

Deputy Commissioner for Patent Examination Policy ES-1220

Introduction:

This position is located in the Office of the Commissioner for Patents.

This position is established to manage matters relating to patent petitions, Patent Cooperative Treaty (PCT) legal affairs, patent quality assurance and creation and implementation of patent laws, rules and procedures. The Deputy Commissioner of Patent Examining Policy is also responsible for providing legal and policy guidance to the Commissioner for Patents, the Deputy Commissioners for Patent Operations, the Deputy Commissioner for Patent Resources and Planning, and other business areas in the Patent Corps. This position requires a broad level of management authority and scope.

Major Duties and Responsibilities Duties:

The Deputy Commissioner for Patent Examination Policy formulates policy for all offices under the Commissioner for Patents and provides overall direction for the examining policy offices, including the Office of Petitions, the Patent Cooperation Treaty (PCT) Legal Administration, Patent Quality Assurance and the Office of Patent Legal Administration (OPLA). The Deputy Commissioner exercises a thorough knowledge of patent laws, rules, and examining practice and procedures of the patent operations under the Commissioner and of the administrative and staff offices under the Under Secretary of the USPTO. The Deputy Commissioner has primary responsibility for the continuing coordination and functioning of various policies within the patent operation, for both domestic and international applications.

In the area of practice and procedure, incumbent maintains up-to-date knowledge of existing practice and has the complete responsibility for the development and formation of new examining policies, practices and procedures as well as revising existing policies, practices, and procedures. New programs are formulated and proposed at the request of the Under Secretary, the Commissioner for Patents, or on the incumbent's own initiative. The incumbent has the authority to represent the views and desires of the Commissioner in these matters at all levels in the Agency and in contacts with the members of the public. The incumbent is specifically responsible for ensuring that revised procedures are appropriately announced to USPTO stakeholders, including applicants, employees and the public. Handles inquires from the public concerning existing and revised practices. Represents the USPTO in dealings with attorneys, industry representatives, and patent law practice and procedure. Many of these individuals and groups approach the Under Secretary or the Commissioner directly concerning complaints or problems in individual cases or on a general practice; the incumbent investigates the complaint by direct contact with the responsible officials in the Office. The incumbent may, depending upon the circumstances of the situation, explain the desirability of the procedures to the attorney, advise of possible alternatives, advise the appropriate patent operation official of the correct interpretation of the practice in question, or brief the Under Secretary or the Commissioner for possible policy action. The incumbent provides oversight of implementation of new rules and

procedures in all patent areas. Resolving problems of interpretation is primary responsibility of the incumbent.

The incumbent oversees and directs the work of OPQA, OPLA, PCT Legal Administration, and the Office of Petitions, which are responsible for the monitoring and reviewing various special programs and for the preparation of various rulemakings and decisions on petitions to the Under Secretary relating to patent applications and patents. The incumbent provides administrative oversight to and coordinate the activities of:

The Office of Patent Legal Administration (OPLA) consists of one Director who reports directly to the incumbent, and twenty or more Patent Examination Policy Advisors all of whom are required to have a technical degree as well as a professional legal degree from an accredited law school program, and appropriate technical personnel.

The incumbent is responsible for setting the targets and objectives of OPLA, for direct involvement when necessary in the unusually difficult and controversial problems which frequently come before OPLA and for evaluating the accomplishments of OPLA's objectives. The questions decided by the personnel in OPLA frequently have large economic impact on patent applications, their attorneys, and any corporate or other assignees. The incumbent is responsible for ensuring that the decisions made are consistent with the Under Secretary's and the Commissioner's policies and the ever evolving case law in the Federal Courts.

PCT Legal Administration which provides legal and policy guidance on issues under the Patent Cooperation Treaty (PCT), including PCT rulemaking, international search and examination guidelines, petitions and training; provides education programs for users of PCT; and provides administrative oversight and coordinates the activities of the following functions:

- PCT Legal Affairs which reviews and decides petitions relating to the PCT, assists with PCT Rules modifications, the legal standards for application format and electronic filing international applications;
- PCT Special Programs which provides expertise on all aspects of the PCT process; prepares training material for PCT training classes for Patent Examining Corps professional and technical support staff, patent attorneys and agents, legal administrators, legal secretaries, and other members of the patent community; and provides current up-to-date PCT forms through the PCT Help Desk and through the PCT Home Page found on the USPTO web site; and
- Patent Assistance Center (PAC), which provides information and services to the public concerning any general questions regarding patenting examining policies and procedures, as well as other services provided by the USPTO and directs callers to the appropriate contact source; and mails or faxes information to customer as needed.

Office of Petitions which reviews and decides petitions relating to the filing of patent applications, revival of abandoned applications, reinstatement of expired patents, withdrawal of patent applications from issue, small entity entitlement, review of previous decisions of the Technology Centers, suspension of regulations and questions not specifically provided for by regulations.

Office of Patent Quality Assurance responsibilities include reviewing actions by examiners and technical support staff to determine error rates, collecting and analyzing data to identify inconsistencies or potential problems, providing appropriate feedback and training, and exploring alternatives means to measure quality. Through subordinate supervision, the Office's quality goal measures are the incumbent's responsibility. The Deputy Commissioner for Patent Examination Policy monitors the OPQA's progress towards meeting the organizational quality goals in a timely fashion.

Manual of Patent Examiner Procedure (MPEP) – the incumbent has administrative authority over the staff specialists responsible for publishing the Manual of Patent Examiner Procedure (MPEP), which reflects the current examining practices and procedures.

He/she also treat matters relating to patent term extensions.

The incumbent is frequently assigned responsibility for implementation of new patent programs resulting from newly enacted patent legislation, usually within strict time deadlines, and for the coordination and oversight of the programs once they have been implemented. Implementation of such legislation usually requires coordination with all areas of the Agency, and frequently with other government agencies and members of the public. The types of new patent programs resulting from the newly enacted patent legislation for which the incumbent has been, and is, assigned the responsibility for implementation include the Patent Cooperation Treaty, reexamination, new patent fees, patent maintenance fees, statutory invention registrations, and substantive patent law changes in Title 35, United States Code. The implementation procedures usually involve the drafting, developing, and implementing of new patent rules for which rule-making procedures have to be followed. The implementation of new operating procedures also includes coordination with other areas of the Agency, other government agencies, and members of the public. The incumbent is also responsible for the coordination and oversight of the programs once they have been implemented to ensure that they are operating as intended, and if not, for making necessary adjustments in the operations of the programs. Coordination of the programs is a continuing function which requires solutions to be developed as problems are identified.

The incumbent provides leadership and representation, serving as principal policy and legal advisor to the Commissioner for Patents, as Chairman of the Patent Examiner Evaluation Board (PEEB), and as a member of executive committees and working groups, many of which may include representatives from top management levels in the Agency. The incumbent represents the Agency at various meetings of the international patent organizations, foreign patent offices, and patent bar associations with a view towards harmonization of patent laws and practice.

