



Office of the Under Secretary

POSITION DESCRIPTION

Job Code PT1252

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## Deputy Chief Administrative Patent Judge

ES-1222

Alexandria, VA

### I. Introduction

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

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

### II. Duties

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



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

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

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

### **III. Educational Requirement**

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

### **IV. Professional Technical Qualifications**

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

1. Expert knowledge of the legal principles and technical subject matter associated with patent appeals, interferences, post grant reviews, inter partes reviews, derivations, and CBM proceedings. Demonstrated ability to understand technical subject matter, apply relevant patent law legal principles involved in patent appeals, interferences, post



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grant reviews, inter partes reviews, derivations, and CBM, and effectively work in groups to resolve complex technical and legal issues.

2. Demonstrated executive level experience in directing, supervising, and evaluating the activities of a professional, technical, and legal organizational unit. Demonstrated ability to develop and achieve organizational goals, prepare and execute organizational budgets, delegate assignments, motivate subordinate groups and individuals, establish and execute programs to implement policies, and establish and maintain a positive working environment.
3. Executive level experience in effectively communicating orally and in writing regarding complex technical and legal issues, as well as the ability to fully comprehend the complex technical and legal issues discussed in a work group, the ability to lead said working group(s), and the demonstrated experience to effectively interact with the legal community and other internal and external stakeholders.

**V. Executive Core Qualifications**

The incumbent must possess the following Executive Core Qualifications:

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

**VI. Supervision and Guidance**

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

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

**VII. SES Designation**



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

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

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

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

**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): <b>Bonilla, Jacqueline</b>	Appraisal Pd. 10/1/19 -9/30/20
Executive's Signature: (b)(6)	Date: <b>9/24/19</b>
Title: <b>Deputy Chief Administrative Patent Judge</b>	Organization: PTAB
Rating Official's Name (Last, First, MI): <b>Boalick, Scott R.</b>	CA <input checked="" type="checkbox"/> NC <input type="checkbox"/> LT/LE <input type="checkbox"/>
Rating Official's Signature: (b)(6)	Date: <b>9/25/19</b>

**Part 2. Progress Review**

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

**Part 3. Summary Rating**

<b>Initial Summary Rating</b>	<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			10%			475-500 = Level 5 400-474 = Level 4 300-399 = Level 3 200-299 = Level 2 Any CE rated Level 1 = Level 1
2. Leading People			10%			
3. Business Acumen			10%			
4. Building Coalitions			10%			
5. Results Driven			60%			
<b>Total</b>			<b>100 points</b>			

**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

**Implement Presidential directives for enhancing operation of federal government agencies (e.g., Executive Orders). Implement Director's objectives for enhancing operations of USPTO and PTAB. Optimize PTAB operations by modifying the organizational staffing, policies, and procedures, as needed. Lead PTAB through enhancements of rules of practice, precedential opinions, and guidance to stakeholders to ensure balance, reliability, transparency, and predictability.**

Rating Official Narrative: *(Optional)*

Critical Element Rating – Leading Change

 Level 5 Level 4 Level 3 Level 2 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

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

*Promotes the protection of whistleblowers by: responding constructively when an employee makes disclosures described in subparagraph (A) or (B) of section 2302(b)(8); taking responsible actions to resolve disclosures; and fostering an environment in which employees of the agency feel comfortable making disclosures to supervisory employees or other appropriate authorities.*

**Serve as Deputy Chief Judge and assist the Chief Judge with Business Unit Head functions, as appropriate. Provide policy direction and guidance to the PTAB. Ensure PTAB employees are efficiently working on mission-critical tasks. Retain and leverage nationwide talent.**

Rating Official Narrative: *(Optional)*

Critical Element Rating – Leading People

 Level 5 Level 4 Level 3 Level 2 Level 1

**Critical Element 3. Business Acumen** (Minimum weight 5 points) Weight 10%

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

Agency-Specific Performance Requirements

**Support development of improved PTAB IT system and system integration. Manage allocation of budget resources to accommodate business unit needs. Develop and enhance tools to promote transparency and enable increased use of operational data. Identify and direct administrative initiatives to ensure PTAB's staffing is sufficient and appropriate to support the Board's size and workload.**

Rating Official Narrative: *(Optional)*

Critical Element Rating – Business Acumen  Level 5  Level 4  Level 3  Level 2  Level 1

**Critical Element 4. Building Coalitions** (Minimum weight 5 points) Weight 10%

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

Agency-Specific Performance Requirements

**Collaborate and share information within PTAB and with other business units to implement strategies for achieving USPTO and/or PTAB objectives. Pursue formal or informal collaborations and education opportunities with examiners. Interact with public to educate about PTAB practice and procedure to promote understanding. Collect public feedback about PTAB proceedings to guide enhancements of policies and procedures to promote balance, reliability, transparency, and predictability.**

Rating Official Narrative: *(Optional)*

Critical Element Rating – Building Coalitions  Level 5  Level 4  Level 3  Level 2  Level 1



**Critical Element 5. Results Driven****(Minimum Weight 20 points) Weight 60%**

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

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

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

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

Performance Requirement 1: 25% Weight

Strategic Alignment:

America Invents Act Trial Timeliness:

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

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

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

Performance Requirement 2: 25% Weight

Strategic Alignment:

Ex Parte Appeal Timeliness:

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

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

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

Performance Requirement 3: 25% Weight

Strategic Alignment:

PTAB Decision Consistency:

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

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

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

Performance Requirement 4: 25% Weight

Strategic Alignment:

Effective Communications:

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

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

stakeholders to decrease uncertainty and increase predictability, transparency, and reliability.

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

Rating Official Narrative: *(Optional)*

Critical Element Rating – Results Driven

Level 5

Level 4

Level 3

Level 2

Level 1

**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): <b>BOALICK, SCOTT R.</b>	Appraisal Pd. <b>10/1/15 - 9/30/16</b>
Executive's Signature: (b)(6)	Date: <i>3/8/2016</i>
Title: <b>Vice Chief Administrative Patent Judge, U.S. Patent and Trademark Office</b>	Organization: <b>PTAB</b>
Rating Official's Name (Last, First, MI): <b>KELLEY, NATHAN K., Chief Administrative Patent Judge (Acting)</b>	CA <input type="checkbox"/> NC <input type="checkbox"/> LT/LE <input type="checkbox"/>
Rating Official's Signature: (b)(6)	Date: <i>3/8/2016</i>

