requirement 3 (Patent Classification Processes, International Cooperation/Engagement and Domestic Outreach)		15%			
Performance Requirement 4 (Patent Legal Administration, Office of Petitions and Patent Administration)		15%			
		= 100%			
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
Performance Requirement 1	4	x 25	100	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 2	5	x 30	150		
Performance Requirement 3	5	x 15	75		
Performance Requirement 4	3	x 30	90		
		= 100%			
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.

Critical Element 5. Results Driven (Total Weight 60%)

Results Sub Element 1: Patent Pendency, Backlog and Timeliness (Weight 25%)

<i>Patent Pendency, Backlog and Timeliness Measures</i>	<i>FY 2017 Targets</i>				<i>FY 2017 Results</i>
	<i>-2% - 0% Filing Growth</i>	<i>0% - 2% Filing Growth</i>	<i>2% - 4% Filing Growth</i>	<i>4% - 6% Filing Growth</i>	
<i>Patent Corps Backlog Metrics</i>					
Unexamined Backlog*	469,000 - 477,000	477,000 - 485,000	485,000 - 493,000	493,000 - 502,000	
RCE backlog	28,000				
<i>Patent Corps Pendency and Timeliness Metrics</i>					
First Action Pendency	15.5				
Total Pendency	25.5				
UPR PUs	620,000				
T1 Pendency (snapshots ≤ 12 months)	97.5%				
RCE Pendency (inventory ≤ 4 months)	67%				

*The Unexamined Backlog goal varies with overall filing growth rate (e.g. if the filing growth rate is 0% - 2% for the FY the backlog goal will be 477,000 - 485,000).

Results Sub Element 2: Quality and Training (Weight 45%)

<i>FY 2017 Quality Results, Measures and Targets</i>		
<i>Management and Support- Clarity Data Collection Form (CCDC)</i>	<i>FY 2017 Targets</i>	<i>FY 2017 Results</i>
Implement MRF 3.0	Implement by end of FY '17 Q2	
<i>Management and Support – Quality Metrics for Correctness and Clarity</i>		
<i>FY 2017 Statutory Compliance Rate Targets</i>		
FY '17 Corps Quality Metrics: 102 Correctness	90 - 95%	
FY '17 Corps Quality Metrics: 103 Correctness	88 - 93%	
FY '17 Corps Quality Metrics: 112 Correctness	87 - 92%	
FY '17 Corps Quality Metrics: 101 Correctness	93 - 98%	
FY '17 Corps Quality Metrics: Clarity	Establish baseline clarity metric(s) for FY '18 by end of Q4	
FY '18 Corps Quality Metrics: Correctness	Re-evaluate current targets	
Implement Phase 2 of Clarity of Record Pilot	Implement in FY '17	
Enhanced Search Program	Establish pilot in FY '17	
Topic Submissions for Case Studies	Publish reports (6) for studies implemented in FY '16	

Administer two External Quality Surveys and two Internal Quality Surveys		
Implement a uniform standard of review to be utilized in the Office of Patent Quality Assurance (OPQA) and the Technology Centers		
<i>Examination Time Analysis (ETA)</i>	<i>FY 2017 Targets</i>	<i>FY 2017 Results</i>
Address areas of low examination time expectancy by the end of the fiscal year		
<i>Training Measures and Targets</i>	<i>FY 2017 Targets</i>	<i>FY 2017 Results</i>
Ensure that Training is delivered in a timely manner in accordance with established timelines.		
Training Measures and Targets – Clarity of the Record	Continue development and delivery of training related to Clarity of the Record	

Results Sub Element 3: Patent Classification Processes, International Cooperation/Engagement and Domestic Outreach (Weight: 15%)

<i>Patent Classification Process Measures</i>	<i>FY 2017 Targets</i>	<i>FY 2017 Results</i>
<i>CPC Quality Metrics</i>		
Ensure quality of PG Pubs symbol placement	90-95%	

<i>International Cooperation/Engagement Measures</i>	<i>FY 2017 Targets</i>	<i>FY 2017 Results</i>
Initiate Projects within the newly formed Industrial Design Five (IDS) Framework	Launch one or more projects to be led by OIPC/Patent Ops team	
Provide Accessing Office Functionality for WIPO Case under the Global Dossier Program	First Quarter FY '17	
Define new services/features/functions for the Global Dossier	Deliver requirements for 1 or more new services to the implementation team	
Continue CPC engagement and training with other IP offices	3 to 5 Offices	

<i>Domestic Outreach Measures</i>	<i>FY 2017 targets</i>	<i>FY 2017 Results</i>
Independent Inventor Conferences	1-2	
Outreach Programs to Small Businesses & Entrepreneurs	8-12	
Outreach Programs to Colleges/Universities	10-15	
Outreach Programs to Women & Minority Inventors	4-8	
Outreach Programs for/with Satellite Offices	5 - 10	

Sub Element 4: Patent Legal Administration, Office of Petitions and Patent Administration (Weight: 15%)

<i>Patent Legal Administration Measures</i>		
	<i>FY 2017 Targets</i>	<i>FY 2017 Results</i>
% of Clear and Timely Guidance and Memos Completed	75-85%	
% of Clear and Timely Rulemaking and Notices Published	75-85%	
% of Timely Implementation of Legislative Changes and Case Law Developments	75-85%	

<i>Office of Petitions Measures</i>		
	<i>FY 2017 Targets</i>	<i>FY 2017 Results</i>
% of Timely Petition Decisions ¹⁾	75-85%	
% of Timely Track 1 Petition Decisions ²⁾	75-85%	
% of Timely PPH Petitions ³⁾	75-85%	

- 1) Petitions processed in less than six months from the filing date:
 - a. Does not include PTA petitions.
- 2) Track 1 petitions processed in less than 60 days.
- 3) PPH petitions processed in less than 120 days.

<i>Patent Administration Measures</i>		
<i>Patents-End-to-End (PE2E) Transition</i>	<i>FY 2017 targets</i>	<i>FY 2017 Results</i>
Implement IT components of PE2E in Operations (Official Correspondence)	1-2	
Implement IT components of PE2E in Operations (Search)	1-2	
Retire Legacy IT Systems (eDan)	1-2	
<i>IT System Improvements</i>	<i>FY 2017 targets</i>	<i>FY 2017 Results</i>
Deploy Enhancements to PE2E Docket and Application Viewer (DAV)	1-2	
Deploy Enhancements to PE2E Cooperative Patent Classification (CPC)	1-2	
Deploy Enhancements to PE2E eModernization (eMod)	1-2	

Note: Meeting or exceeding the targets in the above sub-elements represents a level of outstanding performance.

Critical Element 1: Leading Change (10%):

(b)(6)



Office of Quality Management:

(b)(6)



(b)(6)



Cooperative Patent Classification (CPC) Project:

(b)(6)



Office of International Patent Cooperation:

(b)(6)



Patents-End-To-End (PE2E):

(b)(6)



Financial Advisory Board (FAB):

(b)(6)

Administration Transition:

(b)(6)

Time and Attendance:

(b)(6)

Office of Patent Examination Support Services (OPESS):

(b)(6)

Sets Strategic Direction to address Goals:

(b)(6)

Other:

(b)(6)

Critical Element 2: Leading People (10%):

(b)(6)

(b)(6)



Human Capital, employee engagement:

(b)(6)



Cooperative Patent Classification (CPC) Project:

(b)(6)



PE2E (Office of Patent Information Management):

(b)(6)



Patents Quality:

(b)(6)



Patents Town Hall Initiative:

(b)(6)

Personnel:

(b)(6)

Training:

(b)(6)

Reports and Audits:

(b)(6)

(b)(6)

Critical Element 3: Business Acumen (10%):

(b)(6)

Budget & Performance Metrics (Office of Patent Financial Management)

(b)(6)

(b)(6)

Patents Telework Program:

(b)(6)

Time and Attendance:

(b)(6)

Patents Hiring:

(b)(6)

Administration Transition:

(b)(6)

Cooperative Patent Classification (CPC) Project:

(b)(6)

Other:

(b)(6)



Critical Element 4. Building Coalitions (10%):

(b)(6)



Collaborating within USPTO:

(b)(6)



(b)(6)



Outreach to under-represented user groups (Office of Innovation Development):

(b)(6)



Cooperative Patent Classification (CPC) Project:

(b)(6)



Public presentations, representation activities:

(b)(6)



Quality Forum; Collegiate Inventors Award Ceremony; USPTO Patent Quality Conference.

Critical Element 5. Results Driven (60%):

Results Sub Element 1: Patent Pendency, Backlog and Timeliness (Weight 25%)

<i>Patent Pendency, Backlog and Timeliness Measures</i>	<i>FY 2017 Targets</i>				<i>Mid-Year FY 2017 Results</i>
	<i>-2% - 0% Filing Growth</i>	<i>0% - 2% Filing Growth</i>	<i>2% - 4% Filing Growth</i>	<i>4% - 6% Filing Growth</i>	
<i>Patent Corps Backlog Metrics</i>					
Unexamined Backlog*	469,000 – 477,000	477,000- 485,000	485,000 - 493,000	493,000 - 502,000	(b)(6)
RCE backlog	28,000				
<i>Patent Corps Pendency and Timeliness Metrics</i>					
First Action Pendency	15.5				
Total Pendency	25.5				
UPR PUs	620,000				
T1 Pendency (snapshots ≤ 12 months)	97.5%				
RCE Pendency (inventory ≤ 4 months)	67%				

(b)(6)

(b)(6)

Results Sub Element 2: Quality and Training (Weight 45%)

- Under the Quality and Training results sub element at mid-fiscal year the following results have been achieved:

FY 2017 Quality Results, Measures and Targets		
Management and Support- Clarity Data Collection Form (CCDC)	FY 2017 Targets	Mid-Year FY 2017 Results
Implement MRF 3.0	Implement by end of FY '17 Q2	(b)(6)
Management and Support -- Quality Metrics for Correctness and Clarity		
FY 2017 Statutory Compliance Rate Targets		
FY '17 Corps Quality Metrics: 102 Correctness	90 - 95%	(b)(6)
FY '17 Corps Quality Metrics: 103 Correctness	88 - 93%	
FY '17 Corps Quality Metrics: 112 Correctness	87 - 92%	
FY '17 Corps Quality Metrics: 101 Correctness	93 - 98%	
FY '17 Corps Quality Metrics: Clarity	Establish baseline clarity metric(s) for FY '18 by end of Q4	
FY '18 Corps Quality Metrics: Correctness	Re-evaluate current targets	
Implement Phase 2 of Clarity of Record Pilot	Implement in FY '17	
Enhanced Search Program	Establish pilot in FY '17	
Topic Submissions for Case Studies	Publish reports (6) for studies implemented in FY '16	
Administer two External Quality Surveys and two Internal Quality Surveys		
Implement a uniform standard of review to be utilized in the Office of Patent Quality Assurance (OPQA) and the Technology Centers		
Examination Time Analysis (ETA)		
FY 2017 Targets		
Address areas of low examination time expectancy by the end of the fiscal year		(b)(6)
Training Measures and Targets		
FY 2017 Targets		
Ensure that Training is delivered in a timely manner in accordance with established timelines.		(b)(6)
Training Measures and Targets – Clarity of the Record	Continue development and delivery of training	

	related to Clarity of the Record	
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Results Sub Element 3: Patent Classification Processes, International Cooperation/Engagement and Domestic Outreach (Weight: 15%)

<i>Patent Classification Process Measures</i>	<i>FY 2017 Targets</i>	<i>Mid-Year FY 2017 Results</i>
<i>CPC Quality Metrics</i>		
Ensure quality of PG Pubs symbol placement	90-95%	(b)(6)

<i>International Cooperation/Engagement Measures</i>	<i>FY 2017 Targets</i>	<i>Mid-Year FY 2017 Results</i>
Initiate Projects within the newly formed Industrial Design Five (ID5) Framework	Launch one or more projects to be led by OIPC/Patent Ops team	(b)(6)
Provide Accessing Office Functionality for WIPO Case under the Global Dossier Program	First Quarter FY '17	
Define new services/features/functions for the Global Dossier	Deliver requirements for 1 or more new services to the implementation team	
Continue CPC engagement and training with other IP offices	3 to 5 Offices	

<i>Domestic Outreach Measures</i>	<i>FY 2017 targets</i>	<i>Mid-Year FY 2017 Results</i>
Independent Inventor Conferences	1-2	(b)(6)
Outreach Programs to Small Businesses & Entrepreneurs	8-12	
Outreach Programs to Colleges/Universities	10-15	
Outreach Programs to Women & Minority Inventors	4-8	
Outreach Programs for/with Satellite Offices	5 - 10	

Sub Element 4: Patent Legal Administration, Office of Petitions and Patent Administration (Weight: 15%)

<i>Patent Legal Administration Measures</i>		
	<i>FY 2017 Targets</i>	<i>Mid-Year FY 2017 Results</i>
% of Clear and Timely Guidance and Memos Completed	75-85%	(b)(6)
% of Clear and Timely Rulemaking and Notices Published	75-85%	
% of Timely Implementation of Legislative Changes and Case Law Developments	75-85%	
<i>Office of Petitions Measures</i>		

	FY 2017 Targets	Mid-Year FY 2017 Results
% of Timely Petition Decisions ¹⁾	75-85%	(b)(6)
% of Timely Track 1 Petition Decisions ²⁾	75-85%	
% of Timely PPH Petitions ³⁾	75-85%	

- 1) Petitions processed in less than six months from the filing date:
 - a. Does not include PTA petitions.
- 2) Track 1 petitions processed in less than 60 days.
- 3) PPH petitions processed in less than 120 days.

Patent Administration Measures		
Patents-End-to-End (PE2E) Transition	FY 2017 targets	Mid-Year FY 2017 Results
Implement IT components of PE2E in Operations (Official Correspondence)	1-2	(b)(6)
Implement IT components of PE2E in Operations (Search)	1-2	
Retire Legacy IT Systems (eDan)	1-2	
IT System Improvements	FY 2017 targets	
Deploy Enhancements to PE2E Docket and Application Viewer (DAV)	1-2	
Deploy Enhancements to PE2E Cooperative Patent Classification (CPC)	1-2	
Deploy Enhancements to PE2E eModernization (eMod)	1-2	

Note: Meeting or exceeding the targets in the above sub-elements represents a level of outstanding performance.



Commissioner for Patents Performance Agreement

Part 1. Consultation. *I have reviewed this plan and have been consulted on its development.*

Commissioner's Name (Last, First, MI): Hirshfeld, Andrew H.	Appraisal Pd. FY 2018
Commissioner's Signature: (b)(6)	Date: 11/13/17
Title: Commissioner for Patents	Organization: USPTO
Rating Official's Name (Last, First, MI): Matal, Joseph	
Rating Official's Signature: (b)(6)	Date: 11/13/17

Part 2. Progress Review

Commissioner's Signature: (b)(6)	Date: 6/12/18
Rating Official's Signature: (b)(6)	Date: 6/18/18

Part 3. Annual Summary (b)(6)

Annual Summary Rating	(b)(6)	
Commissioner's Signature: (b)(6)		Date: 11/12/18
Rating Official's Signature: (b)(6)		Date: 11/16/2018

Part 4. Derivation Formula and Calculation of Annual Summary Rating

Critical Element (CE)	Element Rating		Weight	Score		Summary Level Ranges
	Initial	Final (if changed)		Initial	Final (if changed)	
1. Leading Change		(b)(6)	10%		(b)(6)	475-500 = Level 5 400-474 = Level 4 300-399 = Level 3 200-299 = Level 2 Any CE rated Level 1 = Level 1
2. Leading People			10%			
3. Business Acumen			10%			
4. Building Coalitions			10%			
5. Results Driven			60%			
Total			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.

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

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

Exhibits 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:

- 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;
- 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;
- Supports the Administration's goals of increasing jobs and growing the economy by ensuring the issuance of high quality patents with clear boundaries of protection;
- Exhibits vision and strategic thinking to address concerns that cross organizational boundaries and to meet the long-term interests of the Department;
- Uses creativity and innovation, and encourages new ideas and unconventional approaches in response to evolving conditions;
- Monitors effectiveness of Patent's production systems for future improvements;
- Puts procedures in place to analyze examination processes and explore prosecution efficiencies;
- Oversees Patents' telework and any expansion of the its telework programs; ensures any necessary coordination and agreement with the appropriate union from a bargaining unit employee aspect;
- Continues to strengthen time and attendance controls for employees;
- Supports the continued deployment of Patents-End-to-End (PE2E) tools to all appropriate employees within the Patents Business Unit;
- Completes the transition, including training, within the Patents Business Unit, to the Official Correspondence (OC) tool;
- Oversees the development and implementation of all quality related initiatives developed within the Patents Business Unit;
- Ensures continued improvement in employee training within the Patents Business Unit;
- Ensures that employee workloads are monitored and takes steps to ensure that workloads are appropriate;
- Supports the USPTO's effort to comprehensively study and plan to adjust examination time goals, as appropriate, to ensure optimal USPTO performance in patent pendency and quality that is commensurate with stakeholder expectations and user fees;
- Supports the Presidential transition efforts and the transition of a new Under Secretary of Commerce for Intellectual Property and Director of the USPTO;
- Supports the Administration's Regulatory Reform efforts by supporting the elimination of unnecessary, ineffective, and burdensome rules and regulations within the Patents Business Unit; and,
- Supports and provides guidance regarding the implementation of a revised process for routing utility patent applications in light of the transition from U.S. classification (USPC) to the Cooperative Patent Classification System (CPC).

Rating Official Narrative: *(Optional)*

<i>Critical Element Rating – Leading Change</i>	<input type="checkbox"/> Level 5	<input type="checkbox"/> Level 4	<input type="checkbox"/> Level 3	<input type="checkbox"/> Level 2	<input type="checkbox"/> Level 1
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Critical Element 1: Leading Change (10%):

(b)(6)



Subject Matter Eligibility:

(b)(6)



Search Initiatives:

(b)(6)



(b)(6)



Examination Time Analysis (ETA)

(b)(6)



Executive Orders:

(b)(6)

Time and Attendance

(b)(6)

SPE Interest Program

(b)(6)

Workforce Effects of Information Technology (IT) Improvements

(b)(6)

(b)(6)

IT Development Task Force:

(b)(6)

Cooperative Patent Classification (CPC) Project:

(b)(6)

Office of International Patent Cooperation:

(b)(6)

(b)(6)

Patents-End-To-End (PE2E) and Patent IT initiatives:

(b)(6)

Financial Advisory Board (FAB):

(b)(6)

Office of Patent Examination Support Services (OPES):

(b)(6)

Training:

(b)(6)

Sets Strategic Direction to address Goals:

(b)(6)

(b)(6)

Patent Trial and Appeal Board (PTAB):

(b)(6)

Other:

(b)(6)

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

Builds and manages an appropriately skilled workforce by:

- Supporting the enhancement of the Workforce Management Alliance and Patents Workforce Management Advisors;
- Ensuring surveys (including Federal Employee Viewpoint Survey and the USPTO People Survey) and other instruments are in place to monitor and develop plans to provide a work environment that optimizes performance and increases job satisfaction;
- Embracing equal opportunity principles;
- Fostering a diverse and inclusive environment characterized by cultural sensitivity and respect for divergent employee backgrounds;
- Promptly and appropriately addressing allegations of harassment or discrimination;
- Overseeing the recruitment, selection, appraisal and recognition of employees based on individual performance;
- Supporting Agency efforts to train employees on equal opportunity principles;
- Identifying talent gaps and providing training and developmental opportunities, coaching and counseling to employees to strengthen performance or address concerns;
- Ensuring that managers are appropriately trained;
- Continuing to strengthen time and attendance controls for employees;
- Encouraging employees to develop new and better ways of performing tasks;
- Ensuring that clear and consistent legal and procedural positions are taken on behalf of the Agency by the Patents Business Unit;
- Supporting a culture of transparency, communication and collaboration in the Patents Business Unit; and
- Ensuring that employees are efficiently working on mission-critical tasks;
- Retaining a highly skilled workforce;
- Rewarding the most productive employees; and,
- Ensuring that employees are appropriately recognized.

Rating Official Narrative: *(Optional)*

Critical Element Rating – Leading People

Level 5

Level 4

Level 3

Level 2

Level 1

Critical Element 2: Leading People (10%):

(b)(6)



Human Capital, employee engagement:

(b)(6)



SPE interest Program

(b)(6)

Cooperative Patent Classification (CPC) Project:

(b)(6)

PE2E (Office of Patent Information Management) other IT efforts:

(b)(6)

Workforce Effects of Information Technology (IT) Improvements

(b)(6)

Personnel:

(b)(6)

Training:

(b)(6)

Federal Employee Viewpoint Survey (EVS):

(b)(6)

Time and Attendance

(b)(6)

Other:

(b)(6)



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

- Supports Hiring Reform efforts of improving the recruitment and hiring process to acquire highly qualified employees, reducing hiring time, and supporting new hires successful transition into the Federal Service;
- Assesses current and future staffing needs on a regular basis;
- Implements the Business Unit's Human Capital Strategic Plans that include recruitment strategies that support organizational objectives;
- Demonstrates sound management of human, financial and technological resources in order to achieve established priorities, goals, and objectives. In doing so, manages program performance throughout the year to maximize operational efficiency and effectiveness within established budgetary resources; ensures overtime is effectively distributed and usage monitored; builds and manages an appropriately skilled and diverse workforce based on organizational goals, budget considerations, and staffing needs; and engages in succession planning as needed for long-term organizational effectiveness;
- 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; ensures required property accountability processes are in place and ensures appropriate training of employees to avoid cyber-security threats;
- Ensure that reliable, state of the art IT systems are in place in order to meet the needs of employees and stakeholders and to support the Agency's mission;
- Support the rollout and training of a new search tool to employees;
- 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;
- 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;
- Strengthens the USPTO's telework program and assesses and improves controls as needed to best manage employees and focuses on the implementation of any new actions and guidance as may be necessary;
- Ensures that user fees are appropriately set and utilized;
- Develop an implementation plan to best utilize available electronic resources to provide examiners with information to facilitate patent examination quality and efficiency.

Rating Official Narrative: *(Optional)*

Critical Element Rating – Business Acumen

Level 5

Level 4

Level 3

Level 2

Level 1

Critical Element 3: Business Acumen (10%):

(b)(6)

Budget & Performance Metrics (Office of Patent Financial Management)

(b)(6)

Patents Telework Program:

(b)(6)

Time and Attendance

(b)(6)

Patents Hiring:

(b)(6)

Cooperative Patent Classification (CPC) Project:

(b)(6)

(b)(6)

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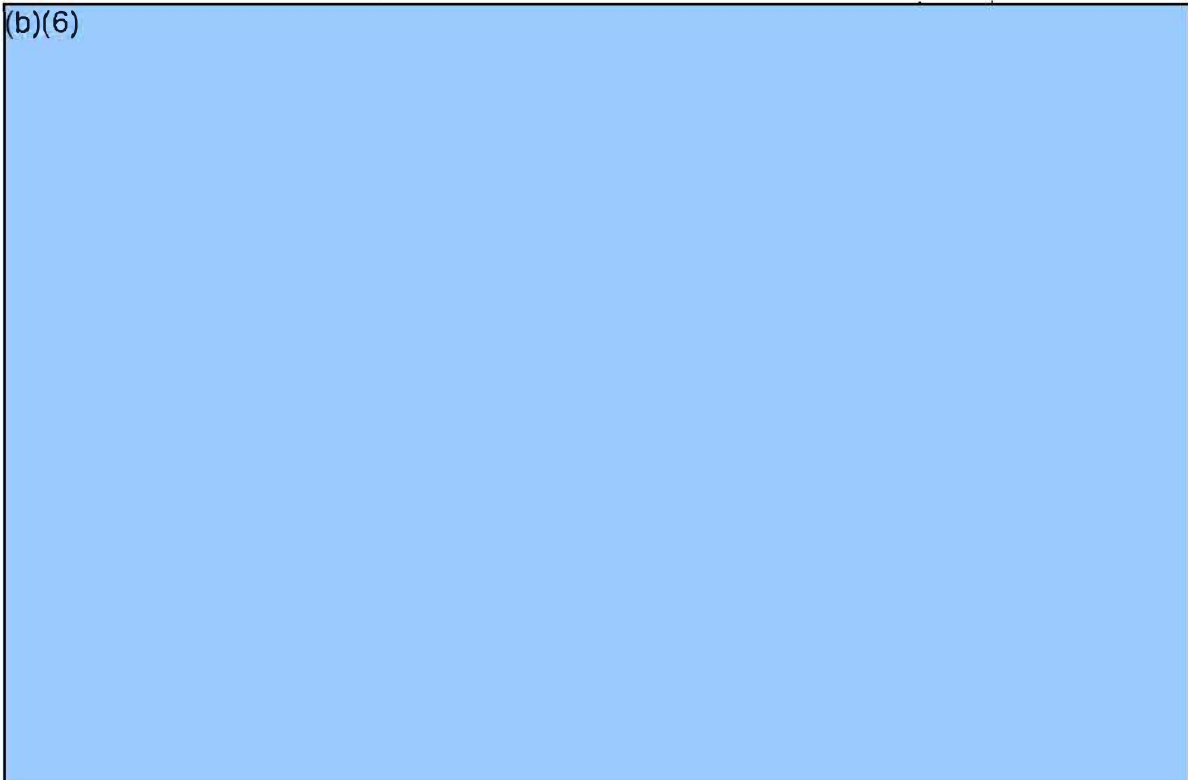
Subject Matter Eligibility:

(b)(6)

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Examination Time Analysis (ETA)

(b)(6)

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Executive Orders:

(b)(6)

Pro se Assistance

(b)(6)

Other:

(b)(6)

Critical Element 4. Building Coalitions

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

- Assures that each Business Unit participates in the formulation of clear, concise, and effective communication strategies;
- Demonstrates a high degree of responsiveness to the full range of stakeholders, 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;
- 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;
- Seeks to identify stakeholder needs and expectations, responds to identified concerns promptly, professionally and fairly, and improves business and management processes based on customer and employee feedback;
- Improves access to the patent process for small businesses and independent inventors and ensures that assistance is provided to small businesses and independent inventors on understanding how to obtain and enforce Patent rights;
- Provides dedicated examination resources to *pro se* applicants;
- Solicits employee feedback on direction received, opportunities provided, and recognition given, as inputs for improving how employees are led and motivated;
- Collaborates with stakeholders on specific Patent-related initiatives;
- Ensures that messages to stakeholders are clear and consistent and coordinated within and across business units;
- Works with internal and external stakeholders in the development and implementation of quality improvement programs;
- Ensures appropriate investigation and resolution of labor issues raised with Patents management;
- 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 complementary missions, and within the USPTO;
- Promotes intra-agency cooperation by ensuring that all Senior Executives (SES) within the Patents organization incorporate specific measurable teaming/collaboration tasks in the development of their individual results sub-elements;
- Supports a transparent and collaborative work environment;
- Puts systems in place to ensure coordination within and among business units so as to ensure that information is being shared; and,
- Encourages enhanced communication within and across Business Units.