The incumbent provides support, representation, advice and direction on technical matters relating to the International Patent Classification (IPC) System, other international documentation-related standards, Trilateral project activities, and other special projects through oversight of the International Liaison Staff (ILS).

The incumbent provides customer satisfaction executive oversight to ensure timely and high quality service by all areas of the Office of the Deputy Commissioner for Patent Examination

Policy to the public and USPTO contacts. The incumbent ensures high quality delivery of information via speeches and presentations through outreach efforts. The incumbent ensures all complaints are dealt with in a prompt and courteous manner, with follow-up as needed to achieve final resolution. The incumbent also considers employee satisfaction and equal opportunity and diversity principles in all aspects of program and personnel decisions.

Supervisory Controls

Within the general framework of agency policy, the incumbent operates with the highest degree of independence. The incumbent's actions and commitments normally are not reviewed or are accepted without modification by the Commissioner. Manages with extremely wide latitude and exercises independent judgment in deciding courses of action, keeping the supervisor informed of significant events. Work is reviewed in terms of accomplishments and compliance with laws, regulations and the objectives of top management. The Under Secretary and Deputy Under Secretary of the USPTO rely heavily upon the incumbent's ability, judgment and knowledge in the areas of responsibility, both in exercising program responsibilities and in accomplishing agency objectives.

Professional/Technical Qualifications

1. Experience in directing, supervising, and evaluating the activities of a professional, technical and legal organization unit. Ability to: develop and achieve organizational goals; prepare and execute organizational budgets; delegate assignments; motivate subordinate groups and individuals; and establish and maintain a positive working environment.
2. Knowledge of management principles, theories, and practices as applied to a professional organization. Knowledge of effective resource acquisition and utilization principles, production measurements concepts, and motivational techniques. Ability to assess the overall organizational effectiveness, efficiency, productivity and quality.
3. Knowledge or public administration principles and their relationship to the development and implementation of agency programs and national policies. Ability to: achieve policy goals; establish and execute programs to implement policies; effectively interact with the legal community; and make informative presentations to the public, including foreign dignitaries.
4. Knowledge of the legal principles and technical subject matter associated with both national and international patent prosecution processes and reexamination proceedings. Ability to: understand technical subject matter, apply relevant patent law legal principles involved in patent prosecution proceedings, and effectively work with other areas of the Office to resolve complex technical and legal issues.

Basic Requirements:

The incumbent must have a scientific or technical degree, and a professional legal degree from an accredited law school program.

SES Designation

This position is designated as career-reserved because it is necessary to restrict appointment to career employees in order to ensure impartiality or the public confidence in the impartiality of the Government.

Evaluation Statement:

This position has been retitled based on Congressional approval of the reorganization of the office of the Commissioner of Patents. The Associate Commissioner for Patent Examination Policy & Senior Advisor position will now be retitled as the Deputy Commissioner for Patent Examination Policy. The duties of senior advisor are abolished and senior advisor will be removed from the title. The Executive Resources Board recommended concurrence and the Under Secretary approved on January 9, 2012.

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**SES Performance Management System
Executive Performance Plan**



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

Executive's Name (Last, First, MI): Bahr, Robert	Appraisal Pd. 10/01/19 - 9/30/20
Executive's Signature: (b)(6)	Date: 9/27/2019
Title: Deputy Commissioner for Patent Examination Policy	Organization: Patents
Rating Official's Name (Last, First, MI): Hirshfeld, Andrew H.	CA <input type="checkbox"/> NC <input type="checkbox"/> LT/LE <input type="checkbox"/>
Rating Official's Signature: (b)(6)	Date: 9/27/19

Part 2. Progress Review

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

Part 3. Summary Rating

Initial Summary Rating	<input type="checkbox"/> Level 5 Outstanding	<input type="checkbox"/> Level 4 Exceeds Fully Successful	<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): Hirshfeld, Andrew H.	
Rating Official's Signature:	Date:
Executive's Signature:	Date:
Reviewing Official's Signature (Optional):	Date:

Higher Level Review (if applicable)

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

Performance Review Board Recommendation

<input type="checkbox"/> Level 5	<input type="checkbox"/> Level 4	<input type="checkbox"/> Level 3	<input type="checkbox"/> Level 2	<input type="checkbox"/> Level 1
PRB Chair Signature:	Date:			

Annual Summary Rating

<input type="checkbox"/> Level 5	<input type="checkbox"/> Level 4	<input type="checkbox"/> Level 3	<input type="checkbox"/> Level 2	<input type="checkbox"/> Level 1
Appointing Authority Signature:	Date:			

Part 4. Derivation Formula and Calculation of Annual Summary Rating

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

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%

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

Agency-Specific Performance Requirements

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

- Establishes organizational goals that are consistent with priorities established by the Secretary and Deputy Secretary of Commerce, government-wide initiatives established by the Administration, and strategic goals of the Department; and ensures that they are appropriately reflected in performance plans throughout the organization with meaningful measures and clear priorities;
- Works collaboratively to foster economic growth and opportunity, to meet the needs of businesses and entrepreneurs, and to create jobs to benefit the American people;
- Exhibits vision and strategic thinking to address concerns that cross organizational boundaries and to meet the long-term interests of the Department;
- Uses creativity and innovation, and encourages new ideas and unconventional approaches in response to evolving conditions;
- Ensures success of the America Invents Act (AIA) by actively supporting internal and external training, devoting sufficient resources, increasing awareness of new initiatives, and collaborating with all necessary parties to ensure an innovative, effective, and efficient reformed patent system;
- Puts procedures in place to analyze examination processes and explore prosecution efficiencies;
- Continues to strengthen time and attendance controls for both teleworking and non-teleworking employees within the Executive's area of oversight;
- Supports the continued deployment of Patents-End-to-End (PE2E) tools within the Patents Business Unit;
- Supports the continued establishment of the office of the Deputy Commissioner for Patent Quality and related quality initiatives developed under the Enhanced Patent Quality Initiative (EPQI) in support of achieving excellence in: work products, customer service, and measuring patent quality; and
- Ensures that workloads are monitored within the Executive's area of oversight and takes steps to make sure that workloads are appropriate.

Individual Projects (List below):

- Sets strategic direction within the Office of the Deputy Commissioner for Patent Examination Policy (D/C PEP) (eg. OPLA, Office of Petitions, and MPEP) to address organizational goals and build a collaborative, transparent culture with increased quality components;
- Oversees and provides executive leadership for the development and drafting of examination policy guidance and training;
- Oversees and provides executive leadership for rulemaking and drafting of Official Gazette and Federal Register notices;
- Establishes legal and policy guidance for the Office of the Commissioner for Patents including developing examination policy guidance and training;
- Continues to provide oversight of the implementation of the First Inventor to File (FITF) provisions of the AIA;
- Supports implementation of the Hague Agreement;
- Supports the development and implementation of all quality initiatives developed under the Enhanced Patent Quality Initiative (EPQI) within Patents in support of achieving excellence in: work products, customer service, and measuring patent quality;
- Oversees and provides executive leadership for the Office of Petitions and oversees activities with the Office of Petitions;
- Supports training within Patents so it can be delivered in a timely manner;

- Supports the patent examining corps, including the regional offices and hoteling examiners, on legal issues relating to patent examination; and
- Monitors and supports timely revisions to the MPEP to reflect changes resulting from the AIA, Patent Law Treaty (PLT), the Hague Agreement, recent case law, etc.

