

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 for Trademarks Performance Agreement

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

| | |
|---|-------------------------------|
| Commissioner's Name (Last, First, MI): Denison, Mary Boney | Appraisal Pd. 10/1/15-9/30/16 |
| Commissioner's Signature: (b)(6) | Date: 12/10/15 |
| Title: Commissioner for Trademarks | Organization: Trademarks |
| Secretary of Commerce Name (Last, First, MI): Pritzker, Penny | |
| Secretary of Commerce Signature: (b)(6) | Date: 12-17-15 |

Part 2. Progress Review

| | |
|---|---------------|
| Commissioner's Signature: (b)(6) | Date: 7/11/16 |
| Secretary of Commerce's Signature: (b)(6) | Date: 7-26-16 |

Part 3. Annual Summary Rating

| | | | | | |
|----------------------------------|---|--|--|--|--|
| Annual Summary Rating | <input type="checkbox"/> Level 5 Outstanding | <input checked="" 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: 11/7/16 |
| Secretary of Commerce: (b)(6) | | | | | Date: 12-15-16 |

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 | (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 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:

- Manages production, quality and pendency for Trademarks, ensuring performance goals are met.
- Leads Trademark organization in efforts to ensure appropriate progress toward strategic plan goals;
- Ensures development of important e-government procedures to improve electronic processing in all areas; and
- Works cooperatively with Office of the Chief Information Officer (OCIO) to establish Trademark information technology (IT) needs and ensure proper planning for Trademark IT systems of the future.
- Strengthens the telework program generally and time and attendance controls for teleworking and non-teleworking employees specifically, including implementation of reasonable recommendations made by the Office of Inspector General and the National Academy of Public Administration

Secretary of Commerce Narrative: (Optional)

(b)(6)

A. MEETING GOALS

(b)(6)

B. E-GOVERNMENT PROGRESS

(b)(6)



C. IT NEXT GENERATION CHANGES

(b)(6)



(b)(6)

D
S
O
P
T
V
T
V

D. TELEWORK

(b)(6)

(b)(6)

E. IMPROVING THE ACCURACY OF THE TRADEMARK REGISTER

(b)(6)

F. IMPROVING THE CUSTOMER EXPERIENCE

(b)(6)

Critical Element Rating – Leading Change

(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

- Leads Trademark organization in efforts to ensure appropriate progress toward strategic plan and performance goals;
- Works cooperatively with the Unions, NTEU 245 and 243, to ensure Union support on important USPTO issues wherever possible
- Ensures Human Capital plan is implemented;
- Works to ensure important legal issues are vetted appropriately with the Trademark Public Advisory Committee (TPAC), user groups and TM staff
- Works with TPAC to ensure maximum use of TPAC members as a resource for good decision making
- Ensures that each business unit participates in the formulation of clear, concise and effective communication strategies, including providing appropriate information and documentation to the OCCO.

Secretary of Commerce Narrative: *(Optional)*
Commissioner Denison

A. ENGAGEMENT

(b)(6)



(b)(6)

B. UNION

(b)(6)

(b)(6)

C. HUMAN CAPITAL PLAN

(b)(6)

D. LEGAL ISSUES

(b)(6)

E. TPAC

(b)(6)

F. DIVERSITY

(b)(6)

G. TRAINING

(b)(6)

Critical Element Rating – Leading People

(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

- Ensures Trademark budget meets operational needs and is properly administered.
- Makes decisions on appropriate use of resources to meet pendency goals.
- Works with filing forecasts to ensure appropriate hiring levels.
- Works with OCIO to establish IT needs and ensure proper planning for IT systems of the future and to meet current needs

Secretary of Commerce Narrative: *(Optional)*

(b)(6)

Critical Element Rating – Business Acumen

(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

- Works harmoniously with user groups such as International Trademark Association, Intellectual Property Owners Association, Association of Corporate Counsel and American Intellectual Property Law Association on a continuing basis in order to ensure user input on Trademark Strategic IT plan, Trademark quality Initiatives, and to ensure an ongoing exchange of information on examination law, policy, and procedures and user-satisfaction therewith;
- Works with the Office of General Counsel, Solicitor's Office, and the Trademark Trial and Appeal Board to identify and resolve legal issues regarding trademark examination matters, and provide examination guidance where appropriate;
- Works closely with TPAC on agency issues to receive input on applicant and user needs and to develop appropriate initiatives and actions;
- Works to ensure important legal issues are vetted appropriately with Trademark Public Advisory Committee (TPAC), user groups, and Trademark staff;
- Works with the Office of Governmental Affairs and the Office of the Chief Administrative Officer on telework issues and policies, specifically in the area of expanded programs and remote geographic teleworkers;
- Collaborates with OCIO to ensure the new Trademark e-government activities are progressing as planned and that current systems meet user needs;
- Readily collaborates with all other USPTO business units on a variety of issues; and
- Works cooperatively with other international offices in the TM-5 partnership to accomplish stated goals and improve international relationships in the Trademark area.

Secretary of Commerce: *(Optional)*

A. USER GROUPS

(b)(6)

(1) INTA

(b)(6)

(b)(6)

(2) ACC

(b)(6)

(3) IPO

(b)(6)

(4) AIPLA

(b)(6)

(5) ABA IP Section

(b)(6)

(6) Michigan State Bar

(b)(6)

(7) California Bar IP Section

(b)(6)

R. OGC, OPIA & TTAB

(b)(6)

C. TFAC

(b)(6)

D. OCA/CAO/PATENTS

(b)(6)

E. OUTREACH

(b)(6)

F. OCIO

(b)(6)

G. COLLABORATION WITH OTHER BUSINESS UNITS

(b)(6)

H. TM5/INTERNATIONAL

(b)(6)

(b)(6)

I. CONGRESS

(b)(6)

Critical Element Rating – Building Coalitions

(b)(6)

| | |
|--|--|
| <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 at Level 3 for each result specified. It is recommended to also establish the threshold measures/targets for Levels 5 and 2.</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>Performance Requirement 1: Pendency [Weight 50%] 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 2014 Budget.</p> <p>Success of these objectives will be determined by the specific performance measures based on overall performance taking into account the totality of all the measures. Meeting or exceeding the targets represents a level of outstanding performance.</p> <ul style="list-style-type: none"> • Average first action pendency from date of filing: 2.5 to 3.5 months • Average total pendency from date of filing to notice of allowance abandonment or registration (months)—excluding suspended and inter parts cases: 11.5 months or less • Applications processed completely electronically: 82% | <p>Strategic Alignment: Goal II of the USPTO 2014-2018 Strategic Plan USPTO President's Budget Submission Fiscal Year 2014 page 93</p> |
| <p>Performance Requirement 2: Quality [Weight 50%] 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 2014 Budget.</p> <p>Success of these objectives will be determined by the specific performance measures based on overall performance taking into account the totality of all the measures. Meeting or exceeding the targets represents a level of outstanding performance.</p> <ul style="list-style-type: none"> • First action compliance rate: 95.5% • Final compliance rate: 97.0% • Comprehensive Excellence: 40% | <p>Strategic Alignment: Goal II of the USPTO 2014-2018 Strategic Plan USPTO President's Budget Submission Fiscal Year 2014 Page 93</p> |
| <p>Secretary of Commerce Narrative: (Optional)</p> | |
| <p>(b)(6)</p> | |

| | |
|---|--------|
| (1) <u>PENDENCY & E-GOVERNMENT</u> (50% of Element 5) | |
| (b)(6) | |
| (2) <u>QUALITY</u> (50% of Element 5) | |
| (b)(6) | |
| <i>Critical Element Rating – Results Driven</i> | |
| | (b)(6) |

Part 6: Summary Rating Narrative :

Part 7: Commissioner ' Accomplishment Narrative (Optional)

(b)(6)

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 for Trademarks Performance Agreement

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

| | |
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| Commissioner's Name (Last, First, MI): Denison, Mary Boney | Appraisal Pd. 10/1/16-9/30/17 |
| Commissioner's Signature: (b)(6) | Date: 11/2/16 |
| Title: Commissioner for Trademarks | Organization: Trademarks |
| Secretary of Commerce Name (Last, First, MI): Pritzker, Penny | |
| Secretary of Commerce Signature: (b)(6) | Date: JAN - 5 - 17 |

Part 2. Progress Review

| | |
|---|--------------------|
| Commissioner's Signature: (b)(6) | Date: 9/19/17 |
| Secretary of Commerce Signature: (b)(6) | Date: 11-28-17 JEM |

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 | Element Rating | | Weight | Score | | Summary Level Ranges |
|------------------------|----------------|--------------------|--------|---------|--------------------|--|
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| 1. Leading Change | (b)(6) | (b)(6) | 10 | (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) | 10 | (b)(6) | (b)(6) | |
| 3. Business Acumen | (b)(6) | (b)(6) | 10 | (b)(6) | (b)(6) | |
| 4. Building Coalitions | (b)(6) | (b)(6) | 10 | (b)(6) | (b)(6) | |
| 5. Results Driven | (b)(6) | (b)(6) | 60 | (b)(6) | (b)(6) | |
| 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.

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- **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 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:

- Manages production, quality and pendency for Trademarks, ensuring performance goals are met;
- Leads Trademark organization in efforts to ensure appropriate progress toward strategic plan goals;
- Ensures development of important e-government procedures to improve electronic processing in all areas;
- Works cooperatively with Office of the Chief Information Officer (OCIO) to establish Trademark information technology (IT) needs and ensure proper planning for Trademark IT systems of the future; and
- Strengthens the telework program generally and time and attendance controls for teleworking and non-teleworking employees specifically, including implementation of reasonable recommendations made by the Office of Inspector General and the National Academy of Public Administration.

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%

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

- Leads Trademark organization in efforts to ensure appropriate progress toward strategic plan and performance goals;
- Works cooperatively with the Unions, NTEU 245 and 243, to ensure Union support on important USPTO issues wherever possible;
- Ensures Human Capital plan is implemented;
- Works to ensure important legal issues are vetted appropriately with the Trademark Public Advisory Committee (TPAC), user groups and TM staff;
- Works with TPAC to ensure maximum use of TPAC members as a resource for good decision making; and
- Ensures that each business unit participates in the formulation of clear, concise and effective communication strategies, including providing appropriate information and documentation to the OCCO.

Secretary of Commerce Narrative: (Optional)

Commissioner Denison

Critical Element Rating – Leading People

Level 5

Level 4

Level 3

Level 2

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

- Ensures Trademark budget meets operational needs and is properly administered;
- Makes decisions on appropriate use of resources to meet pendency goals;
- Works with filing forecasts to ensure appropriate hiring levels; and
- Works with OCIO to establish IT needs and ensure proper planning for IT systems of the future and to meet current needs.

Secretary of Commerce Narrative: (Optional)

Critical Element Rating – Business Acumen

Level 5

Level 4

Level 3

Level 2

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

- Works harmoniously with user groups such as International Trademark Association, Intellectual Property Owners Association, Association of Corporate Counsel and American Intellectual Property Law Association on a continuing basis in order to ensure user input on Trademark Strategic IT plan, Trademark quality initiatives, and to ensure an ongoing exchange of information on examination law, policy, and procedures and user-satisfaction therewith;
- Works with the Office of General Counsel, Solicitor's Office, and the Trademark Trial and Appeal Board to identify and resolve legal issues regarding trademark examination matters, and provide examination guidance where appropriate;
- Works closely with TPAC on agency issues to receive input on applicant and user needs and to develop appropriate initiatives and actions;
- Works to ensure important legal issues are vetted appropriately with Trademark Public Advisory Committee (TPAC), user groups, and Trademark staff;
- Works with the Office of Governmental Affairs and the Office of the Chief Administrative Officer on telework issues and policies, specifically in the area of expanded programs and remote geographic teleworkers;
- Collaborates with OCIO to ensure the new Trademark e-government activities are progressing as planned and that current systems meet user needs;
- Readily collaborates with all other USPTO business units on a variety of issues; and
- Works cooperatively with other international offices in the TM-5 partnership to accomplish stated goals and improve international relationships in the Trademark area.

Secretary of Commerce: *(Optional)*

Critical Element Rating – Building Coalitions

Level 5

Level 4

Level 3

Level 2

Level 1

Critical Element 5. Results Driven

Weight 60%

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

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

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

Performance Requirement 1: Pendency [Weight 50%]

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 2014 Budget.

Success of these objectives will be determined by the specific performance measures based on overall performance taking into account the totality of all the measures. Meeting or exceeding the targets represents a level of outstanding performance.

- Average first action pendency from date of filing: 2.5 to 3.5 months
- Average total pendency from date of filing to notice of allowance abandonment or registration (months) – excluding suspended and inter parts cases: 11.5 months or less
- Applications processed completely electronically: 81%

Strategic Alignment:

Goal II of the USPTO 2014-2018 Strategic Plan
USPTO President's Budget Submission Fiscal Year 2014 page 93

Performance Requirement 2: Quality [Weight 50%]

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 2014 Budget.

Success of these objectives will be determined by the specific performance measures based on overall performance taking into account the totality of all the measures. Meeting or exceeding the targets represents a level of outstanding performance.

- First action compliance rate: 95.5%
- Final compliance rate: 97.0%
- Comprehensive Excellence: 42%

Strategic Alignment:

Goal II of the USPTO 2014-2018 Strategic Plan
USPTO President's Budget Submission Fiscal Year 2014 Page 93

Secretary of Commerce Narrative: *(Optional)*

Critical Element Rating – Results Driven

Level 5

Level 4

Level 3

Level 2

Level 1

Part 6: Summary Rating Narrative

[Empty space for Part 6: Summary Rating Narrative]

Part 7: Commissioner's Accomplishment Narrative (Optional)

[Empty space for Part 7: Commissioner's Accomplishment Narrative (Optional)]

Part 8: Agency Use

[Empty space 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.

MEMORANDUM

TO: Michelle K. Lee
FROM: Mary Boney Denison
RE: Mid-Year Review
DATE: April 11, 2017

(b)(6)

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KEY FACTS

(b)(6)

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LEADING CHANGE

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LEADING PEOPLE

A. **ENGAGEMENT**

(b)(6)

(b)(6)

B. UNION

(b)(6)

C. LEGAL ISSUES

(b)(6)

(b)(6)

D. TPAC

(b)(6)

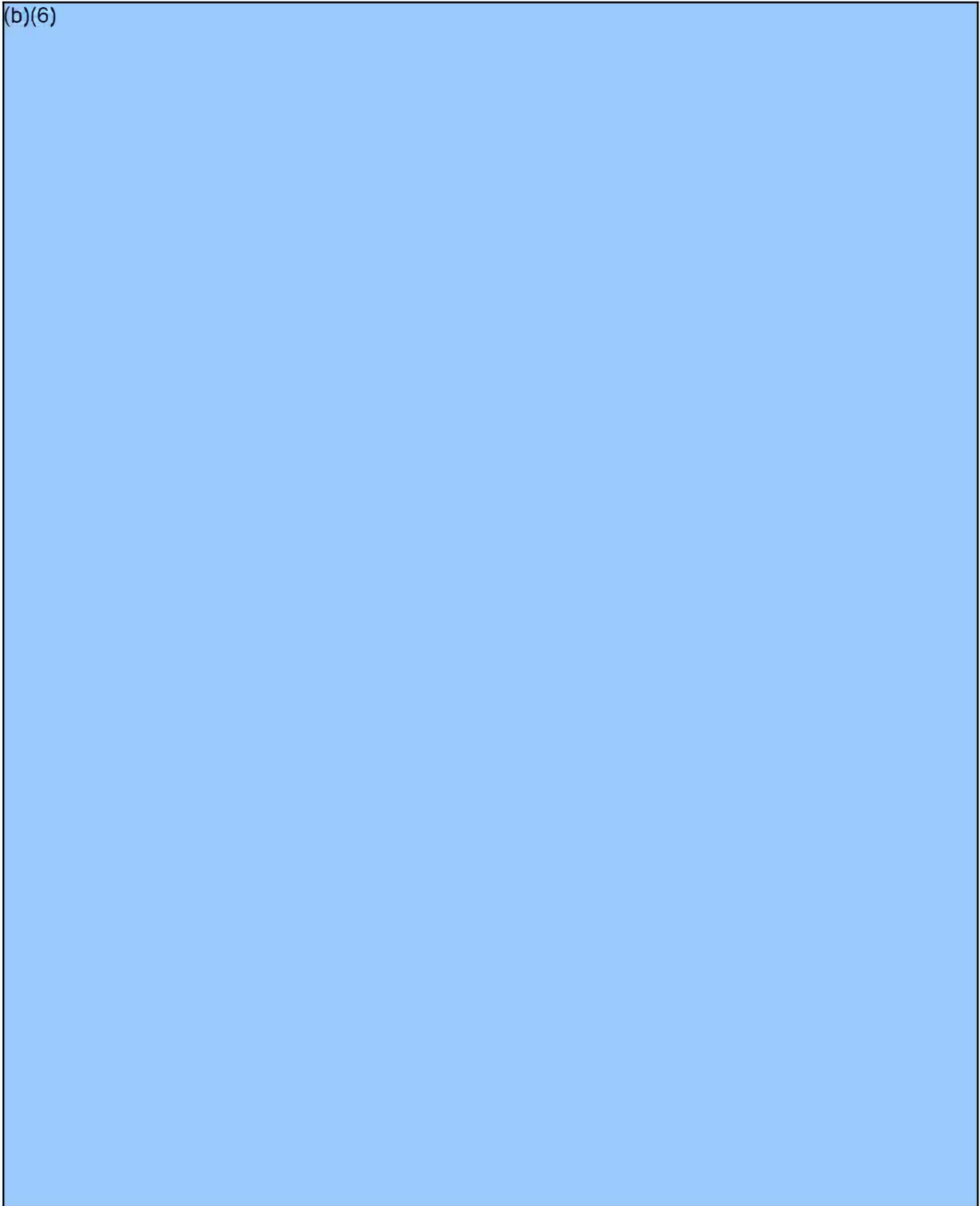
E. DIVERSITY

(b)(6)