Rating Official Narrative: *(Optional)*

Critical Element Rating – Building Coalitions

Level 5

Level 4

Level 3

Level 2

Level 1

Critical Element 4. Building Coalitions (10%):

(b)(6)



Collaborating within USPTO:

(b)(6)



(b)(6)

Outreach to under-represented user groups (Office of Innovation Development):

(b)(6)

Cooperative Patent Classification (CPC) Project:

(b)(6)

Public presentations, representation activities:

(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 for each result specified.

Individual and organizational performance requirements expected to support USPTO strategic initiatives. The executive is accountable for up to four sub-elements aligned/linked to the USPTO'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 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 provides appropriate support for their achievement. Sub-elements may be weighed 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.]*

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.

Sub Element/Performance Requirement 1: Patent Pendency, Backlog and Timeliness [Weight: 30%]

Develop an effective and efficient business planning strategy and performance measurement system to contribute to the achievement of goals, objectives and targets based on requirements in the President's FY 2018 Budget.

As a fee-funded agency, the USPTO relies on user fee collections to fund operations. The USPTO considers a number of economic factors and relevant indicators when forecasting its workloads. While many of these defining indicators point toward renewed economic expansion, uncertainty still remains regarding the current and near future prospects for growth. This uncertainty could affect anticipated USPTO workloads and fee collections which in turn could impact the USPTO's long-term goals, objectives and targets, and therefore simultaneously affect any interim results.

Success of these objectives will be determined by the specific performance measures laid out in the attached document and will be measured based on overall performance taking into account the totality of all the measures in the attached document. Meeting or exceeding the targets set forth in the attached document represents a level of outstanding performance.

Strategic Alignment:

Strategic Alignment: **Strategic Goal 1 /Objective Alignment 1-2**

Goal 1, Objectives 1 and 2 of the *USPTO 2014-2018 Strategic Plan* will be accomplished when patent pendency is optimized, allowing a final action on the merits within one year of filing for any applicant who requests it, with overall patent pendency time reduced to 10 months for a first office action and 20 months total pendency. This is a long-term, multi-year goal to be achieved over the next several years.

Sub Element/Performance Requirement 2: Patent Quality [Weight: 30%]

High-quality patents, i.e. patents that are correctly issued in compliance with all the requirements of Title 35 as well as the relevant case law at the time of issuance, fuel innovation and reduce needless litigation by providing an unambiguous notice of rights through clear claim boundaries, clear specifications, and clear prosecution histories. To ensure we continue to issue high-quality patents, the USPTO is continuing its efforts to address patent quality.

The Patent business unit is committed to educational leadership, excellence, and quality in our products and services by (1) providing comprehensive training programs in innovative and progressive environments to employees of the Patent business unit and, (2) providing education and training in coordination with our partners in the Patent community.

As a fee-funded agency, the USPTO relies on user fee collections to fund operations. The USPTO considers a number of economic factors and relevant indicators when forecasting its workloads. While many of these defining indicators point toward renewed economic expansion, considerable uncertainty still remains regarding the current and near future prospects for growth. This uncertainty could affect anticipated USPTO workloads and fee collections which in turn could significantly impact the USPTO's long-term goals, objectives and targets, and therefore simultaneously affect any interim results.

Success of these objectives will be determined by the specific performance measures laid out in the attached document and will be measured based on overall performance taking into account the totality of all the measures in the attached document. Meeting or exceeding the targets set forth in the attached document represents a level of outstanding performance.

Performance Requirement 3: Patent Classification Processes, International Cooperation/Engagement and Domestic Outreach [Weight: 20%]

Improve on the existing classification system with a set of information services and information processes to contribute to the achievement of goals, objectives and targets based on requirements in the President's FY 2018 Budget.

Develop and strengthen outreach and partnerships with international IP communities especially as it relates to Cooperative Patent Classification (CPC).

Develop and strengthen outreach and partnerships with domestic partners and stakeholders such as, independent inventors, entrepreneurs, small business, and colleges and universities.

As a fee-funded agency, the USPTO relies on user fee collections to fund operations. The USPTO considers a number of economic factors and relevant indicators when forecasting its workloads. While many of these defining indicators point toward renewed economic expansion, considerable uncertainty still remains regarding the current and near future prospects for growth. This uncertainty could affect anticipated USPTO workloads and fee collections which in turn could significantly impact the USPTO's long-term goals, objectives and targets, and therefore simultaneously affect any interim results.

Strategic Alignment:

Strategic Alignment: **Strategic Goal 1 /Objective Alignment 4**

Goal 1, Objective 4 of the *USPTO 2014-2018 Strategic Plan* will be accomplished when issued patents are of higher quality, claim clarity is improved, and the stakeholder community has a clear understanding of the meaning of a "quality" patent.

Strategic Alignment:

Strategic Goal 1 /Objective Alignment **3,6**

Goal 1, Objective 3 of the *USPTO 2014-2018 Strategic Plan* will be accomplished by increasing international cooperation and work sharing, fully implementing CPC, maximizing the use of PPH, and implementing the Global Dossier to improve examiner and external stakeholder access to work products of other IP offices.

Goal 1, Objective 6 of the *USPTO 2014-2018 Strategic Plan* will be accomplished by focusing on improving and enhancing stakeholder and public outreach and increasing awareness and transparency of patent information, and patent application and ownership information.

Success of these objectives will be determined by the specific performance measures laid out in the attached document and will be measured based on overall performance taking into account the totality of all the measures in the attached document. Meeting or exceeding the targets set forth in the attached document represents a level of outstanding performance.

Performance Requirement 4: Patent Legal Administration, Office of Petitions and Patent Administration [Weight: 20%]

Develop an effective and efficient planning strategy and performance measurement system for the office of the Deputy Commissioner for Patent Examination Policy including the areas of the Office of Patent Legal Administration (OPLA) and the Office of Petitions to contribute to the achievement of goals, objectives and targets based on requirements in the President's FY 2018 Budget.

Develop an effective and efficient business planning strategy and performance measurement system for the Office of the Deputy Commissioner for Patent Administration to contribute to the achievement of goals, objectives and targets based on requirements in the President's FY 2018 Budget.

As a fee-funded agency, the USPTO relies on user fee collections to fund operations. The USPTO considers a number of economic factors and relevant indicators when forecasting its workloads. While many of these defining indicators point toward renewed economic expansion, considerable uncertainty still remains regarding the current and near future prospects for growth. This uncertainty could affect anticipated USPTO workloads and fee collections which in turn could significantly impact the USPTO's long-term goals, objectives and targets, and therefore simultaneously affect any interim results.

Success of these objectives will be determined by the specific performance measures laid out in the attached document and will be measured based on overall performance taking into account the totality of all the measures in the attached document. Meeting or exceeding the targets set forth in the attached document represents a level of outstanding performance.

Strategic Alignment: Strategic Goal 1 /Objective Alignments 1, 2, 4, 5

Goal I, Objectives 1 and 2 of the *USPTO 2014-2018 Strategic Plan* will be accomplished when patent pendency is optimized, allowing a final action on the merits within one year of filing for any applicant who requests it, with overall patent pendency time reduced to 10 months for a first office action and 20 months total pendency. This is a long-term, multi-year goal to be achieved over the next several years.

Goal I, Objective 4 of the *USPTO 2014-2018 Strategic Plan* will be accomplished when issued patents are of higher quality, claim clarity is improved, and the stakeholder community has a clear understanding of the meaning of a "quality" patent

Goal I, Objective 5 of the *USPTO 2014-2018 Strategic Plan* will be accomplished by improving the processing of electronic-based information, and providing information in a variety of services to employees to improve efficiencies, job performance, and achievement of strategic goals.

Rating Official Narrative: *(Optional)*

Critical Element Rating – Results Driven

Level 5

Level 4

Level 3

Level 2

Level 1

Part 6: Summary Rating Narrative :

Part 7: Commissioner's Accomplishment Narrative *(Optional)*

Part 8: Agency Use

Critical Element 5. Results Driven (60%):

Results Sub Element 1: Patent Pendency, Backlog and Timeliness (Weight 30%)

Patent Pendency, Backlog and Timeliness Measures	FY 2018 Targets				FY 2018 Results	
	-2% - 0% Filing Growth	0% - 2% Filing Growth	2% - 4% Filing Growth	4% - 6% Filing Growth		
Patent Corps Backlog Metrics						
Unexamined Inventory*.**	493,500	505,000	516,000	528,000	(b)(6)	
RCE Inventory**	23,000					
Patent Corps Pendency and Timeliness Metrics						
First Action Pendency**	15.4					
Total Pendency**	25.0					
UPR Production Units (PUs)**	620,000					
T1 Pendency (snapshots ≤ 12 months)	98.0%					
RCE Pendency (inventory ≤ 4 months)	72.0%					
Patent Term Adjustment (PTA) Timeframes (14/4/4/4/36)						
Provide at least one notification under 35 U.S.C. 132 within 14 –months from filing under section 111(a) or the commencement of the national stage under section 371	47% of actions and remaining inventory of 125,000 apps > 14 months					
Respond to a Reply under 35 U.S.C. 132 within 4 months	93% of amendment actions; 96% of remaining amended inventory; 78% of RCE actions and remaining inventory of 7,000 apps > 4 months					
Act on an application within 4 months after the date of a decision by PTAB	96% of actions and 96% of remaining inventory					
Issue a patent within 4 months from payment of the issue fee	98% of issues and 98% of remaining inventory					
No more than 36 month application pendency	80% of issued patents					

*The Unexamined Backlog goal varies with overall filing growth rate (e.g. if the filing growth rate is 0%- 2% for the FY the backlog goal will be TBD).

** Model targets are accurate to +/- 5%; results within 5% of target will be considered to have met target given this uncertainty.

Results Sub Element 2: Patent Quality (Weight 30%)

Management and Support– Quality Metrics for Correctness and Clarity	FY 2018 Targets	FY 2018 Results
FY '18 Corps Quality Metrics: 35 U.S.C 102 Correctness	>95%	(b)(6)
FY '18 Corps Quality Metrics: 35 U.S.C 103 Correctness	>93%	
FY '18 Corps Quality Metrics: 35 U.S.C 112 Correctness	>93%	
FY '18 Corps Quality Metrics: 35 U.S.C 101 Correctness	>97%	

FY '18 Corps Quality Metrics: 35 U.S.C 102 Clarity	>90%	(b)(6)
FY '18 Corps Quality Metrics: 35 U.S.C 103 Clarity	>90%	
FY '18 Corps Quality Metrics: 35 U.S.C 112(b) Clarity	>90%	
FY '18 Corps Quality Metrics: 35 U.S.C 101 Clarity	>90%	
FY '19 Examination Corps Quality Metrics: Correctness and Clarity	Establish targets for FY '19 in Q4 of FY '18	
Examination Time Analysis (ETA) - <i>Comprehensively study and plan to adjust examination time goals to ensure optimal USPTO performance in patent pendency and quality that is commensurate with stakeholder expectations and user fees.</i>	FY 2018 Targets	FY 2018 Results
Develop initial implementation plan	Develop plan by the end of FY '18, Q1	(b)(6)
Negotiate implementation of the developed plan with the Examiners bargaining unit (POPA)	Complete implementation negotiations by the end of FY '18, Q3	
Implement negotiated plan	Implement negotiated plan by the end of FY '18	
Access to Relevant Prior Art - <i>Explore how to best utilize available electronic resources to provide examiners with information from applicant's other applications filed in the U.S. and internationally as early as possible to increase patent examination quality and efficiency.</i>	FY 2018 Targets	FY 2018 Results
Begin development of Phase 1 of the project	FY '18, Q1	(b)(6)
Develop implementation plan for phases to be implemented in FY '19	FY '18 Q2/Q3/Q4	
Complete implementation of Phase 1 of the project	Complete Phase 1 implementation by the end of FY '18	
Pilot Programs	FY 2018 Targets	FY 2018 Results
Clarity of the Record Pilot Phase 2, Part a	Implement in FY '18, Q1	(b)(6)
Clarity of the Record Pilot Phase 2, Part b	Implement in FY '18, Q2	
Diagnostic Interview Pilot	<u>FY18, Q1</u> – Begin pilot <u>FY18, Q3</u> – Begin data analysis from pilot	
35 U.S.C. 112(f) - <i>Improve the frequency of examiner clarification of the record for § 112(f) issues</i>	FY 2018 Targets	FY 2018 Results
Provide Patent Examining Corps-Wide training	FY '18, Q1	(b)(6)

Notes:

*Quality Metrics results for Correctness have the following sample error: 0.4% (102); 0.4% (103); 0.4% (112); and, 0.3% (101). Quality Metrics results for Clarify have the following sample error: 1.3% (102); 0.8% (103); 1.1% (112(b)); and, 1.4% (101).

**Management and the examiners union began pre-decisional ETA discussions in January 2018. Following these discussions, the Administration issued a set of executive orders that partly covered the scope of union negotiations but

were subsequently changed due to a decision by the district court. Consequently, a new path including pre-decisional engagement with set timeframes was chosen to secure time, routing and PAP changes was determined; the latter half of FY18 was used to develop material needed for this new path.

Results Sub Element 3: Patent Classification Processes, International Cooperation/Engagement and Domestic Outreach (Weight: 20%)

<i>Patent Classification Process Measures</i>	<i>FY 2018 Targets</i>	<i>FY 2018 Results</i>
<i>Cooperative Patent Classification Quality Metrics</i>		
Establish a cooperative convergence metric with at least one partner office	Establish metric by the end of Q4, FY '18	(b)(6)

<i>International Cooperation/Engagement Measures</i>	<i>FY 2018 Targets</i>	<i>FY 2018 Results</i>
Define new functionality for the Global Dossier	Complete by the end of Q4 FY'18	(b)(6)
PCT Collaborative Search and Examination Pilot	<u>Q3 FY '18</u> – Finalize details of pilot <u>Q4 FY '18</u> - Launch pilot among IP5 offices	
Expand outreach with stakeholder groups through cooperative agreements (e.g. FICPI and AIPPI)	Develop at least one cooperative agreement by the end of FY '18	
Define roadmaps on four USPTO - led IDS projects	Complete the process of defining roadmaps by the end of Q3, FY '18	

<i>Domestic Outreach Measures</i>	<i>FY 2018 targets</i>	<i>FY 2018 Results</i>
Independent Inventor Conferences	1	(b)(6)
Outreach Programs to Small Businesses & Entrepreneurs	8-12	
Outreach to Colleges/Universities	10-15	
<u>Independent Inventor and Small Business Initiative</u> - Enhance assistance to independent inventors and small businesses during the prosecution of their applications.	<u>FY '18 Q2</u> - Increase staff to support the examination of pro-se applications and increase assistance to pro-se applicants throughout the entire application process.	

(b)(6)

<i>Internal Engagement Initiatives</i>	<i>FY 2018 targets</i>	<i>FY 2018 Results</i>
Patent Employee Town Hall Initiative 2.0	Hold 40 town hall sessions	(b)(6)

Sub Element 4: Patent Legal Administration, Office of Petitions and Patent Administration (Weight: 20%)

<i>Patent Legal Administration Measures</i>		
	<i>FY 2018 Targets</i>	<i>FY 2018 Results</i>
% of Clear and Timely Guidance and Memos Completed	75-85%	(b)(6)
% of Clear and Timely Rulemaking and Notices Published	75-85%	
% of Timely Implementation of Legislative Changes and Case Law Developments	75-85%	

<i>Office of Petitions Measures</i>		
	<i>FY 2018 Targets</i>	<i>FY 2018 Results</i>
% of Timely Petition Decisions ¹⁾	75-85%	(b)(6)
% of Timely Track 1 Petition Decisions ²⁾	75-85%	
% of Timely PPH Petitions ³⁾	75-85%	

- 1) Petitions processed in less than five months from the filing date.
- 2) Track 1 petitions processed in less than 45 days:
 - a. The timeliness of a Track 1 request decision is based upon its status 17/20 date (prior to this date, the Track 1 request cannot be decided).
- 3) PPH petitions processed in less than 90 days.

<i>Patent Administration Measures</i>		
<i>Patents-End-to-End (PE2E) Transition</i>	<i>FY 2018 targets</i>	<i>FY 2018 Results</i>
Implement IT components of PE2E in Operations (Official Correspondence (OC))	FY'18 Complete OC deployment and training to TCs and other business units	(b)(6)
Implement IT components of PE2E in Operations (Search)	FY'18 Begin Search deployment and training to Technology Centers and Patents staff	

Deriving the Results Driven Rating Worksheet

Commissioner Name Andrew H. Hirshfeld Rating Period FY 2018

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 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 1 <i>(Patent Pendency, Backlog and Timeliness)</i>	(b)(6)	30%	(b)(6)		
Performance Requirement 2 <i>(Patent Quality)</i>		30%			
Performance Requirement 3 <i>(Patent Classification Processes, International Cooperation/Engagement and Domestic Outreach)</i>		20%			
Performance Requirement 4 <i>(Patent Legal Administration, Office of Petitions and Patent Administration)</i>		20%			
		= 100%			
Performance Requirement Total Score				(b)(6)	

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 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 1	4	x 30	120		
Performance Requirement 2	5	x 30	150		
Performance Requirement 3	5	x 20	100		
Performance Requirement 4	3	x 20	60		
		= 100%			
Performance Requirement Total Score			430	430 = 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.**

Critical Element 1: Leading Change (10%):

(b)(6)



Examination Time Analysis (ETA)

(b)(6)



Time and Attendance

(b)(6)



SPE Interest Program

(b)(6)



(b)(6)

Workforce Effects of Information Technology (IT) Improvements

(b)(6)

Subject Matter Eligibility:

(b)(6)

Cooperative Patent Classification (CPC) Project:

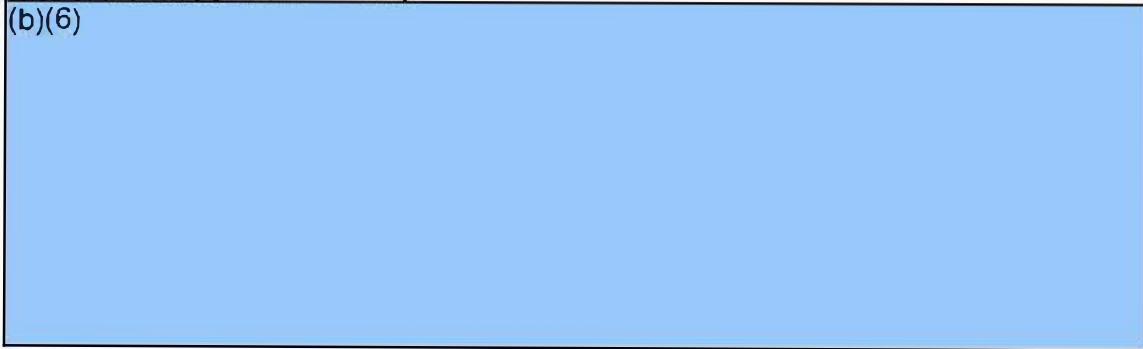
(b)(6)

(b)(6)



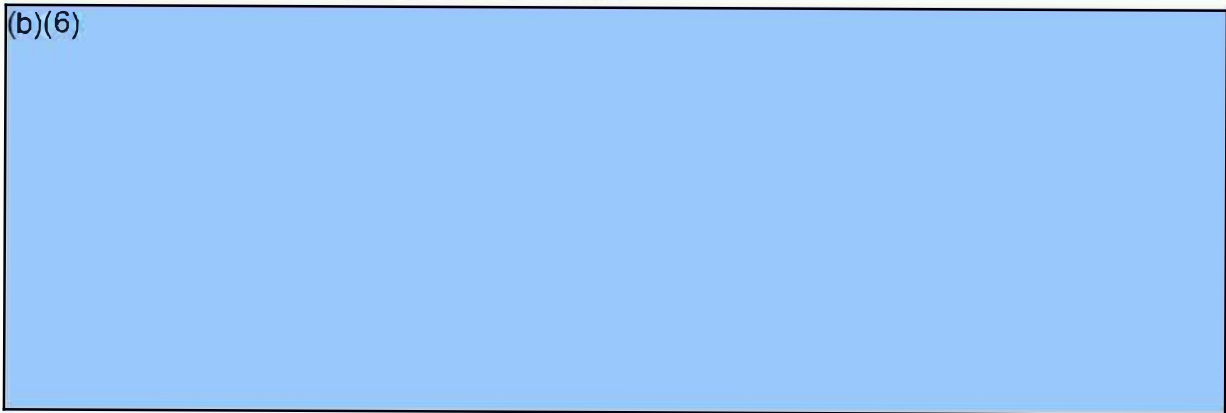
Office of International Patent Cooperation:

(b)(6)



Patents-End-To-End (PE2E) and Patent IT initiatives:

(b)(6)



Financial Advisory Board (FAB):

(b)(6)



Office of Patent Examination Support Services (OPESS):

(b)(6)

Training:

(b)(6)

Sets Strategic Direction to address Goals:

(b)(6)

Other:

(b)(6)

Critical Element 2: Leading People (10%):

(b)(6)

(b)(6)



Human Capital, employee engagement:

(b)(6)



SPE Interest Program

(b)(6)



Cooperative Patent Classification (CPC) Project:

(b)(6)

PE2E (Office of Patent Information Management):

(b)(6)

Workforce Effects of Information Technology (IT) Improvements

(b)(6)

Personnel:

(b)(6)

Training:

(b)(6)

Federal Employee Viewpoint Survey (EVS):

(b)(6)

Time and Attendance

(b)(6)

Other:

(b)(6)

Critical Element 3: Business Acumen (10%):

(b)(6)

Budget & Performance Metrics (Office of Patent Financial Management)

(b)(6)

(b)(6)

Patents Telework Program:

(b)(6)

Time and Attendance

(b)(6)

Patents Hiring:

(b)(6)

Cooperative Patent Classification (CPC) Project:

(b)(6)

Subject Matter Eligibility:

(b)(6)

(b)(6)

Pro se Assistance

(b)(6)

Other:

(b)(6)

Critical Element 4. Building Coalitions (10%):

(b)(6)

Collaborating within USPTO:

(b)(6)

(b)(6)



Outreach to under-represented user groups (Office of Innovation Development):

(b)(6)



Cooperative Patent Classification (CPC) Project:

(b)(6)



Public presentations, representation activities:

(b)(6)



(b)(6)

Critical Element 5. Results Driven (60%):

Results Sub Element 1: Patent Pendency, Backlog and Timeliness (Weight 30%)

Patent Pendency, Backlog and Timeliness Measures	FY 2018 Targets				MY 2018 Results
	-2% - 0% Filing Growth	0% - 2% Filing Growth	2% - 4% Filing Growth	4% - 6% Filing Growth	
Patent Corps Backlog Metrics					
Unexamined Inventory* **	493,500	505,000	516,000	528,000	(b)(6)
RCE Inventory**	23,000				
Patent Corps Pendency and Timeliness Metrics					
First Action Pendency**	15.4				(b)(6)
Total Pendency**	25.0				
UPR Production Units (PUs)**	620,000				
T1 Pendency (snapshots ≤ 12 months)	98.0%				
RCE Pendency (inventory ≤ 4 months)	72.0%				
Patent Term Adjustment (PTA) Timeframes (14/4/4/4/36)					
Provide at least one notification under 35 U.S.C. 132 within 14 –months from	47% of actions and remaining inventory of 125,000 apps > 14 months				(b)(6)

filing under section 111(a) or the commencement of the national stage under section 371		
Respond to a Reply under 35 U.S.C. 132 within 4 months	93% of amendment actions; 96% of remaining amended inventory; 78% of RCE actions and remaining inventory of 7,000 apps > 4 months	(b)(6)
Act on an application within 4 months after the date of a decision by PTAB	96% of actions and 96% of remaining inventory	
Issue a patent within 4 months from payment of the issue fee	98% of issues and 98% of remaining inventory	
No more than 36 month application pendency	80% of issued patents	

*The Unexamined Backlog goal varies with overall filing growth rate (e.g. if the filing growth rate is 0% - 2% for the FY the backlog goal will be TBD).

** Model targets are accurate to +/- 5%; results within 5% of target will be considered to have met target given this uncertainty.