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%)

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

Builds and manages an appropriately skilled workforce by:

- Enhancing the Employee Relations (ER) liaison program;
- Ensuring surveys (including Federal Employee Viewpoint Survey) and other instruments are in place to monitor and develop plans to provide a work environment that optimizes performance and increases job satisfaction
- Embracing equal opportunity principles;
- Fostering a diverse and inclusive environment characterized by cultural sensitivity and respect for divergent employee backgrounds;
- Promptly and appropriately addressing allegations of harassment or discrimination;
- Overseeing the recruitment, selection, appraisal and recognition of employees based on individual performance;
- Supporting Agency efforts to train employees on equal opportunity principles;
- Aligning performance plans and awards with Agency goals;
- Identifying talent gaps and providing training and developmental opportunities, coaching and counseling to employees to strengthen performance or address concerns;
- Encouraging employees to develop new and better ways of performing tasks;
- Supporting a culture of transparency, communication and collaboration in the Patents Business area;
- 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; and
- Promotes the protection of whistleblowers by: responding constructively when an employee makes disclosures described in subparagraph (A) or (B) of section 2302(b)(8); taking responsible actions to resolve disclosures; and fostering an environment in which employees of the agency feel comfortable making disclosures to supervisory employees or other appropriate authorities.

Individual Projects (listed below):

- Works with managers and employees to identify performance gaps and provide necessary training;
- Develops and implements an integrated training approach for the patent examining corps to leverage resources and maximize the impact and retention of information;
- Conducts town-hall meetings with employees and managers to identify and address concerns;
- Uses results of the Federal Employee Viewpoint Survey (EVS) and other survey instruments to improve designated areas of opportunity within the Office of Patent Legal Administration, the Office of Petitions and the MPEP;
- Assesses resource needs and redefines requirements to maximize effectiveness;
- Encourages staff to develop creative ideas and solutions for providing improved applicant-oriented services; and
- Supports supervisor training programs designed to improve mentoring and coaching skills in order to assist OPLA support in reaching full potential

Rating Official Narrative: *(Optional)*

Critical Element Rating – Leading People

 Level 5 Level 4 Level 3 Level 2 Level 1Executive Name and ID: **Bahr, Robert**Appraisal Period: **10/1/19 – 9/30/20****Critical Element 3. Business Acumen****(Minimum weight 5%)**

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

- Assesses current and future staffing needs on a regular basis;
- Implements Business Unit's Human Capital Strategic Plans that include recruitment strategies that support organizational objectives;
- Demonstrates sound management of human, financial and technological resources in order to achieve established priorities, goals, and objectives. In doing so, manages program performance throughout the year to maximize operational efficiency and effectiveness within established budgetary resources; ensures overtime is effectively distributed and usage monitored; builds and manages an appropriately skilled and diverse workforce based on organizational goals, budget considerations, and staffing needs; and engages in succession planning as needed for long-term organizational effectiveness;
- Makes effective use of available information technology (IT) to achieve organizational goals; works collaboratively with IT professionals at the operating unit and Department levels, as appropriate, to safeguard IT equipment, software and data; ensures required property accountability processes are in place and ensures appropriate training of employees to avoid cyber-security threats;
- Fosters a work environment that is safe, secure and conducive to the retention of a skilled and effective workforce, which includes continuity of operations planning and emergency preparedness, addressing unsafe working conditions or environmental concerns, and facilitating employee awareness of the procedures to follow in the event of an emergency;
- Adheres to applicable administrative and programmatic laws, regulations, policies and procedures that provide the internal controls needed to safeguard resources, achieve organizational objectives, and protect the confidentiality of information provided to the agency, and respect individual privacy; and
- Strengthens the USPTO's telework program and improves controls to best manage employees and focuses on the implementation of any new actions and guidance as may be necessary.

Individual Projects (List Below):

- Improves and enhances recruitment strategies to attract highly skilled and diverse professionals through the expansion of telework programs and the implementation of a nation-wide workforce;
- Supports the IT development of search and information resources and capabilities for internal and external stakeholders;
- Assists in the identification of and addresses anomalies in examination trends pertinent to particular areas within patent operations; and
- Ensures that Patents budget is managed effectively within areas of oversight.

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%)

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

- Assures that each business unit participates in the formulation of clear, concise, and effective communication strategies, including providing appropriate information and documentation to the Office of the Chief Communication Officer;
- Demonstrates a high degree of responsiveness to the full range of clients, including end users of goods and services for which the executive is responsible, Departmental and operating unit leadership, members of Congress and their staffs, and the public in general;
- Develops strategic alliances both within and across organizational lines to achieve common goals, meets evolving requirements, and shares knowledge, skills and experience needed for personal development and professional performance;
- Builds consensus of opinion among stakeholders;
- Seeks to identify client needs and expectations, responds to identified concerns promptly, professionally and fairly, and improves business and management processes based on customer and employee feedback;
- Solicits employee feedback on direction received, opportunities provided, and recognition given, as inputs for improving how employees are led and motivated;
- Collaborates with stakeholders on outreach and on specific Patent-related initiatives;
- Works closely with internal and external stakeholders in the development and implementation of quality initiatives that support the Enhances Patent Quality Initiative;
- Ensures appropriate investigation and resolution of labor issues raised with Patent management;
- Develops and/or participates in formal cross-organizational boundary collaboration activities whenever appropriate to enhance service delivery and comprehensive mission coordination within the Department, among organizations with complimentary missions, and within the USPTO;
- Supports a transparent and collaborative work environment; and
- Encourages enhanced communication within and across Business Units.

Individual Projects (List Below):

- Develops and implements strategies to improve internal and external communications;

- Establishes alliances to promote inter- and intra-agency collaboration and cooperation;
- Establishes transparent operations and processes to disseminate data in a timely manner to the public through the USPTO website and other electronic media;
- Executes outreach efforts with the Patent Public Advisory Committee (PPAC), Software Partnership, Biotechnology Customer Partnership, business groups, advocacy organizations, and the general public;
- Provides education and outreach to internal stakeholders;
- Represents the USPTO at inter-agency and non-Governmental meetings and events;
- Conducts public presentations on a variety of issues relating to patent examination policy and patent law; and
- Meets regularly with senior leadership of the Patent Trial and Appeal Board (PTAB), Office of the Solicitor and the Office of Governmental Affairs (OGA) to discuss legal priorities of the Agency.