**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	(b)(6)	
Rating Official's Name (Last, First, MI): <b>KELLEY, NATHAN K., Chief Administrative Patent Judge (Acting)</b>		
Rating Official's Signature: (b)(6)	Date: <i>Nov. 4, 2016</i>	
Executive's Signature: (b)(6)	Date: <i>Nov 4, 2016</i>	
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:	

<b>Performance Review Board Recommendation</b>	<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:				
<b>Annual Summary Rating</b>	<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	(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%			
<b>Total</b>			100%			

*cs.*



## 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): <b>BOALICK, SCOTT R.</b>	Appraisal Pd. <b>10/1/15 - 9/30/16</b>
Executive's Signature: (b)(6)	Date: <b>1/14/16</b>
Title: <b>Vice Chief Administrative Patent Judge, U.S. Patent and Trademark Office</b>	Organization: <b>PTAB</b>
Rating Official's Name (Last, First, MI): <b>KELLEY, NATHAN K., Chief Administrative Patent Judge (Acting)</b>	CA <input type="checkbox"/> NC <input type="checkbox"/> LT/LE <input type="checkbox"/>
Rating Official's Signature: (b)(6)	Date: <b>1/14/2016</b>

**Part 2. Progress Review**

Executive's Signature: (b)(6)	Date: <b>5/20/2016</b>
Rating Official's Signature: (b)(6)	Date: <b>5/20/2016</b>
Reviewing Official's Signature (Optional):	Date:

**Part 3. Summary Rating**

<b>Initial Summary Rating</b>	<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
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Rating Official's Name (Last, First, MI): <b>KELLEY, NATHAN K., Chief Administrative Patent Judge (Acting)</b>	
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**

<b>PRB Chair Signature:</b>	<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
Date:					

**Annual Summary Rating**

<b>Appointing Authority Signature:</b>	<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
Date:					

**Part 4. Derivation Formula and Calculation of Annual Summary Rating**

Critical Element	Element Rating		Weight	Score		Summary Level Ranges
	Initial	Final (if changed)		Initial	Final (if changed)	
1. Leading Change			10%			475-500 = Level 5 400-474 = Level 4 300-399 = Level 3 200-299 = Level 2 Any CE rated Level 1 = Level 1
2. Leading People			10%			
3. Business Acumen			10%			
4. Building Coalitions			10%			
5. Results Driven			60%			
<b>Total</b>			<b>100%</b>			

**SES Performance Management System  
Executive Performance Plan**



<b>Part 1. Consultation.</b> <i>I have reviewed this plan and have been consulted on its development.</i>						
Executive's Name (Last, First, MI): <b>BONILLA, JACQUELINE</b>				Appraisal Pd. <b>10/01/16 - 9/30/17</b>		
Executive's Signature: (b)(6)				Date: <b>2/17/2017</b>		
Title: <b>Vice Chief Administrative Patent Judge, Patent Trial and Appeal Board, U.S. Patent and Trademark Office</b>				Organization: <b>PTAB</b>		
Rating Official's Name (Last, First, MI): <b>BOALICK, SCOTT R., Deputy Chief Administrative Patent Judge</b>				CA <input type="checkbox"/> NC <input type="checkbox"/> LT/LE <input type="checkbox"/>		
Rating Official's Signature: (b)(6)				Date: <b>2/17/17</b>		
<b>Part 2. Progress Review</b>						
Executive's Signature: (b)(6)				Date: <b>4/13/17</b>		
Rating Official's Signature: (b)(6)				Date: <b>4/13/17</b>		
Reviewing Official's Signature (Optional):				Date:		
<b>Part 3. Summary Rating</b>						
Initial Summary Rating: (b)(6)						
Rating Official's Name (Last, First, MI): <b>BOALICK, SCOTT R., Deputy Chief Administrative Patent Judge</b>						
Rating Official's Signature: (b)(6)				Date: <b>10/30/17</b>		
Executive's Signature: (b)(6)				Date: <b>10/30/17</b>		
Reviewing Official's Signature (Optional):				Date:		
<b>Higher Level Review (if applicable)</b>						
<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: (b)(6)						
PRB Chair Signature: (b)(6)				Date: _____		
Annual Summary Rating: (b)(6)						
Appointing Authority Signature: (b)(6)				Date: _____		
<b>Part 4. Derivation Formula and Calculation of Annual Summary Rating</b>						
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%			
<b>Total</b>			<b>100%</b>			

**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%)	Weight 10%
<p><b>Mandatory Performance Requirement:</b> Develops and implements an organizational vision that integrates key organizational and program goals, priorities, values, and other factors. Assesses and adjusts to changing situations, implementing innovative solutions to make organizational improvements, ranging from incremental improvements to major shifts in direction or approach, as appropriate. Balances change and continuity; continually strives to improve service and program performance; creates a work environment that encourages creative thinking, collaboration, and transparency; and maintains program focus, even under adversity.</p>		
<p>Agency-Specific Performance Requirements</p> <p>Lead PTAB through continuing development, enhancement, and optimization of organizational structure, policies, and proceedings. Lead PTAB with further appropriate adjustments in number of judges and other personnel. Lead PTAB through further phases of issuing America Invents Act Trial final decisions and enhancement of rules of practice, precedential opinion process, and guidance to stakeholders.</p>		
<p>Rating Official Narrative: <i>(Optional)</i></p>		
Critical Element Rating – Leading Change	(b)(6)	
Critical Element 2. Leading People	(Minimum weight 5%)	Weight 10%
<p><b>Mandatory Performance Requirement:</b> Designs and implements strategies that maximize employee potential, connects the organization horizontally and vertically, and fosters high ethical standards in meeting the organization's vision, mission, and goals. Provides an inclusive workplace that fosters the development of others to their full potential; allows for full participation by all employees; facilitates collaboration, cooperation, and teamwork, and supports constructive resolution of conflicts. Ensures employee performance plans are aligned with the organization's mission and goals, that employees receive constructive feedback, and that employees are realistically appraised against clearly defined and communicated performance standards. Holds employees accountable for appropriate levels of performance and conduct. Seeks and considers employee input. Recruits, retains, and develops the talent needed to achieve a high quality, diverse workforce that reflects the nation, with the skills needed to accomplish organizational performance objectives while supporting workforce diversity, workplace inclusion, and equal employment policies and programs.</p>		
<p>Agency-Specific Performance Requirements</p> <p><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></p> <p>Serve as Vice Chief Judge. Provide policy direction and guidance to the PTAB. Assist the Deputy Chief Judge and Chief Judge with Business Unit Head functions on the Executive Committee and Management Council of the Agency, and otherwise, as appropriate. Lead continuing activities directed at PTAB execution of duties given to the PTAB under the America Invents Act. Ensure PTAB employees are efficiently working on mission-critical tasks. Ensure the most valuable PTAB employees are rewarded.</p>		
<p>Rating Official Narrative: <i>(Optional)</i></p>		
Critical Element Rating – Leading People	(b)(6)	