Results Sub Element 2: Patent Quality (Weight 30%)

Management and Support – Quality Metrics for Correctness and Clarity	FY 2018 Targets	MY 2018 Results
FY '18 Corps Quality Metrics: 35 U.S.C 102 Correctness	>95%	(b)(6)
FY '18 Corps Quality Metrics: 35 U.S.C 103 Correctness	>93%	
FY '18 Corps Quality Metrics: 35 U.S.C 112 Correctness	>93%	
FY '18 Corps Quality Metrics: 35 U.S.C 101 Correctness	>97%	
FY '18 Corps Quality Metrics: 35 U.S.C 102 Clarity	>90%	
FY '18 Corps Quality Metrics: 35 U.S.C 103 Clarity	>90%	
FY '18 Corps Quality Metrics: 35 U.S.C 112(b) Clarity	>90%	
FY '18 Corps Quality Metrics: 35 U.S.C 101 Clarity	>90%	
FY '19 Examination Corps Quality Metrics: Correctness and Clarity	Establish targets for FY '19 in Q4 of FY' 18	
Examination Time Analysis (ETA) - <i>Comprehensively study and plan to adjust examination time goals to ensure optimal USPTO performance in patent pendency and quality that is commensurate with stakeholder expectations and user fees.</i>	FY 2018 Targets	MY 2018 Results
Develop initial implementation plan	Develop plan by the end of FY '18, Q1	(b)(6)
Negotiate implementation of the developed plan with the Examiners bargaining unit (POPA)	Complete implementation negotiations by the end of FY'18, Q3	
Implement negotiated plan	Implement negotiated plan by the end of FY '18	
Access to Relevant Prior Art - <i>Explore how to best utilize available electronic resources to provide examiners with information from applicant's other applications filed in the U.S. and internationally as early as possible to increase patent examination quality and efficiency.</i>	FY 2018 Targets	MY 2018 Results
Begin development of Phase 1 of the project	FY'18, Q1	(b)(6)

Develop implementation plan for phases to be implemented in FY '19	FY'18 Q2/Q3/Q4	On Track
Complete implementation of Phase 1 of the project	Complete Phase 1 implementation by the end of FY'18	(b)(6)
Pilot Programs	FY 2018 Targets	
Clarity of the Record Pilot Phase 2, Part a	Implement in FY '18, Q1	
Clarity of the Record Pilot Phase 2, Part b	Implement in FY '18, Q2	
Diagnostic Interview Pilot	FY18, Q1 – Begin pilot FY18, Q3 – Begin data analysis from pilot	
35 U.S.C. 112(f) - Improve the frequency of examiner clarification of the record for § 112(f) issues	FY 2018 Targets	
Provide Patent Examining Corps-Wide training	FY '18, Q1	

*Quality Metrics results for Correctness and Clarify are accurate to a level of +/- 1.0%

Results Sub Element 3: Patent Classification Processes, International Cooperation/Engagement and Domestic Outreach (Weight: 20%)

Patent Classification Process Measures	FY 2018 Targets	MY 2018 Results
Cooperative Patent Classification Quality Metrics		
Establish a cooperative convergence metric with at least one partner office	Establish metric by the end of Q4, FY '18	(b)(6)

International Cooperation/Engagement Measures	FY 2018 Targets	MY 2018 Results
Define new functionality for the Global Dossier	Complete by the end of Q4 FY'18	(b)(6)
PCT Collaborative Search and Examination Pilot	Q3 FY '18 – Finalize details of pilot Q4 FY '18 - Launch pilot among IPS offices	
Expand outreach with stakeholder groups through cooperative agreements (e.g. FICPI and AIPPI)	Develop at least one cooperative agreement by the end of FY '18	
Define roadmaps on four USPTO - led IDS projects	Complete the process of defining roadmaps by the end of Q3, FY '18	

		(b)(6)
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<i>Domestic Outreach Measures</i>	<i>FY 2018 targets</i>	<i>MY 2018 Results</i>
Independent Inventor Conferences	1	(b)(6)
Outreach Programs to Small Businesses & Entrepreneurs	8-12	
Outreach to Colleges/Universities	10-15	
<u>Independent Inventor and Small Business Initiative</u> - Enhance assistance to independent inventors and small businesses during the prosecution of their applications.	<u>FY '18 Q2</u> - Increase staff to support the examination of pro-se applications and increase assistance to pro se applicants throughout the entire application process.	

<i>Internal Engagement Initiatives</i>	<i>FY 2018 targets</i>	<i>MY 2018 Results</i>
Patent Employee Town Hall Initiative 2.0	Hold 40 town hall sessions	(b)(6)

Sub Element 4: Patent Legal Administration, Office of Petitions and Patent Administration (Weight: 20%)

<i>Patent Legal Administration Measures</i>		
	<i>FY 2018 Targets</i>	<i>MY 2018 Results</i>
% of Clear and Timely Guidance and Memos Completed	75-85%	(b)(6)
% of Clear and Timely Rulemaking and Notices Published	75-85%	
% of Timely Implementation of Legislative Changes and Case Law Developments	75-85%	

<i>Office of Petitions Measures</i>		
	<i>FY 2018 Targets</i>	<i>MY 2018 Results</i>
% of Timely Petition Decisions ¹⁾	75-85%	(b)(6)
% of Timely Track 1 Petition Decisions ²⁾	75-85%	
% of Timely PPH Petitions ³⁾	75-85%	

1) Petitions processed in less than five months from the filing date.

2) Track 1 petitions processed in less than 45 days:

a. The timeliness of a Track 1 request decision is based upon its status 17/20 date (prior to this date, the Track 1 request cannot be decided).

3) PPH petitions processed in less than 90 days.

<i>Patent Administration Measures</i>		
<i>Patents-End-to-End (PE2E)Transition</i>	<i>FY 2018 targets</i>	<i>MY 2018 Results</i>
Implement IT components of PE2E in Operations (Official Correspondence (OC))	<u>FY '18</u> Complete OC deployment and training to TCs and other business units	(b)(6)

Implement IT components of PE2E in Operations (Search)	FY '18 Begin Search deployment and training to Technology Centers and Patents staff	(b)(6)
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Commissioner for Patents Performance Agreement

Part 1. Consultation. *I have reviewed this plan and have been consulted on its development.*

Commissioner's Name (Last, First, MI): Hirshfeld, Andrew H.	Appraisal Pd. FY 2019
Commissioner's Signature: (b)(6)	Date: 9/28/18
Title: Commissioner for Patents	Organization: USPTO
Rating Official's Name (Last, First, MI): Iancu, Andrei	
Rating Official's Signature: (b)(6)	Date: 10/1/18

Part 2. Progress Review

Commissioner's Signature:	Date:
Rating Official's Signature:	Date:

Part 3. Annual Summary Rating

Annual Summary Rating	<input type="checkbox"/> Level 5 Outstanding	<input type="checkbox"/> Level 4 Commendable	<input type="checkbox"/> Level 3 Fully Successful	<input type="checkbox"/> Level 2 Minimally Satisfactory	<input type="checkbox"/> Level 1 Unsatisfactory
Commissioner's Signature:					Date:
Rating Official's Signature:					Date:

Part 4. Derivation Formula and Calculation of Annual Summary Rating

Critical Element (CE)	Element Rating		Weight	Score		Summary Level Ranges
	Initial	Final (if changed)		Initial	Final (if changed)	
1. Leading Change			10%			475-500 = Level 5 400-474 = Level 4 300-399 = Level 3 200-299 = Level 2 Any CE rated Level 1 = Level 1
2. Leading People			10%			
3. Business Acumen			10%			
4. Building Coalitions			10%			
5. Results Driven			60%			
Total			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.

Element Rating Level Points	<p>Level 5 = 5 points Level 4 = 4 points Level 3 = 3 points Level 2 = 2 points Level 1 = 0 points</p>
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Critical Element 1. Leading Change	Weight 10%
<p>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.</p>	
<p>Agency-Specific Performance Requirements</p> <p>Exhibits 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:</p> <ul style="list-style-type: none"> • 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; • 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; • Supports the Administration's goals of increasing jobs and growing the economy by ensuring the consistency and reliability of issued patents which have clear boundaries of protection; • Exhibits vision and strategic thinking to address concerns that cross organizational boundaries and to meet the long-term interests of the Department; • Uses creativity and innovation, and encourages new ideas and unconventional approaches in response to evolving conditions; • Monitors effectiveness of Patents' production systems for future improvements; • Puts procedures in place to analyze examination processes and explore prosecution efficiencies; • Oversees Patents' telework and any expansion of the it's telework programs; ensures any necessary coordination and agreement with the appropriate union from a bargaining unit employee aspect; • Continues to strengthen time and attendance controls for employees; • Supports the continued deployment of Patents-End-to-End (PE2E) tools to all appropriate employees within the Patents Business Unit; • Completes the transition, including training, within the Patents Business Unit, to the Official Correspondence (OC) tool; • Oversees the development and implementation of all quality related programs and initiatives developed within the Patents Business Unit; • Ensures continued improvement in employee training within the Patents Business Unit; • Ensures that employee workloads are monitored and takes steps to ensure that workloads are appropriate; • Supports the USPTO's effort to comprehensively study and plan to adjust examination time goals, as appropriate, to ensure optimal USPTO performance in patent pendency and quality that is commensurate with stakeholder expectations and user fees; • Supports the Administration's Regulatory Reform efforts by supporting the elimination of unnecessary, ineffective, and burdensome rules and regulations within the Patents Business Unit; and, • Supports and provides guidance regarding the implementation of a revised process for routing utility patent applications in light of the transition from U.S. classification (USPC) to the Cooperative Patent Classification System (CPC). 	
<p>Rating Official Narrative: <i>(Optional)</i></p>	
<p><i>Critical Element Rating – Leading Change</i></p>	<p><input type="checkbox"/> Level 5 <input type="checkbox"/> Level 4 <input type="checkbox"/> Level 3 <input type="checkbox"/> Level 2 <input type="checkbox"/> Level 1</p>

<p>Critical Element 2. Leading People</p>	<p>Weight 10%</p>
<p>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.</p>	
<p>Agency-Specific Performance Requirements</p>	
<p>Builds and manages an appropriately skilled workforce by:</p> <ul style="list-style-type: none"> • Supporting the enhancement of the Workforce Management Alliance and Patents Workforce Management Advisors; • Ensuring surveys (including Federal Employee Viewpoint Survey and the USPTO People Survey) and other instruments are in place to monitor and develop plans to provide a work environment that optimizes performance and increases job satisfaction; • Embracing equal opportunity principles; • Fostering a diverse and inclusive environment characterized by cultural sensitivity and respect for divergent employee backgrounds; • Promptly and appropriately addressing allegations of harassment or discrimination; • Overseeing the recruitment, selection, appraisal and recognition of employees based on individual performance; • Supporting Agency efforts to train employees on equal opportunity principles; • Identifying talent gaps and providing training and developmental opportunities, coaching and counseling to employees to strengthen performance or address concerns; • Ensuring that managers are appropriately trained; • Continuing to strengthen time and attendance controls for employees; • Encouraging employees to develop new and better ways of performing tasks; • Ensuring that clear and consistent legal and procedural positions are taken on behalf of the Agency by the Patents Business Unit; • Supporting a culture of transparency, communication and collaboration in the Patents Business Unit; and • Ensuring that employees are efficiently working on mission-critical tasks; • Retaining a highly skilled workforce; • Rewarding the most productive employees; • Ensuring that employees are appropriately recognized; • Leading, developing, and implementing actions to improve employee engagement within the Patents Business Unit based on employee feedback gathered from sources including the USPTO People Survey, Federal Employee Viewpoint Survey, focus groups and other initiatives; • Adhering to legal requirements established in 5 U.S.C. Section 2302(b)(8) Whistleblower Retaliation and 5 U.S. Code § 2302 - Prohibited Personnel Practices; and, • 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. 	
<p>Rating Official Narrative: <i>(Optional)</i></p>	
<p>Critical Element Rating – Leading People</p>	<p> <input type="checkbox"/> Level 5 <input type="checkbox"/> Level 4 <input type="checkbox"/> Level 3 <input type="checkbox"/> Level 2 <input type="checkbox"/> Level 1 </p>

Critical Element 3. Business Acumen	Weight 10%				
<p>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.</p>					
<p>Agency-Specific Performance Requirements</p> <ul style="list-style-type: none"> • Supports Hiring Reform efforts of improving the recruitment and hiring process to acquire highly qualified employees, reducing hiring time, and supporting new hires successful transition into the Federal Service; • Assesses current and future staffing needs on a regular basis; • Implements the Business Unit's Human Capital Strategic Plans that include recruitment strategies that support organizational objectives; • Demonstrates sound management of human, financial and technological resources in order to achieve established priorities, goals, and objectives. In doing so, manages program performance throughout the year to maximize operational efficiency and effectiveness within established budgetary resources; ensures overtime is effectively distributed and usage monitored; builds and manages an appropriately skilled and diverse workforce based on organizational goals, budget considerations, and staffing needs; and engages in succession planning as needed for long-term organizational effectiveness; • 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; ensures required property accountability processes are in place and ensures appropriate training of employees to avoid cyber-security threats; • Ensure that reliable, state of the art IT systems are in place in order to meet the needs of employees and stakeholders and to support the Agency's mission; • Support the rollout and training of a new search tool to employees; • 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; • 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; • Strengthens the USPTO's telework program and assesses and improves controls as needed to best manage employees and focuses on the implementation of any new actions and guidance as may be necessary; • Ensures that user fees are appropriately set and utilized; • Develop an implementation plan to best utilize available electronic resources to provide examiners with information to facilitate patent examination quality and efficiency. 					
<p>Rating Official Narrative: <i>(Optional)</i></p>					
<p><i>Critical Element Rating – Business Acumen</i></p>	<input type="checkbox"/> Level 5	<input type="checkbox"/> Level 4	<input type="checkbox"/> Level 3	<input type="checkbox"/> Level 2	<input type="checkbox"/> Level 1

Critical Element 4. Building Coalitions	Weight 10%
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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**
- Assures that each Business Unit participates in the formulation of clear, concise, and effective communication strategies;
 - Demonstrates a high degree of responsiveness to the full range of stakeholders, 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;
 - 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;
 - Seeks to identify stakeholder needs and expectations, responds to identified concerns promptly, professionally and fairly, and improves business and management processes based on customer and employee feedback;
 - Improves access to the patent process for small businesses and independent inventors and ensures that assistance is provided to small businesses and independent inventors on understanding how to obtain and enforce Patent rights;
 - Provides dedicated examination resources to *pro se* applicants;
 - Solicits employee feedback on direction received, opportunities provided, and recognition given, as inputs for improving how employees are led and motivated;
 - Collaborates with stakeholders on specific Patent-related initiatives;
 - Ensures that messages to stakeholders are clear and consistent and coordinated within and across business units;
 - Works with internal and external stakeholders in the development and implementation of quality improvement programs;
 - Ensures appropriate investigation and resolution of labor issues raised with Patents management;
 - 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 complementary missions, and within the USPTO;
 - Promotes intra-agency cooperation by ensuring that all Senior Executives (SES) within the Patents organization incorporate specific measurable teaming/collaboration tasks in the development of their individual results sub-elements;
 - Supports a transparent and collaborative work environment;
 - Puts systems in place to ensure coordination within and among business units so as to ensure that information is being shared; and,
 - Encourages enhanced communication within and across Business Units.

Rating Official Narrative: *(Optional)*

Critical Element Rating – Building Coalitions	<input type="checkbox"/> Level 5	<input type="checkbox"/> Level 4	<input type="checkbox"/> Level 3	<input type="checkbox"/> Level 2	<input type="checkbox"/> Level 1
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<p>Critical Element 5. Results Driven</p>	<p>Weight 60%</p>		
<p>Agency Goals/Objectives for current FY: Must have at least 1 result (may have up to 4)</p> <p>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 for each result specified.</p> <p>Individual and organizational performance requirements expected to support USPTO strategic initiatives. The executive is accountable for up to four sub-elements aligned/linked to the USPTO'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 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 provides appropriate support for their achievement. Sub-elements may be weighed 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. <i>[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.]</i></p> <p>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.</p> <table border="1" data-bbox="66 997 1567 1953"> <tr> <td data-bbox="66 997 1036 1953"> <p>Sub Element/Performance Requirement 1: Patent Pendency, Backlog and Timeliness [Weight: 30%]</p> <p>Develop an effective and efficient business planning strategy and performance measurement system to contribute to the achievement of goals, objectives and targets based on requirements in the President's FY 2019 Budget.</p> <p>As a fee-funded agency, the USPTO relies on user fee collections to fund operations. The USPTO considers a number of economic factors and relevant indicators when forecasting its workloads. While many of these defining indicators point toward renewed economic expansion, uncertainty still remains regarding the current and near future prospects for growth. This uncertainty could affect anticipated USPTO workloads and fee collections which in turn could impact the USPTO's long-term goals, objectives and targets, and therefore simultaneously affect any interim results.</p> <p>Success of these objectives will be determined by the specific performance measures laid out in the attached document and will be measured based on overall performance taking into account the totality of all the measures in the attached document. Meeting or exceeding the targets set forth in the attached document represents a level of outstanding performance.</p> </td> <td data-bbox="1036 997 1567 1953"> <p>Strategic Alignment: Strategic Alignment: Strategic Goal 1 /Objective Alignment 1-2</p> <p>Goal 1, Objectives 1 and 2 of the <i>USPTO 2014-2018 Strategic Plan</i> will be accomplished when patent pendency is optimized, allowing a final action on the merits within one year of filing for any applicant who requests it, with overall patent pendency time reduced to 10 months for a first office action and 20 months total pendency. This is a long-term, multi-year goal to be achieved over the next several years.</p> </td> </tr> </table>		<p>Sub Element/Performance Requirement 1: Patent Pendency, Backlog and Timeliness [Weight: 30%]</p> <p>Develop an effective and efficient business planning strategy and performance measurement system to contribute to the achievement of goals, objectives and targets based on requirements in the President's FY 2019 Budget.</p> <p>As a fee-funded agency, the USPTO relies on user fee collections to fund operations. The USPTO considers a number of economic factors and relevant indicators when forecasting its workloads. While many of these defining indicators point toward renewed economic expansion, uncertainty still remains regarding the current and near future prospects for growth. This uncertainty could affect anticipated USPTO workloads and fee collections which in turn could impact the USPTO's long-term goals, objectives and targets, and therefore simultaneously affect any interim results.</p> <p>Success of these objectives will be determined by the specific performance measures laid out in the attached document and will be measured based on overall performance taking into account the totality of all the measures in the attached document. Meeting or exceeding the targets set forth in the attached document represents a level of outstanding performance.</p>	<p>Strategic Alignment: Strategic Alignment: Strategic Goal 1 /Objective Alignment 1-2</p> <p>Goal 1, Objectives 1 and 2 of the <i>USPTO 2014-2018 Strategic Plan</i> will be accomplished when patent pendency is optimized, allowing a final action on the merits within one year of filing for any applicant who requests it, with overall patent pendency time reduced to 10 months for a first office action and 20 months total pendency. This is a long-term, multi-year goal to be achieved over the next several years.</p>
<p>Sub Element/Performance Requirement 1: Patent Pendency, Backlog and Timeliness [Weight: 30%]</p> <p>Develop an effective and efficient business planning strategy and performance measurement system to contribute to the achievement of goals, objectives and targets based on requirements in the President's FY 2019 Budget.</p> <p>As a fee-funded agency, the USPTO relies on user fee collections to fund operations. The USPTO considers a number of economic factors and relevant indicators when forecasting its workloads. While many of these defining indicators point toward renewed economic expansion, uncertainty still remains regarding the current and near future prospects for growth. This uncertainty could affect anticipated USPTO workloads and fee collections which in turn could impact the USPTO's long-term goals, objectives and targets, and therefore simultaneously affect any interim results.</p> <p>Success of these objectives will be determined by the specific performance measures laid out in the attached document and will be measured based on overall performance taking into account the totality of all the measures in the attached document. Meeting or exceeding the targets set forth in the attached document represents a level of outstanding performance.</p>	<p>Strategic Alignment: Strategic Alignment: Strategic Goal 1 /Objective Alignment 1-2</p> <p>Goal 1, Objectives 1 and 2 of the <i>USPTO 2014-2018 Strategic Plan</i> will be accomplished when patent pendency is optimized, allowing a final action on the merits within one year of filing for any applicant who requests it, with overall patent pendency time reduced to 10 months for a first office action and 20 months total pendency. This is a long-term, multi-year goal to be achieved over the next several years.</p>		

<p>Sub Element/Performance Requirement 2: Patent Quality [Weight: 30%] High-quality patents, i.e. patents that are correctly issued in compliance with all the requirements of Title 35 as well as the relevant case law at the time of issuance, fuel innovation and reduce needless litigation by providing an unambiguous notice of rights through clear claim boundaries, clear specifications, and clear prosecution histories. To ensure we continue to issue high-quality patents, the USPTO is continuing its efforts to address patent quality.</p> <p>The Patent business unit is committed to educational leadership, excellence, and quality in our products and services by (1) providing comprehensive training programs in innovative and progressive environments to employees of the Patent business unit and, (2) providing education and training in coordination with our partners in the Patent community.</p> <p>As a fee-funded agency, the USPTO relies on user fee collections to fund operations. The USPTO considers a number of economic factors and relevant indicators when forecasting its workloads. While many of these defining indicators point toward renewed economic expansion, considerable uncertainty still remains regarding the current and near future prospects for growth. This uncertainty could affect anticipated USPTO workloads and fee collections which in turn could significantly impact the USPTO's long-term goals, objectives and targets, and therefore simultaneously affect any interim results.</p> <p>Success of these objectives will be determined by the specific performance measures laid out in the attached document and will be measured based on overall performance taking into account the totality of all the measures in the attached document. Meeting or exceeding the targets set forth in the attached document represents a level of outstanding performance.</p>	<p>Strategic Alignment: Strategic Alignment: Strategic Goal 1 /Objective Alignment 4</p> <p>Goal I, Objective 4 of the <i>USPTO 2014-2018 Strategic Plan</i> will be accomplished when issued patents are of higher quality, claim clarity is improved, and the stakeholder community has a clear understanding of the meaning of a "quality" patent.</p>
<p>Performance Requirement 3: Patent Classification Processes, International Cooperation/Engagement and Domestic Outreach [Weight: 20%] Improve on the existing classification system with a set of information services and information processes to contribute to the achievement of goals, objectives and targets based on requirements in the President's FY 2019 Budget.</p> <p>Develop and strengthen outreach and partnerships with international IP communities especially as it relates to Cooperative Patent Classification (CPC).</p> <p>Develop and strengthen outreach and partnerships with domestic partners and stakeholders such as, independent inventors, entrepreneurs, small business, and colleges and universities.</p> <p>As a fee-funded agency, the USPTO relies on user fee collections to fund operations. The USPTO considers a number of economic factors and relevant indicators when forecasting its workloads. While many of these defining indicators point toward renewed economic expansion, considerable uncertainty still remains regarding the current and near future prospects for growth. This uncertainty could affect anticipated USPTO workloads and fee collections which in turn could significantly impact the USPTO's long-term goals, objectives and targets, and therefore simultaneously affect any interim results.</p>	<p>Strategic Alignment: Strategic Alignment: Strategic Goal 1 /Objective Alignment 3,6</p> <p>Goal I, Objective 3 of the <i>USPTO 2014-2018 Strategic Plan</i> will be accomplished by increasing international cooperation and work sharing, fully implementing CPC, maximizing the use of PPH, and implementing the Global Dossier to improve examiner and external stakeholder access to work products of other IP offices.</p> <p>Goal I, Objective 6 of the <i>USPTO 2014-2018 Strategic Plan</i> will be accomplished by focusing on improving and enhancing stakeholder and public outreach and increasing awareness and transparency of patent information, and patent application and ownership information.</p>

Success of these objectives will be determined by the specific performance measures laid out in the attached document and will be measured based on overall performance taking into account the totality of all the measures in the attached document. Meeting or exceeding the targets set forth in the attached document represents a level of outstanding performance.

Performance Requirement 4: Patent Legal Administration, Office of Petitions and Patent Administration [Weight: 20%]

Develop an effective and efficient planning strategy and performance measurement system for the office of the Deputy Commissioner for Patent Examination Policy including the areas of the Office of Patent Legal Administration (OPLA) and the Office of Petitions to contribute to the achievement of goals, objectives and targets based on requirements in the President's FY 2019 Budget.

Develop an effective and efficient business planning strategy and performance measurement system for the Office of the Deputy Commissioner for Patent Administration to contribute to the achievement of goals, objectives and targets based on requirements in the President's FY 2018 Budget.

As a fee-funded agency, the USPTO relies on user fee collections to fund operations. The USPTO considers a number of economic factors and relevant indicators when forecasting its workloads. While many of these defining indicators point toward renewed economic expansion, considerable uncertainty still remains regarding the current and near future prospects for growth. This uncertainty could affect anticipated USPTO workloads and fee collections which in turn could significantly impact the USPTO's long-term goals, objectives and targets, and therefore simultaneously affect any interim results.

Success of these objectives will be determined by the specific performance measures laid out in the attached document and will be measured based on overall performance taking into account the totality of all the measures in the attached document. Meeting or exceeding the targets set forth in the attached document represents a level of outstanding performance.

Strategic Alignment: Strategic Goal 1 /Objective Alignments 1, 2, 4, 5

Goal 1, Objectives 1 and 2 of the *USPTO 2014-2018 Strategic Plan* will be accomplished when patent pendency is optimized, allowing a final action on the merits within one year of filing for any applicant who requests it, with overall patent pendency time reduced to 10 months for a first office action and 20 months total pendency. This is a long-term, multi-year goal to be achieved over the next several years.

Goal 1, Objective 4 of the *USPTO 2014-2018 Strategic Plan* will be accomplished when issued patents are of higher quality, claim clarity is improved, and the stakeholder community has a clear understanding of the meaning of a "quality" patent

Goal 1, Objective 5 of the *USPTO 2014-2018 Strategic Plan* will be accomplished by improving the processing of electronic-based information, and providing information in a variety of services to employees to improve efficiencies, job performance, and achievement of strategic goals.