Rating Official Narrative: *(Optional)*

Critical Element Rating – Building Coalitions

Level 5

Level 4

Level 3

Level 2

Level 1

Executive Name and ID: **Bahr, Robert**

Appraisal Period: **10/1/19 – 9/30/20**

Critical Element 5. Results Driven

(Minimum Weight 20%)

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: Backlog, Pendency and Timeliness [Weight 20%]

Develop an effective and efficient business planning strategy and performance measurement system to contribute to the achievement of goals, objectives and targets based on requirements in the President’s Budget and *USPTO 2018-2022 Strategic Plan*.

As a fee-funded agency, the USPTO relies on user fee collections to fund operations. The USPTO considers a number of economic factors and relevant indicators when forecasting its workloads. While many of these defining indicators point toward renewed economic expansion, considerable uncertainty still remains regarding the current and near future prospects for

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

Goal I, Objectives 1 and 2 of the *USPTO 2018-2022 Strategic Plan*.

<p>growth. This uncertainty could affect anticipated USPTO workloads and fee collections which in turn could significantly impact the USPTO's long-term goals, objectives and targets, and therefore simultaneously affect any interim results.</p> <p>Success of these objectives will be determined by the specific performance measures laid out in the attached document and will be measured based on overall performance taking into account the totality of all the measures in the attached document. Meeting or exceeding the targets set forth in the attached document represents a level of outstanding performance.</p>	
<p>Performance Requirement 2: Patent Legal Administration, Examination Guidance and Rulemakings [Weight 35%]</p> <p>Develop an effective and efficient planning strategy and performance measurement system for the Office of Patent Legal Administration to contribute to the achievement of goals, objectives and targets based on requirements in the President's Budget and <i>USPTO 2018-2022 Strategic Plan</i>.</p> <p>As a fee-funded agency, the USPTO relies on user fee collections to fund operations. The USPTO considers a number of economic factors and relevant indicators when forecasting its workloads. While many of these defining indicators point toward renewed economic expansion, considerable uncertainty still remains regarding the current and near future prospects for growth. This uncertainty could affect anticipated USPTO workloads and fee collections which in turn could significantly impact the USPTO's long-term goals, objectives and targets, and therefore simultaneously affect any interim results.</p> <p>Success of these objectives will be determined by the specific performance measures laid out in the attached document and will be measured based on overall performance taking into account the totality of all the measures in the attached document. Meeting or exceeding the targets set forth in the attached document represents a level of outstanding performance.</p>	<p>Strategic Alignment: Strategic Goal 1 /Objective Alignment 1, 2, and 3</p> <p>Goal I, Objectives 1, 2 and 3 of the <i>USPTO 2018-2022 Strategic Plan</i>.</p>
<p>Performance Requirement 3: Office of Petitions and Petitions Processing [Weight 30%]</p> <p>Develop an effective and efficient business planning strategy and performance measurement system for the Office of Petitions to contribute to the achievement of goals, objectives and targets based on requirements in the President's Budget and <i>USPTO 2018-2022 Strategic Plan</i>.</p> <p>As a fee-funded agency, the USPTO relies on user fee collections to fund operations. The USPTO considers a number of economic factors and relevant indicators when forecasting its workloads. While many of these defining indicators point toward renewed economic expansion, considerable uncertainty still remains regarding the current and near future prospects for growth. This uncertainty could affect anticipated USPTO workloads and fee collections which in turn could significantly impact the USPTO's long-term goals, objectives and targets, and therefore simultaneously affect any interim</p>	<p>Strategic Alignment: Strategic Goal 1 /Objective Alignment 1, 2, and 3</p> <p>Goal I, Objectives 1, 2 and 3 of the <i>USPTO 2018-2022 Strategic Plan</i>.</p>

<p>results.</p> <p>Success of these objectives will be determined by the specific performance measures laid out in the attached document and will be measured based on overall performance taking into account the totality of all the measures in the attached document. Meeting or exceeding the targets set forth in the attached document represents a level of outstanding performance.</p>					
<p>Performance Requirement 4: Quality and Training [Weight 20%]</p> <p>Develop an effective and efficient business planning strategy and performance measurement system to contribute to the achievement of goals, objectives and targets based on requirements in the President’s Budget and <i>USPTO 2018-2022 Strategic Plan</i>.</p> <p>As a fee-funded agency, the USPTO relies on user fee collections to fund operations. The USPTO considers a number of economic factors and relevant indicators when forecasting its workloads. While many of these defining indicators point toward renewed economic expansion, considerable uncertainty still remains regarding the current and near future prospects for growth. This uncertainty could affect anticipated USPTO workloads and fee collections which in turn could significantly impact the USPTO’s long-term goals, objectives and targets, and therefore simultaneously affect any interim results.</p> <p>Success of these objectives will be determined by the specific performance measures laid out in the attached document and will be measured based on overall performance taking into account the totality of all the measures in the attached document. Meeting or exceeding the targets set forth in the attached document represents a level of outstanding performance.</p>	<p>Strategic Alignment: Strategic Goal 1 /Objective Alignment 2 and 3</p> <p>Goal 1, Objectives 2 and 3 of the <i>USPTO 2018-2022 Strategic Plan</i>.</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 Robert Bahr Rating Period 10/1/19 – 9/30/20

Results Driven Sub Elements (SE)	Sub Element Rating Level Score	Weight (multiply by)	Sub Element Points Score	Point Ranges to Rating Level Score	Results Driven Initial Element Score
Sub Element 1 <i>(Backlog, Pendency and Timeliness)</i>		20%		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 SE rated Level 1 overall score must be = Level 1 Rating Score	
Sub Element 2 <i>(Patent Legal Administration, Examination Guidance, and Rulemakings)</i>		30%			
Sub Element 3 <i>(Office of Petitions and Petitions Processing)</i>		30%			
Sub element 4 <i>(Quality and Training)</i>		20%			
		= 100%			
Sub Element Total Score				___ = Level ___	

Example of Results Driven Element Being Rated Level 4

Results Driven Sub Elements (SE)	Sub Element Rating Level Score	Weight (multiply by)	Sub Element Points Score	Point Ranges to Rating Level Score	Results Driven Initial Element Score
Sub Element 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 SE rated Level 1 overall score must be = Level 1 Rating Score	
Sub Element 2	5	x 30	150		
Sub Element 3	5	x 15	75		
Sub element 4	3	x 30	90		
		= 100%			
Sub Element Total Score			415	415= Level 4	4*

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

Critical Element 5: Results Driven

Results: Patent Pendency, Backlog and Timeliness (Weight 20%)