<b>Critical Element 3. Business Acumen</b>	<b>(Minimum weight 5%)</b>	<b>Weight 10%</b>
<p><b>Mandatory Performance Requirement:</b> Assesses, analyzes, acquires, and administers human, financial, material, and information resources in a manner that instills public trust and accomplishes the organization's mission. Uses technology to enhance processes and decision making. Executes the operating budget; prepares budget requests with justifications; and manages resources.</p>		
<p>Agency-Specific Performance Requirements</p>		
<p>Advance development of improved PTAB IT systems and system integration to meet stakeholder needs and to support USPTO's mission. Encourage electronic filing and eliminate paper where possible. Manage allocation of budget resources to accommodate business unit needs. Ensure that user fees are used on only the most mission critical activities. Further develop capabilities of larger management team.</p>		
<p>Rating Official Narrative: <i>(Optional)</i></p>		
<p>Critical Element Rating – Business Acumen</p>	<p>(b)(6)</p>	
<b>Critical Element 4. Building Coalitions</b>	<b>(Minimum weight 5%)</b>	<b>Weight 10%</b>
<p><b>Mandatory Performance Requirement:</b> Solicits and considers feedback from internal and external stakeholders or customers. Coordinates with appropriate parties to maximize input from the widest range of appropriate stakeholders to facilitate an open exchange of opinion from diverse groups and strengthen internal and external support. Explains, advocates, and expresses facts and ideas in a convincing manner and negotiates with individuals and groups internally and externally, as appropriate. Develops a professional network with other organizations and identifies the internal and external politics that affect the work of the organization.</p>		
<p>Agency-Specific Performance Requirements</p>		
<p>Collaborate with other business units, where possible, to implement strategies for reducing ex parte appeals inventory within limits imposed by AIA trial inventory and deadlines. Coordinate and share information within PTAB and with other business units. Interact with public to instruct on PTAB AIA trial and appeal practice and procedures. Ensure clear and consistent messaging is coordinated internally and communicated to stakeholders. Enhance stakeholder outreach, engagement and customer service -- including to small businesses and independent inventors.</p>		
<p>Rating Official Narrative: <i>(Optional)</i></p>		
<p>Critical Element Rating – Building Coalitions</p>	<p>(b)(6)</p>	

Critical Element 5. Results Driven	(Minimum Weight 20%)	Weight 60%
<p>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).</p>		
<p>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.</p>		
<p>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.</p>		
<p><b>Note:</b> 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.</p>		
<p>Performance Requirement 1: 35% Weight (b)(6)</p> <p><b>America Invents Act Trial Timeliness:</b>  <b>Maintain AIA trial completion in 12 months, or in 18 months in cases with extensions for good cause. Maintain issuance of AIA trial decisions on institution within statutory period of 3 months.</b></p>	<p>Strategic Alignment:</p> <p><b>USPTO Strategic Plan, Goal 1, Objective 7-A</b></p>	
<p>Performance Requirement 2: 30% Weight (b)(6)</p> <p><b>Ex Parte Inventory / Pendency Reduction:</b>  <b>Achieve a reduction of ex parte appeal inventory and achieve substantial progress toward an appeal pendency of 12 months.</b></p>	<p>Strategic Alignment:</p> <p><b>USPTO Strategic Plan, Goal 1, Objective 7-B</b></p>	
<p>Performance Requirement 3: 35% Weight (b)(6)</p> <p><b>PTAB Decision Consistency:</b>  <b>Facilitate and enhance regular extra-panel review of final AIA decisions, excluding rehearing decisions, and management review of ex parte appeals decisions. Ensure clear and consistent legal and procedural positions are taken on behalf of USPTO by PTAB judges and attorneys.</b></p>	<p>Strategic Alignment:</p> <p><b>USPTO Strategic Plan, Goal 1, Objective 7-D</b></p>	
<p>Rating Official Narrative: <i>(Optional)</i></p>		
<p>Critical Element Rating – Results Driven</p>	<p>(b)(6)</p>	

**Part 6: Summary Rating Narrative (Mandatory)**

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

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**Part 8: Agency Use**

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**SES Performance Management System  
Executive Performance Agreement**



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

Executive's Name (Last, First, MI): <b>Bonilla, Jacqueline</b>	Appraisal Pd. 3/13/19 -9/30/19
Executive's Signature: (b)(6)	Date: 4/10/19
Title: <b>Deputy Chief Administrative Patent Judge</b>	Organization: PTAB
Rating Official's Name (Last, First, MI): <b>Boalick, Scott R.</b>	CA <input checked="" type="checkbox"/> NC <input type="checkbox"/> LT/LE <input type="checkbox"/>
Rating Official's Signature: (b)(6)	Date: 3/25/19

**Part 2. Progress Review**

Executive's Signature: (b)(6)	Date: 5/1/19
Rating Official's Signature: (b)(6)	Date: 5/1/19
Reviewing Official's Signature (Optional):	Date:

**Part 3. Summary Rating**

**Initial Summary Rating** (b)(6)

Rating Official's Name (Last, First, MI): <b>Boalick, Scott, R</b>	
Rating Official's Signature: (b)(6)	Date: 11/4/2019
Executive's Signature: (b)(6)	Date: 11/4/2019
Reviewing Official's Signature (Optional):	Date:

**Higher Level Review (if applicable)**

I request a higher level review. Executive's Initials: \_\_\_\_\_ Date: \_\_\_\_\_

Higher Level Review Completed  Date: \_\_\_\_\_

Higher Level Reviewer Signature: \_\_\_\_\_

**Performance Review Board Recommendation**

Level 5     Level 4     Level 3     Level 2     Level 1

PRB Chair Signature: \_\_\_\_\_ Date: \_\_\_\_\_

**Annual Summary Rating**     Level 5     Level 4     Level 3     Level 2     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	(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)		
<b>Total</b>			<b>100 points</b>			