Rating Official Narrative: *(Optional)*

Critical Element Rating – Results Driven

Level 5

Level 4

Level 3

Level 2

Level 1

Deriving the Results Driven Rating Worksheet

Commissioner Name **Andrew H. Hirshfeld** Rating Period **FY 2019**

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 <i>(Patent Pendency, Backlog and Timeliness)</i>		30%		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 2 <i>(Patent Quality)</i>		30%			
Performance Requirement 3 <i>(Patent Classification Processes, International Cooperation/Engagement and Domestic Outreach)</i>		20%			
Performance Requirement 4 <i>(Patent Legal Administration, Office of Petitions and Patent Administration)</i>		20%			
		= 100%			
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
Performance Requirement 1	4	x 30	120	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 2	5	x 30	150		
Performance Requirement 3	5	x 20	100		
Performance Requirement 4	3	x 20	60		
		= 100%			
Performance Requirement Total Score			430	430 = 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.**

Critical Element 5. Results Driven (Total Weight 60%)

Results Sub Element 1: Patent Pendency, Backlog and Timeliness (Weight 30%)

<i>Patent Pendency, Backlog and Timeliness Measures</i>	<i>FY 2019 Targets</i>				<i>FY 2019 Results</i>
	<i>-2% - 0% Filing Growth</i>	<i>0% - 2% Filing Growth</i>	<i>2% - 4% Filing Growth</i>	<i>4% - 6% Filing Growth</i>	
<i>Patent Corps Backlog Metrics</i>					
Unexamined Inventory***	TBD	TBD	TBD	TBD	
RCE Inventory**	TBD				
<i>Patent Corps Pendency and Timeliness Metrics</i>					
First Action Pendency**	TBD				
Total Pendency**	TBD				
UPR Production Units (PUs)**	TBD				
T1 Pendency (snapshots ≤ 12 months)	TBD				
RCE Pendency (inventory ≤ 4 months)	TBD				
<i>Patent Term Adjustment (PTA) Timeframes (14/4/4/4/36)</i>					
Provide at least one notification under 35 U.S.C. 132 within 14 –months from filing under section 111(a) or the commencement of the national stage under section 371	TBD				
Respond to a Reply under 35 U.S.C. 132 within 4 months	TBD				
Act on an application within 4 months after the date of a decision by PTAB	TBD				
Issue a patent within 4 months from payment of the issue fee	TBD				
No more than 36 month application pendency	TBD				

*The Unexamined Backlog goal varies with overall filing growth rate (e.g. if the filing growth rate is 0%- 2% for the FY the backlog goal will be TBD).

** Model targets are accurate to +/- 5%; results within 5% of target will be considered to have met target given this uncertainty.

Results Sub Element 2: Patent Quality (Weight 30%)

Management and Support– Quality Metrics for Correctness and Clarity	FY 2019 Targets	FY 2019 Results
FY '18 Corps Quality Metrics: 35 U.S.C 102 Correctness	TBD	
FY '18 Corps Quality Metrics: 35 U.S.C 103 Correctness	TBD	
FY '18 Corps Quality Metrics: 35 U.S.C 112 Correctness	TBD	
FY '18 Corps Quality Metrics: 35 U.S.C 101 Correctness	TBD	
FY '18 Corps Quality Metrics: 35 U.S.C 102 Clarity	TBD	
FY '18 Corps Quality Metrics: 35 U.S.C 103 Clarity	TBD	
FY '18 Corps Quality Metrics: 35 U.S.C 112(b) Clarity	TBD	
FY '18 Corps Quality Metrics: 35 U.S.C 101 Clarity	TBD	

FY '20 Examination Corps Quality Metrics: Correctness and Clarity	Establish targets for FY '20 in Q4 of FY' 19	
Examination Time Analysis (ETA) - <i>Comprehensively study and plan to adjust examination time goals to ensure optimal USPTO performance in patent pendency and quality that is commensurate with stakeholder expectations and user fees.</i>	FY 2019 Targets	FY 2019 Results
TBD	TBD	
TBD	TBD	
TBD	TBD	
Access to Relevant Prior Art - <i>Explore how to best utilize available electronic resources to provide examiners with information from applicant's other applications filed in the U.S. and internationally as early as possible to increase patent examination quality and efficiency.</i>	FY 2019 Targets	FY 2019 Results
TBD	TBD	
TBD	TBD	
TBD	TBD	
Pilot Programs	FY 2019 Targets	FY 2019 Results
TBD	TBD	
TBD	TBD	
TBD	TBD	
35 U.S.C. 112(f) - <i>Improve the frequency of examiner clarification of the record for § 112(f) issues</i>	FY 2019 Targets	FY 2019 Results
TBD	TBD	

Results Sub Element 3: Patent Classification Processes, International Cooperation/Engagement and Domestic Outreach (Weight: 20%)

Patent Classification Process Measures	FY 2019 Targets	FY 2019 Results
Cooperative Patent Classification Quality Metrics		
TBD	TBD	

International Cooperation/Engagement Measures	FY 2019 Targets	FY 2019 Results
TBD	TBD	
TBD	TBD	
TBD	TBD	
TBD	TBD	

Domestic Outreach Measures	FY 2019 targets	FY 2019 Results
TBD	TBD	
TBD	TBD	
TBD	TBD	
TBD	TBD	

Internal Engagement Initiatives	FY 2019 targets	FY 2019 Results
TBD	TBD	

Sub Element 4: Patent Legal Administration, Office of Petitions and Patent Administration (Weight: 20%)

Patent Legal Administration Measures		
	FY 2019 Targets	FY 2019 Results
% of Clear and Timely Guidance and Memos Completed	75-85%	
% of Clear and Timely Rulemaking and Notices Published	75-85%	
% of Timely Implementation of Legislative Changes and Case Law Developments	75-85%	

Office of Petitions Measures

	<i>FY 2019 Targets</i>	<i>FY 2019 Results</i>
% of Timely Petition Decisions ¹⁾	TBD	
% of Timely Track 1 Petition Decisions ²⁾	TBD	
% of Timely PPH Petitions ³⁾	TBD	

- 1) Petitions processed in less than five months from the filing date.
- 2) Track 1 petitions processed in less than 45 days:
 - a. The timeliness of a Track 1 request decision is based upon its status 17/20 date (prior to this date, the Track 1 request cannot be decided).
- 3) PPH petitions processed in less than 90 days.

<i>Patent Administration Measures</i>		
<i>Patents-End-to-End (PE2E) Transition</i>	<i>FY 2019 targets</i>	<i>FY 2019 Results</i>
TBD	TBD	
TBD	TBD	

Note: Meeting or exceeding the targets in the above sub-elements represents a level of outstanding performance.

Part 6: Summary Rating Narrative :
Part 7: Commissioner's Accomplishment Narrative (<i>Optional</i>)
Part 8: Agency Use

Deriving the Results Driven Rating Worksheet

Commissioner Name _____ Appraisal 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		50		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 2		50			
Performance Requirement 3					
Performance Requirement 4					
		= 100%			
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
Performance Requirement 1	4	x 25	100	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 2	5	x 30	150		
Performance Requirement 3	5	x 15	75		
Performance Requirement 4	3	x 30	90		
		= 100%			
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.**



Commissioner Performance Agreement

Part 1. Consultation. <i>I have reviewed this plan and have been consulted on its development.</i>						
Commissioner's Name (Last, First, MI): Hirshfeld, Andrew H.				Appraisal Pd. FY 2016		
Commissioner's Signature: (b)(6)				Date: 12/10/15		
Title: Commissioner for Patents				Organization: USPTO		
Secretary of Commerce Name (Last, First, MI): Pritzker, Penny						
Secretary of Commerce's Signature: (b)(6)				Date: 12-19-15		
Part 2. Progress Review						
Commissioner's Signature:				Date:		
Secretary of Commerce's Signature:				Date:		
Part 3. Annual Summary Rating						
Annual Summary Rating	<input type="checkbox"/> Level 5 Outstanding	<input type="checkbox"/> Level 4 Commendable	<input type="checkbox"/> Level 3 Fully Successful	<input type="checkbox"/> Level 2 Minimally Satisfactory	<input type="checkbox"/> Level 1 Unsatisfactory	
	Commissioner's Signature:				Date:	
Secretary of Commerce:				Date:		
Part 4. Derivation Formula and Calculation of Annual Summary Rating						
Critical Element	Element Rating		Weight	Score		Summary Level Ranges
	Initial	Final (if changed)		Initial	Final (if changed)	
1. Leading Change	(b)(6)		10			475-500 = Level 5 400-474 = Level 4 300-399 = Level 3 200-299 = Level 2 Any CE rated Level 1 = Level 1
2. Leading People			10			
3. Business Acumen			10			
4. Building Coalitions			10			
5. Results Driven			60			
Total			100%	(b)(6)		

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

Critical Element 1. Leading Change	Weight 10%
<p>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.</p>	
<p>Agency-Specific Performance Requirements 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:</p> <ul style="list-style-type: none"> • 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; • 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 long-term interests of the Department; • Uses creativity and innovation, and encourages new ideas and unconventional approaches in response to evolving conditions; • Monitors effectiveness of the revised count system for future improvements; • Puts procedures in place to analyze examination processes and explore prosecution efficiencies; • Oversees Patents telework and any expansion of the program; ensures coordination and agreement with the appropriate union for bargaining unit employees aspect; • Continues to strengthen time and attendance controls for both teleworking and non-teleworking employees; • Supports the continued deployment of Patents-End-to-End (PE2E) tools to examiners Corps-wide; • Supports the continued establishment of the office of the Deputy Commissioner for Patent Quality and related quality initiatives; and • Leads the implementation of all quality initiatives developed under the Enhanced Patent Quality Initiative (EPQI) in support of achieving excellence in: work products, customer service, and measuring patent quality. • Ensure that Training within Patents is delivered in a timely manner. • Ensure that Supervisory Patent Examiner workloads are monitored with respect to the EPQI and take appropriate steps to make sure that workloads are appropriate. 	
<p>Secretary of Commerce Narrative: <i>(Optional)</i></p>	
<p>Critical Element Rating – Leading Change</p>	<p><input type="checkbox"/> Level 5 <input type="checkbox"/> Level 4 <input type="checkbox"/> Level 3 <input type="checkbox"/> Level 2 <input type="checkbox"/> Level 1</p>

Critical Element 2. Leading People	Weight 10%				
<p>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.</p>					
<p>Agency-Specific Performance Requirements</p> <p>Builds and manages an appropriately skilled workforce by:</p> <ul style="list-style-type: none"> • Supporting the enhancement of the Employee Relations (ER) liaison program; • Ensuring surveys (including Federal Employee Viewpoint Survey) and other instruments are in place to monitor and develop plans to provide a work environment that optimizes performance and increases job satisfaction • Embracing equal opportunity principles; • Fostering a diverse and inclusive environment characterized by cultural sensitivity and respect for divergent employee backgrounds; • Promptly and appropriately addressing allegations of harassment or discrimination; • Overseeing the recruitment, selection, appraisal and recognition of employees based on individual performance; • Supporting Agency efforts to train employees on equal opportunity principles; • Identifying talent gaps and providing training and developmental opportunities, coaching and counseling to employees to strengthen performance or address concerns; and • Encouraging employees to develop new and better ways of performing tasks. • Supporting a culture of transparency, communication and collaboration in the Patents Business area. 					
<p>Secretary of Commerce Narrative: <i>(Optional)</i></p> 					
<p><i>Critical Element Rating – Leading People</i></p>	<input type="checkbox"/> Level 5	<input type="checkbox"/> Level 4	<input type="checkbox"/> Level 3	<input type="checkbox"/> Level 2	<input type="checkbox"/> Level 1

Critical Element 3. Business Acumen	Weight 10%				
<p>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.</p>					
<p>Agency-Specific Performance Requirements</p> <ul style="list-style-type: none"> • Supports Hiring Reform efforts of improving the recruitment and hiring process to acquire highly qualified employees, reduces hiring time, and supports new hires' successful transition into the Federal Service; • Assesses current and future staffing needs on a regular basis; • Implements the Business Unit's Human Capital Strategic Plans that include recruitment strategies that support organizational objectives; • Demonstrates sound management of human, financial and technological resources in order to achieve established priorities, goals, and objectives. In doing so, manages program performance throughout the year to maximize operational efficiency and effectiveness within established budgetary resources; ensures overtime is effectively distributed and usage monitored; builds and manages an appropriately skilled and diverse workforce based on organizational goals, budget considerations, and staffing needs; and engages in succession planning as needed for long-term organizational effectiveness; • 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; ensures required property accountability processes are in place and ensures appropriate training of employees to avoid cyber-security threats; • 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; • 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; and, • Strengthens the USPTO's telework program and improves controls to best manage the USPTO's employees and focuses on the implementation of any new actions and guidance as may be necessary. 					
<p>Secretary of Commerce Narrative: <i>(Optional)</i></p>					
<p><i>Critical Element Rating – Business Acumen</i></p>	<input type="checkbox"/> Level 5	<input type="checkbox"/> Level 4	<input type="checkbox"/> Level 3	<input type="checkbox"/> Level 2	<input type="checkbox"/> Level 1

Critical Element 4. Building Coalitions	Weight 10%				
<p>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.</p>					
<p>Agency-Specific Performance Requirements</p> <ul style="list-style-type: none"> • Assures 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; • 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; • 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; • 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; • Collaborates with stakeholders on outreach and on specific Patent-related initiatives; • Works closely with internal and external stakeholders in the development and implementation of quality initiatives that support the Enhanced Patent Quality Initiative; • Ensures appropriate investigation and resolution of labor issues raised with Patents management; • 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 complementary missions, and within the USPTO; and • Promotes 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. • Supports a transparent and collaborative work environment. • Encourages enhanced communication within and across Business Units. 					
<p>Secretary of Commerce: <i>(Optional)</i></p>					
<p>Critical Element Rating – Building Coalitions</p>	<input type="checkbox"/> Level 5	<input type="checkbox"/> Level 4	<input type="checkbox"/> Level 3	<input type="checkbox"/> Level 2	<input type="checkbox"/> Level 1

<p>Critical Element 5. Results Driven</p>	<p>Weight 60%</p>
<p>Agency Goals/Objectives for current FY: Must have at least 1 result (may have up to 4)</p>	
<p>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 for each result specified.</p> <p>Individual and organizational performance requirements expected to support USPTO strategic initiatives. The executive is accountable for up to four sub-elements aligned/linked to the USPTO'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 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 provides appropriate support for their achievement. Sub-elements may be weighed 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. <i>[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.]</i></p> <p>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.</p>	
<p>Sub Element/Performance Requirement 1: Patent Pendency, Backlog and Timeliness [Weight: 25%]</p> <p>Develop an effective and efficient business planning strategy and performance measurement system to contribute to the achievement of goals, objectives and targets based on requirements in the President's FY 2016 Budget.</p> <p>As a fee-funded agency, the USPTO relies on user fee collections to fund operations. The USPTO considers a number of economic factors and relevant indicators when forecasting its workloads. While many of these defining indicators point toward renewed economic expansion, considerable uncertainty still remains regarding the current and near future prospects for growth. This uncertainty could affect anticipated USPTO workloads and fee collections which in turn could significantly impact the USPTO's long-term goals, objectives and targets, and therefore simultaneously affect any interim results.</p> <p>Success of these objectives will be determined by the specific performance measures laid out in the attached document and will be measured based on overall performance taking into account the totality of all the measures in the attached document. Meeting or exceeding the targets set forth in the attached document represents a level of outstanding performance.</p>	<p>Strategic Alignment: Strategic Alignment: Strategic Goal 1 /Objective Alignment 1-2</p> <p>Goal I, Objectives 1 and 2 of the <i>USPTO 2014-2018 Strategic Plan</i> will be accomplished when patent pendency is optimized, allowing a final action on the merits within one year of filing for any applicant who requests it, with overall patent pendency time reduced to 10 months for a first office action and 20 months total pendency. This is a long-term, multi-year goal to be achieved over the next several years.</p>

<p>Sub Element/Performance Requirement 2: Quality and Training [Weight: 45%]</p> <p>Develop an effective and efficient business planning strategy and performance measurement system to contribute to the achievement of goals, objectives and targets based on requirements in the President’s FY 2016 Budget.</p> <p>As a fee-funded agency, the USPTO relies on user fee collections to fund operations. The USPTO considers a number of economic factors and relevant indicators when forecasting its workloads. While many of these defining indicators point toward renewed economic expansion, considerable uncertainty still remains regarding the current and near future prospects for growth. This uncertainty could affect anticipated USPTO workloads and fee collections which in turn could significantly impact the USPTO’s long-term goals, objectives and targets, and therefore simultaneously affect any interim results.</p> <p>Success of these objectives will be determined by the specific performance measures laid out in the attached document and will be measured based on overall performance taking into account the totality of all the measures in the attached document. Meeting or exceeding the targets set forth in the attached document represents a level of outstanding performance.</p>	<p>Strategic Alignment: Strategic Alignment: Strategic Goal 1 /Objective Alignment 4</p> <p>Goal I, Objective 4 of the <i>USPTO 2014-2018 Strategic Plan</i> will be accomplished when issued patents are of higher quality, claim clarity is improved, and the stakeholder community has a clear understanding of the meaning of a “quality” patent.</p>
<p>Performance Requirement 3: Patent Classification Processes, International Cooperation/Engagement and Domestic Outreach [Weight: 15%]</p> <p>Improve on the existing classification system with a set of information services and information processes to contribute to the achievement of goals, objectives and targets based on requirements in the President’s FY 2016 Budget.</p> <p>Develop and strengthen outreach and partnerships with international IP communities especially as it relates to CPC.</p> <p>Develop and strengthen outreach and partnerships with domestic partners and stakeholders such as, independent inventors, small business, colleges and universities, women and minorities.</p> <p>As a fee-funded agency, the USPTO relies on user fee collections to fund operations. The USPTO considers a number of economic factors and relevant indicators when forecasting its workloads. While many of these defining indicators point toward renewed economic expansion, considerable uncertainty still remains regarding the current and near future prospects for growth. This uncertainty could affect anticipated USPTO workloads and fee collections which in turn could significantly impact the USPTO’s long-term goals, objectives and targets, and therefore simultaneously affect any interim results.</p> <p>Success of these objectives will be determined by the specific performance measures laid out in the attached document and will be measured based on overall performance taking into account the totality of all the measures in the attached document. Meeting or exceeding the targets set forth in the attached document represents a level of outstanding performance.</p>	<p>Strategic Alignment: Strategic Goal 1 /Objective Alignment 3.6</p> <p>Goal I, Objective 3 of the <i>USPTO 2014-2018 Strategic Plan</i> will be accomplished by increasing international cooperation and work sharing, fully implementing CPC, maximizing the use of PPH, and implementing the Global Dossier to improve examiner and external stakeholder access to work products of other IP offices.</p> <p>Goal I, Objective 6 of the <i>USPTO 2014-2018 Strategic Plan</i> will be accomplished by focusing on improving and enhancing stakeholder and public outreach and increasing awareness and transparency of patent information, and patent application and ownership information.</p>

<p>Performance Requirement 4: Patent Legal Administration, Office of Petitions and Patent Administration [Weight: 15%]</p> <p>Develop an effective and efficient planning strategy and performance measurement system for the office of the Deputy Commissioner for Patent Examination Policy including the areas of patent legal administration the Office of Petitions to contribute to the achievement of goals, objectives and targets based on requirements in the President’s FY 2016 Budget.</p> <p>Develop an effective and efficient business planning strategy and performance measurement system for the Office of the Deputy Commissioner for Patent Administration to contribute to the achievement of goals, objectives and targets based on requirements in the President’s FY 2016 Budget.</p> <p>As a fee-funded agency, the USPTO relies on user fee collections to fund operations. The USPTO considers a number of economic factors and relevant indicators when forecasting its workloads. While many of these defining indicators point toward renewed economic expansion, considerable uncertainty still remains regarding the current and near future prospects for growth. This uncertainty could affect anticipated USPTO workloads and fee collections which in turn could significantly impact the USPTO’s long-term goals, objectives and targets, and therefore simultaneously affect any interim results.</p> <p>Success of these objectives will be determined by the specific performance measures laid out in the attached document and will be measured based on overall performance taking into account the totality of all the measures in the attached document. Meeting or exceeding the targets set forth in the attached document represents a level of outstanding performance.</p>	<p>Strategic Alignment: Strategic Goal 1 /Objective Alignments <u>1, 2, 4, 5</u></p> <p>Goal 1, Objectives 1 and 2 of the <i>USPTO 2014-2018 Strategic Plan</i> will be accomplished when patent pendency is optimized, allowing a final action on the merits within one year of filing for any applicant who requests it, with overall patent pendency time reduced to 10 months for a first office action and 20 months total pendency. This is a long-term, multi-year goal to be achieved over the next several years.</p> <p>Goal 1, Objective 4 of the <i>USPTO 2014-2018 Strategic Plan</i> will be accomplished when issued patents are of higher quality, claim clarity is improved, and the stakeholder community has a clear understanding of the meaning of a “quality” patent</p> <p>Goal 1, Objective 5 of the <i>USPTO 2014-2018 Strategic Plan</i> will be accomplished by improving the processing of electronic-based information, and providing information in a variety of services to employees to improve efficiencies, job performance , and achievement of strategic goals.</p>				
<p>Secretary of Commerce Narrative: <i>(Optional)</i></p>					
<p><i>Critical Element Rating – Results Driven</i></p>	<input type="checkbox"/> Level 5	<input type="checkbox"/> Level 4	<input type="checkbox"/> Level 3	<input type="checkbox"/> Level 2	<input type="checkbox"/> Level 1

Part 6: Summary Rating Narrative :

Part 7: Commissioner's Accomplishment Narrative *(Optional)*

Part 8: Agency Use

Deriving the Results Driven Rating Worksheet

Commissioner Name Andrew H. Hirshfeld 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 (Backlog, Pendency and Timeliness)		25%		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 2 (Quality and Training)		45%			
Performance Requirement 3 (Patent Classification Processes, International Cooperation/Engagement and Domestic Outreach)		15%			
Performance Requirement 4 (Patent Legal Administration, Office of Petitions and Patent Administration)		15%			
		= 100%			
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
Performance Requirement 1	4	x 25	100	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 2	5	x 30	150		
Performance Requirement 3	5	x 15	75		
Performance Requirement 4	3	x 30	90		
		= 100%			
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.				

Critical Element 5. Results Driven (Total Weight 60%)

Results Sub Element 1: Backlog, Pendency and Timeliness (Weight 25%)

<i>Backlog, Pendency and Timeliness Measures</i>	FY 2016 Targets	FY 2016 Results
Backlog Metrics		
Unexamined Backlog	450,000 - 500,000	
RCE backlog	25,000 - 29,000	
Pendency and Timeliness		
First Action Pendency	14.0 - 15.5	
Total Pendency	24.1 - 26.7	
UPR PUs	608,000 - 672,000	
T1 Pendency (snapshots < 12 months)	97.1% - 97.7%	
RCE Pendency (inventory > 4 months)	30% - 36%	

Results Sub Element 2: Quality and Training (Weight 45%)

<i>FY 2016 Quality Results, Measures and Targets</i>	FY 2016 Results
Develop and implement the Correctness and Clarity Data Collection Form (CCDC) for reviews in the Office of Patent Quality Assurance (OPQA).	
Obtain Public input on the CCDC and new Quality Metrics.	
Develop baseline Correctness and Clarity metrics utilizing the results of the FY 2016 CCDC reviews.	
Develop Quality Metrics and Targets for FY 2017 in the 4 th Quarter of the FY utilizing the baselined Correctness and Clarity Metrics.	
Implement Clarity of the Record Pilot Program - develop best practices for enhancing the clarity of all aspects of the prosecution record and then study the impact of implementing these best practices during examination.	
Develop a program/process for providing post-grant outcomes from sources, such as the Patent Trial and Appeal Board (PTAB), to the examiner of record and the examiners of related applications. (EPQI – Post Grant Outcome Initiative).	
Develop a program for reviewing the consistency of examination and developing programs to address any inconsistencies.	
Administer two External Quality Surveys and two Internal Quality Surveys	

<i>Training Measures and Targets</i>	FY 2016 Results
Ensure that Training is delivered in a timely manner in accordance with established timelines.	
Develop and provide Clarity of the Record Training modules for examiners on effective ways to improve all aspects of the clarity of the prosecution record.	
Patent Examiner Technical Training Program (PETTP) - Increase participation and the number of training hours over FY15 totals.	

Results Sub Element 3: Patent Classification Processes, International Cooperation/Engagement and Domestic Outreach (Weight: 15%)

Patent Classification Process Measures	FY 2016 Targets	FY 2016 Results
<i>CPC Quality Metrics</i>		
Ensure quality of PG Pubs symbol placement	90-95%	
International Cooperation/Engagement Measures	FY 2016 Targets	FY 2016 Results

Initiate Projects within the newly formed Industrial Design Five (ID5) Framework	Launch one or more projects to be led by OIPC/Patent Ops team	
Release the first service for Global Dossier – Dossier Access	Publically release – First Quarter FY 2016	
Define new services/features/functions for the Global Dossier	Deliver requirements for 1 or more new services to the implementation team	
Continue CPC engagement and training with other IP offices	3 to 5 Offices	

Domestic Outreach Measures	FY 2016 targets	FY 2016 Results
Independent inventor conferences	1-2	
Outreach programs to small business & entrepreneurs	8-12	
Outreach programs to colleges/universities	25-35	
Outreach programs to women & minority inventors	4-8	
Outreach programs for/with Satellite Offices	10-12	

Sub Element 4: Patent Legal Administration, Office of Petitions and Patent Administration (Weight: 15%)

<i>Patent Legal Administration Measures</i>	FY 2016 Targets	FY 2016 Results
% of Clear and Timely Guidance and Memos Completed	75-85%	
% of Clear and Timely Rulemaking and Notices Published	75-85%	
% of Timely Implementation of Legislative Changes and Case Law Developments	75-85%	
<i>Office of Petitions Measures</i>	FY 2016 Targets	FY 2016 Results
% of Timely Petition Decisions ¹⁾	75-85%	
% of Timely Track 1 Petition Decisions ²⁾	75-85%	
% of Timely PPH Petitions ³⁾	75-85%	

- 1) Petitions processed in less than six months from the filing date:
 - a. Does not include PTA petitions.
- 2) Track 1 petitions processed in less than 60 days.
- 3) PPH petitions processed in less than 120 days.