Patent Pendency, Backlog and Timeliness Measures	FY 2020 Targets				FY 2020 Results
	-2% - 0% Filing Growth	0% - 2% Filing Growth	2% - 4% Filing Growth	4% - 6% Filing Growth	
Patent Corps Backlog Metrics					
Unexamined Inventory*,**					
RCE Inventory**					
Patent Corps Pendency and Timeliness Metrics					
First Action Pendency**					
Total Pendency**					
UPR Production Units (PUs)**					
T1 Pendency (snapshots ≤ 12 months)					
RCE Pendency (inventory ≤ 4 months)					
Patent Term Adjustment (PTA) Timeframes (14/4/4/4/36)					
Provide at least one notification under 35 U.S.C. 132 within 14 – months from filing under section 111(a) or the commencement of the national stage under section 371					
Respond to a Reply under 35 U.S.C. 132 within 4 months					
Act on an application within 4 months after the date of a decision by PTAB					
Issue a patent within 4 months from payment of the issue fee					
No more than 36 month application pendency					

(b)(6)

Results: Patent Legal Administration, Examination Guidance, and Rulemaking (Weight 30%)

Measures	FY 2020 Targets	FY 2020 Results
% of Clear and Timely Guidance and Memos Completed		
% of Clear and Timely Rulemaking and Notices Published		
% of Timely Implementation of Legislative Changes and Case Law Developments		

Results: Office of Petitions and Petitions Processing (Weight 30%)

Measures	FY 2020 targets	FY 20120Results
% of Timely Petition Decisions ¹⁾		
% of Timely Track 1 Petition Decisions ²⁾		
% of Timely PPH Petitions ³⁾		

(b)(6)

Results: Quality and Training (Weight 20%)

Management and Support – Quality Metrics for Correctness and Clarity	FY 2020 Targets	FY 2020 Results
FY '20 Corps Quality Metrics: 35 U.S.C 102 Correctness		
FY '20 Corps Quality Metrics: 35 U.S.C 103 Correctness		
FY '20 Corps Quality Metrics: 35 U.S.C 112 Correctness		
FY '20 Corps Quality Metrics: 35 U.S.C 101 Correctness		
FY '20 Corps Quality Metrics: 35 U.S.C 102 Clarity		
FY '20 Corps Quality Metrics: 35 U.S.C 103 Clarity		
FY '20 Corps Quality Metrics: 35 U.S.C 112(b) Clarity		
FY '20 Corps Quality Metrics: 35 U.S.C 101 Clarity		
FY '20 Examination Corps Quality Metrics: Correctness and Clarity		
Access to Relevant Prior Art - Explore how to best utilize available electronic resources to provide examiners with information from applicant's other applications filed in the U.S. and internationally as early as possible to increase patent examination quality and efficiency.	FY 2020 Targets	FY 2020 Results
Begin development of Phase 1 of the project		
Develop implementation plan for phases to be implemented in FY '20		
Complete implementation of Phase 1 of the project		
35 U.S.C. 112(f) - Improve the frequency of examiner clarification of the record for § 112(f) issues	FY 2020 Targets	FY 2020 Results
Provide Patent Examining Corps-Wide training		
Training Measures and Targets	FY 2020 Targets	FY 2020 Results

Ensure that Training is delivered in a timely manner in accordance with established timelines.		
(b)(6)		

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

**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): Bahr, Robert	Appraisal Pd. 10/01/19 - 9/30/20
Executive's Signature: (b)(6)	Date: 9/27/2019
Title: Deputy Commissioner for Patent Examination Policy	Organization: Patents
Rating Official's Name (Last, First, MI): Hirshfeld, Andrew H.	CA <input type="checkbox"/> NC <input type="checkbox"/> LT/LE <input type="checkbox"/>
Rating Official's Signature: (b)(6)	Date: 9/27/19

Part 2. Progress Review

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

Part 3. Summary Rating

Initial Summary Rating	<input type="checkbox"/> Level 5 Outstanding	<input type="checkbox"/> Level 4 Exceeds Fully Successful	<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): Hirshfeld, Andrew H.					
Rating Official's Signature:					Date:
Executive's Signature:					Date:
Reviewing Official's Signature (Optional):					Date:

Higher Level Review (if applicable)

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

Performance Review Board Recommendation

Performance Review Board Recommendation	<input type="checkbox"/> Level 5	<input type="checkbox"/> Level 4	<input type="checkbox"/> Level 3	<input type="checkbox"/> Level 2	<input type="checkbox"/> Level 1
PRB Chair Signature:					Date:
Annual Summary Rating	<input type="checkbox"/> Level 5	<input type="checkbox"/> Level 4	<input type="checkbox"/> Level 3	<input type="checkbox"/> Level 2	<input type="checkbox"/> Level 1
Appointing Authority Signature:					Date:

Part 4. Derivation Formula and Calculation of Annual Summary Rating

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

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%

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

Agency-Specific Performance Requirements

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

- Establishes organizational goals that are consistent with priorities established by the Secretary and Deputy Secretary of Commerce, government-wide initiatives established by the Administration, and strategic goals of the Department; and ensures that they are appropriately reflected in performance plans throughout the organization with meaningful measures and clear priorities;
- Works collaboratively to foster economic growth and opportunity, to meet the needs of businesses and entrepreneurs, and to create jobs to benefit the American people;
- Exhibits vision and strategic thinking to address concerns that cross organizational boundaries and to meet the long-term interests of the Department;
- Uses creativity and innovation, and encourages new ideas and unconventional approaches in response to evolving conditions;
- Ensures success of the America Invents Act (AIA) by actively supporting internal and external training, devoting sufficient resources, increasing awareness of new initiatives, and collaborating with all necessary parties to ensure an innovative, effective, and efficient reformed patent system;
- Puts procedures in place to analyze examination processes and explore prosecution efficiencies;
- Continues to strengthen time and attendance controls for both teleworking and non-teleworking employees within the Executive's area of oversight;
- Supports the continued deployment of Patents-End-to-End (PE2E) tools within the Patents Business Unit;
- Supports the continued establishment of the office of the Deputy Commissioner for Patent Quality and related quality initiatives developed under the Enhanced Patent Quality Initiative (EPQI) in support of achieving excellence in: work products, customer service, and measuring patent quality; and
- Ensures that workloads are monitored within the Executive's area of oversight and takes steps to make sure that workloads are appropriate.

Individual Projects (List below):

- Sets strategic direction within the Office of the Deputy Commissioner for Patent Examination Policy (D/C PEP) (eg. OPLA, Office of Petitions, and MPEP) to address organizational goals and build a collaborative, transparent culture with increased quality components;
- Oversees and provides executive leadership for the development and drafting of examination policy guidance and training;
- Oversees and provides executive leadership for rulemaking and drafting of Official Gazette and Federal Register notices;
- Establishes legal and policy guidance for the Office of the Commissioner for Patents including developing examination policy guidance and training;
- Continues to provide oversight of the implementation of the First Inventor to File (FITF) provisions of the AIA;
- Supports implementation of the Hague Agreement;
- Supports the development and implementation of all quality initiatives developed under the Enhanced Patent Quality Initiative (EPQI) within Patents in support of achieving excellence in: work products, customer service, and measuring patent quality;
- Oversees and provides executive leadership for the Office of Petitions and oversees activities with the Office of Petitions;
- Supports training within Patents so it can be delivered in a timely manner;

- Supports the patent examining corps, including the regional offices and hoteling examiners, on legal issues relating to patent examination; and
- Monitors and supports timely revisions to the MPEP to reflect changes resulting from the AIA, Patent Law Treaty (PLT), the Hague Agreement, recent case law, etc.