**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%
<p><b>Mandatory Performance Requirement:</b> Develops and implements an organizational vision that integrates key organizational and program goals, priorities, values, and other factors. Assesses and adjusts to changing situations, implementing innovative solutions to make organizational improvements, ranging from incremental improvements to major shifts in direction or approach, as appropriate. Balances change and continuity; continually strives to improve service and program performance; creates a work environment that encourages creative thinking, collaboration, and transparency; and maintains program focus, even under adversity.</p>		
Agency-Specific Performance Requirements		
<p><b>Implement Presidential directives for enhancing operation of federal government agencies (e.g., Executive Orders). Implement Director's objectives for enhancing operations of USPTO and PTAB. Optimize PTAB operations by modifying the organizational structure, policies, and procedures, as needed. Lead PTAB through enhancements of rules of practice, precedential opinions, and guidance to stakeholders to ensure balance, reliability, transparency, and predictability.</b></p>		
Rating Official Narrative: <i>(Optional)</i>		
Critical Element Rating – Leading Change		
(b)(6)		
Critical Element 2. Leading People	(Minimum weight 5 points)	Weight 10%
<p><b>Mandatory Performance Requirement:</b> Designs and implements strategies that maximize employee potential, connects the organization horizontally and vertically, and fosters high ethical standards in meeting the organization's vision, mission, and goals. Provides an inclusive workplace that fosters the development of others to their full potential; allows for full participation by all employees; facilitates collaboration, cooperation, and teamwork, and supports constructive resolution of conflicts. Ensures employee performance plans are aligned with the organization's mission and goals, that employees receive constructive feedback, and that employees are realistically appraised against clearly defined and communicated performance standards. Holds employees accountable for appropriate levels of performance and conduct. Seeks and considers employee input. Recruits, retains, and develops the talent needed to achieve a high quality, diverse workforce that reflects the nation, with the skills needed to accomplish organizational performance objectives while supporting workforce diversity, workplace inclusion, and equal employment policies and programs.</p>		
Agency-Specific Performance Requirements		
<p><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></p>		
<p><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></p>		
<p><b>Serve as Deputy Chief Judge and assist the Chief Judge with Business Unit Head functions, as appropriate. Provide policy direction and guidance to the PTAB. Ensure PTAB employees are efficiently working on mission-critical tasks. Retain and leverage nationwide talent.</b></p>		

Rating Official Narrative: *(Optional)*

Critical Element Rating – Leading People (b)(6)

Executive Name and ID: Bonilla, Jacqueline Appraisal Period: 3/13/19 – 9/30/19

**Critical Element 3. Business Acumen** (Minimum weight 5 points) Weight 10%

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

Agency-Specific Performance Requirements

**Support development of improved PTAB IT system and system integration. Manage allocation of budget resources to accommodate business unit needs. Develop and enhance tools to promote transparency and enable increased use of operational data. Identify and direct administrative initiatives to ensure PTAB's organizational infrastructure is sufficient and appropriate to support the Board's size and workload.**

Rating Official Narrative: *(Optional)*

Critical Element Rating – Business Acumen (b)(6)

**Critical Element 4. Building Coalitions** (Minimum weight 5 points) Weight 10%

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

Agency-Specific Performance Requirements

**Collaborate and share information within PTAB and with other business units to implement strategies for achieving USPTO and/or PTAB objectives. Pursue formal or informal collaborations and education opportunities with examiners. Interact with public to educate about PTAB practice and procedure to promote understanding. Collect public feedback about PTAB proceedings to guide enhancements of policies and procedures to promote balance, reliability, transparency, and predictability.**

Rating Official Narrative: *(Optional)*



Critical Element Rating – Building Coalitions

(b)(6)

Executive Name and ID: Bonilla, Jacqueline

Appraisal Period: 3/13/19 – 9/30/19

**Critical Element 5. Results Driven**

**(Minimum Weight 20 points)**

**Weight 60%**

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

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

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

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

**Performance Requirement 1: 25% Weight**

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

**Strategic Alignment:**

FY 2018-2022 USPTO Strategic Plan,  
Goal 1 - Optimize Patent Quality and Timeliness,  
  
Objective 4 - Enhance Operations of the Patent Trial And Appeal Board

**Performance Requirement 2: 25% Weight**

**Ex Parte Appeal Timeliness:**  
Manage the average overall pendency for ex parte appeals, excluding appeals for reexam and reissue proceedings, to resolve ex parte appeals in a timely manner consistent with available resources, and implement programs to balance pendency across technologies.

**Strategic Alignment:**

FY 2018-2022 USPTO Strategic Plan,  
Goal 1 - Optimize Patent Quality and Timeliness,  
  
Objective 4 - Enhance Operations of the Patent Trial And Appeal Board

**Performance Requirement 3: 25% Weight**

**PTAB Decision Consistency:**  
Ensure that PTAB judges render high quality, well-reasoned, and consistent written orders and opinions in accordance with the authority granted under Title 35 of the United States Code and Title 37 of the Code of Federal Regulations, binding case law precedent, and written guidance applicable to PTAB proceedings issued by the Director or the Director's delegate. Ensure review of 25% of final AIA decisions, excluding rehearing decisions and

**Strategic Alignment:**

FY 2018-2022 USPTO Strategic Plan,  
Goal 1 - Optimize Patent Quality and Timeliness,  
  
Objective 4 - Enhance Operations of the Patent Trial And Appeal Board

<p>decisions in cases on remand from the U.S. Court of Appeals for the Federal Circuit, and 2% of ex parte appeals decisions.</p>	
<p>Performance Requirement 4: 25% Weight</p> <p>Effective Communications:          Ensure clear, timely, and accurate communications concerning PTAB matters to PTAB judges and staff, other USPTO business units, and external stakeholders to decrease uncertainty and increase predictability, transparency, and reliability.</p>	<p>Strategic Alignment:          FY 2018-2022 USPTO Strategic Plan,          Goal 1 - Optimize Patent Quality and Timeliness,</p> <p>Objective 4 - Enhance Operations of the Patent Trial And Appeal Board</p>
<p>Rating Official Narrative: <i>(Optional)</i></p>	
<p>Critical Element Rating – Results Driven</p>	<p>(b)(6)</p>

**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



<b>Part 1. Consultation.</b> <i>I have reviewed this plan and have been consulted on its development.</i>								
Executive's Name (Last, First, MI): <b>Bonilla, Jacqueline</b>				Appraisal Pd. 3/13/19 -9/30/19				
Executive's Signature: (b)(6)				Date: 4/10/19				
Title: <b>Deputy Chief Administrative Patent Judge</b>				Organization: PTAB				
Rating Official's Name (Last, First, MI): <b>Boalick, Scott R.</b>				CA <input checked="" type="checkbox"/> NC <input type="checkbox"/> LT/LE <input type="checkbox"/>				
Rating Official's Signature: (b)(6)				Date: 3/25/19				
<b>Part 2. Progress Review</b>								
Executive's Signature: (b)(6)				Date: 5/1/19				
Rating Official's Signature: (b)(6)				Date: 5/1/19				
Reviewing Official's Signature (Optional):				Date:				
<b>Part 3. Summary Rating</b>								
Initial Summary Rating (b)(6)								
Rating Official's Name (Last, First, MI): <i>Boalick, Scott, R</i>								
Rating Official's Signature: <i>[Signature]</i>				Date: 11/4/2019				
Executive's Signature: <i>[Signature]</i>				Date: 11/4/2019				
Reviewing Official's Signature (Optional):				Date:				
<b>Higher Level Review (if applicable)</b>								
<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:								
<b>Performance Review Board Recommendation</b>				<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:				
<b>Annual Summary Rating</b>				<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:				
<b>Part 4. Derivation Formula and Calculation of Annual Summary Rating</b>								
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)				
<b>Total</b>			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