<i>Potent Administration Measures</i>	FY 2016 targets	FY 2016 Results
<i>Potents-End-to-End (PE2E)Transition</i>		
Implement IT components of PE2E in Operations (DAV)	1-2	
Test/Pilot IT components of PE2E in Operations (OC)	1-2	
<i>IT System Improvements</i>		
Deploy enhancements to PE2E Docket and Application Viewer tool	Enhancement Deployed	
Deploy enhancements to PE2E Cooperative Patent Classification tool	Enhancement Deployed	

Note: Meeting or exceeding the targets in the above sub elements represents a level of outstanding performance.



15-047395

UNITED STATES PATENT AND TRADEMARK OFFICE

UNDER SECRETARY OF COMMERCE FOR INTELLECTUAL PROPERTY AND
DIRECTOR OF THE UNITED STATES PATENT AND TRADEMARK OFFICE

DEC 11 2015

MEMORANDUM FOR THE SECRETARY

FROM: Michelle K. Lee (b)(6)
Under Secretary and Deputy Director

SUBJECT: Proposed 2016 Performance Agreement between Andrew H. Hirshfeld,
Commissioner for Patents, and the Secretary of Commerce

Attached for your approval and signature is a proposed Performance Agreement for Fiscal Year 2016 between Andrew H. Hirshfeld, Commissioner for Patents, USPTO, and the Secretary of Commerce, as specified by the Employment Agreement with Mr. Hirshfeld. The Performance Agreement incorporates organizational and individual goals in key operational areas as they relate to the management and direction of all aspects of patent operations.

Recommendation:

It is recommended that you sign the attached Performance Agreement.

Attachment

2015 DEC 11 PM 2:57
EXECUTIVE SECRETARIAT

Executive Secretariat Clearance:

(b)(6)

Executive Secretariat

12/16/15
Date

Executive Secretariat Clearance Sheet

Phone: 202-482-9080

Fax: 202-482-4090

Name: Agency Generated

Tracking No: 15-047395

Subject: Proposed 2016 Performance Agreement between Andrew H. Hirshfeld, Commissioner for Patents and the Secretary of Commerce

Agency: PTO

Signature Level: Secretary

Due Date: 12/15 @5pm

Re-Clear Due Date: _____

TIME CRITICAL DUE DATE & TIME: _____

Clearance Office	Date Sent	Date Returned to ES	Cleared by: name/comments	Re-Clear Date	Date Returned to ES	Re-Cleared by: name/comments
GC	12/11	12/14	Brian Di'Giacomo			
OPSP	12/11	12/14	Joshua Mundell			

ExecSec Clearance

(b)(6)

Processed in ExecSec - Date: 12/11 Time: 6:03pm Correspondence Analyst: Tisa McRae

DO NOT MAIL - Call (name and extension): _____

APPROVED FOR: Signature: _____ Autopen: _____ Date: _____ Approved by: _____

TIME CRITICAL

DATE NEEDED: _____

REASON FOR EXPEDITING: _____

Clearances:

(b)(6)

Andrew H. Hirshfeld
Commissioner for Patents
(571) 272-8800

Date

12/10/15

(b)(6)

Sarah T. Harris
General Counsel
(571) 272-7000

Date

12/10/15

(b)(6)

Vikram D. Ayier
Chief of Staff
(571) 272-8818

Date

12/10/15



Commissioner for Patents Performance Agreement

Part 1. Consultation. *I have reviewed this plan and have been consulted on its development.*

Commissioner's Name (Last, First, MI): **Hirshfeld, Andrew H.**

Appraisal Pd. **FY 2017**

Commissioner's Signature:

(b)(6)

Date:

12/18/16

Title: **Commissioner for Patents**

Organization: **USPTO**

Secretary of Commerce's Name (Last, First, MI): **Pritzker, Penny**

Secretary of Commerce's Signature:

(b)(6)

Date:

JAN - 9 2017

Part 2. Progress Review

Commissioner's Signature:

(b)(6)

Date:

4/20/17

Secretary of Commerce's Signature:

(b)(6)

Date:

4.28.17

Part 3. Annual Summary Rating

Annual Summary Rating

(b)(6)

Outstanding

Commendable

Fully Successful

Minimally Satisfactory

Unsatisfactory

Commissioner's Signature:

(b)(6)

Date:

11/13/17

Secretary of Commerce:

(b)(6)

Date:

11/28/17

Part 4. Derivation Formula and Calculation of Annual Summary Rating

Critical Element (CE)	Element Rating		Weight	Score		Summary Level Ranges
	Initial	Final (if changed)		Initial	Final (if changed)	
1. Leading Change	(b)(6)	(b)(6)	(b)(6)	(b)(6)	(b)(6)	475-500 = Level 5 400-474 = Level 4 300-399 = Level 3 200-299 = Level 2 Any CE rated Level 1 = Level 1
2. Leading People	(b)(6)	(b)(6)	(b)(6)	(b)(6)	(b)(6)	
3. Business Acumen	(b)(6)	(b)(6)	(b)(6)	(b)(6)	(b)(6)	
4. Building Coalitions	(b)(6)	(b)(6)	(b)(6)	(b)(6)	(b)(6)	
5. Results Driven	(b)(6)	(b)(6)	(b)(6)	(b)(6)	(b)(6)	
Total			100%	(b)(6)	(b)(6)	

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

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

Exhibits 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:

- 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;
- 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 long-term interests of the Department;
- Uses creativity and innovation, and encourages new ideas and unconventional approaches in response to evolving conditions;
- Monitors effectiveness of the revised count system for future improvements;
- Puts procedures in place to analyze examination processes and explore prosecution efficiencies;
- Oversees Patents telework and any expansion of the program; ensures any necessary coordination and agreement with the appropriate union from a bargaining unit employee aspect;
- Continues to strengthen time and attendance controls for both teleworking and non-teleworking employees;
- Supports the continued deployment of Patents-End-to-End (PE2E) tools to all appropriate employees within the Patents Business Unit;
- Supports the continued development and establishment of the office of the Deputy Commissioner for Patent Quality and related quality initiatives;
- Leads the implementation of all quality initiatives developed within the Patents Business Unit in support of achieving excellence in: work products, customer service, and measuring patent quality;
- Ensures that training within the Patents Business Unit is delivered in a timely manner;
- Ensure that employee workloads are monitored and takes steps to ensure that workloads are appropriate;
- Supports the ongoing examination time analysis (ETA) and the USPTO's effort to conduct a comprehensive study of examination time; and
- Supports the Presidential transition efforts.

Secretary of Commerce Narrative: *(Optional)*

Critical Element Rating – Leading Change

Level 5

Level 4

Level 3

Level 2

Level 1

Critical Element 2. Leading People	Weight 10%
<p>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.</p>	
<p>Agency-Specific Performance Requirements Builds and manages an appropriately skilled workforce by:</p> <ul style="list-style-type: none"> • Supporting the enhancement of the Workforce Management Alliance and Patents Workforce Management Advisors; • Ensuring surveys (including Federal Employee Viewpoint Survey) and other instruments are in place to monitor and develop plans to provide a work environment that optimizes performance and increases job satisfaction; • Embracing equal opportunity principles; • Fostering a diverse and inclusive environment characterized by cultural sensitivity and respect for divergent employee backgrounds; • Promptly and appropriately addressing allegations of harassment or discrimination; • Overseeing the recruitment, selection, appraisal and recognition of employees based on individual performance; • Supporting Agency efforts to train employees on equal opportunity principles; • Identifying talent gaps and providing training and developmental opportunities, coaching and counseling to employees to strengthen performance or address concerns; • Encouraging employees to develop new and better ways of performing tasks; and • Supporting a culture of transparency, communication and collaboration in the Patents Business Unit. 	
<p>Secretary of Commerce Narrative: <i>(Optional)</i></p>	
Critical Element Rating – Leading People	<input type="checkbox"/> Level 5 <input type="checkbox"/> Level 4 <input type="checkbox"/> Level 3 <input type="checkbox"/> Level 2 <input type="checkbox"/> Level 1

Critical Element 3. Business Acumen	Weight 10%
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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**
- Supports Hiring Reform efforts of improving the recruitment and hiring process to acquire highly qualified employees, reduces hiring time, and supports new hires' successful transition into the Federal Service;
 - Assesses current and future staffing needs on a regular basis;
 - Implements the Business Unit's Human Capital Strategic Plans that include recruitment strategies that support organizational objectives;
 - Demonstrates sound management of human, financial and technological resources in order to achieve established priorities, goals, and objectives. In doing so, manages program performance throughout the year to maximize operational efficiency and effectiveness within established budgetary resources; ensures overtime is effectively distributed and usage monitored; builds and manages an appropriately skilled and diverse workforce based on organizational goals, budget considerations, and staffing needs; and engages in succession planning as needed for long-term organizational effectiveness;
 - 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; ensures required property accountability processes are in place and ensures appropriate training of employees to avoid cyber-security threats;
 - 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;
 - 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; and,
 - Strengthens the USPTO's telework program and assesses and improves controls as needed to best manage the USPTO's employees and focuses on the implementation of any new actions and guidance as may be necessary.

Secretary of Commerce Narrative: *(Optional)*

<i>Critical Element Rating – Business Acumen</i>	<input type="checkbox"/> Level 5	<input type="checkbox"/> Level 4	<input type="checkbox"/> Level 3	<input type="checkbox"/> Level 2	<input type="checkbox"/> Level 1
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Critical Element 4. Building Coalitions	Weight 10%
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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

- Assures 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;
- 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;
- 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;
- 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;
- Collaborates with stakeholders on outreach and on specific Patent-related initiatives;
- Works closely with internal and external stakeholders in the development and implementation of quality initiatives that support the Enhanced Patent Quality Initiative;
- Ensures appropriate investigation and resolution of labor issues raised with Patents management;
- 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 complementary missions, and within the USPTO;
- Promotes 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;
- Supports a transparent and collaborative work environment; and
- Encourages enhanced communication within and across Business Units.

Secretary of Commerce: *(Optional)*

<i>Critical Element Rating – Building Coalitions</i>	<input type="checkbox"/> Level 5	<input type="checkbox"/> Level 4	<input type="checkbox"/> Level 3	<input type="checkbox"/> Level 2	<input type="checkbox"/> Level 1
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<p>Critical Element 5. Results Driven</p>	<p>Weight 60%</p>
<p>Agency Goals/Objectives for current FY: Must have at least 1 result (may have up to 4)</p>	
<p>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 for each result specified.</p> <p>Individual and organizational performance requirements expected to support USPTO strategic initiatives. The executive is accountable for up to four sub-elements aligned/linked to the USPTO'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 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 provides appropriate support for their achievement. Sub-elements may be weighed 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. <i>[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.]</i></p> <p>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.</p>	
<p><u>Sub Element/Performance Requirement 1: Patent Pendency, Backlog and Timeliness [Weight: 25%]</u></p> <p>Develop an effective and efficient business planning strategy and performance measurement system to contribute to the achievement of goals, objectives and targets based on requirements in the President's FY 2017 Budget.</p> <p>As a fee-funded agency, the USPTO relies on user fee collections to fund operations. The USPTO considers a number of economic factors and relevant indicators when forecasting its workloads. While many of these defining indicators point toward renewed economic expansion, considerable uncertainty still remains regarding the current and near future prospects for growth. This uncertainty could affect anticipated USPTO workloads and fee collections which in turn could significantly impact the USPTO's long-term goals, objectives and targets, and therefore simultaneously affect any interim results.</p> <p>Success of these objectives will be determined by the specific performance measures laid out in the attached document and will be measured based on overall performance taking into account the totality of all the measures in the attached document. Meeting or exceeding the targets set forth in the attached document represents a level of outstanding performance.</p>	<p>Strategic Alignment: Strategic Alignment: <u>Strategic Goal 1 /Objective Alignment 1-2</u></p> <p>Goal 1, Objectives 1 and 2 of the <i>USPTO 2014-2018 Strategic Plan</i> will be accomplished when patent pendency is optimized, allowing a final action on the merits within one year of filing for any applicant who requests it, with overall patent pendency time reduced to 10 months for a first office action and 20 months total pendency. This is a long-term, multi-year goal to be achieved over the next several years.</p>

<p>Sub Element/Performance Requirement 2: Quality and Training [Weight: 45%] High-quality patents, i.e. patents that are correctly issued in compliance with all the requirements of Title 35 as well as the relevant case law at the time of issuance, fuel innovation and reduce needless litigation by providing an unambiguous notice of rights through clear claim boundaries, clear specifications, and clear prosecution histories. To ensure we continue to issue high-quality patents, the USPTO is continuing its efforts to enhance patent quality through the Enhanced Patent Quality Initiative (EPQI), which is a collection of programs and initiatives designed to enhance the quality of issued patents.</p> <p>The Patent business unit is committed to educational leadership, excellence, and quality in our products and services by (1) providing comprehensive training programs in innovative and progressive environments to employees of the Patent business unit and, (2) providing education and training in coordination with our partners in the Patent community.</p> <p>As a fee-funded agency, the USPTO relies on user fee collections to fund operations. The USPTO considers a number of economic factors and relevant indicators when forecasting its workloads. While many of these defining indicators point toward renewed economic expansion, considerable uncertainty still remains regarding the current and near future prospects for growth. This uncertainty could affect anticipated USPTO workloads and fee collections which in turn could significantly impact the USPTO's long-term goals, objectives and targets, and therefore simultaneously affect any interim results.</p> <p>Success of these objectives will be determined by the specific performance measures laid out in the attached document and will be measured based on overall performance taking into account the totality of all the measures in the attached document. Meeting or exceeding the targets set forth in the attached document represents a level of outstanding performance.</p>	<p>Strategic Alignment: Strategic Alignment: Strategic Goal 1 /Objective Alignment 4</p> <p>Goal I, Objective 4 of the <i>USPTO 2014-2018 Strategic Plan</i> will be accomplished when issued patents are of higher quality, claim clarity is improved, and the stakeholder community has a clear understanding of the meaning of a "quality" patent.</p>
<p>Performance Requirement 3: Patent Classification Processes, International Cooperation/Engagement and Domestic Outreach [Weight: 15%] Improve on the existing classification system with a set of information services and information processes to contribute to the achievement of goals, objectives and targets based on requirements in the President's FY 2017 Budget.</p> <p>Develop and strengthen outreach and partnerships with international IP communities especially as it relates to Cooperative Patent Classification (CPC).</p> <p>Develop and strengthen outreach and partnerships with domestic partners and stakeholders such as, independent inventors, small business, colleges and universities, women and minorities.</p> <p>As a fee-funded agency, the USPTO relies on user fee collections to fund operations. The USPTO considers a number of economic factors and relevant indicators when forecasting its workloads. While many of these defining indicators point toward renewed economic expansion, considerable uncertainty still remains regarding the current and near future prospects for growth. This uncertainty could affect anticipated USPTO workloads and fee collections which in turn could significantly impact the USPTO's long-term</p>	<p>Strategic Alignment: Strategic Goal 1 /Objective Alignment 3,6</p> <p>Goal I, Objective 3 of the <i>USPTO 2014-2018 Strategic Plan</i> will be accomplished by increasing international cooperation and work sharing, fully implementing CPC, maximizing the use of PPH, and implementing the Global Dossier to improve examiner and external stakeholder access to work products of other IP offices.</p> <p>Goal I, Objective 6 of the <i>USPTO 2014-2018 Strategic Plan</i> will be accomplished by focusing on improving and enhancing stakeholder and public outreach and increasing awareness and transparency of patent information, and patent application and ownership information.</p>

goals, objectives and targets, and therefore simultaneously affect any interim results.

Success of these objectives will be determined by the specific performance measures laid out in the attached document and will be measured based on overall performance taking into account the totality of all the measures in the attached document. Meeting or exceeding the targets set forth in the attached document represents a level of outstanding performance.

Performance Requirement 4: Patent Legal Administration, Office of Petitions and Patent Administration [Weight: 15%]

Develop an effective and efficient planning strategy and performance measurement system for the office of the Deputy Commissioner for Patent Examination Policy including the areas of patent legal administration in the Office of Petitions to contribute to the achievement of goals, objectives and targets based on requirements in the President's FY 2017 Budget.

Develop an effective and efficient business planning strategy and performance measurement system for the Office of the Deputy Commissioner for Patent Administration to contribute to the achievement of goals, objectives and targets based on requirements in the President's FY 2017 Budget.

As a fee-funded agency, the USPTO relies on user fee collections to fund operations. The USPTO considers a number of economic factors and relevant indicators when forecasting its workloads. While many of these defining indicators point toward renewed economic expansion, considerable uncertainty still remains regarding the current and near future prospects for growth. This uncertainty could affect anticipated USPTO workloads and fee collections which in turn could significantly impact the USPTO's long-term goals, objectives and targets, and therefore simultaneously affect any interim results.

Success of these objectives will be determined by the specific performance measures laid out in the attached document and will be measured based on overall performance taking into account the totality of all the measures in the attached document. Meeting or exceeding the targets set forth in the attached document represents a level of outstanding performance.

Strategic Alignment: Strategic Goal 1 /Objective Alignments 1, 2, 4, 5

Goal 1, Objectives 1 and 2 of the *USPTO 2014-2018 Strategic Plan* will be accomplished when patent pendency is optimized, allowing a final action on the merits within one year of filing for any applicant who requests it, with overall patent pendency time reduced to 10 months for a first office action and 20 months total pendency. This is a long-term, multi-year goal to be achieved over the next several years.

Goal 1, Objective 4 of the *USPTO 2014-2018 Strategic Plan* will be accomplished when issued patents are of higher quality, claim clarity is improved, and the stakeholder community has a clear understanding of the meaning of a "quality" patent

Goal 1, Objective 5 of the *USPTO 2014-2018 Strategic Plan* will be accomplished by improving the processing of electronic-based information, and providing information in a variety of services to employees to improve efficiencies, job performance, and achievement of strategic goals.

Secretary of Commerce Narrative: *(Optional)*

Critical Element Rating – Results Driven	<input type="checkbox"/> Level 5	<input type="checkbox"/> Level 4	<input type="checkbox"/> Level 3	<input type="checkbox"/> Level 2	<input type="checkbox"/> Level 1
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Part 6: Summary Rating Narrative :

Part 7: Commissioner's Accomplishment Narrative *(Optional)*

Part 8: Agency Use

Deriving the Results Driven Rating Worksheet

Commissioner Name Andrew H. Hirshfeld Rating Period FY 2017

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 (Patent Pendency, Backlog and Timeliness)		25%		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 2 (Quality and Training)		45%			
Performance Requirement 3 (Patent Classification Processes, International Cooperation/Engagement and Domestic Outreach)		15%			
Performance Requirement 4 (Patent Legal Administration, Office of Petitions and Patent Administration)		15%			
		= 100%			
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
Performance Requirement 1	4	x 25	100	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 2	5	x 30	150		
Performance Requirement 3	5	x 15	75		
Performance Requirement 4	3	x 30	90		
		= 100%			
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.

Critical Element 5. Results Driven (Total Weight 60%)

Results Sub Element 1: Patent Pendency, Backlog and Timeliness (Weight 25%)

<i>Patent Pendency, Backlog and Timeliness Measures</i>	<i>FY 2017 Targets</i>				<i>FY 2017 Results</i>
	<i>-2% - 0% Filing Growth</i>	<i>0% - 2% Filing Growth</i>	<i>2% - 4% Filing Growth</i>	<i>4% - 6% Filing Growth</i>	
<i>Patent Corps Backlog Metrics</i>					
Unexamined Backlog*	469,000 – 477,000	477,000 - 485,000	485,000 - 493,000	493,000 - 502,000	
RCE backlog	28,000				
<i>Patent Corps Pendency and Timeliness Metrics</i>					
First Action Pendency	15.5				
Total Pendency	25.5				
UPR PUs	620,000				
T1 Pendency (snapshots ≤ 12 months)	97.5%				
RCE Pendency (inventory ≤ 4 months)	67%				

*The Unexamined Backlog goal varies with overall filing growth rate (e.g. if the filing growth rate is 0% - 2% for the FY the backlog goal will be 477,000 - 485,000).

Results Sub Element 2: Quality and Training (Weight 45%)

<i>FY 2017 Quality Results, Measures and Targets</i>		
<i>Management and Support- Clarity Data Collection Form (CCDC)</i>	<i>FY 2017 Targets</i>	<i>FY 2017 Results</i>
Implement MRF 3.0	Implement by end of FY '17 Q2	
<i>Management and Support – Quality Metrics for Correctness and Clarity</i>		
<i>FY 2017 Statutory Compliance Rate Targets</i>		
FY '17 Corps Quality Metrics: 102 Correctness	90 - 95%	
FY '17 Corps Quality Metrics: 103 Correctness	88 - 93%	
FY '17 Corps Quality Metrics: 112 Correctness	87 - 92%	
FY '17 Corps Quality Metrics: 101 Correctness	93 - 98%	
FY '17 Corps Quality Metrics: Clarity	Establish baseline clarity metric(s) for FY '18 by end of Q4	
FY '18 Corps Quality Metrics: Correctness	Re-evaluate current targets	
Implement Phase 2 of Clarity of Record Pilot	Implement in FY '17	
Enhanced Search Program	Establish pilot in FY '17	
Topic Submissions for Case Studies	Publish reports (6) for studies implemented in FY '16	

Administer two External Quality Surveys and two Internal Quality Surveys		
Implement a uniform standard of review to be utilized in the Office of Patent Quality Assurance (OPQA) and the Technology Centers		
<i>Examination Time Analysis (ETA)</i>	<i>FY 2017 Targets</i>	<i>FY 2017 Results</i>
Address areas of low examination time expectancy by the end of the fiscal year		
<i>Training Measures and Targets</i>	<i>FY 2017 Targets</i>	<i>FY 2017 Results</i>
Ensure that Training is delivered in a timely manner in accordance with established timelines.		
Training Measures and Targets – Clarity of the Record	Continue development and delivery of training related to Clarity of the Record	

Results Sub Element 3: Patent Classification Processes, International Cooperation/Engagement and Domestic Outreach (Weight: 15%)

<i>Patent Classification Process Measures</i>	<i>FY 2017 Targets</i>	<i>FY 2017 Results</i>
<i>CPC Quality Metrics</i>		
Ensure quality of PG Pubs symbol placement	90-95%	

<i>International Cooperation/Engagement Measures</i>	<i>FY 2017 Targets</i>	<i>FY 2017 Results</i>
Initiate Projects within the newly formed Industrial Design Five (ID5) Framework	Launch one or more projects to be led by OIPC/Patent Ops team	
Provide Accessing Office Functionality for WIPO Case under the Global Dossier Program	First Quarter FY '17	
Define new services/features/functions for the Global Dossier	Deliver requirements for 1 or more new services to the implementation team	
Continue CPC engagement and training with other IP offices	3 to 5 Offices	

<i>Domestic Outreach Measures</i>	<i>FY 2017 targets</i>	<i>FY 2017 Results</i>
Independent Inventor Conferences	1-2	
Outreach Programs to Small Businesses & Entrepreneurs	8-12	
Outreach Programs to Colleges/Universities	10-15	
Outreach Programs to Women & Minority Inventors	4-8	
Outreach Programs for/with Satellite Offices	5 - 10	

Sub Element 4: Patent Legal Administration, Office of Petitions and Patent Administration (Weight: 15%)

<i>Patent Legal Administration Measures</i>		
	<i>FY 2017 Targets</i>	<i>FY 2017 Results</i>
% of Clear and Timely Guidance and Memos Completed	75-85%	
% of Clear and Timely Rulemaking and Notices Published	75-85%	
% of Timely Implementation of Legislative Changes and Case Law Developments	75-85%	

<i>Office of Petitions Measures</i>		
	<i>FY 2017 Targets</i>	<i>FY 2017 Results</i>
% of Timely Petition Decisions ¹⁾	75-85%	
% of Timely Track 1 Petition Decisions ²⁾	75-85%	
% of Timely PPH Petitions ³⁾	75-85%	

- 1) Petitions processed in less than six months from the filing date:
 - a. Does not include PTA petitions.
- 2) Track 1 petitions processed in less than 60 days.
- 3) PPH petitions processed in less than 120 days.

<i>Patent Administration Measures</i>		
<i>Patents-End-to-End (PE2E) Transition</i>	<i>FY 2017 targets</i>	<i>FY 2017 Results</i>
Implement IT components of PE2E in Operations (Official Correspondence)	1-2	
Implement IT components of PE2E in Operations (Search)	1-2	
Retire Legacy IT Systems (eDan)	1-2	
<i>IT System Improvements</i>	<i>FY 2017 targets</i>	<i>FY 2017 Results</i>
Deploy Enhancements to PE2E Docket and Application Viewer (DAV)	1-2	
Deploy Enhancements to PE2E Cooperative Patent Classification (CPC)	1-2	
Deploy Enhancements to PE2E eModernization (eMod)	1-2	

Note: Meeting or exceeding the targets in the above sub-elements represents a level of outstanding performance.