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%)

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

Builds and manages an appropriately skilled workforce by:

- Enhancing the Employee Relations (ER) liaison program;
- Ensuring surveys (including Federal Employee Viewpoint Survey) and other instruments are in place to monitor and develop plans to provide a work environment that optimizes performance and increases job satisfaction
- Embracing equal opportunity principles;
- Fostering a diverse and inclusive environment characterized by cultural sensitivity and respect for divergent employee backgrounds;
- Promptly and appropriately addressing allegations of harassment or discrimination;
- Overseeing the recruitment, selection, appraisal and recognition of employees based on individual performance;
- Supporting Agency efforts to train employees on equal opportunity principles;
- Aligning performance plans and awards with Agency goals;
- Identifying talent gaps and providing training and developmental opportunities, coaching and counseling to employees to strengthen performance or address concerns;
- Encouraging employees to develop new and better ways of performing tasks;
- Supporting a culture of transparency, communication and collaboration in the Patents Business area;
- 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; and
- Promotes the protection of whistleblowers by: responding constructively when an employee makes disclosures described in subparagraph (A) or (B) of section 2302(b)(8); taking responsible actions to resolve disclosures; and fostering an environment in which employees of the agency feel comfortable making disclosures to supervisory employees or other appropriate authorities.

Individual Projects (listed below):

- Works with managers and employees to identify performance gaps and provide necessary training;
- Develops and implements an integrated training approach for the patent examining corps to leverage resources and maximize the impact and retention of information;
- Conducts town-hall meetings with employees and managers to identify and address concerns;
- Uses results of the Federal Employee Viewpoint Survey (EVS) and other survey instruments to improve designated areas of opportunity within the Office of Patent Legal Administration, the Office of Petitions and the MPEP;
- Assesses resource needs and redefines requirements to maximize effectiveness;
- Encourages staff to develop creative ideas and solutions for providing improved applicant-oriented services; and
- Supports supervisor training programs designed to improve mentoring and coaching skills in order to assist OPLA support in reaching full potential

Rating Official Narrative: *(Optional)*

Critical Element Rating – Leading People

 Level 5 Level 4 Level 3 Level 2 Level 1Executive Name and ID: **Bahr, Robert**Appraisal Period: **10/1/19 – 9/30/20****Critical Element 3. Business Acumen****(Minimum weight 5%)**

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

- Assesses current and future staffing needs on a regular basis;
- Implements Business Unit's Human Capital Strategic Plans that include recruitment strategies that support organizational objectives;
- Demonstrates sound management of human, financial and technological resources in order to achieve established priorities, goals, and objectives. In doing so, manages program performance throughout the year to maximize operational efficiency and effectiveness within established budgetary resources; ensures overtime is effectively distributed and usage monitored; builds and manages an appropriately skilled and diverse workforce based on organizational goals, budget considerations, and staffing needs; and engages in succession planning as needed for long-term organizational effectiveness;
- Makes effective use of available information technology (IT) to achieve organizational goals; works collaboratively with IT professionals at the operating unit and Department levels, as appropriate, to safeguard IT equipment, software and data; ensures required property accountability processes are in place and ensures appropriate training of employees to avoid cyber-security threats;
- Fosters a work environment that is safe, secure and conducive to the retention of a skilled and effective workforce, which includes continuity of operations planning and emergency preparedness, addressing unsafe working conditions or environmental concerns, and facilitating employee awareness of the procedures to follow in the event of an emergency;
- Adheres to applicable administrative and programmatic laws, regulations, policies and procedures that provide the internal controls needed to safeguard resources, achieve organizational objectives, and protect the confidentiality of information provided to the agency, and respect individual privacy; and
- Strengthens the USPTO's telework program and improves controls to best manage employees and focuses on the implementation of any new actions and guidance as may be necessary.

Individual Projects (List Below):

- Improves and enhances recruitment strategies to attract highly skilled and diverse professionals through the expansion of telework programs and the implementation of a nation-wide workforce;
- Supports the IT development of search and information resources and capabilities for internal and external stakeholders;
- Assists in the identification of and addresses anomalies in examination trends pertinent to particular areas within patent operations; and
- Ensures that Patents budget is managed effectively within areas of oversight.

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%)

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

- Assures that each business unit participates in the formulation of clear, concise, and effective communication strategies, including providing appropriate information and documentation to the Office of the Chief Communication Officer;
- Demonstrates a high degree of responsiveness to the full range of clients, including end users of goods and services for which the executive is responsible, Departmental and operating unit leadership, members of Congress and their staffs, and the public in general;
- Develops strategic alliances both within and across organizational lines to achieve common goals, meets evolving requirements, and shares knowledge, skills and experience needed for personal development and professional performance;
- Builds consensus of opinion among stakeholders;
- Seeks to identify client needs and expectations, responds to identified concerns promptly, professionally and fairly, and improves business and management processes based on customer and employee feedback;
- Solicits employee feedback on direction received, opportunities provided, and recognition given, as inputs for improving how employees are led and motivated;
- Collaborates with stakeholders on outreach and on specific Patent-related initiatives;
- Works closely with internal and external stakeholders in the development and implementation of quality initiatives that support the Enhances Patent Quality Initiative;
- Ensures appropriate investigation and resolution of labor issues raised with Patent management;
- Develops and/or participates in formal cross-organizational boundary collaboration activities whenever appropriate to enhance service delivery and comprehensive mission coordination within the Department, among organizations with complimentary missions, and within the USPTO;
- Supports a transparent and collaborative work environment; and
- Encourages enhanced communication within and across Business Units.

Individual Projects (List Below):

- Develops and implements strategies to improve internal and external communications;

- Establishes alliances to promote inter- and intra-agency collaboration and cooperation;
- Establishes transparent operations and processes to disseminate data in a timely manner to the public through the USPTO website and other electronic media;
- Executes outreach efforts with the Patent Public Advisory Committee (PPAC), Software Partnership, Biotechnology Customer Partnership, business groups, advocacy organizations, and the general public;
- Provides education and outreach to internal stakeholders;
- Represents the USPTO at inter-agency and non-Governmental meetings and events;
- Conducts public presentations on a variety of issues relating to patent examination policy and patent law; and
- Meets regularly with senior leadership of the Patent Trial and Appeal Board (PTAB), Office of the Solicitor and the Office of Governmental Affairs (OGA) to discuss legal priorities of the Agency.

Rating Official Narrative: *(Optional)*

Critical Element Rating – Building Coalitions

Level 5

Level 4

Level 3

Level 2

Level 1

Executive Name and ID: **Bahr, Robert**

Appraisal Period: **10/1/19 – 9/30/20**

Critical Element 5. Results Driven

(Minimum Weight 20%)

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: Backlog, Pendency and Timeliness [Weight 20%]

Develop an effective and efficient business planning strategy and performance measurement system to contribute to the achievement of goals, objectives and targets based on requirements in the President’s Budget and *USPTO 2018-2022 Strategic Plan*.