BUSINESS ACUMEN

(b)(6)

(b)(6)



(b)(6)

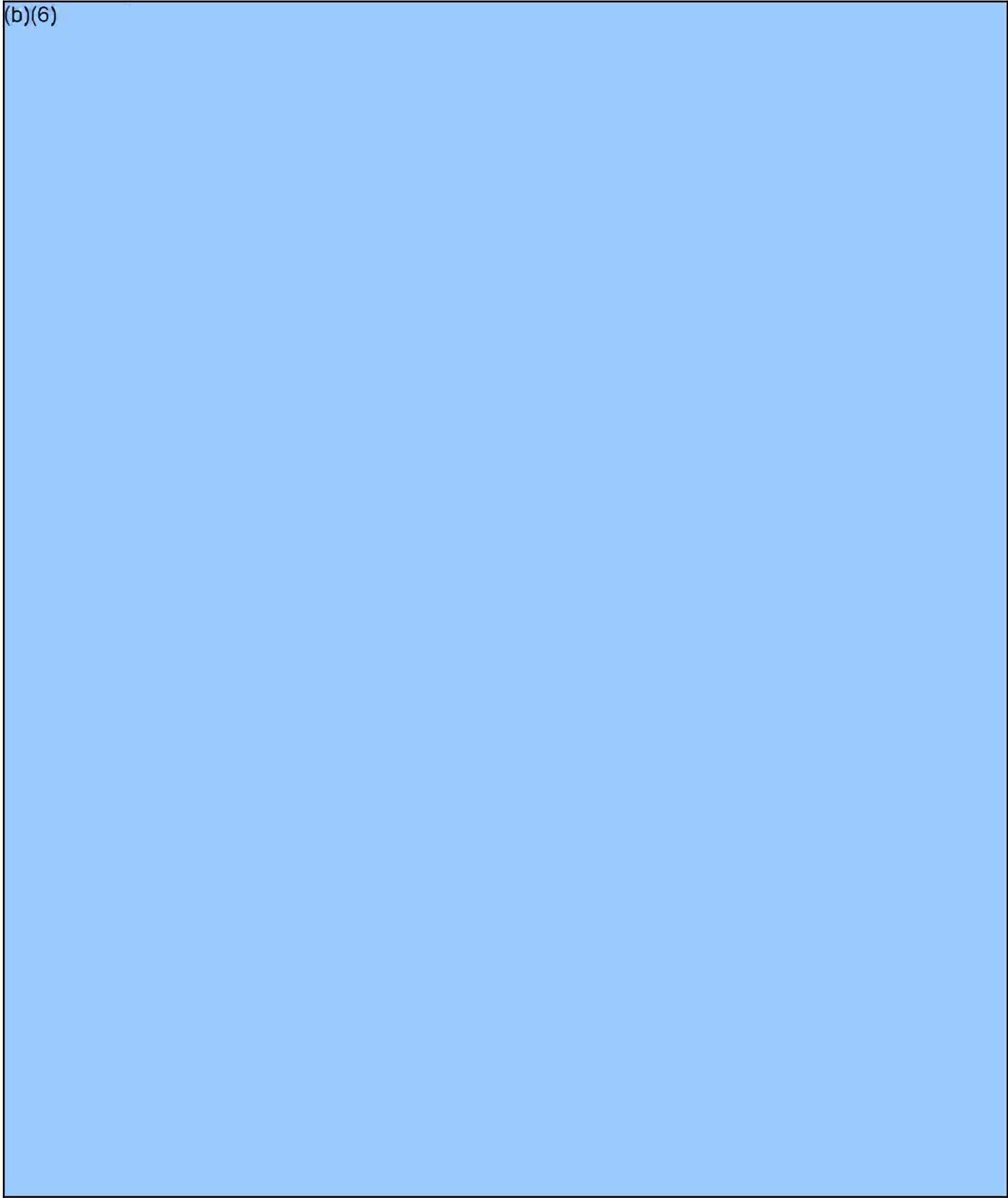
BUILDING COALITIONS

A. USER GROUPS

(b)(6)

(b)(6)

(b)(6)



(2) **QUALITY** (50% of Element 5)

As of March 31:

(b)(6)





Commissioner for Trademarks Performance Agreement

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

| | |
|---|-------------------------------|
| Commissioner's Name (Last, First, MI): Denison, Mary Boney | Appraisal Pd. 10/1/17-9/30/18 |
| Commissioner's Signature: (b)(6) | Date: 10/1/17 |
| Title: Commissioner for Trademarks | Organization: Trademarks |
| Performing the Functions and Duties of the Under Secretary of Commerce for Intellectual Property and Director of the United States Patent and Trademark Office Name (Last, First, MI): Matal, Joseph | |
| Performing the Functions and Duties of the Under Secretary of Commerce for Intellectual Property and Director of the United States Patent and Trademark Office Signature: (b)(6) | Date: 11/13/17 |

Part 2. Progress Review

| | |
|---|----------------|
| Commissioner's Signature: (b)(6) | Date: 6/5/18 |
| Performing the Functions and Duties of the Under Secretary of Commerce for Intellectual Property and Director of the United States Patent and Trademark Office Signature: (b)(6) | Date: 6/5/2018 |

Part 3. Annual Summary Rating

| | | | |
|--|------------------|--|--|
| Annual Summary Rating | (b)(6) | | |
| Commissioner's Signature: (b)(6) | Date: 11/15/18 | | |
| Performing the Functions and Duties of the Under Secretary of Commerce for Intellectual Property and Director of the United States Patent and Trademark Office : | Date: 11/15/2018 | | |

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 | | (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) | 10 | | (b)(6) | |
| 3. Business Acumen | | (b)(6) | 10 | | (b)(6) | |
| 4. Building Coalitions | | (b)(6) | 10 | | (b)(6) | |
| 5. Results Driven | | (b)(6) | 60 | | (b)(6) | |
| Total | | (b)(6) | 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%

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.

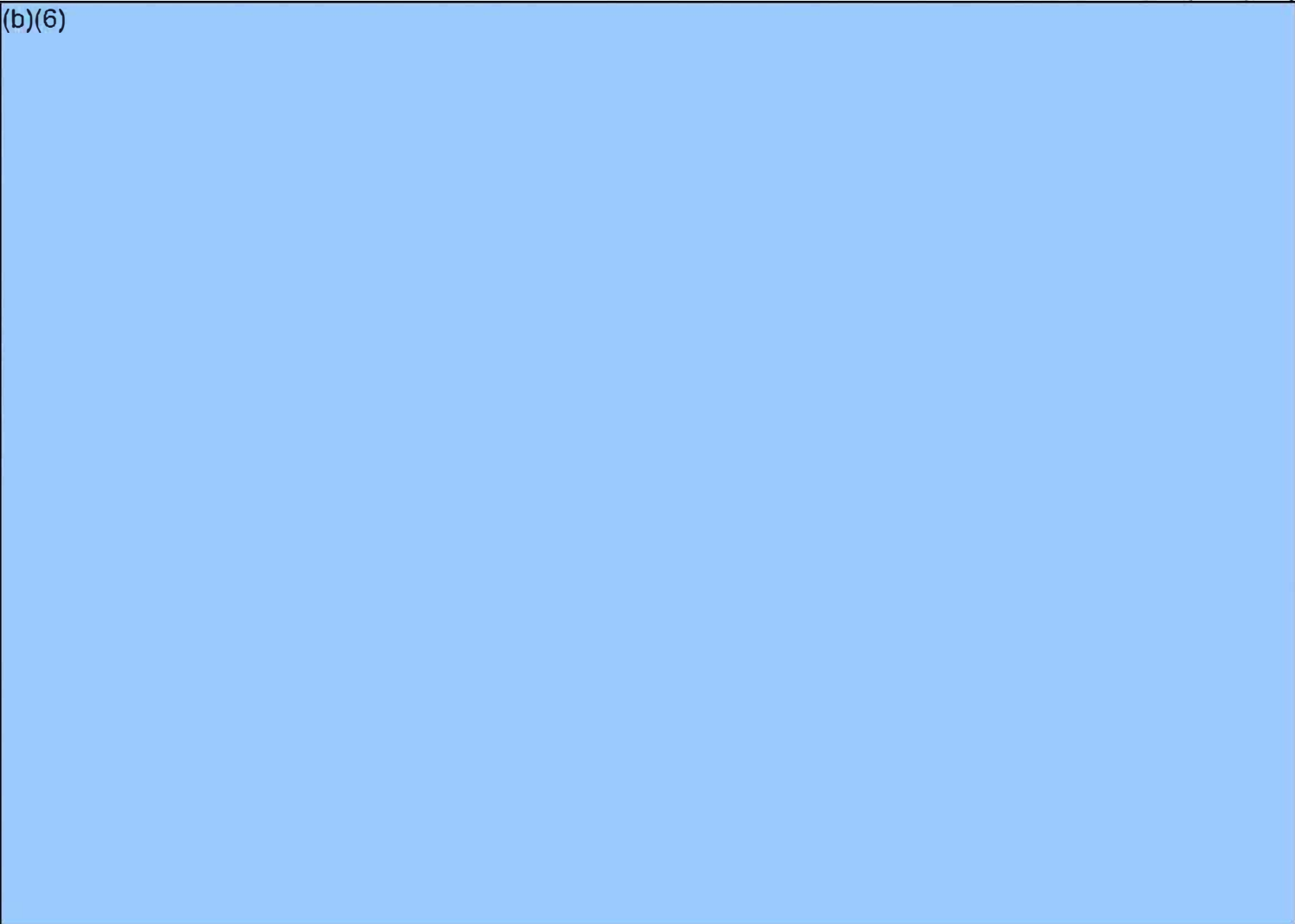
Agency-Specific Performance Requirements

Exhibits 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:

- Manages production, quality and pendency for Trademarks, ensuring performance goals are met.
- Leads Trademark organization in efforts to ensure appropriate progress toward strategic plan goals;
- Ensures development of important e-government procedures to improve electronic processing in all areas; and
- Works cooperatively with Office of the Chief Information Officer (OCIO) to establish Trademark information technology (IT) needs and ensure proper planning for Trademark IT systems of the future.
- Strengthens the telework program generally and time and attendance controls for teleworking and non-teleworking employees specifically, including implementation of reasonable recommendations made by the Office of Inspector General and the National Academy of Public Administration

Secretary of Commerce Narrative: *(Optional)*

(b)(6)



(b)(6)

Critical Element Rating – Leading Change

(b)(6)

MARY BONEY DENISON

COMMISSIONER FOR TRADEMARKS FY2018

Critical Element 1. Leading Change

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

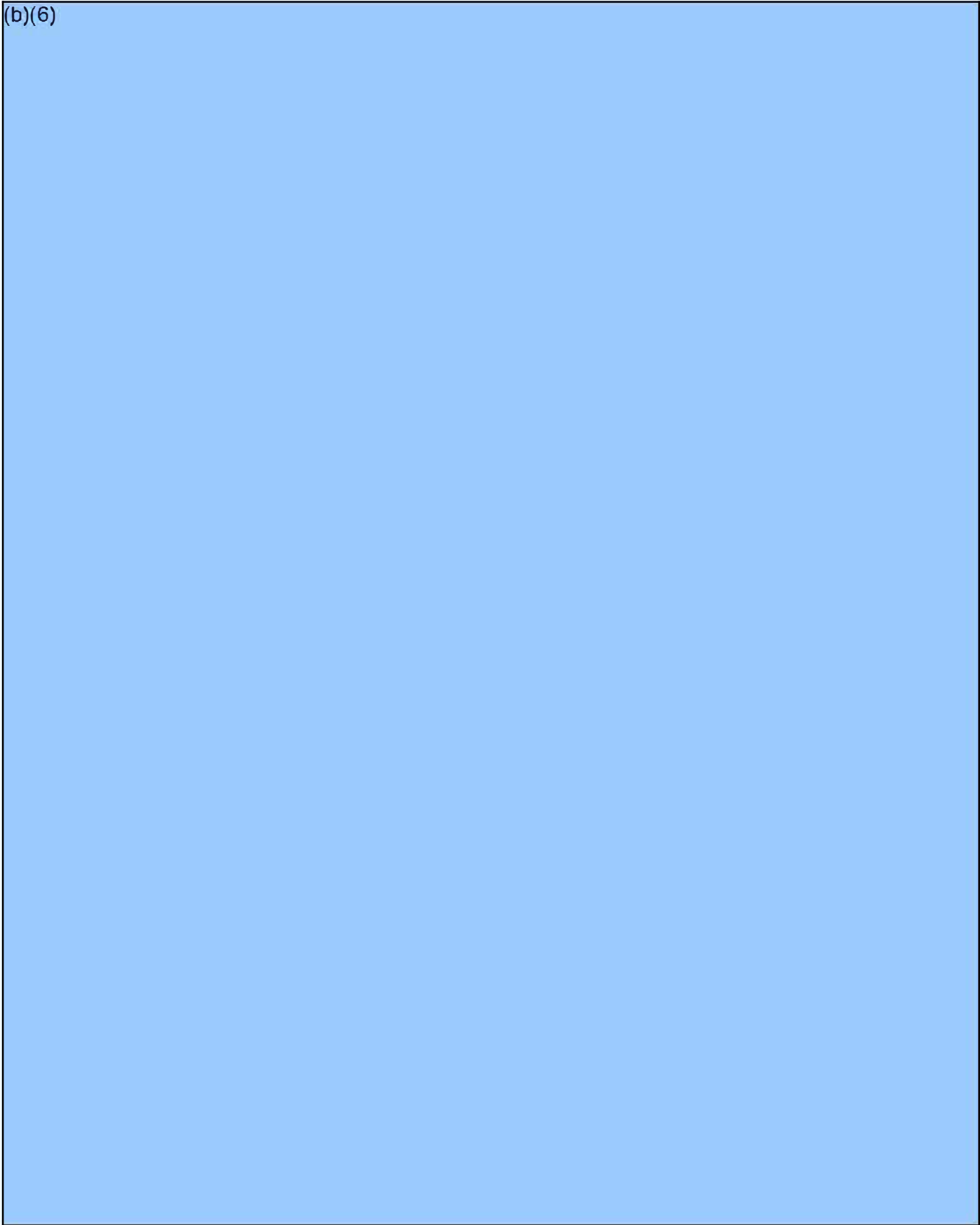
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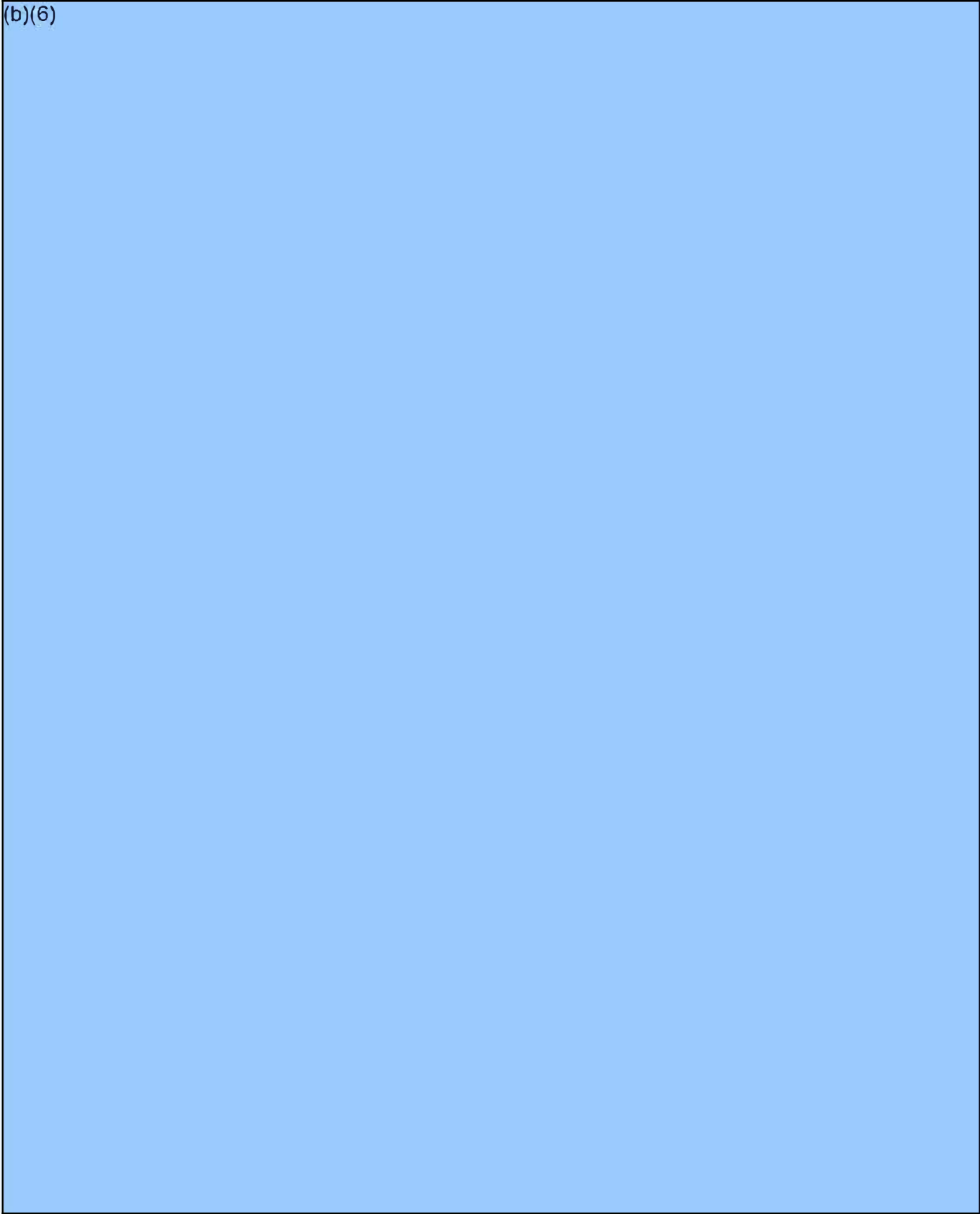
Secretary of Commerce Narrative: (Optional)

(b)(6)

(b)(6)



(b)(6)



(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

- Leads Trademark organization in efforts to ensure appropriate progress toward strategic plan and performance goals;
- Works cooperatively with the Unions, NTEU 245 and 243, to ensure Union support on important USPTO issues wherever possible
- Ensures Human Capital plan is implemented;
- Works to ensure important legal issues are vetted appropriately with the Trademark Public Advisory Committee (TPAC), user groups and TM staff
- Works with TPAC to ensure maximum use of TPAC members as a resource for good decision making
- Ensures that each business unit participates in the formulation of clear, concise and effective communication strategies, including providing appropriate information and documentation to the OCCO.