**Implement Presidential directives for enhancing operation of federal government agencies (e.g., Executive Orders). Implement Director's objectives for enhancing operations of USPTO and PTAB. Optimize PTAB operations by modifying the organizational structure, policies, and procedures, as needed. Lead PTAB through enhancements of rules of practice, precedential opinions, and guidance to stakeholders to ensure balance, reliability, transparency, and predictability.**

Rating Official Narrative: *(Optional)*

Critical Element Rating – Leading Change

(b)(6)

**Critical Element 2. Leading People****(Minimum weight 5 points)****Weight 10%**

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

Agency-Specific Performance Requirements

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

*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.*

**Serve as Deputy Chief Judge and assist the Chief Judge with Business Unit Head functions, as appropriate. Provide policy direction and guidance to the PTAB. Ensure PTAB employees are efficiently working on mission-critical tasks. Retain and leverage nationwide talent.**

Rating Official Narrative: *(Optional)*

Critical Element Rating – Leading People (b)(6)

Executive Name and ID: Bonilla, Jacqueline Appraisal Period: 3/13/19 – 9/30/19

**Critical Element 3. Business Acumen** (Minimum weight 5 points) Weight 10%

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

Agency-Specific Performance Requirements

**Support development of improved PTAB IT system and system integration. Manage allocation of budget resources to accommodate business unit needs. Develop and enhance tools to promote transparency and enable increased use of operational data. Identify and direct administrative initiatives to ensure PTAB's organizational infrastructure is sufficient and appropriate to support the Board's size and workload.**

Rating Official Narrative: *(Optional)*

Critical Element Rating – Business Acumen (b)(6)

**Critical Element 4. Building Coalitions** (Minimum weight 5 points) Weight 10%

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

Agency-Specific Performance Requirements

**Collaborate and share information within PTAB and with other business units to implement strategies for achieving USPTO and/or PTAB objectives. Pursue formal or informal collaborations and education opportunities with examiners. Interact with public to educate about PTAB practice and procedure to promote understanding. Collect public feedback about PTAB proceedings to guide enhancements of policies and procedures to promote balance, reliability, transparency, and predictability.**

Rating Official Narrative: *(Optional)*



Critical Element Rating – Building Coalitions

(b)(6)

Executive Name and ID: Bonilla, Jacqueline

Appraisal Period: 3/13/19 – 9/30/19

**Critical Element 5. Results Driven**

**(Minimum Weight 20 points)**

**Weight 60%**

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

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

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

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

**Performance Requirement 1: 25% Weight**

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

**Strategic Alignment:**

FY 2018-2022 USPTO Strategic Plan,  
Goal 1 - Optimize Patent Quality and Timeliness,  
  
Objective 4 - Enhance Operations of the Patent Trial And Appeal Board

**Performance Requirement 2: 25% Weight**

**Ex Parte Appeal Timeliness:**  
Manage the average overall pendency for ex parte appeals, excluding appeals for reexam and reissue proceedings, to resolve ex parte appeals in a timely manner consistent with available resources, and implement programs to balance pendency across technologies.

**Strategic Alignment:**

FY 2018-2022 USPTO Strategic Plan,  
Goal 1 - Optimize Patent Quality and Timeliness,  
  
Objective 4 - Enhance Operations of the Patent Trial And Appeal Board

**Performance Requirement 3: 25% Weight**

**PTAB Decision Consistency:**  
Ensure that PTAB judges render high quality, well-reasoned, and consistent written orders and opinions in accordance with the authority granted under Title 35 of the United States Code and Title 37 of the Code of Federal Regulations, binding case law precedent, and written guidance applicable to PTAB proceedings issued by the Director or the Director's delegate. Ensure review of 25% of final AIA decisions, excluding rehearing decisions and

**Strategic Alignment:**

FY 2018-2022 USPTO Strategic Plan,  
Goal 1 - Optimize Patent Quality and Timeliness,  
  
Objective 4 - Enhance Operations of the Patent Trial And Appeal Board

<p>decisions in cases on remand from the U.S. Court of Appeals for the Federal Circuit, and 2% of ex parte appeals decisions.</p>	
<p><b>Performance Requirement 4: 25% Weight</b></p> <p><b>Effective Communications:</b>          Ensure clear, timely, and accurate communications concerning PTAB matters to PTAB judges and staff, other USPTO business units, and external stakeholders to decrease uncertainty and increase predictability, transparency, and reliability.</p>	<p><b>Strategic Alignment:</b>          FY 2018-2022 USPTO Strategic Plan,          Goal 1 - Optimize Patent Quality and Timeliness,</p> <p><b>Objective 4 - Enhance Operations of the Patent Trial And Appeal Board</b></p>
<p>Rating Official Narrative: <i>(Optional)</i></p>	
<p><i>Critical Element Rating – Results Driven</i></p>	<p>(b)(6)</p>

**Part 6: Summary Rating Narrative (Mandatory)**

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

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**Part 8: Agency Use**

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## 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): <b>Bonilla, Jacqueline</b>	Appraisal Pd. 3/13/19 -9/30/19
Executive's Signature: (b)(6)	Date: 4/10/19
Title: <b>Deputy Chief Administrative Patent Judge</b>	Organization: PTAB
Rating Official's Name (Last, First, MI): <b>Boalick, Scott R.</b>	CA <input checked="" type="checkbox"/> NC <input type="checkbox"/> LT/LE <input type="checkbox"/>
Rating Official's Signature: (b)(6)	Date: 3/25/19

**Part 2. Progress Review**

Executive's Signature: (b)(6)	Date: 5/1/19
Rating Official's Signature: (b)(6)	Date: 5/1/19
Reviewing Official's Signature (Optional):	Date:

**Part 3. Summary Rating**

<b>Initial Summary Rating</b>	(b)(6)
Rating Official's Name (Last, First, MI): <b>Boalick, Scott R.</b>	
Rating Official's Signature: (b)(6)	Date: 11/4/2019
Executive's Signature: (b)(6)	Date: 11/4/2019
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:
<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	(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%			
<b>Total</b>			<b>100 points</b>			

**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%
<p><b>Mandatory Performance Requirement:</b> Develops and implements an organizational vision that integrates key organizational and program goals, priorities, values, and other factors. Assesses and adjusts to changing situations, implementing innovative solutions to make organizational improvements, ranging from incremental improvements to major shifts in direction or approach, as appropriate. Balances change and continuity; continually strives to improve service and program performance; creates a work environment that encourages creative thinking, collaboration, and transparency; and maintains program focus, even under adversity.</p>		
<p>Agency-Specific Performance Requirements</p>		
<p><b>Implement Presidential directives for enhancing operation of federal government agencies (e.g., Executive Orders). Implement Director's objectives for enhancing operations of USPTO and PTAB. Optimize PTAB operations by modifying the organizational structure, policies, and procedures, as needed. Lead PTAB through enhancements of rules of practice, precedential opinions, and guidance to stakeholders to ensure balance, reliability, transparency, and predictability.</b></p>		
<p>Rating Official Narrative: <i>(Optional)</i></p>		
<p>Critical Element Rating – Leading Change</p>		
<p>(b)(6)</p>		
Critical Element 2. Leading People	(Minimum weight 5 points)	Weight 10%
<p><b>Mandatory Performance Requirement:</b> Designs and implements strategies that maximize employee potential, connects the organization horizontally and vertically, and fosters high ethical standards in meeting the organization's vision, mission, and goals. Provides an inclusive workplace that fosters the development of others to their full potential; allows for full participation by all employees; facilitates collaboration, cooperation, and teamwork, and supports constructive resolution of conflicts. Ensures employee performance plans are aligned with the organization's mission and goals, that employees receive constructive feedback, and that employees are realistically appraised against clearly defined and communicated performance standards. Holds employees accountable for appropriate levels of performance and conduct. Seeks and considers employee input. Recruits, retains, and develops the talent needed to achieve a high quality, diverse workforce that reflects the nation, with the skills needed to accomplish organizational performance objectives while supporting workforce diversity, workplace inclusion, and equal employment policies and programs.</p>		
<p>Agency-Specific Performance Requirements</p>		
<p><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></p>		
<p><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></p>		
<p><b>Serve as Deputy Chief Judge and assist the Chief Judge with Business Unit Head functions, as appropriate. Provide policy direction and guidance to the PTAB. Ensure PTAB employees are efficiently working on mission-critical tasks. Retain and leverage nationwide talent.</b></p>		

Rating Official Narrative: *(Optional)*

Critical Element Rating – Leading People (b)(6)

Executive Name and ID: Bonilla, Jacqueline Appraisal Period: 3/13/19 – 9/30/19

Critical Element 3. Business Acumen (Minimum weight 5 points) Weight 10%

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

Agency-Specific Performance Requirements  
Support development of improved PTAB IT system and system integration. Manage allocation of budget resources to accommodate business unit needs. Develop and enhance tools to promote transparency and enable increased use of operational data. Identify and direct administrative initiatives to ensure PTAB’s organizational infrastructure is sufficient and appropriate to support the Board’s size and workload.

Rating Official Narrative: *(Optional)*

Critical Element Rating – Business Acumen (b)(6)

Critical Element 4. Building Coalitions (Minimum weight 5 points) Weight 10%

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

Agency-Specific Performance Requirements  
Collaborate and share information within PTAB and with other business units to implement strategies for achieving USPTO and/or PTAB objectives. Pursue formal or informal collaborations and education opportunities with examiners. Interact with public to educate about PTAB practice and procedure to promote understanding. Collect public feedback about PTAB proceedings to guide enhancements of policies and procedures to promote balance, reliability, transparency, and predictability.

Rating Official Narrative: *(Optional)*



Critical Element Rating – Building Coalitions

(b)(6)

Executive Name and ID: Bonilla, Jacqueline

Appraisal Period: 3/13/19 – 9/30/19

**Critical Element 5. Results Driven**

**(Minimum Weight 20 points)**

**Weight 60%**

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

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

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

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

**Performance Requirement 1: 25% Weight**

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

**Strategic Alignment:**

FY 2018-2022 USPTO Strategic Plan,  
Goal 1 - Optimize Patent Quality and Timeliness,  
  
Objective 4 - Enhance Operations of the Patent Trial And Appeal Board

**Performance Requirement 2: 25% Weight**

**Ex Parte Appeal Timeliness:**  
Manage the average overall pendency for ex parte appeals, excluding appeals for reexam and reissue proceedings, to resolve ex parte appeals in a timely manner consistent with available resources, and implement programs to balance pendency across technologies.

**Strategic Alignment:**

FY 2018-2022 USPTO Strategic Plan,  
Goal 1 - Optimize Patent Quality and Timeliness,  
  
Objective 4 - Enhance Operations of the Patent Trial And Appeal Board

**Performance Requirement 3: 25% Weight**

**PTAB Decision Consistency:**  
Ensure that PTAB judges render high quality, well-reasoned, and consistent written orders and opinions in accordance with the authority granted under Title 35 of the United States Code and Title 37 of the Code of Federal Regulations, binding case law precedent, and written guidance applicable to PTAB proceedings issued by the Director or the Director's delegate. Ensure review of 25% of final AIA decisions, excluding rehearing decisions and

**Strategic Alignment:**

FY 2018-2022 USPTO Strategic Plan,  
Goal 1 - Optimize Patent Quality and Timeliness,  
  
Objective 4 - Enhance Operations of the Patent Trial And Appeal Board

<p>decisions in cases on remand from the U.S. Court of Appeals for the Federal Circuit, and 2% of ex parte appeals decisions.</p>	
<p>Performance Requirement 4: 25% Weight</p> <p>Effective Communications:          Ensure clear, timely, and accurate communications concerning PTAB matters to PTAB judges and staff, other USPTO business units, and external stakeholders to decrease uncertainty and increase predictability, transparency, and reliability.</p>	<p>Strategic Alignment:          FY 2018-2022 USPTO Strategic Plan,          Goal 1 - Optimize Patent Quality and Timeliness,            Objective 4 - Enhance Operations of the Patent Trial And Appeal Board</p>
<p>Rating Official Narrative: <i>(Optional)</i></p>	
<p>Critical Element Rating – Results Driven</p>	<p>(b)(6)</p>