As a fee-funded agency, the USPTO relies on user fee collections to fund operations. The USPTO considers a number of economic factors and relevant indicators when forecasting its workloads. While many of these defining indicators point toward renewed economic expansion, considerable uncertainty still remains regarding the current and near future prospects for

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

Goal I, Objectives 1 and 2 of the *USPTO 2018-2022 Strategic Plan*.

<p>growth. This uncertainty could affect anticipated USPTO workloads and fee collections which in turn could significantly impact the USPTO's long-term goals, objectives and targets, and therefore simultaneously affect any interim results.</p> <p>Success of these objectives will be determined by the specific performance measures laid out in the attached document and will be measured based on overall performance taking into account the totality of all the measures in the attached document. Meeting or exceeding the targets set forth in the attached document represents a level of outstanding performance.</p>	
<p>Performance Requirement 2: Patent Legal Administration, Examination Guidance and Rulemakings [Weight 35%]</p> <p>Develop an effective and efficient planning strategy and performance measurement system for the Office of Patent Legal Administration to contribute to the achievement of goals, objectives and targets based on requirements in the President's Budget and <i>USPTO 2018-2022 Strategic Plan</i>.</p> <p>As a fee-funded agency, the USPTO relies on user fee collections to fund operations. The USPTO considers a number of economic factors and relevant indicators when forecasting its workloads. While many of these defining indicators point toward renewed economic expansion, considerable uncertainty still remains regarding the current and near future prospects for growth. This uncertainty could affect anticipated USPTO workloads and fee collections which in turn could significantly impact the USPTO's long-term goals, objectives and targets, and therefore simultaneously affect any interim results.</p> <p>Success of these objectives will be determined by the specific performance measures laid out in the attached document and will be measured based on overall performance taking into account the totality of all the measures in the attached document. Meeting or exceeding the targets set forth in the attached document represents a level of outstanding performance.</p>	<p>Strategic Alignment: Strategic Goal 1 /Objective Alignment 1, 2, and 3</p> <p>Goal I, Objectives 1, 2 and 3 of the <i>USPTO 2018-2022 Strategic Plan</i>.</p>
<p>Performance Requirement 3: Office of Petitions and Petitions Processing [Weight 30%]</p> <p>Develop an effective and efficient business planning strategy and performance measurement system for the Office of Petitions to contribute to the achievement of goals, objectives and targets based on requirements in the President's Budget and <i>USPTO 2018-2022 Strategic Plan</i>.</p> <p>As a fee-funded agency, the USPTO relies on user fee collections to fund operations. The USPTO considers a number of economic factors and relevant indicators when forecasting its workloads. While many of these defining indicators point toward renewed economic expansion, considerable uncertainty still remains regarding the current and near future prospects for growth. This uncertainty could affect anticipated USPTO workloads and fee collections which in turn could significantly impact the USPTO's long-term goals, objectives and targets, and therefore simultaneously affect any interim</p>	<p>Strategic Alignment: Strategic Goal 1 /Objective Alignment 1, 2, and 3</p> <p>Goal I, Objectives 1, 2 and 3 of the <i>USPTO 2018-2022 Strategic Plan</i>.</p>

<p>results.</p> <p>Success of these objectives will be determined by the specific performance measures laid out in the attached document and will be measured based on overall performance taking into account the totality of all the measures in the attached document. Meeting or exceeding the targets set forth in the attached document represents a level of outstanding performance.</p>					
<p>Performance Requirement 4: Quality and Training [Weight 20%]</p> <p>Develop an effective and efficient business planning strategy and performance measurement system to contribute to the achievement of goals, objectives and targets based on requirements in the President’s Budget and <i>USPTO 2018-2022 Strategic Plan</i>.</p> <p>As a fee-funded agency, the USPTO relies on user fee collections to fund operations. The USPTO considers a number of economic factors and relevant indicators when forecasting its workloads. While many of these defining indicators point toward renewed economic expansion, considerable uncertainty still remains regarding the current and near future prospects for growth. This uncertainty could affect anticipated USPTO workloads and fee collections which in turn could significantly impact the USPTO’s long-term goals, objectives and targets, and therefore simultaneously affect any interim results.</p> <p>Success of these objectives will be determined by the specific performance measures laid out in the attached document and will be measured based on overall performance taking into account the totality of all the measures in the attached document. Meeting or exceeding the targets set forth in the attached document represents a level of outstanding performance.</p>	<p>Strategic Alignment: Strategic Goal 1 /Objective Alignment 2 and 3</p> <p>Goal 1, Objectives 2 and 3 of the <i>USPTO 2018-2022 Strategic Plan</i>.</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 Robert Bahr Rating Period 10/1/19 – 9/30/20

Results Driven Sub Elements (SE)	Sub Element Rating Level Score	Weight (multiply by)	Sub Element Points Score	Point Ranges to Rating Level Score	Results Driven Initial Element Score
Sub Element 1 <i>(Backlog, Pendency and Timeliness)</i>		20%		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 SE rated Level 1 overall score must be = Level 1 Rating Score	
Sub Element 2 <i>(Patent Legal Administration, Examination Guidance, and Rulemakings)</i>		30%			
Sub Element 3 <i>(Office of Petitions and Petitions Processing)</i>		30%			
Sub element 4 <i>(Quality and Training)</i>		20%			
		= 100%			
Sub Element Total Score				___ = Level ___	

Example of Results Driven Element Being Rated Level 4

Results Driven Sub Elements (SE)	Sub Element Rating Level Score	Weight (multiply by)	Sub Element Points Score	Point Ranges to Rating Level Score	Results Driven Initial Element Score
Sub Element 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 SE rated Level 1 overall score must be = Level 1 Rating Score	
Sub Element 2	5	x 30	150		
Sub Element 3	5	x 15	75		
Sub element 4	3	x 30	90		
		= 100%			
Sub Element Total Score			415	415= Level 4	4*

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

Critical Element 5: Results Driven

Results: Patent Pendency, Backlog and Timeliness (Weight 20%)

Patent Pendency, Backlog and Timeliness Measures	FY 2020 Targets				FY 2020 Results
	-2% - 0% Filing Growth	0% - 2% Filing Growth	2% - 4% Filing Growth	4% - 6% Filing Growth	
Patent Corps Backlog Metrics					
Unexamined Inventory*,**					
RCE Inventory**					
Patent Corps Pendency and Timeliness Metrics					
First Action Pendency**					
Total Pendency**					
UPR Production Units (PUs)**					
T1 Pendency (snapshots ≤ 12 months)					
RCE Pendency (inventory ≤ 4 months)					
Patent Term Adjustment (PTA) Timeframes (14/4/4/4/36)					
Provide at least one notification under 35 U.S.C. 132 within 14 – months from filing under section 111(a) or the commencement of the national stage under section 371					
Respond to a Reply under 35 U.S.C. 132 within 4 months					
Act on an application within 4 months after the date of a decision by PTAB					
Issue a patent within 4 months from payment of the issue fee					
No more than 36 month application pendency					

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

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

Results: Patent Legal Administration, Examination Guidance, and Rulemaking (Weight 30%)

Measures	FY 2020 Targets	FY 2020 Results
% of Clear and Timely Guidance and Memos Completed		
% of Clear and Timely Rulemaking and Notices Published		
% of Timely Implementation of Legislative Changes and Case Law Developments		

Results: Office of Petitions and Petitions Processing (Weight 30%)

Measures	FY 2020 targets	FY 20120Results
% of Timely Petition Decisions ¹⁾		
% of Timely Track 1 Petition Decisions ²⁾		
% of Timely PPH Petitions ³⁾		

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

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

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

3) PPH petitions processed in less than 90 days.