Secretary of Commerce Narrative: *(Optional)*
Commissioner Denison

A. ENGAGEMENT

(b)(6)

(b)(6)

(b)(6)

(b)(6)

Critical Element 2. Leading People

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Secretary of Commerce Narrative: (Optional)

A. **MANAGER STRENGTHS:**

(b)(6)

B. ENGAGEMENT:

(b)(6)

(b)(6)

C. DEATHS & SERIOUS ILLNESSES:

(b)(6)

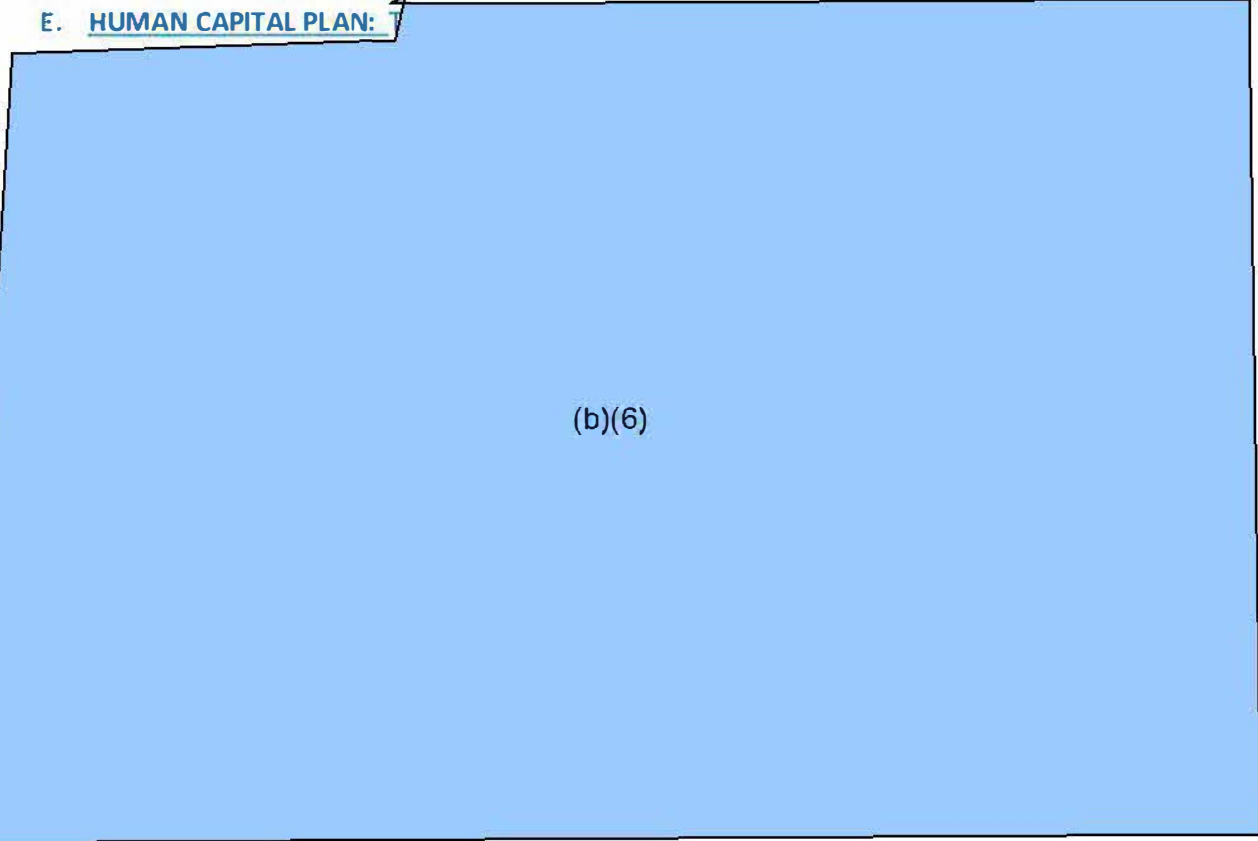
D. UNION:

(b)(6)

(b)(6)



E. HUMAN CAPITAL PLAN:



(b)(6)

G. LEGAL ISSUES:

(b)(6)

H. TPAC:

(b)(6)

I. DIVERSITY/INCLUSION/WEELNESS:

(b)(6)

J. AWARDS & RECOGNITION:

(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

- Ensures Trademark budget meets operational needs and is properly administered.
- Makes decisions on appropriate use of resources to meet pendency goals.
- Works with filing forecasts to ensure appropriate hiring levels.
- Works with OCIO to establish IT needs and ensure proper planning for IT systems of the future and to meet current needs

Secretary of Commerce Narrative: *(Optional)*

(b)(6)

Critical Element 3. Business Acumen

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- Works with OCIO to establish IT needs and ensure proper planning for IT systems of the future and to meet current needs

Secretary of Commerce Narrative: (Optional)

(b)(6)



(b)(6)



(b)(6)

Critical Element Rating – Business Acumen

(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.

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- Readily collaborates with all other USPTO business units on a variety of issues; and
- Works cooperatively with other international offices in the TM-5 partnership to accomplish stated goals and improve international relationships in the Trademark area.

Secretary of Commerce: *(Optional)*

A. USER GROUPS

(b)(6)

(b)(6)

C. TPAC

(b)(6)

D. OGA/CAO/PATENTS

(b)(6)

E. OUTREACH

(b)(6)

F. OCIO

(b)(6)

(b)(6)

G. COLLABORATION WITH OTHER BUSINESS UNITS

(b)(6)

H. TMS/INTERNATIONAL

(b)(6)

I. CONGRESS

(b)(6)

J. SMITHSONIAN MUSEUM OF AMERICAN ART

(b)(6)

Critical Element Rating – Building Coalitions

(b)(6)

Critical Element 4. Building Coalitions

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.

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- Readily collaborates with all other USPTO business units on a variety of issues; and
- Works cooperatively with other international offices in the TM-5 partnership to accomplish stated goals and improve international relationships in the Trademark area.

Secretary of Commerce: (Optional)

A. USER GROUPS:

(b)(6)

(b)(6)



(1) **INTA**

(b)(6)



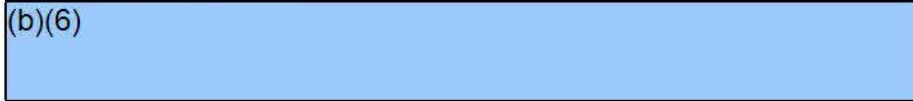
(2) **AIPLA**

(b)(6)



(3) **ABA IP Section**

(b)(6)



(4) **Association of Corporate Counsel**

(b)(6)



(5) **World Congress 10th Annual Corporate IP Counsel Forum**

(b)(6)



(6) **World Intellectual Property Forum**

(b)(6)



(7) **LGBT Bar**

(b)(6)

(8) **SVIPLA**

(b)(6)

(9) **MIPLA**

(b)(6)

(10) **VBA**

(b)(6)

(11) **McCarthy Institute**

(b)(6)

(12) **FICPI**

(b)(6)

(13) **Regional Offices**

(b)(6)

(14) **Stakeholder Meetings**

(b)(6)

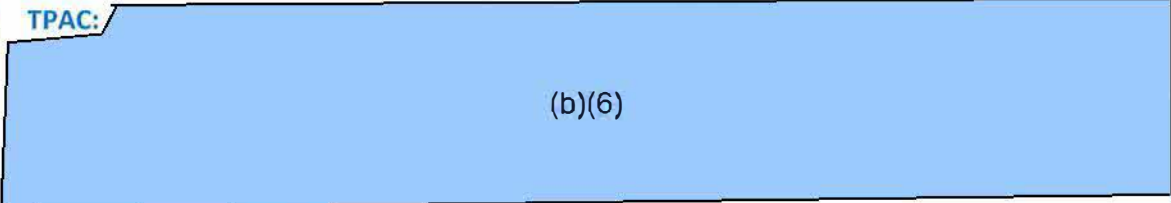
B. **OGC, OPIA & TTAB:**

(b)(6)

(b)(6)

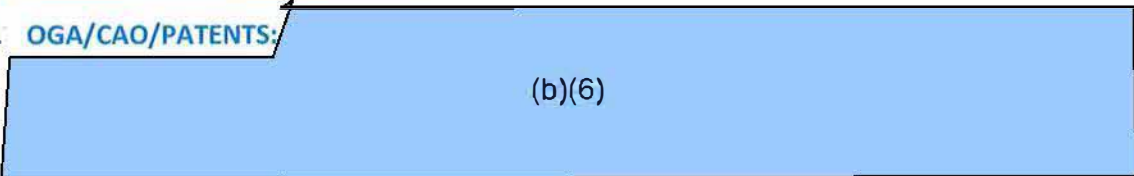


C. TPAC:



(b)(6)

D. OGA/CAO/PATENTS:



(b)(6)

E. OUTREACH:



(b)(6)

(b)(6)

F. OCIO:

(b)(6)

(b)(6)

G. COLLABORATION WITH OTHER BUSINESS UNITS:

(b)(6)

H. TM5/INTERNATIONAL:

(b)(6)

I. CONGRESS/OTHER AGENCIES/WIPO

(b)(6)

J. SMITHSONIAN MUSEUM OF AMERICAN HISTORY

(b)(6)

Critical Element 5. Results Driven

Weight
60%

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

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

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

Performance Requirement 1: Pendency [Weight 50%]

Strategic Alignment:

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 2014 Budget.

Goal II of the USPTO 2014-2018 Strategic Plan

Success of these objectives will be determined by the specific performance measures based on overall performance taking into account the totality of all the measures. **Meeting or exceeding the targets represents a level of outstanding performance.**

- Average first action pendency from date of filing: 2.5 to 3.5 months
- Average total pendency from date of filing to notice of allowance abandonment or registration (months) – excluding suspended and inter parts cases: 11.5 months or less
- Applications processed completely electronically: 86%

Performance Requirement 2: Quality [Weight 50%]

Strategic Alignment:

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 2014 Budget.

Goal II of the USPTO 2014-2018 Strategic Plan

Success of these objectives will be determined by the specific performance

measures based on overall performance taking into account the totality of all the measures. Meeting or exceeding the targets represents a level of outstanding performance.

- First action compliance rate: 95.5%
- Final compliance rate: 97.0%
- Comprehensive Excellence: 45%

Secretary of Commerce Narrative:
(Optional)

(b)(6)

Critical Element Rating – Results Driven

(b)(6)

Part 6: Summary Rating Narrative :

(b)(6)

Part 7: Commissioner ' Accomplishment Narrative (Optional)

Part 8: Agency Use

Critical Element 5. Results Driven

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

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

Performance Requirement 1: Pendency

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 2014 Budget.

Success of these objectives will be determined by the specific performance measures based on overall performance taking into account the totality of all the measures. Meeting or exceeding the targets represents a level of outstanding performance.

- Average first action pendency from date of filing: 2.5 to 3.5 months
- Average total pendency from date of filing to notice of allowance abandonment or registration (months) – excluding suspended and inter parts cases: 11.5 months or less
- Applications processed completely electronically: 86%

Strategic Alignment:

Goal II of the USPTO 2014-2018 Strategic Plan

Performance Requirement 2: Quality

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 2014 Budget.

Success of these objectives will be determined by the specific performance measures based on overall performance taking into account the totality of all the measures. Meeting or exceeding the targets represents a level of outstanding performance.

- First action compliance rate: 95.5%
- Final compliance rate: 97.0%
- Comprehensive Excellence: 45%

Strategic Alignment:

Goal II of the USPTO 2014-2018 Strategic Plan

Secretary of Commerce Narrative: (Optional)

(b)(6)

PENDENCY

(b)(6)

QUALITY

(b)(6)

Part 6: Summary Rating Narrative:

(b)(6)



(b)(6)



(b)(6)

(b)(6)

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 | (b)(6) | 50 | (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 | | 50 | | | |
| Performance Requirement 3 | | | | | |
| Performance Requirement 4 | | | | | |
| | | = 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 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 for Trademarks Performance Agreement

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

| | |
|---|-------------------------------|
| Commissioner's Name (Last, First, MI): Denison, Mary Boney | Appraisal Pd. 10/1/18-9/30/19 |
| Commissioner's Signature: (b)(6) | Date: |
| Title: Commissioner for Trademarks | Organization: Trademarks |
| Under Secretary of Commerce for Intellectual Property and Director of the United States Patent and Trademark Office Name (Last, First, MI): Iancu, Andrei | |
| Under Secretary of Commerce for Intellectual Property and Director of the United States Patent and Trademark Office Signature: (b)(6) | Date: 10/1/18 |

Part 2. Progress Review

| | |
|---|----------------|
| Commissioner's Signature: (b)(6) | Date: 5/1/2019 |
| Under Secretary of Commerce for Intellectual Property and Director of the United States Patent and Trademark Office Signature: (b)(6) | Date: 5/1/2019 |

Part 3. Annual Summary

| | | | |
|---|--------|-----------------|--|
| Annual Summary Rating | (b)(6) | | |
| Commissioner's Signature: (b)(6) | | Date: 11/7/19 | |
| Under Secretary of Commerce for Intellectual Property and Director of the United States Patent and Trademark Office: (b)(6) | | Date: 11/7/2019 | |

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 | (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% | | | |

Commissioner Name: DENISON, Mary Boney

Appraisal Period: FY 2018

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 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:

- Manages production, quality and pendency for Trademarks, ensuring performance goals are met.
- Leads Trademark organization in efforts to ensure appropriate progress toward strategic plan goals;
- Ensures development of important e-government procedures to improve electronic processing in all areas; and
- Works cooperatively with Office of the Chief Information Officer (OCIO) to establish Trademark information technology (IT) needs and ensure proper planning for Trademark IT systems of the future.
- Strengthens the telework program generally and time and attendance controls for teleworking and non-teleworking employees specifically, including implementation of reasonable recommendations made by the Office of Inspector General and the National Academy of Public Administration

Secretary of Commerce Narrative: *(Optional)*

Critical Element Rating – Leading Change

(b)(6)

MARY BONEY DENISON
COMMISSIONER FOR TRADEMARKS
FY 2019

SUMMARY

(b)(6)



Critical Element 1. Leading Change

Fraud Reduction/Prevention:

(b)(6)



U.S. Counsel Rule:

(b)(6)



(b)(6)

Mandatory Electronic Filing:

(b)(6)

IT Changes:

(b)(6)

(b)(6)



Policy Changes:

(b)(6)

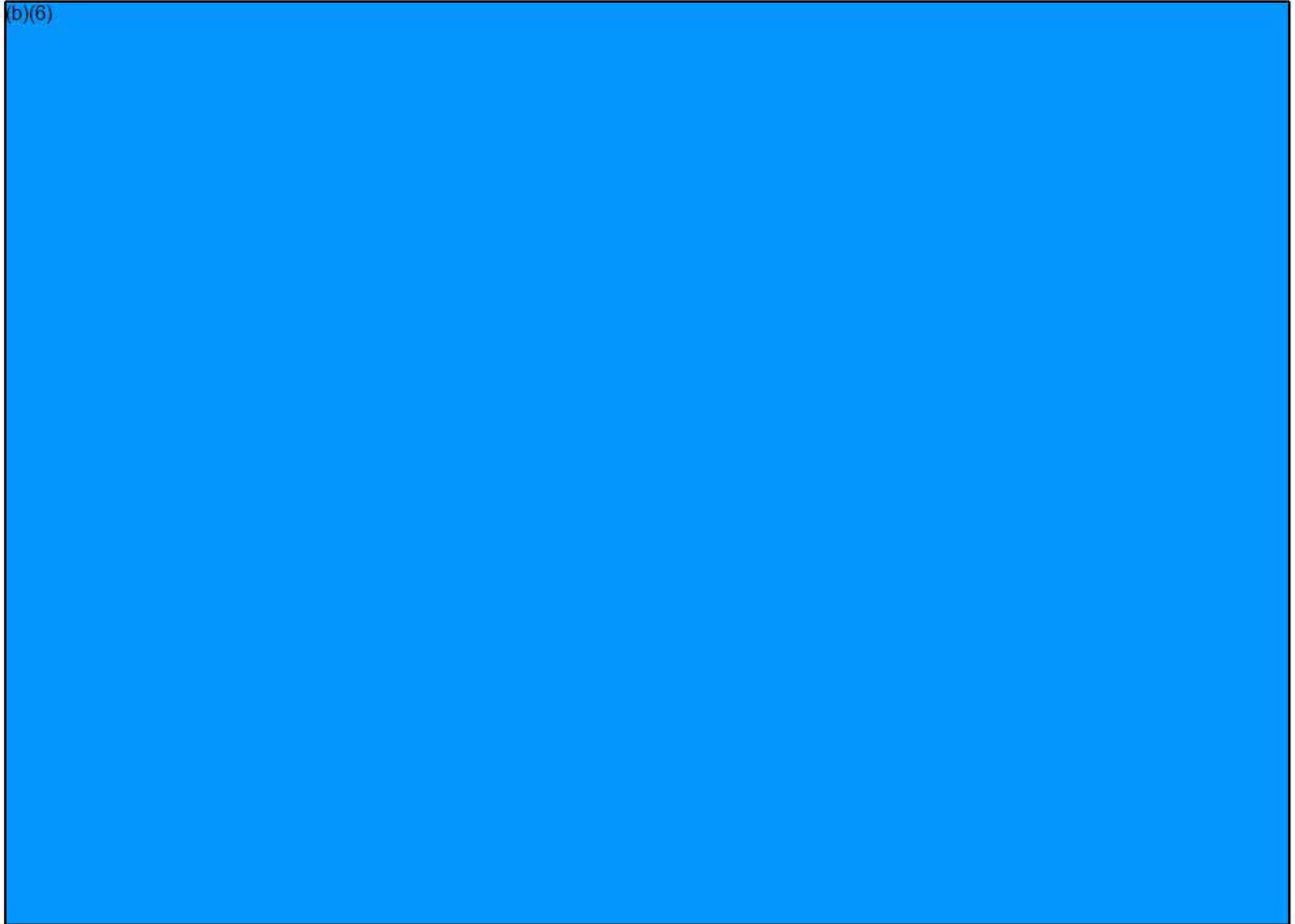


MARY BONEY DENISON
COMMISSIONER FOR TRADEMARKS
MID-YEAR FY 2019

Critical Element 1. Leading Change

Fraud Reduction/Prevention:

(b)(6)



U.S. Counsel Rule:

(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

- Leads Trademark organization in efforts to ensure appropriate progress toward strategic plan and performance goals;
- Works cooperatively with the Unions, NTEU 245 and 243, to ensure Union support on important USPTO issues wherever possible
- Ensures Human Capital plan is implemented;
- Works to ensure important legal issues are vetted appropriately with the Trademark Public Advisory Committee (TPAC), user groups and TM staff
- Works with TPAC to ensure maximum use of TPAC members as a resource for good decision making
- Ensures that each business unit participates in the formulation of clear, concise and effective communication strategies, including providing appropriate information and documentation to the OCCO.
- 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.
- Lead, develop and implement actions to improve employee engagement in Trademarks based on employee feedback gathered from sources including the USPTO People Survey, Federal Employee Viewpoints Survey, focus groups and other initiatives.