Critical Element 1: Leading Change (10%):

(b)(6)



Office of Quality Management:

(b)(6)



(b)(6)

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Cooperative Patent Classification (CPC) Project:

(b)(6)

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Office of International Patent Cooperation:

(b)(6)

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Patents-End-To-End (PE2E):

(b)(6)

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Financial Advisory Board (FAB):

(b)(6)

Administration Transition:

(b)(6)

Time and Attendance:

(b)(6)

Office of Patent Examination Support Services (OPESS):

(b)(6)

Sets Strategic Direction to address Goals:

(b)(6)

Other:

(b)(6)

Critical Element 2: Leading People (10%):

(b)(6)

(b)(6)

Human Capital, employee engagement:

(b)(6)

Cooperative Patent Classification (CPC) Project:

(b)(6)

PEZE (Office of Patent Information Management):

(b)(6)

Patents Quality:

(b)(6)

Patents Town Hall Initiative:

(b)(6)

Personnel:

(b)(6)

Training:

(b)(6)

Reports and Audits:

(b)(6)

(b)(6)

Critical Element 3: Business Acumen (10%):

(b)(6)

Budget & Performance Metrics (Office of Patent Financial Management)

(b)(6)

(b)(6)

Patents Telework Program:

(b)(6)

Time and Attendance:

(b)(6)

Patents Hiring:

(b)(6)

Administration Transition:

(b)(6)

Cooperative Patent Classification (CPC) Project:

(b)(6)

Other:

(b)(6)



Critical Element 4. Building Coalitions (10%):

(b)(6)



Collaborating within USPTO:

(b)(6)



(b)(6)



Outreach to under-represented user groups (Office of Innovation Development):

(b)(6)



Cooperative Patent Classification (CPC) Project:

(b)(6)



Public presentations, representation activities:

(b)(6)



Quality Forum; Collegiate Inventors Award Ceremony; USPTO Patent Quality Conference.

Critical Element 5. Results Driven (60%):

Results Sub Element 1: Patent Pendency, Backlog and Timeliness (Weight 25%)

Patent Pendency, Backlog and Timeliness Measures	FY 2017 Targets				Mid-Year FY 2017 Results
	-2% - 0% Filing Growth	0% - 2% Filing Growth	2% - 4% Filing Growth	4% - 6% Filing Growth	
<i>Patent Corps Backlog Metrics</i>					
Unexamined Backlog*	469,000 - 477,000	477,000 - 485,000	485,000 - 493,000	493,000 - 502,000	(b)(6)
RCE backlog	28,000				
<i>Patent Corps Pendency and Timeliness Metrics</i>					
First Action Pendency	15.5				
Total Pendency	25.5				
UPR PUs	620,000				
T1 Pendency (snapshots ≤ 12 months)	97.5%				
RCE Pendency (inventory ≤ 4 months)	67%				

*The Unexamined Backlog goal varies with overall filing growth rate (e.g. if the filing growth rate is 0% - 2% for the FY the backlog goal will be 477,000 - 485,000).

- Based on the results at mid-year FY 2017 versus targets set at the beginning of the fiscal year the USPTO expects to meet all of the above targets except the target for unexamined backlog and possibly the first action pendency target. The meeting of these targets have been impacted by the 90-day hiring freeze which began January 20, 2017 and lower than anticipated examiner overtime usage. At mid-year filings are down about 1.2% from FY 2016 with filings expected to finish the fiscal year up about 1.0% as compared to FY 2016.

Results Sub Element 2: Quality and Training (Weight 45%)

- Under the Quality and Training results sub element at mid-fiscal year the following results have been achieved:

FY 2017 Quality Results, Measures and Targets		
Management and Support- Clarity Data Collection Form (CCDC)	FY 2017 Targets	Mid-Year FY 2017 Results
Implement MRF 3.0	Implement by end of FY '17 Q2	(b)(6)
Management and Support -- Quality Metrics for Correctness and Clarity		
FY 2017 Statutory Compliance Rate Targets		
FY '17 Corps Quality Metrics: 102 Correctness	90 - 95%	(b)(6)
FY '17 Corps Quality Metrics: 103 Correctness	88 - 93%	
FY '17 Corps Quality Metrics: 112 Correctness	87 - 92%	
FY '17 Corps Quality Metrics: 101 Correctness	93 - 98%	
FY '17 Corps Quality Metrics: Clarity	Establish baseline clarity metric(s) for FY '18 by end of Q4	(b)(6)
FY '18 Corps Quality Metrics: Correctness	Re-evaluate current targets	
Implement Phase 2 of Clarity of Record Pilot	Implement in FY '17	
Enhanced Search Program	Establish pilot in FY '17	
Topic Submissions for Case Studies	Publish reports (6) for studies implemented in FY '16	
Administer two External Quality Surveys and two Internal Quality Surveys		
Implement a uniform standard of review to be utilized in the Office of Patent Quality Assurance (OPQA) and the Technology Centers		
Examination Time Analysis (ETA)		
FY 2017 Targets		
Address areas of low examination time expectancy by the end of the fiscal year		(b)(6)
Training Measures and Targets		
FY 2017 Targets		
Ensure that Training is delivered in a timely manner in accordance with established timelines.		(b)(6)
Training Measures and Targets – Clarity of the Record	Continue development and delivery of training	

	related to Clarity of the Record	
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Results Sub Element 3: Patent Classification Processes, International Cooperation/Engagement and Domestic Outreach (Weight: 15%)

<i>Patent Classification Process Measures</i>	<i>FY 2017 Targets</i>	<i>Mid-Year FY 2017 Results</i>
<i>CPC Quality Metrics</i>		
Ensure quality of PG Pubs symbol placement	90-95%	(b)(6)

<i>International Cooperation/Engagement Measures</i>	<i>FY 2017 Targets</i>	<i>Mid-Year FY 2017 Results</i>
Initiate Projects within the newly formed Industrial Design Five (ID5) Framework	Launch one or more projects to be led by OIPC/Patent Ops team	(b)(6)
Provide Accessing Office Functionality for WIPO Case under the Global Dossier Program	First Quarter FY '17	
Define new services/features/functions for the Global Dossier	Deliver requirements for 1 or more new services to the implementation team	
Continue CPC engagement and training with other IP offices	3 to 5 Offices	

<i>Domestic Outreach Measures</i>	<i>FY 2017 targets</i>	<i>Mid-Year FY 2017 Results</i>
Independent Inventor Conferences	1-2	(b)(6)
Outreach Programs to Small Businesses & Entrepreneurs	8-12	
Outreach Programs to Colleges/Universities	10-15	
Outreach Programs to Women & Minority Inventors	4-8	
Outreach Programs for/with Satellite Offices	5 - 10	

Sub Element 4: Patent Legal Administration, Office of Petitions and Patent Administration (Weight: 15%)

<i>Patent Legal Administration Measures</i>		
	<i>FY 2017 Targets</i>	<i>Mid-Year FY 2017 Results</i>
% of Clear and Timely Guidance and Memos Completed	75-85%	(b)(6)
% of Clear and Timely Rulemaking and Notices Published	75-85%	
% of Timely Implementation of Legislative Changes and Case Law Developments	75-85%	
<i>Office of Petitions Measures</i>		

	FY 2017 Targets	Mid-Year FY 2017 Results
% of Timely Petition Decisions ¹⁾	75-85%	(b)(6)
% of Timely Track 1 Petition Decisions ²⁾	75-85%	
% of Timely PPH Petitions ³⁾	75-85%	

- 1) Petitions processed in less than six months from the filing date:
 - a. Does not include PTA petitions.
- 2) Track 1 petitions processed in less than 60 days.
- 3) PPH petitions processed in less than 120 days.

Patent Administration Measures		
Patents-End-to-End (PE2E) Transition	FY 2017 targets	Mid-Year FY 2017 Results
Implement IT components of PE2E in Operations (Official Correspondence)	1-2	(b)(6)
Implement IT components of PE2E in Operations (Search)	1-2	
Retire Legacy IT Systems (eDan)	1-2	
IT System Improvements	FY 2017 targets	Mid-Year FY 2017 Results
Deploy Enhancements to PE2E Docket and Application Viewer (DAV)	1-2	(b)(6)
Deploy Enhancements to PE2E Cooperative Patent Classification (CPC)	1-2	
Deploy Enhancements to PE2E eModernization (eMod)	1-2	

Note: Meeting or exceeding the targets in the above sub-elements represents a level of outstanding performance.



Commissioner for Patents Performance Agreement

Part 1. Consultation. *I have reviewed this plan and have been consulted on its development.*

Commissioner's Name (Last, First, MI): Hirshfeld, Andrew H.	Appraisal Pd. FY 2018
Commissioner's Signature: (b)(6)	Date: 11/13/17
Title: Commissioner for Patents	Organization: USPTO
Rating Official's Name (Last, First, MI): Matal, Joseph	
Rating Official's Signature: (b)(6)	Date: 11/13/17

Part 2. Progress Review

Commissioner's Signature: (b)(6)	Date: 6/12/18
Rating Official's Signature: (b)(6)	Date: 6/18/18

Part 3. Annual Summary Rating

Annual Summary Rating	<input checked="" type="checkbox"/> Level 5 Outstanding	<input type="checkbox"/> Level 4 Commendable	<input type="checkbox"/> Level 3 Fully Successful	<input type="checkbox"/> Level 2 Minimally Satisfactory	<input type="checkbox"/> Level 1 Unsatisfactory
Commissioner's Signature: (b)(6)	Date: 11/16/18				
Rating Official's Signature: (b)(6)	Date: 11/16/2018				

Part 4. Derivation Formula and Calculation of Annual Summary Rating

Critical Element (CE)	Element Rating		Weight	Score		Summary Level Ranges
	Initial	Final (if changed)		Initial	Final (if changed)	
1. Leading Change		(b)(6)	10%		(b)(6)	475-500 = Level 5 400-474 = Level 4 300-399 = Level 3 200-299 = Level 2 Any CE rated Level 1 = Level 1
2. Leading People			10%			
3. Business Acumen			10%			
4. Building Coalitions			10%			
5. Results Driven			60%			
Total			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.

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

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

Exhibits 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:

- 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;
- 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;
- Supports the Administration's goals of increasing jobs and growing the economy by ensuring the issuance of high quality patents with clear boundaries of protection;
- Exhibits vision and strategic thinking to address concerns that cross organizational boundaries and to meet the long-term interests of the Department;
- Uses creativity and innovation, and encourages new ideas and unconventional approaches in response to evolving conditions;
- Monitors effectiveness of Patent's production systems for future improvements;
- Puts procedures in place to analyze examination processes and explore prosecution efficiencies;
- Oversees Patents' telework and any expansion of the its telework programs; ensures any necessary coordination and agreement with the appropriate union from a bargaining unit employee aspect;
- Continues to strengthen time and attendance controls for employees;
- Supports the continued deployment of Patents-End-to-End (PE2E) tools to all appropriate employees within the Patents Business Unit;
- Completes the transition, including training, within the Patents Business Unit, to the Official Correspondence (OC) tool;
- Oversees the development and implementation of all quality related initiatives developed within the Patents Business Unit;
- Ensures continued improvement in employee training within the Patents Business Unit;
- Ensures that employee workloads are monitored and takes steps to ensure that workloads are appropriate;
- Supports the USPTO's effort to comprehensively study and plan to adjust examination time goals, as appropriate, to ensure optimal USPTO performance in patent pendency and quality that is commensurate with stakeholder expectations and user fees;
- Supports the Presidential transition efforts and the transition of a new Under Secretary of Commerce for Intellectual Property and Director of the USPTO;
- Supports the Administration's Regulatory Reform efforts by supporting the elimination of unnecessary, ineffective, and burdensome rules and regulations within the Patents Business Unit; and,
- Supports and provides guidance regarding the implementation of a revised process for routing utility patent applications in light of the transition from U.S. classification (USPC) to the Cooperative Patent Classification System (CPC).

Rating Official Narrative: *(Optional)*

<i>Critical Element Rating – Leading Change</i>	<input type="checkbox"/> Level 5	<input type="checkbox"/> Level 4	<input type="checkbox"/> Level 3	<input type="checkbox"/> Level 2	<input type="checkbox"/> Level 1
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Critical Element 1: Leading Change (10%):

(b)(6)



Subject Matter Eligibility:

(b)(6)



Search Initiatives:

(b)(6)



(b)(6)



Examination Time Analysis (ETA)

(b)(6)



Executive Orders:

(b)(6)

Time and Attendance

(b)(6)

SPE Interest Program

(b)(6)

Workforce Effects of Information Technology (IT) Improvements

(b)(6)

(b)(6)

IT Development Task Force:

(b)(6)

Cooperative Patent Classification (CPC) Project:

(b)(6)

Office of International Patent Cooperation:

(b)(6)

(b)(6)

Patents-End-To-End (PE2E) and Patent IT initiatives:

(b)(6)

Financial Advisory Board (FAB):

(b)(6)

Office of Patent Examination Support Services (OPESS):

(b)(6)

Training:

(b)(6)

Sets Strategic Direction to address Goals:

(b)(6)

(b)(6)

Patent Trial and Appeal Board (PTAB):

(b)(6)

Other:

(b)(6)

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

Builds and manages an appropriately skilled workforce by:

- Supporting the enhancement of the Workforce Management Alliance and Patents Workforce Management Advisors;
- Ensuring surveys (including Federal Employee Viewpoint Survey and the USPTO People Survey) and other instruments are in place to monitor and develop plans to provide a work environment that optimizes performance and increases job satisfaction;
- Embracing equal opportunity principles;
- Fostering a diverse and inclusive environment characterized by cultural sensitivity and respect for divergent employee backgrounds;
- Promptly and appropriately addressing allegations of harassment or discrimination;
- Overseeing the recruitment, selection, appraisal and recognition of employees based on individual performance;
- Supporting Agency efforts to train employees on equal opportunity principles;
- Identifying talent gaps and providing training and developmental opportunities, coaching and counseling to employees to strengthen performance or address concerns;
- Ensuring that managers are appropriately trained;
- Continuing to strengthen time and attendance controls for employees;
- Encouraging employees to develop new and better ways of performing tasks;
- Ensuring that clear and consistent legal and procedural positions are taken on behalf of the Agency by the Patents Business Unit;
- Supporting a culture of transparency, communication and collaboration in the Patents Business Unit; and
- Ensuring that employees are efficiently working on mission-critical tasks;
- Retaining a highly skilled workforce;
- Rewarding the most productive employees; and,
- Ensuring that employees are appropriately recognized.

Rating Official Narrative: *(Optional)*

Critical Element Rating – Leading People

Level 5

Level 4

Level 3

Level 2

Level 1

Critical Element 2: Leading People (10%):

(b)(6)

Human Capital, employee engagement:

(b)(6)

SPE interest Program

(b)(6)



Cooperative Patent Classification (CPC) Project:

(b)(6)



PE2E (Office of Patent Information Management) other IT efforts:

(b)(6)



Workforce Effects of Information Technology (IT) Improvements

(b)(6)

Personnel:

(b)(6)

Training:

(b)(6)

Federal Employee Viewpoint Survey (EVS):

(b)(6)

Time and Attendance

(b)(6)

Other:

(b)(6)



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

- Supports Hiring Reform efforts of improving the recruitment and hiring process to acquire highly qualified employees, reducing hiring time, and supporting new hires successful transition into the Federal Service;
- Assesses current and future staffing needs on a regular basis;
- Implements the Business Unit's Human Capital Strategic Plans that include recruitment strategies that support organizational objectives;
- Demonstrates sound management of human, financial and technological resources in order to achieve established priorities, goals, and objectives. In doing so, manages program performance throughout the year to maximize operational efficiency and effectiveness within established budgetary resources; ensures overtime is effectively distributed and usage monitored; builds and manages an appropriately skilled and diverse workforce based on organizational goals, budget considerations, and staffing needs; and engages in succession planning as needed for long-term organizational effectiveness;
- 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; ensures required property accountability processes are in place and ensures appropriate training of employees to avoid cyber-security threats;
- Ensure that reliable, state of the art IT systems are in place in order to meet the needs of employees and stakeholders and to support the Agency's mission;
- Support the rollout and training of a new search tool to employees;
- 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;
- 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;
- Strengthens the USPTO's telework program and assesses and improves controls as needed to best manage employees and focuses on the implementation of any new actions and guidance as may be necessary;
- Ensures that user fees are appropriately set and utilized;
- Develop an implementation plan to best utilize available electronic resources to provide examiners with information to facilitate patent examination quality and efficiency.

Rating Official Narrative: *(Optional)*

Critical Element Rating – Business Acumen

Level 5

Level 4

Level 3

Level 2

Level 1

Critical Element 3: Business Acumen (10%):

(b)(6)

Budget & Performance Metrics (Office of Patent Financial Management)

(b)(6)

Patents Telework Program:

(b)(6)

Time and Attendance

(b)(6)

Patents Hiring:

(b)(6)

Cooperative Patent Classification (CPC) Project:

(b)(6)

(b)(6)

Subject Matter Eligibility:

(b)(6)

Examination Time Analysis (ETA)

(b)(6)

Executive Orders:

(b)(6)

Prose Assistance

(b)(6)

Other:

(b)(6)

Critical Element 4. Building Coalitions

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

- Assures that each Business Unit participates in the formulation of clear, concise, and effective communication strategies;
- Demonstrates a high degree of responsiveness to the full range of stakeholders, 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;
- 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;
- Seeks to identify stakeholder needs and expectations, responds to identified concerns promptly, professionally and fairly, and improves business and management processes based on customer and employee feedback;
- Improves access to the patent process for small businesses and independent inventors and ensures that assistance is provided to small businesses and independent inventors on understanding how to obtain and enforce Patent rights;
- Provides dedicated examination resources to *pro se* applicants;
- Solicits employee feedback on direction received, opportunities provided, and recognition given, as inputs for improving how employees are led and motivated;
- Collaborates with stakeholders on specific Patent-related initiatives;
- Ensures that messages to stakeholders are clear and consistent and coordinated within and across business units;
- Works with internal and external stakeholders in the development and implementation of quality improvement programs;
- Ensures appropriate investigation and resolution of labor issues raised with Patents management;
- 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 complementary missions, and within the USPTO;
- Promotes intra-agency cooperation by ensuring that all Senior Executives (SES) within the Patents organization incorporate specific measurable teaming/collaboration tasks in the development of their individual results sub-elements;
- Supports a transparent and collaborative work environment;
- Puts systems in place to ensure coordination within and among business units so as to ensure that information is being shared; and,
- Encourages enhanced communication within and across Business Units.

Rating Official Narrative: *(Optional)*

Critical Element Rating – Building Coalitions

Level 5

Level 4

Level 3

Level 2

Level 1

Critical Element 4. Building Coalitions (10%):

(b)(6)

Collaborating within USPTO:

(b)(6)

(b)(6)

Outreach to under-represented user groups (Office of Innovation Development):

(b)(6)

Cooperative Patent Classification (CPC) Project:

(b)(6)

Public presentations, representation activities:

(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 for each result specified.

Individual and organizational performance requirements expected to support USPTO strategic initiatives. The executive is accountable for up to four sub-elements aligned/linked to the USPTO'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 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 provides appropriate support for their achievement. Sub-elements may be weighed 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.]*

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.

Sub Element/Performance Requirement 1: Patent Pendency, Backlog and Timeliness [Weight: 30%]

Develop an effective and efficient business planning strategy and performance measurement system to contribute to the achievement of goals, objectives and targets based on requirements in the President's FY 2018 Budget.

As a fee-funded agency, the USPTO relies on user fee collections to fund operations. The USPTO considers a number of economic factors and relevant indicators when forecasting its workloads. While many of these defining indicators point toward renewed economic expansion, uncertainty still remains regarding the current and near future prospects for growth. This uncertainty could affect anticipated USPTO workloads and fee collections which in turn could impact the USPTO's long-term goals, objectives and targets, and therefore simultaneously affect any interim results.

Success of these objectives will be determined by the specific performance measures laid out in the attached document and will be measured based on overall performance taking into account the totality of all the measures in the attached document. Meeting or exceeding the targets set forth in the attached document represents a level of outstanding performance.

Strategic Alignment:
Strategic Alignment: **Strategic Goal 1 /Objective Alignment 1-2**

Goal 1, Objectives 1 and 2 of the *USPTO 2014-2018 Strategic Plan* will be accomplished when patent pendency is optimized, allowing a final action on the merits within one year of filing for any applicant who requests it, with overall patent pendency time reduced to 10 months for a first office action and 20 months total pendency. This is a long-term, multi-year goal to be achieved over the next several years.

Sub Element/Performance Requirement 2: Patent Quality [Weight: 30%]

High-quality patents, i.e. patents that are correctly issued in compliance with all the requirements of Title 35 as well as the relevant case law at the time of issuance, fuel innovation and reduce needless litigation by providing an unambiguous notice of rights through clear claim boundaries, clear specifications, and clear prosecution histories. To ensure we continue to issue high-quality patents, the USPTO is continuing its efforts to address patent quality.

The Patent business unit is committed to educational leadership, excellence, and quality in our products and services by (1) providing comprehensive training programs in innovative and progressive environments to employees of the Patent business unit and, (2) providing education and training in coordination with our partners in the Patent community.

As a fee-funded agency, the USPTO relies on user fee collections to fund operations. The USPTO considers a number of economic factors and relevant indicators when forecasting its workloads. While many of these defining indicators point toward renewed economic expansion, considerable uncertainty still remains regarding the current and near future prospects for growth. This uncertainty could affect anticipated USPTO workloads and fee collections which in turn could significantly impact the USPTO's long-term goals, objectives and targets, and therefore simultaneously affect any interim results.

Success of these objectives will be determined by the specific performance measures laid out in the attached document and will be measured based on overall performance taking into account the totality of all the measures in the attached document. Meeting or exceeding the targets set forth in the attached document represents a level of outstanding performance.

Performance Requirement 3: Patent Classification Processes, International Cooperation/Engagement and Domestic Outreach [Weight: 20%]

Improve on the existing classification system with a set of information services and information processes to contribute to the achievement of goals, objectives and targets based on requirements in the President's FY 2018 Budget.

Develop and strengthen outreach and partnerships with international IP communities especially as it relates to Cooperative Patent Classification (CPC).

Develop and strengthen outreach and partnerships with domestic partners and stakeholders such as, independent inventors, entrepreneurs, small business, and colleges and universities.

As a fee-funded agency, the USPTO relies on user fee collections to fund operations. The USPTO considers a number of economic factors and relevant indicators when forecasting its workloads. While many of these defining indicators point toward renewed economic expansion, considerable uncertainty still remains regarding the current and near future prospects for growth. This uncertainty could affect anticipated USPTO workloads and fee collections which in turn could significantly impact the USPTO's long-term goals, objectives and targets, and therefore simultaneously affect any interim results.

Strategic Alignment:

Strategic Alignment: **Strategic Goal 1 /Objective Alignment 4**

Goal 1, Objective 4 of the *USPTO 2014-2018 Strategic Plan* will be accomplished when issued patents are of higher quality, claim clarity is improved, and the stakeholder community has a clear understanding of the meaning of a "quality" patent.

Strategic Alignment:

Strategic Goal 1 /Objective Alignment **3,6**

Goal 1, Objective 3 of the *USPTO 2014-2018 Strategic Plan* will be accomplished by increasing international cooperation and work sharing, fully implementing CPC, maximizing the use of PPH, and implementing the Global Dossier to improve examiner and external stakeholder access to work products of other IP offices.

Goal 1, Objective 6 of the *USPTO 2014-2018 Strategic Plan* will be accomplished by focusing on improving and enhancing stakeholder and public outreach and increasing awareness and transparency of patent information, and patent application and ownership information.

Success of these objectives will be determined by the specific performance measures laid out in the attached document and will be measured based on overall performance taking into account the totality of all the measures in the attached document. Meeting or exceeding the targets set forth in the attached document represents a level of outstanding performance.

Performance Requirement 4: Patent Legal Administration, Office of Petitions and Patent Administration [Weight: 20%]

Develop an effective and efficient planning strategy and performance measurement system for the office of the Deputy Commissioner for Patent Examination Policy including the areas of the Office of Patent Legal Administration (OPLA) and the Office of Petitions to contribute to the achievement of goals, objectives and targets based on requirements in the President's FY 2018 Budget.

Develop an effective and efficient business planning strategy and performance measurement system for the Office of the Deputy Commissioner for Patent Administration to contribute to the achievement of goals, objectives and targets based on requirements in the President's FY2018 Budget.

As a fee-funded agency, the USPTO relies on user fee collections to fund operations. The USPTO considers a number of economic factors and relevant indicators when forecasting its workloads. While many of these defining indicators point toward renewed economic expansion, considerable uncertainty still remains regarding the current and near future prospects for growth. This uncertainty could affect anticipated USPTO workloads and fee collections which in turn could significantly impact the USPTO's long-term goals, objectives and targets, and therefore simultaneously affect any interim results.

Success of these objectives will be determined by the specific performance measures laid out in the attached document and will be measured based on overall performance taking into account the totality of all the measures in the attached document. Meeting or exceeding the targets set forth in the attached document represents a level of outstanding performance.

Strategic Alignment: Strategic Goal 1 /Objective Alignments 1, 2, 4, 5

Goal I, Objectives 1 and 2 of the *USPTO 2014-2018 Strategic Plan* will be accomplished when patent pendency is optimized, allowing a final action on the merits within one year of filing for any applicant who requests it, with overall patent pendency time reduced to 10 months for a first office action and 20 months total pendency. This is a long-term, multi-year goal to be achieved over the next several years.

Goal I, Objective 4 of the *USPTO 2014-2018 Strategic Plan* will be accomplished when issued patents are of higher quality, claim clarity is improved, and the stakeholder community has a clear understanding of the meaning of a "quality" patent

Goal I, Objective 5 of the *USPTO 2014-2018 Strategic Plan* will be accomplished by improving the processing of electronic-based information, and providing information in a variety of services to employees to improve efficiencies, job performance, and achievement of strategic goals.