**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 Plan**



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

Executive's Name (Last, First, MI): BOALICK, SCOTT R.	Appraisal Pd. 10/01/17 - 9/30/18
Executive's Signature: (b)(6)	Date: 9/26/18
Title: Deputy Chief Administrative Patent Judge, Patent Trial and Appeal Board, U.S. Patent and Trademark Office	Organization: PTAB
Rating Official's Name (Last, First, MI): RUSCHKE, DAVID P., Chief Administrative Patent Judge	CA <input 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	(b)(6)
Rating Official's Name (Last, First, MI): <del>RUSCHKE, DAVID P., Chief Administrative Patent Judge</del> Scardino, Anthony, P	
Rating Official's Signature: (b)(6)	Date: 11/6/18
Executive's Signature: (b)(6)	Date: 11/6/18
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**     Level 5     Level 4     Level 3     Level 2     Level 1

PRB Chair Signature:	Date:
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**Annual Summary Rating** (b)(6)

Appointing Authority Signature:	Date:
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**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. 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**

<b>Critical Element 1. Leading Change</b>		<b>(Minimum weight 5 points)</b>			<b>Weight 10%</b>	
<p><b>Mandatory Performance Requirement:</b> Develops and implements an organizational vision that integrates key organizational and program goals, priorities, values, and other factors. Assesses and adjusts to changing situations, implementing innovative solutions to make organizational improvements, ranging from incremental improvements to major shifts in direction or approach, as appropriate. Balances change and continuity; continually strives to improve service and program performance; creates a work environment that encourages creative thinking, collaboration, and transparency; and maintains program focus, even under adversity.</p>						
<p>Agency-Specific Performance Requirements</p> <p><b>Lead PTAB through continuing appropriate development, enhancement, and optimization of organizational structure, policies, and proceedings. Make further appropriate adjustments in number of judges and other personnel. Lead PTAB through further phases of issuing America Invents Act Trial final decisions and appropriate enhancement of rules of practice, precedential opinions, and guidance to stakeholders.</b></p>						
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
<b>Critical Element 2. Leading People</b>		<b>(Minimum weight 5 points)</b>			<b>Weight 10%</b>	
<p><b>Mandatory Performance Requirement:</b> Designs and implements strategies that maximize employee potential, connects the organization horizontally and vertically, and fosters high ethical standards in meeting the organization's vision, mission, and goals. Provides an inclusive workplace that fosters the development of others to their full potential; allows for full participation by all employees; facilitates collaboration, cooperation, and teamwork, and supports constructive resolution of conflicts. Ensures employee performance plans are aligned with the organization's mission and goals, that employees receive constructive feedback, and that employees are realistically appraised against clearly defined and communicated performance standards. Holds employees accountable for appropriate levels of performance and conduct. Seeks and considers employee input. Recruits, retains, and develops the talent needed to achieve a high quality, diverse workforce that reflects the nation, with the skills needed to accomplish organizational performance objectives while supporting workforce diversity, workplace inclusion, and equal employment policies and programs.</p>						
<p>Agency-Specific Performance Requirements</p> <p><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></p> <p><b>Serve as Deputy Chief Judge. Provide policy direction and guidance to the PTAB. Assist the Chief Judge with Business Unit Head functions as appropriate. Lead continuing activities directed at PTAB execution of duties given to the PTAB under the America Invents Act. Ensure PTAB employees are efficiently working on mission-critical tasks.</b></p>						
Rating Official Narrative: <i>(Optional)</i>						
Critical Element Rating -- Leading People		<input type="checkbox"/> Level 5	<input type="checkbox"/> Level 4	<input type="checkbox"/> Level 3	<input type="checkbox"/> Level 2	<input type="checkbox"/> Level 1

<b>Critical Element 3. Business Acumen</b>	<b>(Minimum weight 5 points)</b>	<b>Weight 10%</b>
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**Mandatory Performance Requirement:** Assesses, analyzes, acquires, and administers human, financial, material, and information resources in a manner that instills public trust and accomplishes the organization's mission. Uses technology to enhance processes and decision making. Executes the operating budget; prepares budget requests with justifications; and manages resources.

Agency-Specific Performance Requirements

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

Rating Official Narrative: *(Optional)*

<i>Critical Element Rating – Business Acumen</i>	<input type="checkbox"/> Level 5	<input type="checkbox"/> Level 4	<input type="checkbox"/> Level 3	<input type="checkbox"/> Level 2	<input type="checkbox"/> Level 1
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<b>Critical Element 4. Building Coalitions</b>	<b>(Minimum weight 5 points)</b>	<b>Weight 10%</b>
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**Mandatory Performance Requirement:** Solicits and considers feedback from internal and external stakeholders or customers. Coordinates with appropriate parties to maximize input from the widest range of appropriate stakeholders to facilitate an open exchange of opinion from diverse groups and strengthen internal and external support. Explains, advocates, and expresses facts and ideas in a convincing manner and negotiates with individuals and groups internally and externally, as appropriate. Develops a professional network with other organizations and identifies the internal and external politics that affect the work of the organization.

Agency-Specific Performance Requirements

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

Rating Official Narrative: *(Optional)*

<i>Critical Element Rating-- Building Coalitions</i>	<input type="checkbox"/> Level 5	<input type="checkbox"/> Level 4	<input type="checkbox"/> Level 3	<input type="checkbox"/> Level 2	<input type="checkbox"/> Level 1
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Critical Element 5. Results Driven	(Minimum Weight 20 points)	Weight 60%
<p>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).</p> <p>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.</p> <p>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.</p> <p><b>Note:</b> 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.</p>		
<p>Performance Requirement 1: <b>25% Weight</b></p> <p><b>America Invents Act Trial Timeliness:</b></p> <p><b>Achieve AIA trial completion in compliance with applicable legal requirements in 12 months from institution, or in 18 months from institution in cases with extensions for good cause, for 95% of all AIA trials not subject to joinder. Achieve issuance of AIA petition decisions on institution in compliance with applicable legal requirements within statutory period of 3 months for 95% of all AIA petitions.</b></p>	<p>Strategic Alignment:</p> <p><b>USPTO Strategic Plan, Goal 1, Objective 7</b></p>	
<p>Performance Requirement 2: <b>25% Weight</b></p> <p><b>Ex Parte Inventory / Pendency Reduction:</b></p> <p><b>Achieve progress toward a reduction in the average time from jurisdiction passing to the Board to decision on regular ex parte appeals, or achieve progress toward a reduction of ex parte appeal inventory by issuing decisions in accordance with applicable legal requirements.</b></p>	<p>Strategic Alignment:</p> <p><b>USPTO Strategic Plan, Goal 1, Objective 7</b></p>	
<p>Performance Requirement 3: <b>25% Weight</b></p> <p><b>PTAB Decision Consistency:</b></p> <p><b>In accordance with the authority granted under Title 35 of the United States Code and Title 37 of the Code of Federal Regulations, binding case law precedent, and written guidance applicable to PTAB proceedings issued by the Director or the Director's delegate, ensure that PTAB judges render clear and consistent decisions for proceedings before the PTAB. Ensure review of 25% of final AIA decisions, excluding rehearing decisions, and 2% of regular ex parte appeals decisions.</b></p>	<p>Strategic Alignment:</p> <p><b>USPTO Strategic Plan, Goal 1, Objective 7</b></p>	