Secretary of Commerce Narrative: *(Optional)*

Critical Element 2. Leading People

(b)(6)



Collaborations

(b)(6)



Activities and agreements with 245

(b)(6)



(b)(6)



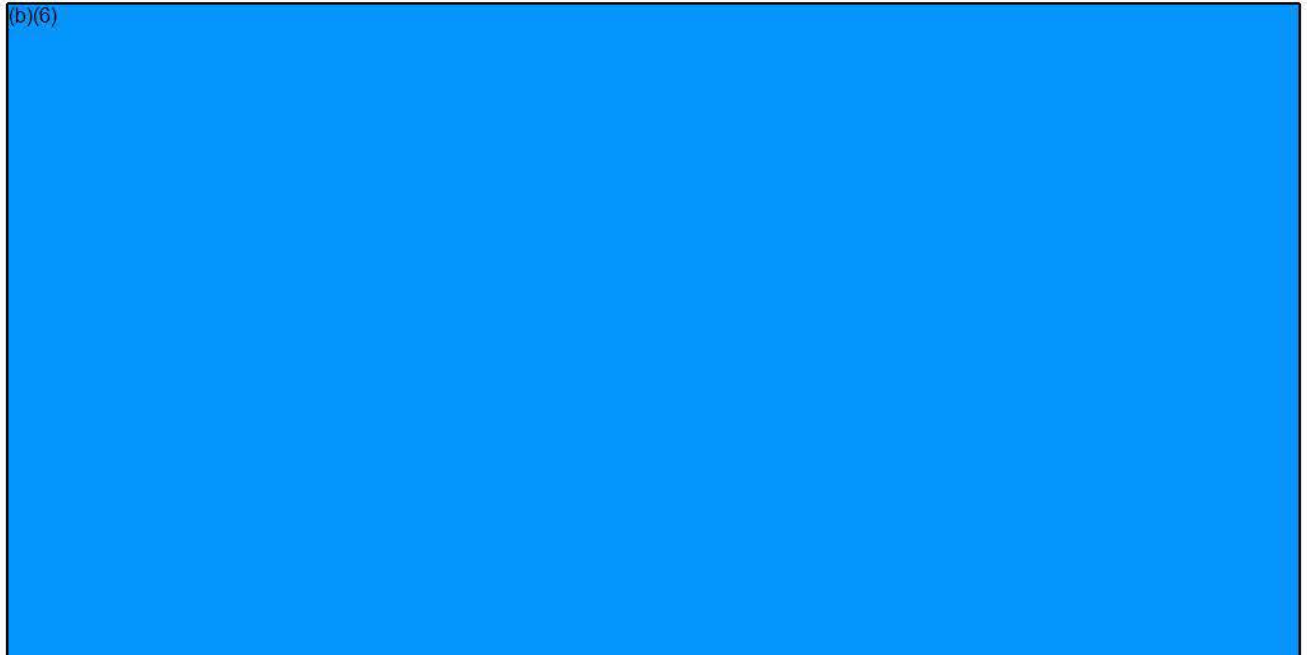
Agreements with 243

(b)(6)



Customer Experience:

(b)(6)



(b)(6)



Hiring and Training:

(b)(6)



Critical Element 2. Leading People

(b)(6)



Union Negotiations:

(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

- Ensures Trademark budget meets operational needs and is properly administered.
- Makes decisions on appropriate use of resources to meet pendency goals.
- Works with filing forecasts to ensure appropriate hiring levels.
- Works with OCIO to establish IT needs and ensure proper planning for IT systems of the future and to meet current needs

Secretary of Commerce Narrative: *(Optional)*

Critical Element Rating – Business Acumen

Level 5

Level 4

Level 3

Level 2

Level 1

Critical Element 3. Business Acumen

Operating Reserve:

(b)(6)



Fee Review:

(b)(6)



Mandatory Electronic Filing (MEF):

(b)(6)



Critical Element 3. Business Acumen

Operating Reserve:

(b)(6)



Mandatory Electronic Filing (MEF):

(b)(6)



Fee Review:

(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

- Works harmoniously with user groups such as International Trademark Association, Intellectual Property Owners Association, American Bar Association and American Intellectual Property Law Association on a continuing basis in order to ensure user input on Trademark Strategic IT plan, Trademark quality initiatives, and to ensure an ongoing exchange of information on examination law, policy, and procedures and user-satisfaction therewith;
- Works with the Office of General Counsel, Solicitor’s Office, and the Trademark Trial and Appeal Board to identify and resolve legal issues regarding trademark examination matters, and provide examination guidance where appropriate;
- Works with OPIA on trademark policy, international issues and legislation;
- Works closely with TPAC on agency issues to receive input on applicant and user needs and to develop appropriate initiatives and actions;
- Works to ensure important legal issues are vetted appropriately with Trademark Public Advisory Committee (TPAC), user groups, and Trademark staff;
- Works with the Office of Governmental Affairs and the Office of the Chief Administrative Officer on telework issues and policies, specifically in the area of expanded programs and remote geographic teleworkers;
- Collaborates with OCIO to ensure the new Trademark e-government activities are progressing as planned and that current systems meet user needs;
- Readily collaborates with all other USPTO business units on a variety of issues; and
- Works cooperatively with other international offices in the TM-5 partnership to accomplish stated goals and improve international relationships in the Trademark area.

Secretary of Commerce Narrative: *(Optional)*

Critical Element Rating – Building Coalitions

Level 5

Level 4

Level 3

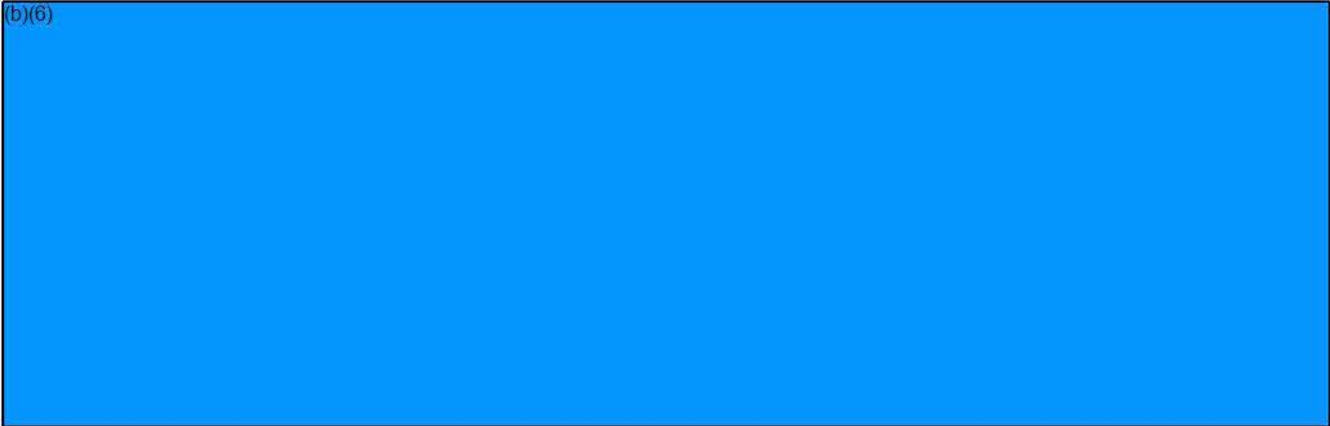
Level 2

Level 1

Critical Element 4. Building Coalitions

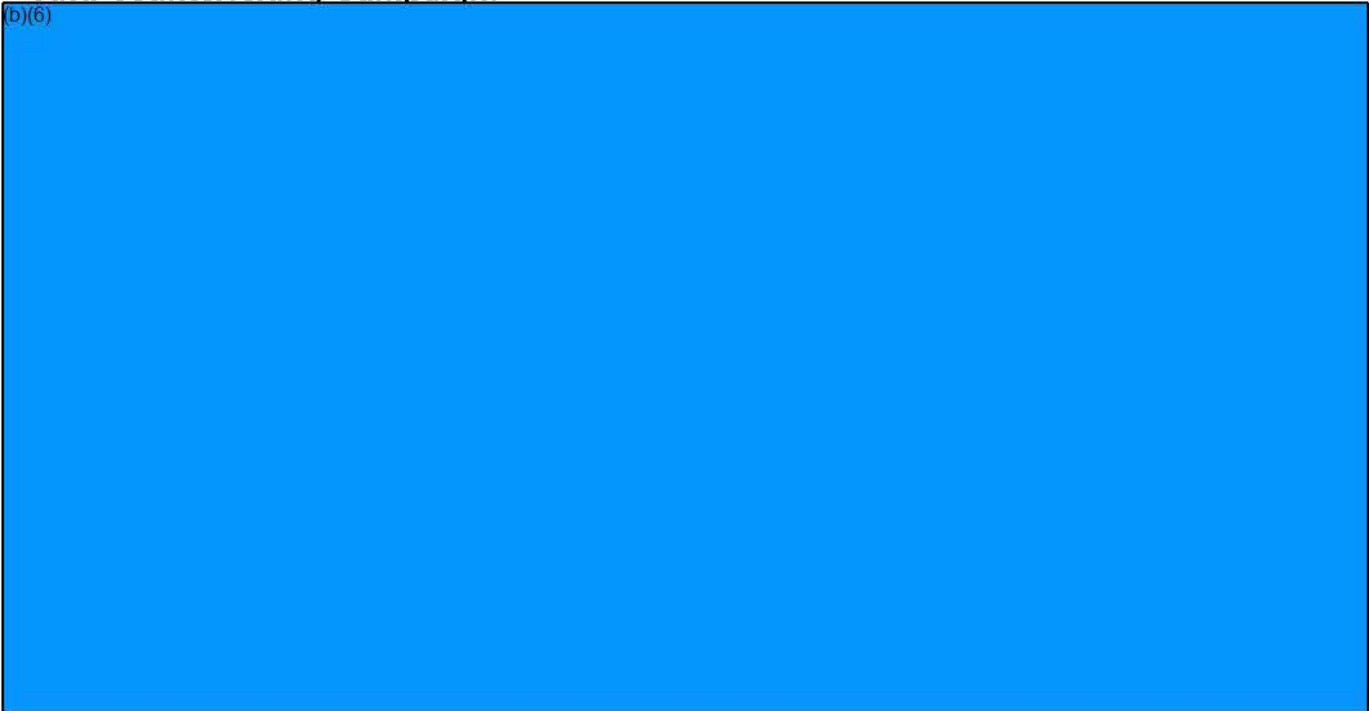
Congress:

(b)(6)

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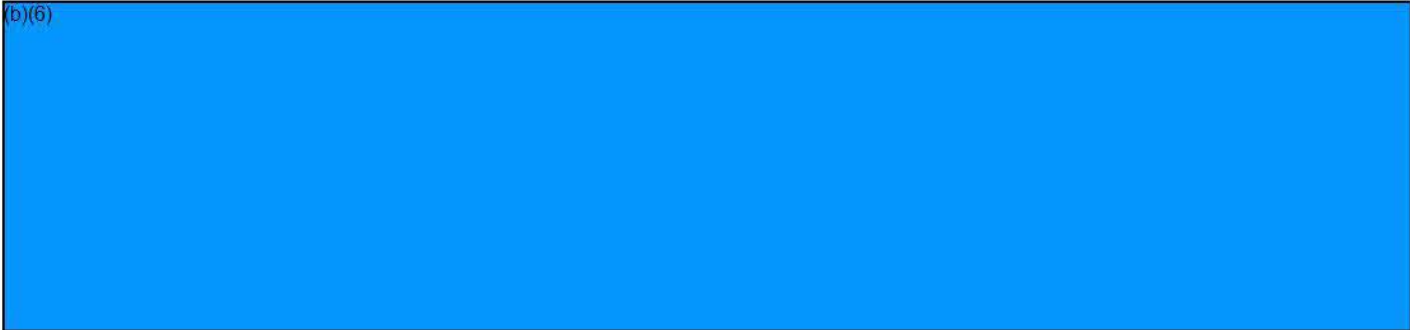
Anti-counterfeiting Campaign:

(b)(6)

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Patents:

(b)(6)

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TPAC:

(b)(6)

A large rectangular area of the document is redacted with a solid blue fill, covering the content under the TPAC section.

TM5:

(b)(6)

A very large rectangular area of the document is redacted with a solid blue fill, covering the content under the TM5 section.

Major Corporations:

(b)(6)

A large rectangular area of the document is redacted with a solid blue fill, covering the content under the Major Corporations section.

Bar Groups:

The Commissioner collaborates regularly with multiple bar groups. She is a frequent speaker at bar events. She has spoken at the following events this fiscal year.

(1) INTA

(b)(6)

A rectangular area of the document is redacted with a solid blue fill, covering the details of the bar group event mentioned in the list.

(2) **AIPLA**

(b)(6)

(3) **ABA IP Section**

(b)(6)

(4) **Association of Corporate Counsel**

(b)(6)

(5) **World Congress 11th Annual Corporate IP Counsel Forum**

(b)(6)

(6) **LGBT Bar**

(b)(6)

(7) **SFIPLA**

(b)(6)

(8) **California Bar IP Section**

(b)(6)

(9) **Texas Bar IP Section**

(b)(6)

(10) **MIPLA**

(b)(6)

(11) **Pittsburgh IPLA**

(b)(6)

(12) **McCarthy Institute**

(b)(6)

(13) **SMU Law School**

(b)(6)

(14) **UNC School of Law**

(b)(6)

(15) **NC Central School of Law**

(b)(6)

(16) **Florida Bar IP Section**

(b)(6)

Critical Element 4. Building Coalitions

Anti-counterfeiting Campaign:

(b)(6)

TPAC:

(b)(6)

Bar Groups:

The Commissioner collaborates regularly with multiple bar groups. She is a frequent speaker at bar events. She has spoken or will speak at the following events this fiscal year.

(1) INTA

(b)(6)

(2) AIPLA

(b)(6)

(3) ABA IP Section

(b)(6)

(4) Association of Corporate Counsel

(b)(6)

(5) World Congress 11th Annual Corporate IP Counsel Forum

(b)(6)

(6) LGBT Bar

(b)(6)

(7) SFIPLA

(b)(6)

(8) California Bar IP Section

(b)(6)

(9) Texas Bar IP Section

(b)(6)

(10) MIPLA

(b)(6)

(11) Pittsburgh IPLA

(b)(6)

(12) McCarthy Institute

(b)(6)

(13) SMU Law School

(b)(6)

(14) UNC School of Law

(b)(6)

(15) NC Central School of Law

(b)(6)

(16) Florida Bar IP Section

(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 with organizational goals and objectives. At a minimum, the performance plan will include performance requirements (including measures, targets, timelines, or quality descriptors, as appropriate) describing the range of performance at Level 3 for each result specified. It is recommended to also establish the threshold measures/targets for Levels 5 and 2.

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

Performance Requirement 1: Pendency [Weight 50%]

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 2014 Budget.

Success of these objectives will be determined by the specific performance measures based on overall performance taking into account the totality of all the measures. **Meeting or exceeding the targets represents a level of outstanding performance.**

- Average first action pendency from date of filing: 2.5 to 3.5 months
- Average total pendency from date of filing to notice of allowance abandonment or registration (months) – excluding suspended and inter parts cases: 11.5 months or less
- Applications processed completely electronically: 86%

Strategic Alignment:

Goal II of the USPTO 2014-2018 Strategic Plan

Performance Requirement 2: Quality [Weight 50%]

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 2014 Budget.

Success of these objectives will be determined by the specific performance measures based on overall performance taking into account the totality of all the measures. **Meeting or exceeding the targets**

Strategic Alignment:

Goal II of the USPTO 2014-2018 Strategic Plan

represents a level of outstanding performance.