Rating Official Narrative: *(Optional)*

Critical Element Rating – Results Driven

Level 5

Level 4

Level 3

Level 2

Level 1

Part 6: Summary Rating Narrative :

Part 7: Commissioner's Accomplishment Narrative *(Optional)*

Part 8: Agency Use

Critical Element 5. Results Driven (60%):

Results Sub Element 1: Patent Pendency, Backlog and Timeliness (Weight 30%)

Patent Pendency, Backlog and Timeliness Measures	FY 2018 Targets				FY 2018 Results	
	-2% - 0% Filing Growth	0% - 2% Filing Growth	2% - 4% Filing Growth	4% - 6% Filing Growth		
Patent Corps Backlog Metrics						
Unexamined Inventory*,**	493,500	505,000	516,000	528,000	(b)(6)	
RCE Inventory**	23,000					
Patent Corps Pendency and Timeliness Metrics						
First Action Pendency**	15.4					
Total Pendency**	25.0					
UPR Production Units (PUs)**	620,000					
T1 Pendency (snapshots ≤ 12 months)	98.0%					
RCE Pendency (inventory ≤ 4 months)	72.0%					
Patent Term Adjustment (PTA) Timeframes (14/4/4/4/36)						
Provide at least one notification under 35 U.S.C. 132 within 14 –months from filing under section 111(a) or the commencement of the national stage under section 371	47% of actions and remaining inventory of 125,000 apps > 14 months				(b)(6)	
Respond to a Reply under 35 U.S.C. 132 within 4 months	93% of amendment actions; 96% of remaining amended inventory; 78% of RCE actions and remaining inventory of 7,000 apps > 4 months					
Act on an application within 4 months after the date of a decision by PTAB	96% of actions and 96% of remaining inventory					
Issue a patent within 4 months from payment of the issue fee	98% of issues and 98% of remaining inventory					
No more than 36 month application pendency	80% of issued patents					

*The Unexamined Backlog goal varies with overall filing growth rate (e.g. if the filing growth rate is 0% - 2% for the FY the backlog goal will be TBD).

** Model targets are accurate to +/- 5%; results within 5% of target will be considered to have met target given this uncertainty.

Results Sub Element 2: Patent Quality (Weight 30%)

Management and Support– Quality Metrics for Correctness and Clarity	FY 2018 Targets	FY 2018 Results
FY '18 Corps Quality Metrics: 35 U.S.C 102 Correctness	>95%	(b)(6)
FY '18 Corps Quality Metrics: 35 U.S.C 103 Correctness	>93%	
FY '18 Corps Quality Metrics: 35 U.S.C 112 Correctness	>93%	
FY '18 Corps Quality Metrics: 35 U.S.C 101 Correctness	>97%	

FY '18 Corps Quality Metrics: 35 U.S.C 102 Clarity	>90%	(b)(6)
FY '18 Corps Quality Metrics: 35 U.S.C 103 Clarity	>90%	
FY '18 Corps Quality Metrics: 35 U.S.C 112(b) Clarity	>90%	
FY '18 Corps Quality Metrics: 35 U.S.C 101 Clarity	>90%	
FY '19 Examination Corps Quality Metrics: Correctness and Clarity	Establish targets for FY '19 in Q4 of FY' 18	
Examination Time Analysis (ETA) - <i>Comprehensively study and plan to adjust examination time goals to ensure optimal USPTO performance in patent pendency and quality that is commensurate with stakeholder expectations and user fees.</i>	FY 2018 Targets	FY 2018 Results
Develop initial implementation plan	Develop plan by the end of FY '18, Q1	(b)(6)
Negotiate implementation of the developed plan with the Examiners bargaining unit (POPA)	Complete implementation negotiations by the end of FY '18, Q3	
Implement negotiated plan	Implement negotiated plan by the end of FY '18	
Access to Relevant Prior Art - <i>Explore how to best utilize available electronic resources to provide examiners with information from applicant's other applications filed in the U.S. and internationally as early as possible to increase patent examination quality and efficiency.</i>	FY 2018 Targets	FY 2018 Results
Begin development of Phase 1 of the project	FY '18, Q1	(b)(6)
Develop implementation plan for phases to be implemented in FY '19	FY '18 Q2/Q3/Q4	
Complete implementation of Phase 1 of the project	Complete Phase 1 implementation by the end of FY'18	
Pilot Programs	FY 2018 Targets	FY 2018 Results
Clarity of the Record Pilot Phase 2, Part a	Implement in FY '18, Q1	(b)(6)
Clarity of the Record Pilot Phase 2, Part b	Implement in FY '18, Q2	
Diagnostic Interview Pilot	<u>FY18, Q1</u> – Begin pilot <u>FY18, Q3</u> – Begin data analysis from pilot	
35 U.S.C. 112(f) - <i>Improve the frequency of examiner clarification of the record for § 112(f) issues</i>	FY 2018 Targets	FY 2018 Results
Provide Patent Examining Corps-Wide training	FY '18, Q1	(b)(6)

Notes:

*Quality Metrics results for Correctness have the following sample error: 0.4% (102); 0.4% (103); 0.4% (112); and, 0.3% (101). Quality Metrics results for Clarify have the following sample error: 1.3% (102); 0.8% (103); 1.1% (112(b)); and, 1.4% (101).

**Management and the examiners union began pre-decisional ETA discussions in January 2018. Following these discussions, the Administration issued a set of executive orders that partly covered the scope of union negotiations but

were subsequently changed due to a decision by the district court. Consequently, a new path including pre-decisional engagement with set timeframes was chosen to secure time, routing and PAP changes was determined; the latter half of FY18 was used to develop material needed for this new path.

Results Sub Element 3: Patent Classification Processes, International Cooperation/Engagement and Domestic Outreach (Weight: 20%)

<i>Patent Classification Process Measures</i>	<i>FY 2018 Targets</i>	<i>FY 2018 Results</i>
<i>Cooperative Patent Classification Quality Metrics</i>		
Establish a cooperative convergence metric with at least one partner office	Establish metric by the end of Q4, FY '18	(b)(6)

<i>International Cooperation/Engagement Measures</i>	<i>FY 2018 Targets</i>	<i>FY 2018 Results</i>
Define new functionality for the Global Dossier	Complete by the end of Q4 FY'18	(b)(6)
PCT Collaborative Search and Examination Pilot	<u>Q3 FY'18</u> – Finalize details of pilot <u>Q4 FY'18</u> - Launch pilot among IP5 offices	
Expand outreach with stakeholder groups through cooperative agreements (e.g. FICPI and AIPPI)	Develop at least one cooperative agreement by the end of FY'18	
Define roadmaps on four USPTO - led IDS projects	Complete the process of defining roadmaps by the end of Q3, FY'18	

<i>Domestic Outreach Measures</i>	<i>FY 2018 targets</i>	<i>FY 2018 Results</i>
Independent Inventor Conferences	1	(b)(6)
Outreach Programs to Small Businesses & Entrepreneurs	8-12	
Outreach to Colleges/Universities	10-15	
<u>Independent Inventor and Small Business Initiative</u> - Enhance assistance to independent inventors and small businesses during the prosecution of their applications.	<u>FY'18 Q2</u> - Increase staff to support the examination of pro-se applications and increase assistance to pro-se applicants throughout the entire application process.	

The pro se are unit team considered a number of options for increasing the examination staff of the art unit. It was ultimately determined that expansion via short-term details, rather than immediately adding permanent positions, was the preferred solution. This allowed the team to move forward more quickly because a formal agreement with the examiner's union was not required, allowing more time to analyze inventory trends for pro se applications, and allowing interested examiners to be exposed to the art unit without a long term commitment. The process of gaining approvals for the plan, having informal discussions with the examiner's union, developing the detail vacancy announcement and receiving approval from the Patents Detail Council, posting the vacancy announcement, and making selections, meant that the increased staff of detailed examiners was in place in the second biweek of Q3.

<i>Internal Engagement Initiatives</i>	<i>FY 2018 targets</i>	<i>FY 2018 Results</i>
Patent Employee Town Hall Initiative 2.0	Hold 40 town hall sessions	(b)(6)

Sub Element 4: Patent Legal Administration, Office of Petitions and Patent Administration (Weight: 20%)

<i>Patent Legal Administration Measures</i>		
	<i>FY 2018 Targets</i>	<i>FY 2018 Results</i>
% of Clear and Timely Guidance and Memos Completed	75-85%	(b)(6)
% of Clear and Timely Rulemaking and Notices Published	75-85%	
% of Timely Implementation of Legislative Changes and Case Law Developments	75-85%	

<i>Office of Petitions Measures</i>		
	<i>FY 2018 Targets</i>	<i>FY 2018 Results</i>
% of Timely Petition Decisions ¹⁾	75-85%	(b)(6)
% of Timely Track 1 Petition Decisions ²⁾	75-85%	
% of Timely PPH Petitions ³⁾	75-85%	

1) Petitions processed in less than five months from the filing date.

2) Track 1 petitions processed in less than 45 days:

a. The timeliness of a Track 1 request decision is based upon its status 17/20 date (prior to this date, the Track 1 request cannot be decided).

3) PPH petitions processed in less than 90 days.

<i>Patent Administration Measures</i>		
<i>Patents-End-to-End (PE2E) Transition</i>	<i>FY 2018 targets</i>	<i>FY 2018 Results</i>
Implement IT components of PE2E in Operations (Official Correspondence (OC))	FY '18 Complete OC deployment and training to TCs and other business units	(b)(6)
Implement IT components of PE2E in Operations (Search)	FY '18 Begin Search deployment and training to Technology Centers and Patents staff	

Deriving the Results Driven Rating Worksheet

Commissioner Name **Andrew H. Hirshfeld** Rating Period **FY 2018**

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 <i>(Patent Pendency, Backlog and Timeliness)</i>	(b)(6)	30%	(b)(6)	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 2 <i>(Patent Quality)</i>		30%			
Performance Requirement 3 <i>(Patent Classification Processes, International Cooperation/Engagement and Domestic Outreach)</i>		20%			
Performance Requirement 4 <i>(Patent Legal Administration, Office of Petitions and Patent Administration)</i>		20%			
		= 100%			
Performance Requirement Total Score				(b)(6)	

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
Performance Requirement 1	4	x 30	120	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 2	5	x 30	150		
Performance Requirement 3	5	x 20	100		
Performance Requirement 4	3	x 20	60		
		= 100%			
Performance Requirement Total Score				430 = 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.**

Critical Element 1: Leading Change (10%):

(b)(6)



Examination Time Analysis (ETA)

(b)(6)



Time and Attendance

(b)(6)

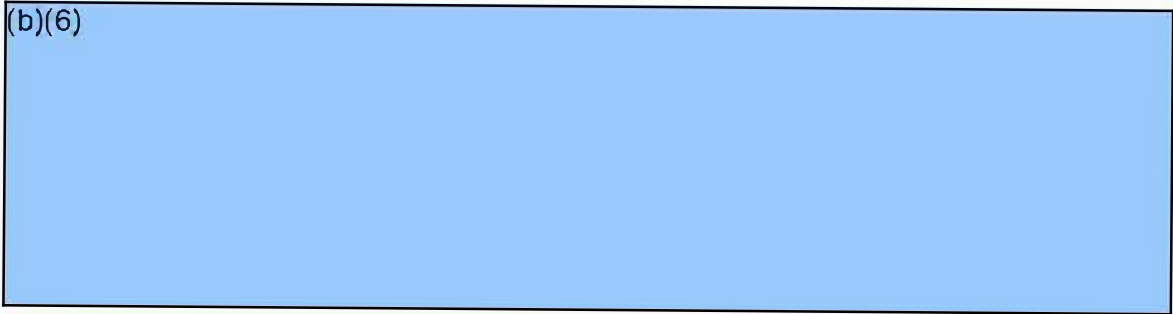


SPE Interest Program

(b)(6)

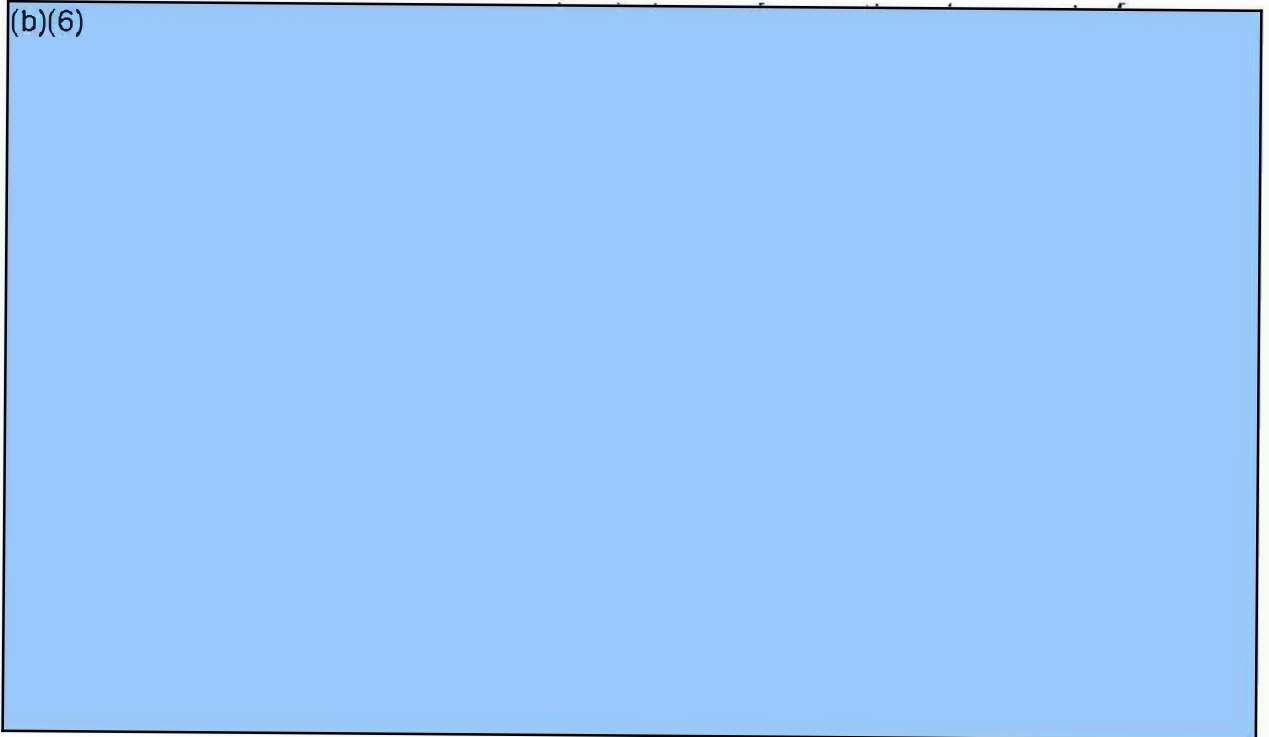


(b)(6)

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Workforce Effects of Information Technology (IT) Improvements

(b)(6)

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Subject Matter Eligibility:

(b)(6)

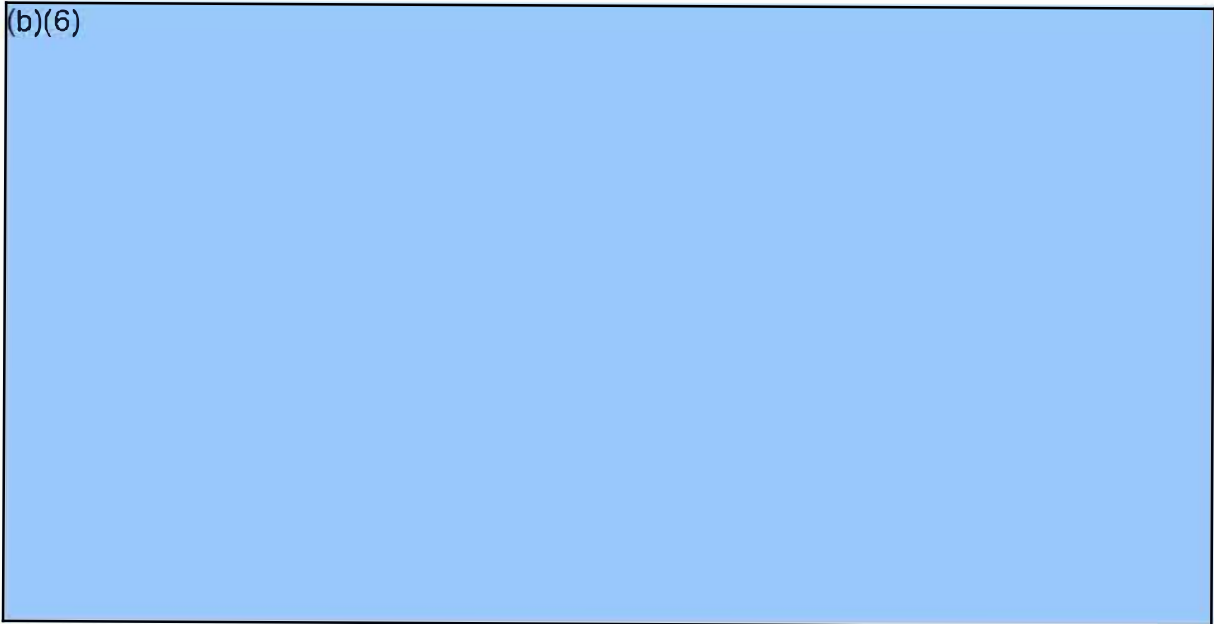
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Cooperative Patent Classification (CPC) Project:

(b)(6)

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(b)(6)



Office of International Patent Cooperation:

(b)(6)



Patents-End-To-End (PE2E) and Patent IT initiatives:

(b)(6)



Financial Advisory Board (FAB):

(b)(6)



Office of Patent Examination Support Services (OPSS):

(b)(6)

Training:

(b)(6)

Sets Strategic Direction to address Goals:

(b)(6)

Other:

(b)(6)

Critical Element 2: Leading People (10%):

(b)(6)

(b)(6)

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Human Capital, employee engagement:

(b)(6)

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SPE Interest Program

(b)(6)

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Cooperative Patent Classification (CPC) Project:

(b)(6)

PE2E (Office of Patent Information Management):

(b)(6)

Workforce Effects of Information Technology (IT) Improvements

(b)(6)

Personnel:

(b)(6)

Training:

(b)(6)

Federal Employee Viewpoint Survey (EVS):

(b)(6)

Time and Attendance

(b)(6)

Other:

(b)(6)

Critical Element 3: Business Acumen (10%):

(b)(6)

Budget & Performance Metrics (Office of Patent Financial Management)

(b)(6)

(b)(6)

Patents Telework Program:

(b)(6)

Time and Attendance

(b)(6)

Patents Hiring:

(b)(6)

Cooperative Patent Classification (CPC) Project:

(b)(6)

Subject Matter Eligibility:

(b)(6)

(b)(6)

Pro se Assistance

(b)(6)

Other:

(b)(6)

Critical Element 4. Building Coalitions (10%):

(b)(6)

Collaborating within USPTO:

(b)(6)

(b)(6)

Outreach to under-represented user groups (Office of Innovation Development):

(b)(6)

Cooperative Patent Classification (CPC) Project:

(b)(6)

Public presentations, representation activities:

(b)(6)

(b)(6)

Critical Element 5. Results Driven (60%):

Results Sub Element 1: Patent Pendency, Backlog and Timeliness (Weight 30%)

<i>Patent Pendency, Backlog and Timeliness Measures</i>	<i>FY 2018 Targets</i>				<i>MY 2018 Results</i>	
	<i>-2% - 0% Filing Growth</i>	<i>0% - 2% Filing Growth</i>	<i>2% - 4% Filing Growth</i>	<i>4% - 6% Filing Growth</i>		
Patent Corps Backlog Metrics						
Unexamined Inventory* **	493,500	505,000	516,000	528,000	(b)(6)	
RCE Inventory**	23,000					
Patent Corps Pendency and Timeliness Metrics						
First Action Pendency**	15.4					
Total Pendency**	25.0					
UPR Production Units (PUs)**	620,000					
T1 Pendency (snapshots ≤ 12 months)	98.0%					
RCE Pendency (inventory ≤ 4 months)	72.0%					
Patent Term Adjustment (PTA) Timeframes (14/4/4/4/36)						
Provide at least one notification under 35 U.S.C. 132 within 14 –months from	47% of actions and remaining inventory of 125,000 apps > 14 months					(b)(6)

filing under section 111(a) or the commencement of the national stage under section 371		(b)(6)
Respond to a Reply under 35 U.S.C. 132 within 4 months	93% of amendment actions; 96% of remaining amended inventory; 78% of RCE actions and remaining inventory of 7,000 apps > 4 months	
Act on an application within 4 months after the date of a decision by PTAB	96% of actions and 96% of remaining inventory	
Issue a patent within 4 months from payment of the issue fee	98% of issues and 98% of remaining inventory	
No more than 36 month application pendency	80% of issued patents	

*The Unexamined Backlog goal varies with overall filing growth rate (e.g. if the filing growth rate is 0% - 2% for the FY the backlog goal will be TBD).

** Model targets are accurate to +/- 5%; results within 5% of target will be considered to have met target given this uncertainty.

Results Sub Element 2: Patent Quality (Weight 30%)

Management and Support – Quality Metrics for Correctness and Clarity	FY 2018 Targets	MY 2018 Results
FY '18 Corps Quality Metrics: 35 U.S.C 102 Correctness	>95%	(b)(6)
FY '18 Corps Quality Metrics: 35 U.S.C 103 Correctness	>93%	
FY '18 Corps Quality Metrics: 35 U.S.C 112 Correctness	>93%	
FY '18 Corps Quality Metrics: 35 U.S.C 101 Correctness	>97%	
FY '18 Corps Quality Metrics: 35 U.S.C 102 Clarity	>90%	
FY '18 Corps Quality Metrics: 35 U.S.C 103 Clarity	>90%	
FY '18 Corps Quality Metrics: 35 U.S.C 112(b) Clarity	>90%	
FY '18 Corps Quality Metrics: 35 U.S.C 101 Clarity	>90%	
FY '19 Examination Corps Quality Metrics: Correctness and Clarity	Establish targets for FY '19 in Q4 of FY' 18	
Examination Time Analysis (ETA) - <i>Comprehensively study and plan to adjust examination time goals to ensure optimal USPTO performance in patent pendency and quality that is commensurate with stakeholder expectations and user fees.</i>	FY 2018 Targets	MY 2018 Results
Develop initial implementation plan	Develop plan by the end of FY '18, Q1	(b)(6)
Negotiate implementation of the developed plan with the Examiners bargaining unit (POPA)	Complete implementation negotiations by the end of FY'18, Q3	
Implement negotiated plan	Implement negotiated plan by the end of FY '18	
Access to Relevant Prior Art - <i>Explore how to best utilize available electronic resources to provide examiners with information from applicant's other applications filed in the U.S. and internationally as early as possible to increase patent examination quality and efficiency.</i>	FY 2018 Targets	MY 2018 Results
Begin development of Phase 1 of the project	FY'18, Q1	(b)(6)

Develop implementation plan for phases to be implemented in FY '19	FY'18 Q2/Q3/Q4	On Track
Complete implementation of Phase 1 of the project	Complete Phase 1 implementation by the end of FY'18	(b)(6)
Pilot Programs	FY 2018 Targets	MY 2018 Results
Clarity of the Record Pilot Phase 2, Part a	Implement in FY '18, Q1	(b)(6)
Clarity of the Record Pilot Phase 2, Part b	Implement in FY '18, Q2	
Diagnostic Interview Pilot	FY18, Q1 – Begin pilot FY18, Q3 – Begin data analysis from pilot	
35 U.S.C. 112(f) - Improve the frequency of examiner clarification of the record for § 112(f) issues	FY 2018 Targets	MY 2018 Results
Provide Patent Examining Corps-Wide training	FY '18, Q1	(b)(6)

*Quality Metrics results for Correctness and Clarify are accurate to a level of +/- 1.0%

Results Sub Element 3: Patent Classification Processes, International Cooperation/Engagement and Domestic Outreach (Weight: 20%)

Patent Classification Process Measures	FY 2018 Targets	MY 2018 Results
Cooperative Patent Classification Quality Metrics		
Establish a cooperative convergence metric with at least one partner office	Establish metric by the end of Q4, FY '18	(b)(6)

International Cooperation/Engagement Measures	FY 2018 Targets	MY 2018 Results
Define new functionality for the Global Dossier	Complete by the end of Q4 FY'18	(b)(6)
PCT Collaborative Search and Examination Pilot	Q3 FY '18 – Finalize details of pilot Q4 FY '18 - Launch pilot among IPS offices	(b)(6)
Expand outreach with stakeholder groups through cooperative agreements (e.g. FICPI and AIPPI)	Develop at least one cooperative agreement by the end of FY '18	
Define roadmaps on four USPTO - led IDS projects	Complete the process of defining roadmaps by the end of Q3, FY '18	

		(b)(6)
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<i>Domestic Outreach Measures</i>	<i>FY 2018 targets</i>	<i>MY 2018 Results</i>
Independent Inventor Conferences	1	(b)(6)
Outreach Programs to Small Businesses & Entrepreneurs	8-12	
Outreach to Colleges/Universities	10-15	
<u>Independent Inventor and Small Business Initiative</u> - Enhance assistance to independent inventors and small businesses during the prosecution of their applications.	FY '18 Q2- Increase staff to support the examination of pro-se applications and increase assistance to pro se applicants throughout the entire application process.	

<i>Internal Engagement Initiatives</i>	<i>FY 2018 targets</i>	<i>MY 2018 Results</i>
Patent Employee Town Hall Initiative 2.0	Hold 40 town hall sessions	(b)(6)

Sub Element 4: Patent Legal Administration, Office of Petitions and Patent Administration (Weight: 20%)

<i>Patent Legal Administration Measures</i>		
	<i>FY 2018 Targets</i>	<i>MY 2018 Results</i>
% of Clear and Timely Guidance and Memos Completed	75-85%	(b)(6)
% of Clear and Timely Rulemaking and Notices Published	75-85%	
% of Timely Implementation of Legislative Changes and Case Law Developments	75-85%	

<i>Office of Petitions Measures</i>		
	<i>FY 2018 Targets</i>	<i>MY 2018 Results</i>
% of Timely Petition Decisions ¹⁾	75-85%	(b)(6)
% of Timely Track 1 Petition Decisions ²⁾	75-85%	
% of Timely PPH Petitions ³⁾	75-85%	

- 1) Petitions processed in less than five months from the filing date.
- 2) Track 1 petitions processed in less than 45 days:
 - a. The timeliness of a Track 1 request decision is based upon its status 17/20 date (prior to this date, the Track 1 request cannot be decided).
- 3) PPH petitions processed in less than 90 days.