<p>Performance Requirement 4: <b>25% Weight</b></p> <p><b>Federal Circuit Remand Decision Timeliness:</b></p> <p><b>Ensure completion of decisions on remand in compliance with applicable legal requirements from the Federal Circuit in 12 months from issuance of the Federal Circuit's mandate for 50% of all such remands.</b></p>	<p>Strategic Alignment:</p> <p><b>USPTO Strategic Plan, Goal 1, Objective 7</b></p>				
<p>Rating Official Narrative: <i>(Optional)</i></p>					
<p><i>Critical Element Rating – Results Driven</i></p>	<input type="checkbox"/> Level 5	<input type="checkbox"/> Level 4	<input type="checkbox"/> Level 3	<input type="checkbox"/> Level 2	<input type="checkbox"/> Level 1

**Part 6: Summary Rating Narrative** *(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.

MEMORANDUM

FROM: **Scott R. Boalick**  
Acting Chief Administrative Patent Judge

SUBJECT: Executive Performance Summary Narrative for Fiscal Year 2018,  
Jacqueline Bonilla, *Acting Deputy Chief Judge*

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**Summary Rating Narrative:**

(b)(6)



(b)(6)

(b)(6)

**SES Performance Management System  
Executive Performance Agreement**



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

Executive's Name (Last, First, MI): <b>Bonilla, Jacqueline</b>	Appraisal Pd. 10/1/19 -9/30/20
Executive's Signature: (b)(6)	Date: <b>9/24/19</b>
Title: <b>Deputy Chief Administrative Patent Judge</b>	Organization: PTAB
Rating Official's Name (Last, First, MI): <b>Boalick, Scott R.</b>	CA <input checked="" type="checkbox"/> NC <input type="checkbox"/> LT/LE <input type="checkbox"/>
Rating Official's Signature: (b)(6)	Date: <b>9/25/19</b>

**Part 2. Progress Review**

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

**Part 3. Summary Rating**

<b>Initial Summary Rating</b>	<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:	
<b>Annual Summary Rating</b>	<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			10%			475-500 = Level 5 400-474 = Level 4 300-399 = Level 3 200-299 = Level 2 Any CE rated Level 1 = Level 1
2. Leading People			10%			
3. Business Acumen			10%			
4. Building Coalitions			10%			
5. Results Driven			60%			
<b>Total</b>			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

**Implement Presidential directives for enhancing operation of federal government agencies (e.g., Executive Orders). Implement Director's objectives for enhancing operations of USPTO and PTAB. Optimize PTAB operations by modifying the organizational staffing, policies, and procedures, as needed. Lead PTAB through enhancements of rules of practice, precedential opinions, and guidance to stakeholders to ensure balance, reliability, transparency, and predictability.**

Rating Official Narrative: *(Optional)*

Critical Element Rating – Leading Change

 Level 5 Level 4 Level 3 Level 2 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

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

*Promotes the protection of whistleblowers by: responding constructively when an employee makes disclosures described in subparagraph (A) or (B) of section 2302(b)(8); taking responsible actions to resolve disclosures; and fostering an environment in which employees of the agency feel comfortable making disclosures to supervisory employees or other appropriate authorities.*

**Serve as Deputy Chief Judge and assist the Chief Judge with Business Unit Head functions, as appropriate. Provide policy direction and guidance to the PTAB. Ensure PTAB employees are efficiently working on mission-critical tasks. Retain and leverage nationwide talent.**

Rating Official Narrative: *(Optional)*

Critical Element Rating – Leading People

 Level 5 Level 4 Level 3 Level 2 Level 1

**Critical Element 3. Business Acumen** (Minimum weight 5 points) Weight 10%

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

Agency-Specific Performance Requirements

**Support development of improved PTAB IT system and system integration. Manage allocation of budget resources to accommodate business unit needs. Develop and enhance tools to promote transparency and enable increased use of operational data. Identify and direct administrative initiatives to ensure PTAB's staffing is sufficient and appropriate to support the Board's size and workload.**

Rating Official Narrative: *(Optional)*

Critical Element Rating – Business Acumen  Level 5  Level 4  Level 3  Level 2  Level 1

**Critical Element 4. Building Coalitions** (Minimum weight 5 points) Weight 10%

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

Agency-Specific Performance Requirements

**Collaborate and share information within PTAB and with other business units to implement strategies for achieving USPTO and/or PTAB objectives. Pursue formal or informal collaborations and education opportunities with examiners. Interact with public to educate about PTAB practice and procedure to promote understanding. Collect public feedback about PTAB proceedings to guide enhancements of policies and procedures to promote balance, reliability, transparency, and predictability.**

Rating Official Narrative: *(Optional)*

Critical Element Rating – Building Coalitions  Level 5  Level 4  Level 3  Level 2  Level 1

**Critical Element 5. Results Driven****(Minimum Weight 20 points)** Weight 60%

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

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

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

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

## Performance Requirement 1: 25% Weight

## America Invents Act Trial Timeliness:

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

## Strategic Alignment:

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

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

## Performance Requirement 2: 25% Weight

## Ex Parte Appeal Timeliness:

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

## Strategic Alignment:

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

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

## Performance Requirement 3: 25% Weight

## PTAB Decision Consistency:

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

## Strategic Alignment:

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

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

## Performance Requirement 4: 25% Weight

## Effective Communications:

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

## Strategic Alignment:

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

stakeholders to decrease uncertainty and increase predictability, transparency, and reliability.

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

Rating Official Narrative: *(Optional)*

*Critical Element Rating – Results Driven*

Level 5

Level 4

Level 3

Level 2

Level 1

**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.

MEMORANDUM

FROM: **Scott R. Boalick**  
Acting Chief Administrative Patent Judge

SUBJECT: Executive Performance Summary Narrative for Fiscal Year 2018,  
Jacqueline Bonilla, *Acting Deputy Chief Judge*

---

**Summary Rating Narrative:**

(b)(6)





(b)(6)

(b)(6)