- First action compliance rate: 95.5%
- Final compliance rate: 97.0%
- Comprehensive Excellence: 45%

Secretary of Commerce Narrative:
(Optional)

Critical Element Rating – Results Driven

(b)(6)

Critical Element 5. Results Driven

(b)(6)

| MEASURE | GOAL | YEAR END RESULTS |
|--|---------------------|------------------|
| FIRST ACTION PENDENCY | 2.5-3.5 months | (b)(6) |
| FINAL ACTION PENDENCY (excluding suspended and inter partes cases) | 11.5 months or less | |
| END TO END ELECTRONIC | 86% | |
| FIRST ACTION QUALITY | 95.5% | |
| FINAL ACTION QUALITY | 97.0% | |
| EXCEPTIONAL OFFICE ACTION | 45% | |

Critical Element 5. Results Driven

(b)(6)

| MEASURE | GOAL | RESULTS AS OF MARCH 31, 2019 |
|--|---------------------|------------------------------|
| FIRST ACTION PENDENCY | 2.5-3.5 months | (b)(6) |
| FINAL ACTION PENDENCY (excluding suspended and inter partes cases) | 11.5 months or less | |
| END TO END ELECTRONIC | 86% | |
| FIRST ACTION QUALITY | 95.5% | |
| FINAL ACTION QUALITY | 97.0% | |
| EXCEPTIONAL OFFICE ACTION | 45% | |

Deriving the Results Driven Rating Worksheet

Commissioner Name MARY DENISON

Appraisal 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 | | 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 for Trademarks Performance Agreement

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

| | |
|---|-------------------------------|
| Commissioner's Name (Last, First, MI): Denison, Mary Boney | Appraisal Pd. 10/1/15-9/30/16 |
| Commissioner's Signature: (b)(6) | Date: 12/10/15 |
| Title: Commissioner for Trademarks | Organization: Trademarks |
| Secretary of Commerce Name (Last, First, MI): Pritzker, Penny | |
| Secretary of Commerce Signature: (b)(6) | Date: 12-17-15 |

Part 2. Progress Review

| | |
|---|---------------|
| Commissioner's Signature: (b)(6) | Date: 7/11/16 |
| Secretary of Commerce's Signature: (b)(6) | Date: 7-26-16 |

Part 3. Annual Summary Rating

| | | | |
|----------------------------------|--------|----------------|--|
| Annual Summary Rating | (b)(6) | | |
| Commissioner's Signature: (b)(6) | | Date: 11/7/16 | |
| Secretary of Commerce: (b)(6) | | Date: 12-15-16 | |

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) | (b)(6) | 10 | (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) | 10 | (b)(6) | (b)(6) | |
| 3. Business Acumen | (b)(6) | (b)(6) | 10 | (b)(6) | (b)(6) | |
| 4. Building Coalitions | (b)(6) | (b)(6) | 10 | (b)(6) | (b)(6) | |
| 5. Results Driven | (b)(6) | (b)(6) | 60 | (b)(6) | (b)(6) | |
| Total | (b)(6) | (b)(6) | 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 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:

- Manages production, quality and pendency for Trademarks, ensuring performance goals are met.
- Leads Trademark organization in efforts to ensure appropriate progress toward strategic plan goals;
- Ensures development of important e-government procedures to improve electronic processing in all areas; and
- Works cooperatively with Office of the Chief Information Officer (OCIO) to establish Trademark information technology (IT) needs and ensure proper planning for Trademark IT systems of the future.
- Strengthens the telework program generally and time and attendance controls for teleworking and non-teleworking employees specifically, including implementation of reasonable recommendations made by the Office of Inspector General and the National Academy of Public Administration

Secretary of Commerce Narrative: (Optional)

(b)(6)

A. MEETING GOALS

(b)(6)

B. E-GOVERNMENT PROGRESS

(b)(6)



C. IT NEXT GENERATION CHANGES

(b)(6)



(b)(6)

D. TELEWORK

(b)(6)

(b)(6)

E. IMPROVING THE ACCURACY OF THE TRADEMARK REGISTER

(b)(6)

F. IMPROVING THE CUSTOMER EXPERIENCE

(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

- Leads Trademark organization in efforts to ensure appropriate progress toward strategic plan and performance goals;
- Works cooperatively with the Unions, NTEU 245 and 243, to ensure Union support on important USPTO issues wherever possible
- Ensures Human Capital plan is implemented;
- Works to ensure important legal issues are vetted appropriately with the Trademark Public Advisory Committee (TPAC), user groups and TM staff
- Works with TPAC to ensure maximum use of TPAC members as a resource for good decision making
- Ensures that each business unit participates in the formulation of clear, concise and effective communication strategies, including providing appropriate information and documentation to the OCCO.

Secretary of Commerce Narrative: *(Optional)*
Commissioner Denison

A. ENGAGEMENT

(b)(6)

(b)(6)

B. UNION

(b)(6)

Labor Management Forum (LMF)

(b)(6)

C. HUMAN CAPITAL PLAN

(b)(6)

D. LEGAL ISSUES

(b)(6)

E. TPAC

(b)(6)

F. DIVERSITY

(b)(6)

G. TRAINING

(b)(6)

Critical Element Rating – Leading People

(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

- Ensures Trademark budget meets operational needs and is properly administered.
- Makes decisions on appropriate use of resources to meet pendency goals.
- Works with filing forecasts to ensure appropriate hiring levels.
- Works with OCIO to establish IT needs and ensure proper planning for IT systems of the future and to meet current needs

Secretary of Commerce Narrative: (Optional)

(b)(6)

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Critical Element Rating – Business Acumen

(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

- Works harmoniously with user groups such as International Trademark Association, Intellectual Property Owners Association, Association of Corporate Counsel and American Intellectual Property Law Association on a continuing basis in order to ensure user input on Trademark Strategic IT plan, Trademark quality Initiatives, and to ensure an ongoing exchange of information on examination law, policy, and procedures and user-satisfaction therewith;
- Works with the Office of General Counsel, Solicitor's Office, and the Trademark Trial and Appeal Board to identify and resolve legal issues regarding trademark examination matters, and provide examination guidance where appropriate;
- Works closely with TPAC on agency issues to receive input on applicant and user needs and to develop appropriate initiatives and actions;
- Works to ensure important legal issues are vetted appropriately with Trademark Public Advisory Committee (TPAC), user groups, and Trademark staff;
- Works with the Office of Governmental Affairs and the Office of the Chief Administrative Officer on telework issues and policies, specifically in the area of expanded programs and remote geographic teleworkers;
- Collaborates with OCIO to ensure the new Trademark e-government activities are progressing as planned and that current systems meet user needs;
- Readily collaborates with all other USPTO business units on a variety of issues; and
- Works cooperatively with other international offices in the TM-5 partnership to accomplish stated goals and improve international relationships in the Trademark area.

Secretary of Commerce: *(Optional)*

A. USER GROUPS

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(1) INTA

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(2) ACC

(b)(6)

(3) IPO

(b)(6)

(4) AIPLA

(b)(6)

(5) ABA IP Section

(b)(6)

(6) Michigan State Bar

(b)(6)

(7) California Bar IP Section

(b)(6)

R. OGC, OPIA & TTAB

(b)(6)

C. TFAC

(b)(6)

D. OCA/CAO/PATENTS

(b)(6)

E. OUTREACH

(b)(6)

F. OCIO

(b)(6)

G. COLLABORATION WITH OTHER BUSINESS UNITS

(b)(6)

H. TM5/INTERNATIONAL

(b)(6)

(b)(6)

I. CONGRESS

(b)(6)

Critical Element Rating – Building Coalitions

(b)(6)

| | |
|--|---|
| <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 at Level 3 for each result specified. It is recommended to also establish the threshold measures/targets for Levels 5 and 2.</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>Performance Requirement 1: Pendency [Weight 50%] 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 2014 Budget.</p> <p>Success of these objectives will be determined by the specific performance measures based on overall performance taking into account the totality of all the measures. Meeting or exceeding the targets represents a level of outstanding performance.</p> <ul style="list-style-type: none"> • Average first action pendency from date of filing: 2.5 to 3.5 months • Average total pendency from date of filing to notice of allowance abandonment or registration (months)-- excluding suspended and inter parts cases: 11.5 months or less • Applications processed completely electronically: 82% | <p>Strategic Alignment: Goal II of the USPTO 2014-2018 Strategic Plan USPTO President's Budget Submission Fiscal Year 2014 page 93</p> |
| <p>Performance Requirement 2: Quality [Weight 50%] 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 2014 Budget.</p> <p>Success of these objectives will be determined by the specific performance measures based on overall performance taking into account the totality of all the measures. Meeting or exceeding the targets represents a level of outstanding performance.</p> <ul style="list-style-type: none"> • First action compliance rate: 95.5% • Final compliance rate: 97.0% • Comprehensive Excellence: 40% | <p>Strategic Alignment: Goal II of the USPTO 2014-2018 Strategic Plan USPTO President's Budget Submission Fiscal Year 2014 Page 93</p> |
| <p>Secretary of Commerce Narrative: (Optional)</p> | |
| <p>(b)(6)</p> | |

| | |
|---|--------|
| (1) <u>PENDENCY & E-GOVERNMENT</u> (50% of Element 5) | |
| (b)(6) | |
| (2) <u>QUALITY</u> (50% of Element 5) | |
| (b)(6) | |
| <i>Critical Element Rating – Results Driven</i> | |
| | (b)(6) |

Part 6: Summary Rating Narrative :

Part 7: Commissioner ' Accomplishment Narrative (Optional)

(b)(6)

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 for Trademarks Performance Agreement

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

| | |
|---|-------------------------------|
| Commissioner's Name (Last, First, MI): Denison, Mary Boney | Appraisal Pd. 10/1/16-9/30/17 |
| Commissioner's Signature: (b)(6) | Date: 11/2/16 |
| Title: Commissioner for Trademarks | Organization: Trademarks |
| Secretary of Commerce Name (Last, First, MI): Pritzker, Penny | |
| Secretary of Commerce Signature: (b)(6) | Date: JAN - 5 - 17 |

Part 2. Progress Review

| | |
|---|--------------------|
| Commissioner's Signature: (b)(6) | Date: 4/19/17 |
| Secretary of Commerce's Signature: (b)(6) | Date: 11-28-17 JEM |

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 | 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 | | (b)(6) | 60 | | (b)(6) | |
| 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 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:

- Manages production, quality and pendency for Trademarks, ensuring performance goals are met;
- Leads Trademark organization in efforts to ensure appropriate progress toward strategic plan goals;
- Ensures development of important e-government procedures to improve electronic processing in all areas;
- Works cooperatively with Office of the Chief Information Officer (OCIO) to establish Trademark information technology (IT) needs and ensure proper planning for Trademark IT systems of the future; and
- Strengthens the telework program generally and time and attendance controls for teleworking and non-teleworking employees specifically, including implementation of reasonable recommendations made by the Office of Inspector General and the National Academy of Public Administration.

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%

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

- Leads Trademark organization in efforts to ensure appropriate progress toward strategic plan and performance goals;
- Works cooperatively with the Unions, NTEU 245 and 243, to ensure Union support on important USPTO issues wherever possible;
- Ensures Human Capital plan is implemented;
- Works to ensure important legal issues are vetted appropriately with the Trademark Public Advisory Committee (TPAC), user groups and TM staff;
- Works with TPAC to ensure maximum use of TPAC members as a resource for good decision making; and
- Ensures that each business unit participates in the formulation of clear, concise and effective communication strategies, including providing appropriate information and documentation to the OCCO.

Secretary of Commerce Narrative: (Optional)

Commissioner Denison

Critical Element Rating – Leading People

Level 5

Level 4

Level 3

Level 2

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

- Ensures Trademark budget meets operational needs and is properly administered;
- Makes decisions on appropriate use of resources to meet pendency goals;
- Works with filing forecasts to ensure appropriate hiring levels; and
- Works with OCIO to establish IT needs and ensure proper planning for IT systems of the future and to meet current needs.

Secretary of Commerce Narrative: (Optional)

Critical Element Rating – Business Acumen

Level 5

Level 4

Level 3

Level 2

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

- Works harmoniously with user groups such as International Trademark Association, Intellectual Property Owners Association, Association of Corporate Counsel and American Intellectual Property Law Association on a continuing basis in order to ensure user input on Trademark Strategic IT plan, Trademark quality initiatives, and to ensure an ongoing exchange of information on examination law, policy, and procedures and user-satisfaction therewith;
- Works with the Office of General Counsel, Solicitor's Office, and the Trademark Trial and Appeal Board to identify and resolve legal issues regarding trademark examination matters, and provide examination guidance where appropriate;
- Works closely with TPAC on agency issues to receive input on applicant and user needs and to develop appropriate initiatives and actions;
- Works to ensure important legal issues are vetted appropriately with Trademark Public Advisory Committee (TPAC), user groups, and Trademark staff;
- Works with the Office of Governmental Affairs and the Office of the Chief Administrative Officer on telework issues and policies, specifically in the area of expanded programs and remote geographic teleworkers;
- Collaborates with OCIO to ensure the new Trademark e-government activities are progressing as planned and that current systems meet user needs;
- Readily collaborates with all other USPTO business units on a variety of issues; and
- Works cooperatively with other international offices in the TM-5 partnership to accomplish stated goals and improve international relationships in the Trademark area.

Secretary of Commerce: *(Optional)*

Critical Element Rating – Building Coalitions

Level 5

Level 4

Level 3

Level 2

Level 1

Critical Element 5. Results Driven

Weight 60%

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

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

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

Performance Requirement 1: Pendency [Weight 50%]

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 2014 Budget.

Success of these objectives will be determined by the specific performance measures based on overall performance taking into account the totality of all the measures. Meeting or exceeding the targets represents a level of outstanding performance.

- Average first action pendency from date of filing: 2.5 to 3.5 months
- Average total pendency from date of filing to notice of allowance abandonment or registration (months) – excluding suspended and inter parts cases: 11.5 months or less
- Applications processed completely electronically: 81%

Strategic Alignment:

Goal II of the USPTO 2014-2018 Strategic Plan
USPTO President's Budget Submission Fiscal Year 2014 page 93

Performance Requirement 2: Quality [Weight 50%]

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 2014 Budget.

Success of these objectives will be determined by the specific performance measures based on overall performance taking into account the totality of all the measures. Meeting or exceeding the targets represents a level of outstanding performance.

- First action compliance rate: 95.5%
- Final compliance rate: 97.0%
- Comprehensive Excellence: 42%

Strategic Alignment:

Goal II of the USPTO 2014-2018 Strategic Plan
USPTO President's Budget Submission Fiscal Year 2014 Page 93

Secretary of Commerce Narrative: *(Optional)*

Critical Element Rating – Results Driven

Level 5

Level 4

Level 3

Level 2

Level 1

Part 6: Summary Rating Narrative

[Empty space for Part 6: Summary Rating Narrative]

Part 7: Commissioner's Accomplishment Narrative (Optional)

[Empty space for Part 7: Commissioner's Accomplishment Narrative (Optional)]

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.

MEMORANDUM

TO: Michelle K. Lee
FROM: Mary Boney Denison
RE: Mid-Year Review
DATE: April 11, 2017

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KEY FACTS

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LEADING CHANGE

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LEADING PEOPLE

A. **ENGAGEMENT**

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(b)(6)

B. UNION

(b)(6)

C. LEGAL ISSUES

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(b)(6)

D. TPAC

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E. DIVERSITY

(b)(6)

BUSINESS ACUMEN

(b)(6)

Withheld pursuant to exemption

(b)(6)

of the Freedom of Information and Privacy Act

(b)(6)

BUILDING COALITIONS

A. USER GROUPS

(b)(6)

INTA

(b)(6)

(b)(6)

B. OGC, OPIA & TTAB

(b)(6)

C. TPAC

(b)(6)

D. OCA/CAO/PATENTS

(b)(6)

E. OUTREACH

(b)(6)

(b)(6)

[Redacted]

F. OCIO

(b)(6)

[Redacted]

G. COLLABORATION WITH OTHER BUSINESS UNITS

(b)(6)

[Redacted]

H. TM5/INTERNATIONAL

(b)(6)

[Redacted]

I. CONGRESS

(b)(6)

[Redacted]

RESULTS DRIVEN

(b)(6)

[Redacted]

(1) PENDENCY & E-GOVERNMENT (50% of Element 5)

(b)(6)

[Redacted]

(2) **QUALITY** (50% of Element 5)

As of March 31:

(b)(6)





Commissioner for Trademarks Performance Agreement

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

| | |
|---|-------------------------------|
| Commissioner's Name (Last, First, MI): Denison, Mary Boney | Appraisal Pd. 10/1/17-9/30/18 |
| Commissioner's Signature: (b)(6) | Date: 10/1/17 |
| Title: Commissioner for Trademarks | Organization: Trademarks |
| Performing the Functions and Duties of the Under Secretary of Commerce for Intellectual Property and Director of the United States Patent and Trademark Office Name (Last, First, MI): Matal, Joseph | |
| Performing the Functions and Duties of the Under Secretary of Commerce for Intellectual Property and Director of the United States Patent and Trademark Office Signature: (b)(6) | Date: 11/13/17 |

Part 2. Progress Review

| | |
|---|----------------|
| Commissioner's Signature: (b)(6) | Date: 6/5/18 |
| Performing the Functions and Duties of the Under Secretary of Commerce for Intellectual Property and Director of the United States Patent and Trademark Office Signature: (b)(6) | Date: 6/5/2018 |

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: 11/15/18 |
| Performing the Functions and Duties of the Under Secretary of Commerce for Intellectual Property and Director of the United States Patent and Trademark Office : | | | | | Date: 11/15/2018 |

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 | | (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) | 10 | | (b)(6) | |
| 3. Business Acumen | | (b)(6) | 10 | | (b)(6) | |
| 4. Building Coalitions | | (b)(6) | 10 | | (b)(6) | |
| 5. Results Driven | | (b)(6) | 60 | | (b)(6) | |
| 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%

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 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:

- Manages production, quality and pendency for Trademarks, ensuring performance goals are met.
- Leads Trademark organization in efforts to ensure appropriate progress toward strategic plan goals;
- Ensures development of important e-government procedures to improve electronic processing in all areas; and
- Works cooperatively with Office of the Chief Information Officer (OCIO) to establish Trademark information technology (IT) needs and ensure proper planning for Trademark IT systems of the future.
- Strengthens the telework program generally and time and attendance controls for teleworking and non-teleworking employees specifically, including implementation of reasonable recommendations made by the Office of Inspector General and the National Academy of Public Administration