<i>Patent Administration Measures</i>		
<i>Patents-End-to-End (PE2E) Transition</i>	<i>FY 2018 targets</i>	<i>MY 2018 Results</i>
Implement IT components of PE2E in Operations (Official Correspondence (OC))	FY '18 Complete OC deployment and training to TCs and other business units	(b)(6)

Implement IT components of PE2E in Operations (Search)	FY '18 Begin Search deployment and training to Technology Centers and Patents staff	(b)(6)



Commissioner for Patents Performance Agreement

Part 1. Consultation. *I have reviewed this plan and have been consulted on its development.*

Commissioner's Name (Last, First, MI): Hirshfeld, Andrew H.	Appraisal Pd. FY 2019
Commissioner's Signature: (b)(6)	Date: 9/28/18
Title: Commissioner for Patents	Organization: USPTO
Rating Official's Name (Last, First, MI): Iancu, Andrei	
Rating Official's Signature: (b)(6)	Date: 10/1/18

Part 2. Progress Review

Commissioner's Signature:	Date:
Rating Official's Signature:	Date:

Part 3. Annual Summary Rating

Annual Summary Rating	<input type="checkbox"/> Level 5 Outstanding	<input type="checkbox"/> Level 4 Commendable	<input type="checkbox"/> Level 3 Fully Successful	<input type="checkbox"/> Level 2 Minimally Satisfactory	<input type="checkbox"/> Level 1 Unsatisfactory
Commissioner's Signature:					Date:
Rating Official's Signature:					Date:

Part 4. Derivation Formula and Calculation of Annual Summary Rating

Critical Element (CE)	Element Rating		Weight	Score		Summary Level Ranges
	Initial	Final (if changed)		Initial	Final (if changed)	
1. Leading Change			10%			475-500 = Level 5 400-474 = Level 4 300-399 = Level 3 200-299 = Level 2 Any CE rated Level 1 = Level 1
2. Leading People			10%			
3. Business Acumen			10%			
4. Building Coalitions			10%			
5. Results Driven			60%			
Total			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.

Element Rating Level Points	<p>Level 5 = 5 points Level 4 = 4 points Level 3 = 3 points Level 2 = 2 points Level 1 = 0 points</p>
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Critical Element 1. Leading Change	Weight 10%
<p>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.</p>	
<p>Agency-Specific Performance Requirements</p> <p>Exhibits 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:</p> <ul style="list-style-type: none"> • 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; • 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; • Supports the Administration's goals of increasing jobs and growing the economy by ensuring the consistency and reliability of issued patents which have clear boundaries of protection; • Exhibits vision and strategic thinking to address concerns that cross organizational boundaries and to meet the long-term interests of the Department; • Uses creativity and innovation, and encourages new ideas and unconventional approaches in response to evolving conditions; • Monitors effectiveness of Patents' production systems for future improvements; • Puts procedures in place to analyze examination processes and explore prosecution efficiencies; • Oversees Patents' telework and any expansion of the it's telework programs; ensures any necessary coordination and agreement with the appropriate union from a bargaining unit employee aspect; • Continues to strengthen time and attendance controls for employees; • Supports the continued deployment of Patents-End-to-End (PE2E) tools to all appropriate employees within the Patents Business Unit; • Completes the transition, including training, within the Patents Business Unit, to the Official Correspondence (OC) tool; • Oversees the development and implementation of all quality related programs and initiatives developed within the Patents Business Unit; • Ensures continued improvement in employee training within the Patents Business Unit; • Ensures that employee workloads are monitored and takes steps to ensure that workloads are appropriate; • Supports the USPTO's effort to comprehensively study and plan to adjust examination time goals, as appropriate, to ensure optimal USPTO performance in patent pendency and quality that is commensurate with stakeholder expectations and user fees; • Supports the Administration's Regulatory Reform efforts by supporting the elimination of unnecessary, ineffective, and burdensome rules and regulations within the Patents Business Unit; and, • Supports and provides guidance regarding the implementation of a revised process for routing utility patent applications in light of the transition from U.S. classification (USPC) to the Cooperative Patent Classification System (CPC). 	
<p>Rating Official Narrative: <i>(Optional)</i></p>	
<p><i>Critical Element Rating – Leading Change</i></p>	<p><input type="checkbox"/> Level 5 <input type="checkbox"/> Level 4 <input type="checkbox"/> Level 3 <input type="checkbox"/> Level 2 <input type="checkbox"/> Level 1</p>

<p>Critical Element 2. Leading People</p>	<p>Weight 10%</p>
<p>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.</p>	
<p>Agency-Specific Performance Requirements</p>	
<p>Builds and manages an appropriately skilled workforce by:</p> <ul style="list-style-type: none"> • Supporting the enhancement of the Workforce Management Alliance and Patents Workforce Management Advisors; • Ensuring surveys (including Federal Employee Viewpoint Survey and the USPTO People Survey) and other instruments are in place to monitor and develop plans to provide a work environment that optimizes performance and increases job satisfaction; • Embracing equal opportunity principles; • Fostering a diverse and inclusive environment characterized by cultural sensitivity and respect for divergent employee backgrounds; • Promptly and appropriately addressing allegations of harassment or discrimination; • Overseeing the recruitment, selection, appraisal and recognition of employees based on individual performance; • Supporting Agency efforts to train employees on equal opportunity principles; • Identifying talent gaps and providing training and developmental opportunities, coaching and counseling to employees to strengthen performance or address concerns; • Ensuring that managers are appropriately trained; • Continuing to strengthen time and attendance controls for employees; • Encouraging employees to develop new and better ways of performing tasks; • Ensuring that clear and consistent legal and procedural positions are taken on behalf of the Agency by the Patents Business Unit; • Supporting a culture of transparency, communication and collaboration in the Patents Business Unit; and • Ensuring that employees are efficiently working on mission-critical tasks; • Retaining a highly skilled workforce; • Rewarding the most productive employees; • Ensuring that employees are appropriately recognized; • Leading, developing, and implementing actions to improve employee engagement within the Patents Business Unit based on employee feedback gathered from sources including the USPTO People Survey, Federal Employee Viewpoint Survey, focus groups and other initiatives; • Adhering to legal requirements established in 5 U.S.C. Section 2302(b)(8) Whistleblower Retaliation and 5 U.S. Code § 2302 - Prohibited Personnel Practices; and, • 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. 	
<p>Rating Official Narrative: <i>(Optional)</i></p>	
<p>Critical Element Rating – Leading People</p>	<p> <input type="checkbox"/> Level 5 <input type="checkbox"/> Level 4 <input type="checkbox"/> Level 3 <input type="checkbox"/> Level 2 <input type="checkbox"/> Level 1 </p>

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					
<ul style="list-style-type: none"> • Supports Hiring Reform efforts of improving the recruitment and hiring process to acquire highly qualified employees, reducing hiring time, and supporting new hires successful transition into the Federal Service; • Assesses current and future staffing needs on a regular basis; • Implements the Business Unit's Human Capital Strategic Plans that include recruitment strategies that support organizational objectives; • Demonstrates sound management of human, financial and technological resources in order to achieve established priorities, goals, and objectives. In doing so, manages program performance throughout the year to maximize operational efficiency and effectiveness within established budgetary resources; ensures overtime is effectively distributed and usage monitored; builds and manages an appropriately skilled and diverse workforce based on organizational goals, budget considerations, and staffing needs; and engages in succession planning as needed for long-term organizational effectiveness; • 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; ensures required property accountability processes are in place and ensures appropriate training of employees to avoid cyber-security threats; • Ensure that reliable, state of the art IT systems are in place in order to meet the needs of employees and stakeholders and to support the Agency's mission; • Support the rollout and training of a new search tool to employees; • 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; • 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; • Strengthens the USPTO's telework program and assesses and improves controls as needed to best manage employees and focuses on the implementation of any new actions and guidance as may be necessary; • Ensures that user fees are appropriately set and utilized; • Develop an implementation plan to best utilize available electronic resources to provide examiners with information to facilitate patent examination quality and efficiency. 					
Rating Official Narrative: <i>(Optional)</i>					
Critical Element Rating – Business Acumen	<input type="checkbox"/> Level 5	<input type="checkbox"/> Level 4	<input type="checkbox"/> Level 3	<input type="checkbox"/> Level 2	<input type="checkbox"/> Level 1

Critical Element 4. Building Coalitions	Weight 10%
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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**
- Assures that each Business Unit participates in the formulation of clear, concise, and effective communication strategies;
 - Demonstrates a high degree of responsiveness to the full range of stakeholders, 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;
 - 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;
 - Seeks to identify stakeholder needs and expectations, responds to identified concerns promptly, professionally and fairly, and improves business and management processes based on customer and employee feedback;
 - Improves access to the patent process for small businesses and independent inventors and ensures that assistance is provided to small businesses and independent inventors on understanding how to obtain and enforce Patent rights;
 - Provides dedicated examination resources to *pro se* applicants;
 - Solicits employee feedback on direction received, opportunities provided, and recognition given, as inputs for improving how employees are led and motivated;
 - Collaborates with stakeholders on specific Patent-related initiatives;
 - Ensures that messages to stakeholders are clear and consistent and coordinated within and across business units;
 - Works with internal and external stakeholders in the development and implementation of quality improvement programs;
 - Ensures appropriate investigation and resolution of labor issues raised with Patents management;
 - 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 complementary missions, and within the USPTO;
 - Promotes intra-agency cooperation by ensuring that all Senior Executives (SES) within the Patents organization incorporate specific measurable teaming/collaboration tasks in the development of their individual results sub-elements;
 - Supports a transparent and collaborative work environment;
 - Puts systems in place to ensure coordination within and among business units so as to ensure that information is being shared; and,
 - Encourages enhanced communication within and across Business Units.

Rating Official Narrative: *(Optional)*

Critical Element Rating – Building Coalitions	<input type="checkbox"/> Level 5	<input type="checkbox"/> Level 4	<input type="checkbox"/> Level 3	<input type="checkbox"/> Level 2	<input type="checkbox"/> Level 1
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<p>Critical Element 5. Results Driven</p>	<p>Weight 60%</p>		
<p>Agency Goals/Objectives for current FY: Must have at least 1 result (may have up to 4)</p> <p>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 for each result specified.</p> <p>Individual and organizational performance requirements expected to support USPTO strategic initiatives. The executive is accountable for up to four sub-elements aligned/linked to the USPTO'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 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 provides appropriate support for their achievement. Sub-elements may be weighed 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. <i>[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.]</i></p> <p>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.</p> <table border="1" data-bbox="66 993 1567 1953"> <tr> <td data-bbox="66 993 1036 1953"> <p>Sub Element/Performance Requirement 1: Patent Pendency, Backlog and Timeliness [Weight: 30%]</p> <p>Develop an effective and efficient business planning strategy and performance measurement system to contribute to the achievement of goals, objectives and targets based on requirements in the President's FY 2019 Budget.</p> <p>As a fee-funded agency, the USPTO relies on user fee collections to fund operations. The USPTO considers a number of economic factors and relevant indicators when forecasting its workloads. While many of these defining indicators point toward renewed economic expansion, uncertainty still remains regarding the current and near future prospects for growth. This uncertainty could affect anticipated USPTO workloads and fee collections which in turn could impact the USPTO's long-term goals, objectives and targets, and therefore simultaneously affect any interim results.</p> <p>Success of these objectives will be determined by the specific performance measures laid out in the attached document and will be measured based on overall performance taking into account the totality of all the measures in the attached document. Meeting or exceeding the targets set forth in the attached document represents a level of outstanding performance.</p> </td> <td data-bbox="1036 993 1567 1953"> <p>Strategic Alignment: Strategic Alignment: Strategic Goal 1 /Objective Alignment 1-2</p> <p>Goal 1, Objectives 1 and 2 of the <i>USPTO 2014-2018 Strategic Plan</i> will be accomplished when patent pendency is optimized, allowing a final action on the merits within one year of filing for any applicant who requests it, with overall patent pendency time reduced to 10 months for a first office action and 20 months total pendency. This is a long-term, multi-year goal to be achieved over the next several years.</p> </td> </tr> </table>		<p>Sub Element/Performance Requirement 1: Patent Pendency, Backlog and Timeliness [Weight: 30%]</p> <p>Develop an effective and efficient business planning strategy and performance measurement system to contribute to the achievement of goals, objectives and targets based on requirements in the President's FY 2019 Budget.</p> <p>As a fee-funded agency, the USPTO relies on user fee collections to fund operations. The USPTO considers a number of economic factors and relevant indicators when forecasting its workloads. While many of these defining indicators point toward renewed economic expansion, uncertainty still remains regarding the current and near future prospects for growth. 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<p>Sub Element/Performance Requirement 2: Patent Quality [Weight: 30%] High-quality patents, i.e. patents that are correctly issued in compliance with all the requirements of Title 35 as well as the relevant case law at the time of issuance, fuel innovation and reduce needless litigation by providing an unambiguous notice of rights through clear claim boundaries, clear specifications, and clear prosecution histories. To ensure we continue to issue high-quality patents, the USPTO is continuing its efforts to address patent quality.</p> <p>The Patent business unit is committed to educational leadership, excellence, and quality in our products and services by (1) providing comprehensive training programs in innovative and progressive environments to employees of the Patent business unit and, (2) providing education and training in coordination with our partners in the Patent community.</p> <p>As a fee-funded agency, the USPTO relies on user fee collections to fund operations. The USPTO considers a number of economic factors and relevant indicators when forecasting its workloads. While many of these defining indicators point toward renewed economic expansion, considerable uncertainty still remains regarding the current and near future prospects for growth. This uncertainty could affect anticipated USPTO workloads and fee collections which in turn could significantly impact the USPTO's long-term goals, objectives and targets, and therefore simultaneously affect any interim results.</p> <p>Success of these objectives will be determined by the specific performance measures laid out in the attached document and will be measured based on overall performance taking into account the totality of all the measures in the attached document. Meeting or exceeding the targets set forth in the attached document represents a level of outstanding performance.</p>	<p>Strategic Alignment: Strategic Alignment: Strategic Goal 1 /Objective Alignment 4</p> <p>Goal I, Objective 4 of the <i>USPTO 2014-2018 Strategic Plan</i> will be accomplished when issued patents are of higher quality, claim clarity is improved, and the stakeholder community has a clear understanding of the meaning of a "quality" patent.</p>
<p>Performance Requirement 3: Patent Classification Processes, International Cooperation/Engagement and Domestic Outreach [Weight: 20%] Improve on the existing classification system with a set of information services and information processes to contribute to the achievement of goals, objectives and targets based on requirements in the President's FY 2019 Budget.</p> <p>Develop and strengthen outreach and partnerships with international IP communities especially as it relates to Cooperative Patent Classification (CPC).</p> <p>Develop and strengthen outreach and partnerships with domestic partners and stakeholders such as, independent inventors, entrepreneurs, small business, and colleges and universities.</p> <p>As a fee-funded agency, the USPTO relies on user fee collections to fund operations. The USPTO considers a number of economic factors and relevant indicators when forecasting its workloads. While many of these defining indicators point toward renewed economic expansion, considerable uncertainty still remains regarding the current and near future prospects for growth. This uncertainty could affect anticipated USPTO workloads and fee collections which in turn could significantly impact the USPTO's long-term goals, objectives and targets, and therefore simultaneously affect any interim results.</p>	<p>Strategic Alignment: Strategic Alignment: Strategic Goal 1 /Objective Alignment 3,6</p> <p>Goal I, Objective 3 of the <i>USPTO 2014-2018 Strategic Plan</i> will be accomplished by increasing international cooperation and work sharing, fully implementing CPC, maximizing the use of PPH, and implementing the Global Dossier to improve examiner and external stakeholder access to work products of other IP offices.</p> <p>Goal I, Objective 6 of the <i>USPTO 2014-2018 Strategic Plan</i> will be accomplished by focusing on improving and enhancing stakeholder and public outreach and increasing awareness and transparency of patent information, and patent application and ownership information.</p>

Success of these objectives will be determined by the specific performance measures laid out in the attached document and will be measured based on overall performance taking into account the totality of all the measures in the attached document. Meeting or exceeding the targets set forth in the attached document represents a level of outstanding performance.

Performance Requirement 4: Patent Legal Administration, Office of Petitions and Patent Administration [Weight: 20%]

Develop an effective and efficient planning strategy and performance measurement system for the office of the Deputy Commissioner for Patent Examination Policy including the areas of the Office of Patent Legal Administration (OPLA) and the Office of Petitions to contribute to the achievement of goals, objectives and targets based on requirements in the President's FY 2019 Budget.

Develop an effective and efficient business planning strategy and performance measurement system for the Office of the Deputy Commissioner for Patent Administration to contribute to the achievement of goals, objectives and targets based on requirements in the President's FY 2018 Budget.

As a fee-funded agency, the USPTO relies on user fee collections to fund operations. The USPTO considers a number of economic factors and relevant indicators when forecasting its workloads. While many of these defining indicators point toward renewed economic expansion, considerable uncertainty still remains regarding the current and near future prospects for growth. This uncertainty could affect anticipated USPTO workloads and fee collections which in turn could significantly impact the USPTO's long-term goals, objectives and targets, and therefore simultaneously affect any interim results.

Success of these objectives will be determined by the specific performance measures laid out in the attached document and will be measured based on overall performance taking into account the totality of all the measures in the attached document. Meeting or exceeding the targets set forth in the attached document represents a level of outstanding performance.

Strategic Alignment: Strategic Goal 1 /Objective Alignments 1, 2, 4, 5

Goal 1, Objectives 1 and 2 of the *USPTO 2014-2018 Strategic Plan* will be accomplished when patent pendency is optimized, allowing a final action on the merits within one year of filing for any applicant who requests it, with overall patent pendency time reduced to 10 months for a first office action and 20 months total pendency. This is a long-term, multi-year goal to be achieved over the next several years.

Goal 1, Objective 4 of the *USPTO 2014-2018 Strategic Plan* will be accomplished when issued patents are of higher quality, claim clarity is improved, and the stakeholder community has a clear understanding of the meaning of a "quality" patent

Goal 1, Objective 5 of the *USPTO 2014-2018 Strategic Plan* will be accomplished by improving the processing of electronic-based information, and providing information in a variety of services to employees to improve efficiencies, job performance , and achievement of strategic goals.

Rating Official Narrative: *(Optional)*

Critical Element Rating – Results Driven

Level 5

Level 4

Level 3

Level 2

Level 1

Deriving the Results Driven Rating Worksheet

Commissioner Name **Andrew H. Hirshfeld** Rating Period **FY 2019**

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 <i>(Patent Pendency, Backlog and Timeliness)</i>		30%		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 2 <i>(Patent Quality)</i>		30%			
Performance Requirement 3 <i>(Patent Classification Processes, International Cooperation/Engagement and Domestic Outreach)</i>		20%			
Performance Requirement 4 <i>(Patent Legal Administration, Office of Petitions and Patent Administration)</i>		20%			
		= 100%			
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
Performance Requirement 1	4	x 30	120	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 2	5	x 30	150		
Performance Requirement 3	5	x 20	100		
Performance Requirement 4	3	x 20	60		
		= 100%			
Performance Requirement Total Score			430	430 = 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.**

Critical Element 5. Results Driven (Total Weight 60%)

Results Sub Element 1: Patent Pendency, Backlog and Timeliness (Weight 30%)

<i>Patent Pendency, Backlog and Timeliness Measures</i>	<i>FY 2019 Targets</i>				<i>FY 2019 Results</i>
	<i>-2% - 0% Filing Growth</i>	<i>0% - 2% Filing Growth</i>	<i>2% - 4% Filing Growth</i>	<i>4% - 6% Filing Growth</i>	
<i>Patent Corps Backlog Metrics</i>					
Unexamined Inventory***	TBD	TBD	TBD	TBD	
RCE Inventory**	TBD				
<i>Patent Corps Pendency and Timeliness Metrics</i>					
First Action Pendency**	TBD				
Total Pendency**	TBD				
UPR Production Units (PUs)**	TBD				
T1 Pendency (snapshots ≤ 12 months)	TBD				
RCE Pendency (inventory ≤ 4 months)	TBD				
<i>Patent Term Adjustment (PTA) Timeframes (14/4/4/4/36)</i>					
Provide at least one notification under 35 U.S.C. 132 within 14-months from filing under section 111(a) or the commencement of the national stage under section 371	TBD				
Respond to a Reply under 35 U.S.C. 132 within 4 months	TBD				
Act on an application within 4 months after the date of a decision by PTAB	TBD				
Issue a patent within 4 months from payment of the issue fee	TBD				
No more than 36 month application pendency	TBD				

*The Unexamined Backlog goal varies with overall filing growth rate (e.g. if the filing growth rate is 0% - 2% for the FY the backlog goal will be TBD).

** Model targets are accurate to +/- 5%; results within 5% of target will be considered to have met target given this uncertainty.

Results Sub Element 2: Patent Quality (Weight 30%)

<i>Management and Support– Quality Metrics for Correctness and Clarity</i>	<i>FY 2019 Targets</i>	<i>FY 2019 Results</i>
FY '18 Corps Quality Metrics: 35 U.S.C 102 Correctness	TBD	
FY '18 Corps Quality Metrics: 35 U.S.C 103 Correctness	TBD	
FY '18 Corps Quality Metrics: 35 U.S.C 112 Correctness	TBD	
FY '18 Corps Quality Metrics: 35 U.S.C 101 Correctness	TBD	
FY '18 Corps Quality Metrics: 35 U.S.C 102 Clarity	TBD	
FY '18 Corps Quality Metrics: 35 U.S.C 103 Clarity	TBD	
FY '18 Corps Quality Metrics: 35 U.S.C 112(b) Clarity	TBD	
FY '18 Corps Quality Metrics: 35 U.S.C 101 Clarity	TBD	

FY '20 Examination Corps Quality Metrics: Correctness and Clarity	Establish targets for FY '20 in Q4 of FY' 19	
Examination Time Analysis (ETA) - Comprehensively study and plan to adjust examination time goals to ensure optimal USPTO performance in patent pendency and quality that is commensurate with stakeholder expectations and user fees.	FY 2019 Targets	FY 2019 Results
TBD	TBD	
TBD	TBD	
TBD	TBD	
Access to Relevant Prior Art - Explore how to best utilize available electronic resources to provide examiners with information from applicant's other applications filed in the U.S. and internationally as early as possible to increase patent examination quality and efficiency.	FY 2019 Targets	FY 2019 Results
TBD	TBD	
TBD	TBD	
TBD	TBD	
Pilot Programs	FY 2019 Targets	FY 2019 Results
TBD	TBD	
TBD	TBD	
TBD	TBD	
35 U.S.C. 112(f) - Improve the frequency of examiner clarification of the record for § 112(f) issues	FY 2019 Targets	FY 2019 Results
TBD	TBD	

Results Sub Element 3: Patent Classification Processes, International Cooperation/Engagement and Domestic Outreach (Weight: 20%)

Patent Classification Process Measures	FY 2019 Targets	FY 2019 Results
Cooperative Patent Classification Quality Metrics		
TBD	TBD	

International Cooperation/Engagement Measures	FY 2019 Targets	FY 2019 Results
TBD	TBD	
TBD	TBD	
TBD	TBD	
TBD	TBD	

Domestic Outreach Measures	FY 2019 targets	FY 2019 Results
TBD	TBD	
TBD	TBD	
TBD	TBD	
TBD	TBD	

Internal Engagement Initiatives	FY 2019 targets	FY 2019 Results
TBD	TBD	

Sub Element 4: Patent Legal Administration, Office of Petitions and Patent Administration (Weight: 20%)

Patent Legal Administration Measures		
	FY 2019 Targets	FY 2019 Results
% of Clear and Timely Guidance and Memos Completed	75-85%	
% of Clear and Timely Rulemaking and Notices Published	75-85%	
% of Timely Implementation of Legislative Changes and Case Law Developments	75-85%	

Office of Petitions Measures

	<i>FY 2019 Targets</i>	<i>FY 2019 Results</i>
% of Timely Petition Decisions ¹⁾	TBD	
% of Timely Track 1 Petition Decisions ²⁾	TBD	
% of Timely PPH Petitions ³⁾	TBD	

- 1) Petitions processed in less than five months from the filing date.
- 2) Track 1 petitions processed in less than 45 days:
 - a. The timeliness of a Track 1 request decision is based upon its status 17/20 date (prior to this date, the Track 1 request cannot be decided).
- 3) PPH petitions processed in less than 90 days.

<i>Patent Administration Measures</i>		
<i>Patents-End-to-End (PE2E) Transition</i>	<i>FY 2019 targets</i>	<i>FY 2019 Results</i>
TBD	TBD	
TBD	TBD	

Note: Meeting or exceeding the targets in the above sub-elements represents a level of outstanding performance.

Part 6: Summary Rating Narrative :

Blank area for Part 6: Summary Rating Narrative.

Part 7: Commissioner's Accomplishment Narrative (Optional)

Blank area for Part 7: Commissioner's Accomplishment Narrative (Optional).

Part 8: Agency Use

Blank area for Part 8: Agency Use.

Deriving the Results Driven Rating Worksheet

Commissioner Name _____ Appraisal 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		50		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 2		50			
Performance Requirement 3					
Performance Requirement 4					
		= 100%			
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
Performance Requirement 1	4	x 25	100	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 2	5	x 30	150		
Performance Requirement 3	5	x 15	75		
Performance Requirement 4	3	x 30	90		
		= 100%			
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.