Secretary of Commerce Narrative: (Optional)

(b)(6)

(b)(6)

Critical Element Rating – Leading Change

(b)(6)

MARY BONEY DENISON

COMMISSIONER FOR TRADEMARKS FY2018

Critical Element 1. Leading Change

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

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- Strengthens the telework program generally and time and attendance controls for teleworking and non-teleworking employees specifically, including implementation of reasonable recommendations made by the Office of Inspector General and the National Academy of Public Administration

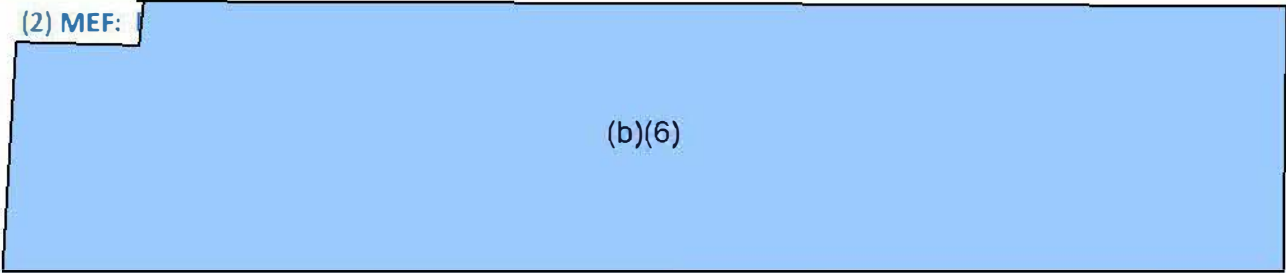
Secretary of Commerce Narrative: (Optional)

(b)(6)

(b)(6)



(2) MEF:



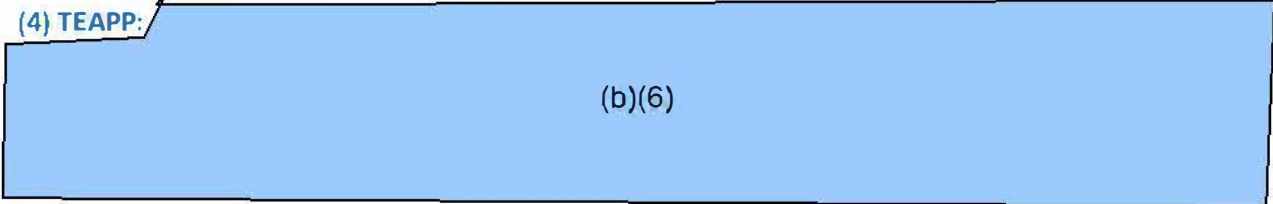
(b)(6)

(3) ANTI-COUNTERFEITING:



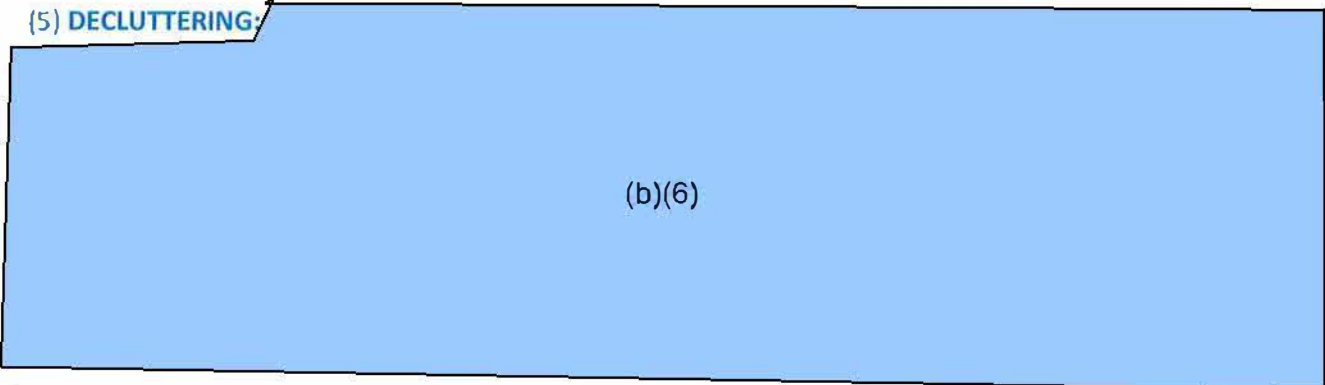
(b)(6)

(4) TEAPP:



(b)(6)

(5) DECLUTTERING:



(b)(6)

(b)(6)

(6) CUSTOMER EXPERIENCE:

(b)(6)

(7) FRAUDULENT SOLICITATIONS:

(b)(6)

(8) TRAINING:

(b)(6)

(b)(6)

(9) RECRUITING:

(b)(6)

(10) AUTOMATION:

(b)(6)

(11) TIME & ATTENDANCE:

(b)(6)

(12) INTERFERENCES:

(b)(6)

(13) DATA ANALYTICS:

(b)(6)

(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

- Leads Trademark organization in efforts to ensure appropriate progress toward strategic plan and performance goals;
- Works cooperatively with the Unions, NTEU 245 and 243, to ensure Union support on important USPTO issues wherever possible
- Ensures Human Capital plan is implemented;
- Works to ensure important legal issues are vetted appropriately with the Trademark Public Advisory Committee (TPAC), user groups and TM staff
- Works with TPAC to ensure maximum use of TPAC members as a resource for good decision making
- Ensures that each business unit participates in the formulation of clear, concise and effective communication strategies, including providing appropriate information and documentation to the OCCO.

Secretary of Commerce Narrative: *(Optional)*
Commissioner Denison

A. ENGAGEMENT

(b)(6)

(b)(6)

B. UNION

(b)(6)

C. HUMAN CAPITAL PLAN

(b)(6)

(b)(6)

D. LEGAL ISSUES

(b)(6)

E. TPAC

(b)(6)

F. DIVERSITY

(b)(6)

G. AWARDS & RECOGNITION

(b)(6)

(b)(6)

Critical Element 2. Leading People

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.

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- Works cooperatively with the Unions, NTEU 245 and 243, to ensure Union support on important USPTO issues wherever possible
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- Works with TPAC to ensure maximum use of TPAC members as a resource for good decision making
- Ensures that each business unit participates in the formulation of clear, concise and effective communication strategies, including providing appropriate information and documentation to the OCCO.

Secretary of Commerce Narrative: (Optional)

A. MANAGER STRENGTHS:

(b)(6)

B. ENGAGEMENT:

(b)(6)

(b)(6)

C. DEATHS & SERIOUS ILLNESSES:

(b)(6)

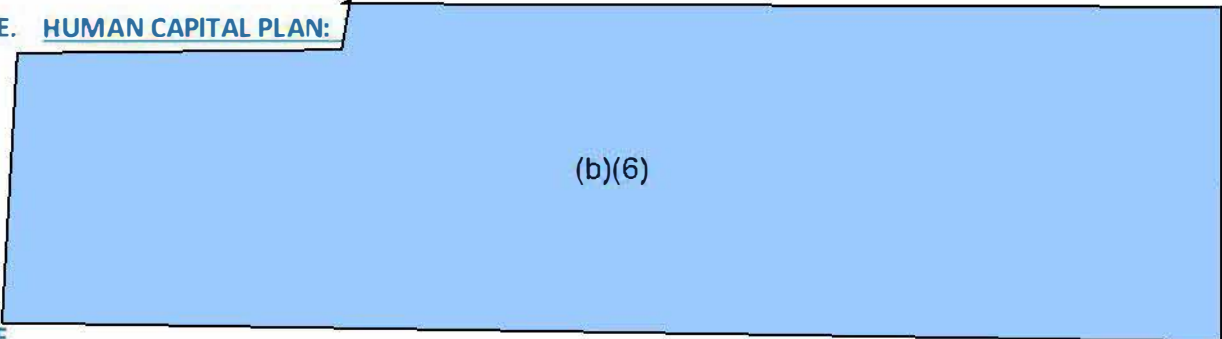
D. UNION:

(b)(6)

(b)(6)



E. HUMAN CAPITAL PLAN:



(b)(6)

F.

(b)(6)



G. LEGAL ISSUES:

(b)(6)

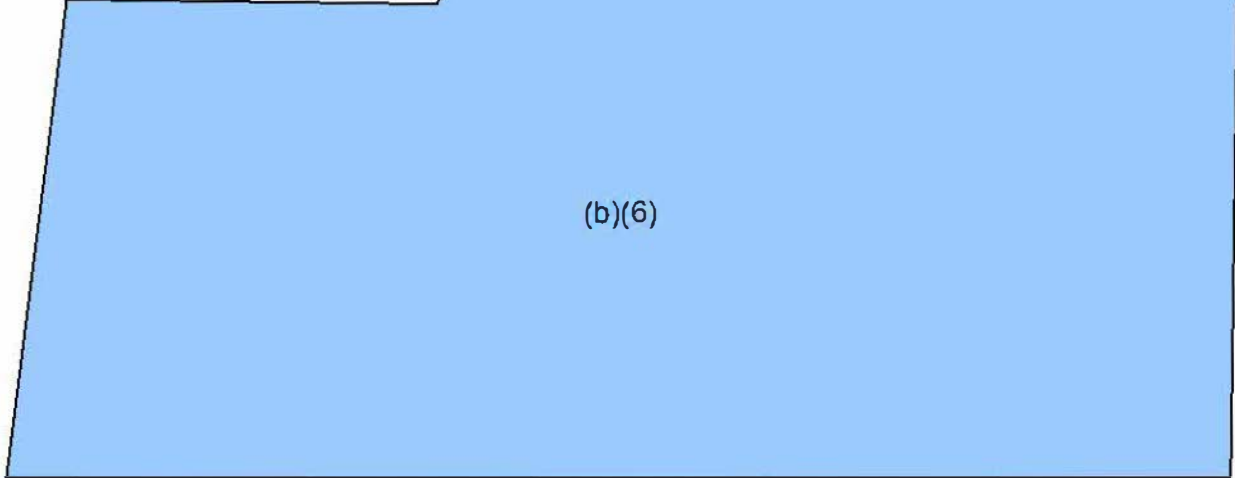
H. TPAC:

(b)(6)

I. DIVERSITY/INCLUSION/WELLNESS:

(b)(6)

J. AWARDS & RECOGNITION:



(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

- Ensures Trademark budget meets operational needs and is properly administered.
- Makes decisions on appropriate use of resources to meet pendency goals.
- Works with filing forecasts to ensure appropriate hiring levels.
- Works with OCIO to establish IT needs and ensure proper planning for IT systems of the future and to meet current needs

Secretary of Commerce Narrative: *(Optional)*

(b)(6)

Critical Element 3. Business Acumen

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

- Ensures Trademark budget meets operational needs and is properly administered.
- Makes decisions on appropriate use of resources to meet pendency goals.
- Works with filing forecasts to ensure appropriate hiring levels.
- Works with OCIO to establish IT needs and ensure proper planning for IT systems of the future and to meet current needs

Secretary of Commerce Narrative: (Optional)

(b)(6)



(b)(6)

(b)(6)

Critical Element Rating – Business Acumen

(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

- Works harmoniously with user groups such as International Trademark Association, Intellectual Property Owners Association, Association of Corporate Counsel and American Intellectual Property Law Association on a continuing basis in order to ensure user input on Trademark Strategic IT plan, Trademark quality initiatives, and to ensure an ongoing exchange of information on examination law, policy, and procedures and user-satisfaction therewith;
- Works with the Office of General Counsel, Solicitor’s Office, and the Trademark Trial and Appeal Board to identify and resolve legal issues regarding trademark examination matters, and provide examination guidance where appropriate;
- Works closely with TPAC on agency issues to receive input on applicant and user needs and to develop appropriate initiatives and actions;
- Works to ensure important legal issues are vetted appropriately with Trademark Public Advisory Committee (TPAC), user groups, and Trademark staff;
- Works with the Office of Governmental Affairs and the Office of the Chief Administrative Officer on telework issues and policies, specifically in the area of expanded programs and remote geographic teleworkers;
- Collaborates with OCIO to ensure the new Trademark e-government activities are progressing as planned and that current systems meet user needs;
- Readily collaborates with all other USPTO business units on a variety of issues; and
- Works cooperatively with other international offices in the TM-5 partnership to accomplish stated goals and improve international relationships in the Trademark area.

Secretary of Commerce: *(Optional)*

A. USER GROUPS

(b)(6)

(1) INTA

(b)(6)

(2) AIPLA

(b)(6)

(3) ABA IP Section

(b)(6)

(4) World Congress 10th Annual Corporate IP Counsel Forum

(b)(6)

(5) World Intellectual Property Forum

(b)(6)

(6) Regional Offices

(b)(6)

B. OGC, OPIA & TTAB

(b)(6)

C. TPAC

(b)(6)

D. OGA/CAO/PATENTS

(b)(6)

E. OUTREACH

(b)(6)

F. OCIO

(b)(6)

(b)(6)

G. COLLABORATION WITH OTHER BUSINESS UNITS

(b)(6)

H. TMS/INTERNATIONAL

(b)(6)

I. CONGRESS

(b)(6)

J. SMITHSONIAN MUSEUM OF AMERICAN ART

(b)(6)

Critical Element Rating – Building Coalitions

(b)(6)

Critical Element 4. Building Coalitions

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

- Works harmoniously with user groups such as International Trademark Association, Intellectual Property Owners Association, Association of Corporate Counsel and American Intellectual Property Law Association on a continuing basis in order to ensure user input on Trademark Strategic IT plan, Trademark quality initiatives, and to ensure an ongoing exchange of information on examination law, policy, and procedures and user-satisfaction therewith;
- Works with the Office of General Counsel, Solicitor's Office, and the Trademark Trial and Appeal Board to identify and resolve legal issues regarding trademark examination matters, and provide examination guidance where appropriate;
- Works closely with TPAC on agency issues to receive input on applicant and user needs and to develop appropriate initiatives and actions;
- Works to ensure important legal issues are vetted appropriately with Trademark Public Advisory Committee (TPAC), user groups, and Trademark staff;
- Works with the Office of Governmental Affairs and the Office of the Chief Administrative Officer on telework issues and policies, specifically in the area of expanded programs and remote geographic teleworkers;
- Collaborates with OCIO to ensure the new Trademark e-government activities are progressing as planned and that current systems meet user needs;
- Readily collaborates with all other USPTO business units on a variety of issues; and
- Works cooperatively with other international offices in the TM-5 partnership to accomplish stated goals and improve international relationships in the Trademark area.

Secretary of Commerce: (Optional)

A. USER GROUPS:

(b)(6)

(b)(6)



(1) INTA

(b)(6)



(2) AIPLA

(b)(6)



(3) ABA IP Section

(b)(6)



(4) Association of Corporate Counsel

(b)(6)



(5) World Congress 10th Annual Corporate IP Counsel Forum

(b)(6)



(6) World Intellectual Property Forum

(b)(6)



(7) **LGBT Bar**

(b)(6)

(8) **SVIPLA**

(b)(6)

(9) **MIPLA**

(b)(6)

(10) **VBA**

(b)(6)

(11) **McCarthy Institute**

(b)(6)

(12) **FICPI**

(b)(6)

(13) **Regional Offices**

(b)(6)

(14) **Stakeholder Meetings**

(b)(6)

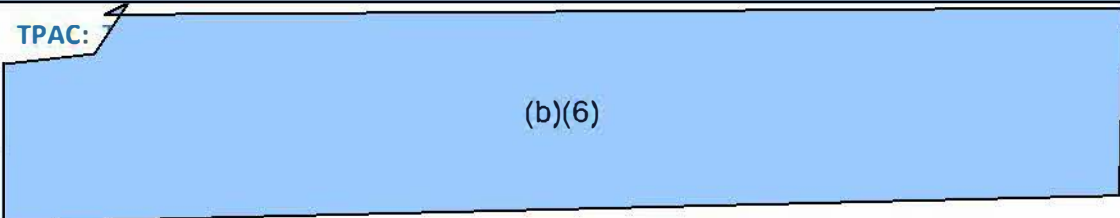
B. OGC, OPIA & TTAB:

(b)(6)

(b)(6)

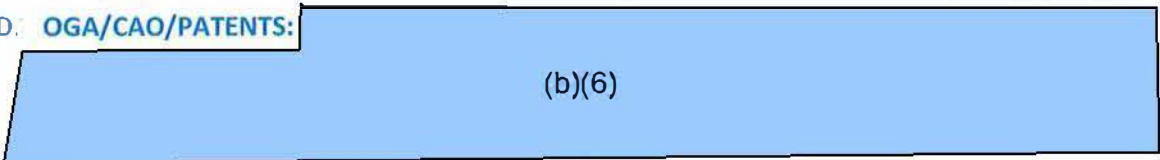


C. TPAC:



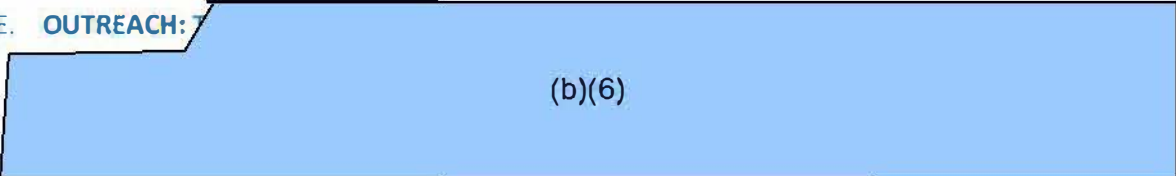
(b)(6)

D. OGA/CAO/PATENTS:



(b)(6)

E. OUTREACH:



(b)(6)

(b)(6)



F. OCIO:



(b)(6)

(b)(6)



(b)(6)

G. COLLABORATION WITH OTHER BUSINESS UNITS:

(b)(6)

H. TM5/INTERNATIONAL:

(b)(6)

I. CONGRESS/OTHER AGENCIES/WIPO:

(b)(6)

J. SMITHSONIAN MUSEUM OF AMERICAN HISTORY:

(b)(6)

Critical Element 5. Results Driven

**Weight
60%**

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

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

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

Performance Requirement 1: Pendency [Weight 50%]

Strategic Alignment:

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 2014 Budget.

Goal II of the USPTO 2014-2018 Strategic Plan

Success of these objectives will be determined by the specific performance measures based on overall performance taking into account the totality of all the measures. **Meeting or exceeding the targets represents a level of outstanding performance.**

- Average first action pendency from date of filing: 2.5 to 3.5 months
- Average total pendency from date of filing to notice of allowance abandonment or registration (months) – excluding suspended and inter parts cases: 11.5 months or less
- Applications processed completely electronically: 86%

Performance Requirement 2: Quality [Weight 50%]

Strategic Alignment:

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 2014 Budget.

Goal II of the USPTO 2014-2018 Strategic Plan

Success of these objectives will be determined by the specific performance

measures based on overall performance taking into account the totality of all the measures. Meeting or exceeding the targets represents a level of outstanding performance.

- First action compliance rate: 95.5%
- Final compliance rate: 97.0%
- Comprehensive Excellence: 45%

Secretary of Commerce Narrative:
(Optional)

(b)(6)

(b)(6)

Critical Element Rating – Results Driven

Part 6: Summary Rating Narrative :

(b)(6)

Part 7: Commissioner ' Accomplishment Narrative (Optional)

Part 8: Agency Use

Critical Element 5. Results Driven

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

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

Performance Requirement 1: Pendency

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 2014 Budget.

Success of these objectives will be determined by the specific performance measures based on overall performance taking into account the totality of all the measures. Meeting or exceeding the targets represents a level of outstanding performance.

- Average first action pendency from date of filing: 2.5 to 3.5 months
- Average total pendency from date of filing to notice of allowance abandonment or registration (months) – excluding suspended and inter parts cases: 11.5 months or less
- Applications processed completely electronically: 86%

Strategic Alignment:

Goal II of the USPTO 2014-2018 Strategic Plan

Performance Requirement 2: Quality

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 2014 Budget.

Success of these objectives will be determined by the specific performance measures based on overall performance taking into account the totality of all the measures. Meeting or exceeding the targets represents a level of outstanding performance.

- First action compliance rate: 95.5%
- Final compliance rate: 97.0%
- Comprehensive Excellence: 45%

Strategic Alignment:

Goal II of the USPTO 2014-2018 Strategic Plan

Secretary of Commerce Narrative: (Optional)

(b)(6)



Part 6: Summary Rating Narrative:

(b)(6)



(b)(6)



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 | (b)(6) | (b)(6) | (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 | | | | | |
| Performance Requirement 3 | | | | | |
| Performance Requirement 4 | | | | | |
| | | = 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 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 for Trademarks Performance Agreement

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

| | |
|---|-------------------------------|
| Commissioner's Name (Last, First, MI): Denison, Mary Boney | Appraisal Pd. 10/1/18-9/30/19 |
| Commissioner's Signature: (b)(6) | Date: |
| Title: Commissioner for Trademarks | Organization: Trademarks |
| Under Secretary of Commerce for Intellectual Property and Director of the United States Patent and Trademark Office Name (Last, First, MI): Iancu, Andrei | |
| Under Secretary of Commerce for Intellectual Property and Director of the United States Patent and Trademark Office Signature: (b)(6) | Date: 10/1/18 |

Part 2. Progress Review

| | |
|---|----------------|
| Commissioner's Signature: (b)(6) | Date: 5/1/2019 |
| Under Secretary of Commerce for Intellectual Property and Director of the United States Patent and Trademark Office Signature: (b)(6) | Date: 5/1/2019 |

Part 3. Annual Summary

| | | | |
|---|--------|--|-----------------|
| Annual Summary Rating | (b)(6) | | |
| Commissioner's Signature: (b)(6) | | | Date: 11/7/19 |
| Under Secretary of Commerce for Intellectual Property and Director of the United States Patent and Trademark Office: (b)(6) | | | Date: 11/7/2019 |

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) | | (b)(6) | | | |
| 2. Leading People | | | | | | |
| 3. Business Acumen | | | | | | |
| 4. Building Coalitions | | | | | | |
| 5. Results Driven | | | | | | |
| Total | (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

Commissioner Name: DENISON, Mary Boney

Appraisal Period: FY 2018

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 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:

- Manages production, quality and pendency for Trademarks, ensuring performance goals are met.
- Leads Trademark organization in efforts to ensure appropriate progress toward strategic plan goals;
- Ensures development of important e-government procedures to improve electronic processing in all areas; and
- Works cooperatively with Office of the Chief Information Officer (OCIO) to establish Trademark information technology (IT) needs and ensure proper planning for Trademark IT systems of the future.
- Strengthens the telework program generally and time and attendance controls for teleworking and non-teleworking employees specifically, including implementation of reasonable recommendations made by the Office of Inspector General and the National Academy of Public Administration

Secretary of Commerce Narrative: *(Optional)*

Critical Element Rating – Leading Change

Level 5

Level 4

Level 3

Level 2

Level 1

MARY BONEY DENISON
COMMISSIONER FOR TRADEMARKS
FY 2019

SUMMARY

(b)(6)



Critical Element 1. Leading Change

Fraud Reduction/Prevention:

(b)(6)



U.S. Counsel Rule:

(b)(6)



(b)(6)

Mandatory Electronic Filing:

(b)(6)

IT Changes:

(b)(6)

(b)(6)

Policy Changes:

(b)(6)

MARY BONEY DENISON
COMMISSIONER FOR TRADEMARKS
MID-YEAR FY 2019

Critical Element 1. Leading Change

Fraud Reduction/Prevention:

(b)(6)



U.S. Counsel Rule:

(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

- Leads Trademark organization in efforts to ensure appropriate progress toward strategic plan and performance goals;
- Works cooperatively with the Unions, NTEU 245 and 243, to ensure Union support on important USPTO issues wherever possible
- Ensures Human Capital plan is implemented;
- Works to ensure important legal issues are vetted appropriately with the Trademark Public Advisory Committee (TPAC), user groups and TM staff
- Works with TPAC to ensure maximum use of TPAC members as a resource for good decision making
- Ensures that each business unit participates in the formulation of clear, concise and effective communication strategies, including providing appropriate information and documentation to the OCCO.
- 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.
- Lead, develop and implement actions to improve employee engagement in Trademarks based on employee feedback gathered from sources including the USPTO People Survey, Federal Employee Viewpoints Survey, focus groups and other initiatives.

Secretary of Commerce Narrative: *(Optional)*

Critical Element 2. Leading People

Pendency Initiative:

(b)(6)



Union Relationships:

(b)(6)



Collaborations

(b)(6)



Activities and agreements with 245

(b)(6)



(b)(6)

Agreements with 243

(b)(6)

Customer Experience:

(b)(6)

(b)(6)

Hiring and Training:

(b)(6)

Critical Element 2. Leading People

Pendency Initiative:

(b)(6)



Union Negotiations:

(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

- Ensures Trademark budget meets operational needs and is properly administered.
- Makes decisions on appropriate use of resources to meet pendency goals.
- Works with filing forecasts to ensure appropriate hiring levels.
- Works with OCIO to establish IT needs and ensure proper planning for IT systems of the future and to meet current needs

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 |
|--|----------------------------------|----------------------------------|----------------------------------|----------------------------------|----------------------------------|

Critical Element 3. Business Acumen

Operating Reserve:

(b)(6)



Fee Review:

(b)(6)



Mandatory Electronic Filing (MEF):

(b)(6)



Critical Element 3. Business Acumen

Operating Reserve:

(b)(6)

Mandatory Electronic Filing (MEF):

(b)(6)

Fee Review:

(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

- Works harmoniously with user groups such as International Trademark Association, Intellectual Property Owners Association, American Bar Association and American Intellectual Property Law Association on a continuing basis in order to ensure user input on Trademark Strategic IT plan, Trademark quality initiatives, and to ensure an ongoing exchange of information on examination law, policy, and procedures and user-satisfaction therewith;
- Works with the Office of General Counsel, Solicitor's Office, and the Trademark Trial and Appeal Board to identify and resolve legal issues regarding trademark examination matters, and provide examination guidance where appropriate;
- Works with OPIA on trademark policy, international issues and legislation;
- Works closely with TPAC on agency issues to receive input on applicant and user needs and to develop appropriate initiatives and actions;
- Works to ensure important legal issues are vetted appropriately with Trademark Public Advisory Committee (TPAC), user groups, and Trademark staff;
- Works with the Office of Governmental Affairs and the Office of the Chief Administrative Officer on telework issues and policies, specifically in the area of expanded programs and remote geographic teleworkers;
- Collaborates with OCIO to ensure the new Trademark e-government activities are progressing as planned and that current systems meet user needs;
- Readily collaborates with all other USPTO business units on a variety of issues; and
- Works cooperatively with other international offices in the TM-5 partnership to accomplish stated goals and improve international relationships in the Trademark area.

Secretary of Commerce Narrative: *(Optional)**Critical Element Rating – Building Coalitions* Level 5 Level 4 Level 3 Level 2 Level 1

Critical Element 4. Building Coalitions

Congress:

(b)(6)



Anti-counterfeiting Campaign:

(b)(6)



Patents:

(b)(6)



TPAC:

(b)(6)

TM5:

(b)(6)

Major Corporations:

(b)(6)

Bar Groups:

(b)(6)

(1) INTA

(b)(6)

(2) **AIPLA**

(b)(6)

(3) **ABA IP Section**

(b)(6)

(4) **Association of Corporate Counsel**

(b)(6)

(5) **World Congress 11th Annual Corporate IP Counsel Forum**

(b)(6)

(6) **LGBT Bar**

(b)(6)

(7) **SFIPLA**

(b)(6)

(8) **California Bar IP Section**

(b)(6)

(9) **Texas Bar IP Section**

(b)(6)

(10) **MIPLA**

(b)(6)

(11) **Pittsburgh IPLA**

(b)(6)

(12) **McCarthy Institute**

(b)(6)

(13) **SMU Law School**

(b)(6)

(14) **UNC School of Law**

(b)(6)

(15) **NC Central School of Law**

(b)(6)

(16) **Florida Bar IP Section**

(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 with organizational goals and objectives. At a minimum, the performance plan will include performance requirements (including measures, targets, timelines, or quality descriptors, as appropriate) describing the range of performance at Level 3 for each result specified. It is recommended to also establish the threshold measures/targets for Levels 5 and 2.

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

Performance Requirement 1: Pendency [Weight 50%]

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 2014 Budget.

Success of these objectives will be determined by the specific performance measures based on overall performance taking into account the totality of all the measures. **Meeting or exceeding the targets represents a level of outstanding performance.**

- Average first action pendency from date of filing: 2.5 to 3.5 months
- Average total pendency from date of filing to notice of allowance abandonment or registration (months) – excluding suspended and inter parts cases: 11.5 months or less
- Applications processed completely electronically: 86%

Strategic Alignment:

Goal II of the USPTO 2014-2018 Strategic Plan

Performance Requirement 2: Quality [Weight 50%]

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 2014 Budget.

Success of these objectives will be determined by the specific performance measures based on overall performance taking into account the totality of all the measures. **Meeting or exceeding the targets**

Strategic Alignment:

Goal II of the USPTO 2014-2018 Strategic Plan

represents a level of outstanding performance.

- First action compliance rate: 95.5%
- Final compliance rate: 97.0%
- Comprehensive Excellence: 45%

Secretary of Commerce Narrative:
(Optional)

Critical Element Rating – Results Driven

Level 5

Level 4

Level 3

Level 2

Level 1

Critical Element 5. Results Driven

(b)(6)



Critical Element 5. Results Driven

(b)(6)



Deriving the Results Driven Rating Worksheet

Commissioner Name MARY DENISON

Appraisal 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 | | 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.

**SES Performance Management System
Executive Performance Agreement**



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

| | |
|---|---|
| Executive's Name (Last, First, MI): Gooder, David | Appraisal Pd. 03/01/2020 – 09/30/2020 |
| Executive's Signature: | Date: |
| Title: Commissioner for Trademarks | Organization: Trademarks |
| Rating Official's Name (Last, First, MI): Iancu, Andrei | CA <input checked="" type="checkbox"/> NC <input type="checkbox"/> LT/LE <input type="checkbox"/> |
| Rating Official's Signature: | Date: |

Part 2. Progress Review

| | |
|--|-------|
| Executive's Signature: | Date: |
| Rating Official's Signature: | Date: |
| Reviewing Official's Signature (Optional): | Date: |

Part 3. Summary Rating

| | | | | | |
|--|---|---|--|--|--|
| Initial 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 |
| Rating Official's Name (Last, First, MI): | | | | | |
| Rating Official's Signature: | | | | Date: | |
| Executive's Signature: | | | | Date: | |
| Reviewing Official's Signature (Optional): | | | | Date: | |

Higher Level Review (if applicable)

| | |
|---|-------|
| <input type="checkbox"/> I request a higher level review. Executive's Initials: | Date: |
| Higher Level Review Completed <input type="checkbox"/> | Date: |
| Higher Level Reviewer Signature: | |

Performance Review Board Recommendation

| | | | | | |
|--|----------------------------------|----------------------------------|----------------------------------|----------------------------------|----------------------------------|
| Performance Review Board Recommendation | <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 |
| PRB Chair Signature: | Date: | | | | |
| Annual Summary Rating | <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 |
| Appointing Authority Signature: | 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 | | | | | | 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 | | | | | | |
| 3. Business Acumen | | | | | | |
| 4. Building Coalitions | | | | | | |
| 5. Results Driven | | | | | | |
| Total | | | 100 points | | | |

Part 5. Performance Standards and Critical Elements

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

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

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 | | (Minimum weight 5 points) | | | Weight 10% | |
| Mandatory Performance Requirement: Develops and implements an organizational vision that integrates key organizational and program goals, priorities, values, and other factors. Assesses and adjusts to changing situations, implementing innovative solutions to make organizational improvements, ranging from incremental improvements to major shifts in direction or approach, as appropriate. Balances change and continuity; continually strives to improve service and program performance; creates a work environment that encourages creative thinking, collaboration, and transparency; and maintains program focus, even under adversity. | | | | | | |
| Agency-Specific Performance Requirements | | | | | | |
| 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: | | | | | | |
| <ul style="list-style-type: none"> ▪ Manages production, quality and pendency for Trademarks, ensuring performance goals are met; ▪ Leads Trademark organization in efforts to ensure appropriate progress toward strategic plan goals; ▪ Ensures development of important e-government procedures to improve electronic processing in all areas; ▪ Works cooperatively with Office of the Chief Information Officer (OCIO) to establish Trademark information technology (IT) needs and ensure proper planning for Trademark IT systems of the future; and ▪ Strengthens the telework program generally and time and attendance controls for teleworking and non-teleworking employees specifically, including implementation of reasonable recommendations made by the Office of Inspector General and the National Academy of Public Administration. | | | | | | |
| Rating Official Narrative: <i>(Optional)</i> | | | | | | |
| 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 | | (Minimum weight 5 points) | | | Weight 10% | |
| Mandatory Performance Requirement: Designs and implements strategies that maximize employee potential, connects the organization horizontally and vertically, and fosters high ethical standards in meeting the organization's vision, mission, and goals. Provides an inclusive workplace that fosters the development of others to their full potential; allows for full participation by all employees; facilitates collaboration, cooperation, and teamwork, and supports constructive resolution of conflicts. Ensures employee performance plans are aligned with the organization's mission and goals, that employees receive constructive feedback, and that employees are realistically appraised against clearly defined and communicated performance standards. Holds employees accountable for appropriate levels of performance and conduct. Seeks and considers employee input. Recruits, retains, and develops the talent needed to achieve a high quality, diverse workforce that reflects the nation, with the skills needed to accomplish organizational performance objectives while supporting workforce diversity, workplace inclusion, and equal employment policies and programs. | | | | | | |
| Agency-Specific Performance Requirements | | | | | | |
| <i>Lead, develop, and implement actions to improve employee engagement in your area based on employee feedback gathered from sources including the USPTO People Survey, Federal Employee Viewpoint Survey, focus groups and other initiatives.</i> | | | | | | |
| <i>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.</i> | | | | | | |

- Leads Trademark organization in efforts to ensure appropriate progress toward strategic plan and performance goals;
- Works cooperatively with the Unions, NTEU 245 and 243, to ensure Union support on important USPTO issues wherever possible;
- Ensures Human Capital plan is implemented;
- Works to ensure important legal issues are vetted appropriately with the Trademark Public Advisory Committee (TPAC), user groups and TM staff;
- Works with TPAC to ensure maximum use of TPAC members as a resource for good decision making; and
- Ensures that each business unit participates in the formulation of clear, concise and effective communication strategies, including providing appropriate information and documentation to the OCCO.

Rating Official Narrative: *(Optional)*

Critical Element Rating – Leading People

Level 5

Level 4

Level 3

Level 2

Level 1

Executive Name and ID: Gooder, David

Appraisal Period: 03/01/2020 to 09/30/2020

Critical Element 3. Business Acumen

(Minimum weight 5 points)

Weight 10%

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

Agency-Specific Performance Requirements

- Ensures Trademark budget meets operational needs and is properly administered;
- Makes decisions on appropriate use of resources to meet pendency goals;
- Works with filing forecasts to ensure appropriate hiring levels; and
- Works with OCIO to establish IT needs and ensure proper planning for IT systems of the future and to meet current needs.

Rating Official Narrative: *(Optional)*

Critical Element Rating – Business Acumen

Level 5

Level 4

Level 3

Level 2

Level 1

Critical Element 4. Building Coalitions

(Minimum weight 5 points)

Weight 10%

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

Agency-Specific Performance Requirements

- Works harmoniously with user groups such as International Trademark Association, Intellectual Property Owners Association, American Bar Association and American Intellectual Property Law Association on a continuing basis in order to ensure user input on Trademark Strategic IT plan, Trademark quality initiatives, and to ensure an ongoing exchange of information on examination law, policy, and procedures and user-satisfaction therewith;
- Works with the Office of General Counsel, Solicitor’s Office, and the Trademark Trial and Appeal Board to identify and resolve legal issues regarding trademark examination matters, and provide examination guidance where appropriate;
- Works with OPIA on trademark policy, international issues and legislation;
- Works closely with TPAC on agency issues to receive input on applicant and user needs and to develop appropriate initiatives and actions;
- Works to ensure important legal issues are vetted appropriately with Trademark Public Advisory Committee (TPAC), user groups, and Trademark staff;
- Works with the Office of Governmental Affairs and the Office of the Chief Administrative Officer on telework issues and policies, specifically in the area of expanded programs and remote geographic teleworkers;
- Collaborates with OCIO to ensure the new Trademark e-government activities are progressing as planned and that current systems meet user needs;
- Readily collaborates with all other USPTO business units on a variety of issues; and
- Works cooperatively with other international offices in the TM-5 partnership to accomplish stated goals and improve international relationships in the Trademark area.

Rating Official Narrative: *(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 |
|---|----------------------------------|----------------------------------|----------------------------------|----------------------------------|----------------------------------|

Executive Name and ID Gooder, David Appraisal Period: 03/01/2020 to 09/30/2020

| | | |
|---|-----------------------------------|------------|
| Critical Element 5. Results Driven | {Minimum Weight 20 points} | Weight 60% |
|---|-----------------------------------|------------|

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

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

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

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

| | |
|--|----------------------|
| Performance Requirement 1: PENDENCY-45% Ensures average first action pendency and average disposal pendency | Strategic Alignment: |
|--|----------------------|

| | |
|--|---|
| <p>(excluding suspended applications and inter partes proceedings) are maintained within established ranges as set forth in the USPTO 2018-2022 Strategic Plan. Established ranges are follows:</p> <ul style="list-style-type: none"> ▪ Level 5 = Average first action pendency is between 2.5 - 3.5 months, and average disposal pendency is 11.5 months or lower. ▪ Level 3 = Average first action pendency is between 2.5 - 3.5 months, and average disposal pendency is 12 months. ▪ Level 2 = Average first action pendency is between 3.6- 4.5 months, and average disposal pendency is 12.5 -14.5 months or lower. | <p>USPTO 2018-2022 Strategic Plan, GOAL II: Optimize Trademark Quality And Timeliness.</p> <p>USPTO President's Budget Submission Fiscal Year 2020 Pages S1-65</p> <p>Established ranges and progress are reported on the USPTO Website and the Data Visualization Center</p> |
| <p>Performance Requirement 2: QUALITY-Decision Making-30% Maintain high trademark quality by ensuring first and final office actions reflect correct examining decisions that adheres with registrability standards for trademark applications.</p> <ul style="list-style-type: none"> ▪ Level 5 = First Office Action Compliance rate is greater than or equal to 95.5%; Final Compliance rate is greater than or equal to 97.0%. ▪ Level 3 = First Office Action Compliance rate is greater than or equal to 95.5% minus the margin of error; Final Compliance rate is greater than or equal to 97.0% minus the margin of error. ▪ Level 2 = First Office Action Compliance rate is 92.0% - 94.0%; Final Compliance rate is 93.0% - 95.0%. | <p>Strategic Alignment: USPTO 2018-2022 Strategic Plan, GOAL II: Optimize Trademark Quality And Timeliness.</p> <p>US PTO President's Budget Submission Fiscal Year 2020 Pages 51-65</p> |
| <p>Performance Requirement 3: QUALITY-Exceptional Actions-15% In accordance with the Office of Trademark Quality Review (OTQR) articulated standard, ensure 45% (minus the margin of error) of first office actions sent to applicants are considered "exceptional" (see definition below),</p> <ul style="list-style-type: none"> ▪ Level 5 = 50% or more ▪ Level 4 = 47% -49% ▪ Level 2 = 37% -43% <p>OTQR define "exceptional" as (1) all substantive and procedural issues in an application were properly raised and handled in a clear, succinct and concise manner, (2) supported with the most appropriate, relevant, feasible and properly cited evidence, and (3) written in a format that was easy to read and understand and properly targeted to the audience.</p> | <p>Strategic Alignment: USPTO 2018-2022 Strategic Plan, GOAL II: Optimize Trademark Quality And Timeliness.</p> <p>USPTO President's Budget Submission Fiscal Year 2020 Pages 51-65</p> |
| <p>Performance Requirement 4: E-GOVERNMENT-10% Support the development and implementation of electronic filing and electronic processing from beginning to end of the Trademark registration and maintenance lifecycle, to meet the needs of external and internal users for a high-performing and cost-effective system. 86%-88% of trademark applications submitted are processed fully electronically.</p> <ul style="list-style-type: none"> ▪ Level 5: 89% or greater ▪ Level 2: 80% -85% | <p>Strategic Alignment: USPTO 2018-2022 Strategic Plan, GOAL II: Optimize Trademark Quality And Timeliness.</p> <p>US PTO President's Budget Submission Fiscal Year 2020 Pages 51-65</p> |

Rating Official Narrative: *(Optional)*

Critical Element Rating – Results Driven

Level 5

Level 4

Level 3

Level 2

Level 1

Executive Name and ID:

Appraisal Period:

Part 6: Summary Rating Narrative *(Mandatory)*

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

Part 8: Agency Use

Deriving the Results Driven Rating Worksheet

Executive Name _____

Rating Period _____

| Results Driven Performance Requirements (PR) | Performance Requirement Rating Level Score | Weight (multiply by) | Performance Requirement Points Score | Point Ranges to Rating Level Score | Results Driven Initial Element Score |
|--|--|----------------------|--------------------------------------|--|--------------------------------------|
| Performance Requirement 1 | | | | Points 475– 500 = Level 5 Rating Score Points 400 – 474 = Level 4 Rating Score 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 | | | | | |
| 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.**

**SES Performance Management System
Executive Performance Agreement**



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

| | |
|---|---|
| Executive's Name (Last, First, MI): Gooder, David | Appraisal Pd. 03/01/2020 – 09/30/2020 |
| Executive's Signature: | Date: |
| Title: Commissioner for Trademarks | Organization: Trademarks |
| Rating Official's Name (Last, First, MI): Iancu, Andrei | CA <input checked="" type="checkbox"/> NC <input type="checkbox"/> LT/LE <input type="checkbox"/> |
| Rating Official's Signature: | Date: |

Part 2. Progress Review

| | |
|--|-------|
| Executive's Signature: | Date: |
| Rating Official's Signature: | Date: |
| Reviewing Official's Signature (Optional): | Date: |

Part 3. Summary Rating

| | | | | | |
|--|---|---|--|--|--|
| Initial 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 |
| Rating Official's Name (Last, First, MI): | | | | | |
| Rating Official's Signature: | | | | Date: | |
| Executive's Signature: | | | | Date: | |
| Reviewing Official's Signature (Optional): | | | | Date: | |

Higher Level Review (if applicable)

| | |
|---|-------|
| <input type="checkbox"/> I request a higher level review. Executive's Initials: | Date: |
| Higher Level Review Completed <input type="checkbox"/> | Date: |
| Higher Level Reviewer Signature: | |

| | | | | | |
|--|----------------------------------|----------------------------------|----------------------------------|----------------------------------|----------------------------------|
| Performance Review Board Recommendation | <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 |
| PRB Chair Signature: | | | | Date: | |
| Annual Summary Rating | <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 |
| Appointing Authority Signature: | | | | 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 | | | | | | 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 | | | | | | |
| 3. Business Acumen | | | | | | |
| 4. Building Coalitions | | | | | | |
| 5. Results Driven | | | | | | |
| Total | | | 100 points | | | |

Part 5. Performance Standards and Critical Elements

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

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

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 | | (Minimum weight 5 points) | | | Weight 10% | |
| Mandatory Performance Requirement: Develops and implements an organizational vision that integrates key organizational and program goals, priorities, values, and other factors. Assesses and adjusts to changing situations, implementing innovative solutions to make organizational improvements, ranging from incremental improvements to major shifts in direction or approach, as appropriate. Balances change and continuity; continually strives to improve service and program performance; creates a work environment that encourages creative thinking, collaboration, and transparency; and maintains program focus, even under adversity. | | | | | | |
| Agency-Specific Performance Requirements | | | | | | |
| 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: | | | | | | |
| <ul style="list-style-type: none"> ▪ Manages production, quality and pendency for Trademarks, ensuring performance goals are met; ▪ Leads Trademark organization in efforts to ensure appropriate progress toward strategic plan goals; ▪ Ensures development of important e-government procedures to improve electronic processing in all areas; ▪ Works cooperatively with Office of the Chief Information Officer (OCIO) to establish Trademark information technology (IT) needs and ensure proper planning for Trademark IT systems of the future; and ▪ Strengthens the telework program generally and time and attendance controls for teleworking and non-teleworking employees specifically, including implementation of reasonable recommendations made by the Office of Inspector General and the National Academy of Public Administration. | | | | | | |
| Rating Official Narrative: <i>(Optional)</i> | | | | | | |
| 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 | | (Minimum weight 5 points) | | | Weight 10% |
| Mandatory Performance Requirement: Designs and implements strategies that maximize employee potential, connects the organization horizontally and vertically, and fosters high ethical standards in meeting the organization's vision, mission, and goals. Provides an inclusive workplace that fosters the development of others to their full potential; allows for full participation by all employees; facilitates collaboration, cooperation, and teamwork, and supports constructive resolution of conflicts. Ensures employee performance plans are aligned with the organization's mission and goals, that employees receive constructive feedback, and that employees are realistically appraised against clearly defined and communicated performance standards. Holds employees accountable for appropriate levels of performance and conduct. Seeks and considers employee input. Recruits, retains, and develops the talent needed to achieve a high quality, diverse workforce that reflects the nation, with the skills needed to accomplish organizational performance objectives while supporting workforce diversity, workplace inclusion, and equal employment policies and programs. | | | | | |
| Agency-Specific Performance Requirements | | | | | |
| <i>Lead, develop, and implement actions to improve employee engagement in your area based on employee feedback gathered from sources including the USPTO People Survey, Federal Employee Viewpoint Survey, focus groups and other initiatives.</i> | | | | | |
| <i>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.</i> | | | | | |

- Leads Trademark organization in efforts to ensure appropriate progress toward strategic plan and performance goals;
- Works cooperatively with the Unions, NTEU 245 and 243, to ensure Union support on important USPTO issues wherever possible;
- Ensures Human Capital plan is implemented;
- Works to ensure important legal issues are vetted appropriately with the Trademark Public Advisory Committee (TPAC), user groups and TM staff;
- Works with TPAC to ensure maximum use of TPAC members as a resource for good decision making; and
- Ensures that each business unit participates in the formulation of clear, concise and effective communication strategies, including providing appropriate information and documentation to the OCCO.

Rating Official Narrative: *(Optional)*

Critical Element Rating – Leading People

Level 5

Level 4

Level 3

Level 2

Level 1

Executive Name and ID: Gooder, David

Appraisal Period: 03/01/2020 to 09/30/2020

Critical Element 3. Business Acumen

(Minimum weight 5 points)

Weight 10%

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

Agency-Specific Performance Requirements

- Ensures Trademark budget meets operational needs and is properly administered;
- Makes decisions on appropriate use of resources to meet pendency goals;
- Works with filing forecasts to ensure appropriate hiring levels; and
- Works with OCIO to establish IT needs and ensure proper planning for IT systems of the future and to meet current needs.

Rating Official Narrative: *(Optional)*

Critical Element Rating – Business Acumen

Level 5

Level 4

Level 3

Level 2

Level 1

Critical Element 4. Building Coalitions

(Minimum weight 5 points)

Weight 10%

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

Agency-Specific Performance Requirements

- Works harmoniously with user groups such as International Trademark Association, Intellectual Property Owners Association, American Bar Association and American Intellectual Property Law Association on a continuing basis in order to ensure user input on Trademark Strategic IT plan, Trademark quality initiatives, and to ensure an ongoing exchange of information on examination law, policy, and procedures and user-satisfaction therewith;
- Works with the Office of General Counsel, Solicitor's Office, and the Trademark Trial and Appeal Board to identify and resolve legal issues regarding trademark examination matters, and provide examination guidance where appropriate;
- Works with OPIA on trademark policy, international issues and legislation;
- Works closely with TPAC on agency issues to receive input on applicant and user needs and to develop appropriate initiatives and actions;
- Works to ensure important legal issues are vetted appropriately with Trademark Public Advisory Committee (TPAC), user groups, and Trademark staff;
- Works with the Office of Governmental Affairs and the Office of the Chief Administrative Officer on telework issues and policies, specifically in the area of expanded programs and remote geographic teleworkers;
- Collaborates with OCIO to ensure the new Trademark e-government activities are progressing as planned and that current systems meet user needs;
- Readily collaborates with all other USPTO business units on a variety of issues; and
- Works cooperatively with other international offices in the TM-5 partnership to accomplish stated goals and improve international relationships in the Trademark area.

Rating Official Narrative: *(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 |
|--|----------------------------------|----------------------------------|----------------------------------|----------------------------------|----------------------------------|

Executive Name and ID Gooder, David Appraisal Period: 03/01/2020 to 09/30/2020

| | | |
|---|-----------------------------------|------------|
| Critical Element 5. Results Driven | {Minimum Weight 20 points} | Weight 60% |
|---|-----------------------------------|------------|

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

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

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

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

| | |
|--|----------------------|
| Performance Requirement 1: PENDENCY-45% Ensures average first action pendency and average disposal pendency | Strategic Alignment: |
|--|----------------------|

| | |
|--|---|
| <p>(excluding suspended applications and inter partes proceedings) are maintained within established ranges as set forth in the USPTO 2018-2022 Strategic Plan. Established ranges are follows:</p> <ul style="list-style-type: none"> ▪ Level 5 = Average first action pendency is between 2.5 - 3.5 months, and average disposal pendency is 11.5 months or lower. ▪ Level 3 = Average first action pendency is between 2.5 - 3.5 months, and average disposal pendency is 12 months. ▪ Level 2 = Average first action pendency is between 3.6- 4.5 months, and average disposal pendency is 12.5 -14.5 months or lower. | <p>USPTO 2018-2022 Strategic Plan, GOAL II: Optimize Trademark Quality And Timeliness.</p> <p>USPTO President's Budget Submission Fiscal Year 2020 Pages S1-65</p> <p>Established ranges and progress are reported on the USPTO Website and the Data Visualization Center</p> |
| <p>Performance Requirement 2: QUALITY-Decision Making-30% Maintain high trademark quality by ensuring first and final office actions reflect correct examining decisions that adheres with registrability standards for trademark applications.</p> <ul style="list-style-type: none"> ▪ Level 5 = First Office Action Compliance rate is greater than or equal to 95.5%; Final Compliance rate is greater than or equal to 97.0%. ▪ Level 3 = First Office Action Compliance rate is greater than or equal to 95.5% minus the margin of error; Final Compliance rate is greater than or equal to 97.0% minus the margin of error. ▪ Level 2 = First Office Action Compliance rate is 92.0% - 94.0%; Final Compliance rate is 93.0% - 95.0%. | <p>Strategic Alignment: USPTO 2018-2022 Strategic Plan, GOAL II: Optimize Trademark Quality And Timeliness.</p> <p>US PTO President's Budget Submission Fiscal Year 2020 Pages 51-65</p> |
| <p>Performance Requirement 3: QUALITY-Exceptional Actions-15% In accordance with the Office of Trademark Quality Review (OTQR) articulated standard, ensure 45% (minus the margin of error) of first office actions sent to applicants are considered "exceptional" (see definition below),</p> <ul style="list-style-type: none"> ▪ Level 5 = 50% or more ▪ Level 4 = 47% -49% ▪ Level 2 = 37% -43% <p>OTQR define "exceptional" as (1) all substantive and procedural issues in an application were properly raised and handled in a clear, succinct and concise manner, (2) supported with the most appropriate, relevant, feasible and properly cited evidence, and (3) written in a format that was easy to read and understand and properly targeted to the audience.</p> | <p>Strategic Alignment: USPTO 2018-2022 Strategic Plan, GOAL II: Optimize Trademark Quality And Timeliness.</p> <p>USPTO President's Budget Submission Fiscal Year 2020 Pages 51-65</p> |
| <p>Performance Requirement 4: E-GOVERNMENT-10% Support the development and implementation of electronic filing and electronic processing from beginning to end of the Trademark registration and maintenance lifecycle, to meet the needs of external and internal users for a high-performing and cost-effective system. 86%-88% of trademark applications submitted are processed fully electronically.</p> <ul style="list-style-type: none"> ▪ Level 5: 89% or greater ▪ Level 2: 80% -85% | <p>Strategic Alignment: USPTO 2018-2022 Strategic Plan, GOAL II: Optimize Trademark Quality And Timeliness.</p> <p>US PTO President's Budget Submission Fiscal Year 2020 Pages 51-65</p> |

Rating Official Narrative: *(Optional)*

Critical Element Rating – Results Driven

Level 5

Level 4

Level 3

Level 2

Level 1

Executive Name and ID:

Appraisal Period:

Part 6: Summary Rating Narrative *(Mandatory)*

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

Part 8: Agency Use

Deriving the Results Driven Rating Worksheet

Executive Name _____

Rating Period _____

| Results Driven Performance Requirements (PR) | Performance Requirement Rating Level Score | Weight (multiply by) | Performance Requirement Points Score | Point Ranges to Rating Level Score | Results Driven Initial Element Score |
|--|--|----------------------|--------------------------------------|--|--------------------------------------|
| Performance Requirement 1 | | | | Points 475– 500 = Level 5 Rating Score Points 400 – 474 = Level 4 Rating Score 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 | | | | | |
| 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.**