Results: Quality and Training (Weight 20%)

Management and Support – Quality Metrics for Correctness and Clarity	FY 2020 Targets	FY 2020 Results
FY '20 Corps Quality Metrics: 35 U.S.C 102 Correctness		
FY '20 Corps Quality Metrics: 35 U.S.C 103 Correctness		
FY '20 Corps Quality Metrics: 35 U.S.C 112 Correctness		
FY '20 Corps Quality Metrics: 35 U.S.C 101 Correctness		
FY '20 Corps Quality Metrics: 35 U.S.C 102 Clarity		
FY '20 Corps Quality Metrics: 35 U.S.C 103 Clarity		
FY '20 Corps Quality Metrics: 35 U.S.C 112(b) Clarity		
FY '20 Corps Quality Metrics: 35 U.S.C 101 Clarity		
FY '20 Examination Corps Quality Metrics: Correctness and Clarity		
Access to Relevant Prior Art - Explore how to best utilize available electronic resources to provide examiners with information from applicant's other applications filed in the U.S. and internationally as early as possible to increase patent examination quality and efficiency.	FY 2020 Targets	FY 2020 Results
Begin development of Phase 1 of the project		
Develop implementation plan for phases to be implemented in FY '20		
Complete implementation of Phase 1 of the project		
35 U.S.C. 112(f) - Improve the frequency of examiner clarification of the record for § 112(f) issues	FY 2020 Targets	FY 2020 Results
Provide Patent Examining Corps-Wide training		
Training Measures and Targets	FY 2020 Targets	FY 2020 Results

Ensure that Training is delivered in a timely manner in accordance with established timelines.		
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**Quality Metrics results for Correctness and Clarify are accurate to a level of +/- 1.0%*

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

**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): Bahr, Robert	Appraisal Pd. 10/01/18 - 9/30/19
Executive's Signature: (b)(6)	Date: 9/24/2018
Title: Deputy Commissioner for Patent Examination Policy	Organization: Patents
Rating Official's Name (Last, First, MI): Hirshfeld, Andrew H.	CA <input type="checkbox"/> NC <input type="checkbox"/> LT/LE <input type="checkbox"/>
Rating Official's Signature: (b)(6)	Date: 10/12/18

Part 2. Progress Review

Executive's Signature: (b)(6)	Date: 5/3/2019
Rating Official's Signature: (b)(6)	Date: 5/3/19
Reviewing Official's Signature (Optional):	Date:

Part 3. Summary Rating

Initial Summary Rating	(b)(6)
Rating Official's Name (Last, First, MI): Hirshfeld, Andrew H.	
Rating Official's Signature: (b)(6)	Date: 11/6/19
Executive's Signature: (b)(6)	Date: 11/06/2019
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	<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	(b)(6)	(b)(6)	(b)(6)	(b)(6)	(b)(6)	475-500 = Level 5 400-474 = Level 4 300-399 = Level 3 200-299 = Level 2 Any CE rated Level 1 = Level 1
2. Leading People	(b)(6)	(b)(6)				
3. Business Acumen	(b)(6)	(b)(6)				
4. Building Coalitions	(b)(6)	(b)(6)				
5. Results Driven	(b)(6)	(b)(6)				
Total			100%	(b)(6)	(b)(6)	

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%**

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

Agency-Specific Performance Requirements

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

- Establishes organizational goals that are consistent with priorities established by the Secretary and Deputy Secretary of Commerce, government-wide initiatives established by the Administration, and strategic goals of the Department; and ensures that they are appropriately reflected in performance plans throughout the organization with meaningful measures and clear priorities;
- Works collaboratively to foster economic growth and opportunity, to meet the needs of businesses and entrepreneurs, and to create jobs to benefit the American people;
- Exhibits vision and strategic thinking to address concerns that cross organizational boundaries and to meet the long-term interests of the Department;
- Uses creativity and innovation, and encourages new ideas and unconventional approaches in response to evolving conditions;
- Ensures success of the America Invents Act (AIA) by actively supporting internal and external training, devoting sufficient resources, increasing awareness of new initiatives, and collaborating with all necessary parties to ensure an innovative, effective, and efficient reformed patent system;
- Puts procedures in place to analyze examination processes and explore prosecution efficiencies;
- Continues to strengthen time and attendance controls for both teleworking and non-teleworking employees within the Executive's area of oversight;
- Supports the continued deployment of Patents-End-to-End (PE2E) tools within the Patents Business Unit;
- Supports the continued establishment of the office of the Deputy Commissioner for Patent Quality and related quality initiatives developed under the Enhanced Patent Quality Initiative (EPQI) in support of achieving excellence in: work products, customer service, and measuring patent quality; and
- Ensures that workloads are monitored within the Executive's area of oversight and takes steps to make sure that workloads are appropriate.

Individual Projects (List below):

- Sets strategic direction within the Office of the Deputy Commissioner for Patent Examination Policy (D/C PEP) (eg. OPLA, Office of Petitions, and MPEP) to address organizational goals and build a collaborative, transparent culture with increased quality components;
- Oversees and provides executive leadership for the development and drafting of examination policy guidance and training;
- Oversees and provides executive leadership for rulemaking and drafting of Official Gazette and Federal Register notices;
- Establishes legal and policy guidance for the Office of the Commissioner for Patents including developing examination policy guidance and training;
- Continues to provide oversight of the implementation of the First Inventor to File (FITF) provisions of the AIA;
- Supports implementation of the Hague Agreement;
- Supports the development and implementation of all quality initiatives developed under the Enhanced Patent Quality Initiative (EPQI) within Patents in support of achieving excellence in: work products, customer service, and measuring patent quality;
- Oversees and provides executive leadership for the Office of Petitions and oversees activities with the Office of Petitions;
- Supports training within Patents so it can be delivered in a timely manner;

- Supports the patent examining corps, including the regional offices and hoteling examiners, on legal issues relating to patent examination; and
- Monitors and supports timely revisions to the MPEP to reflect changes resulting from the AIA, Patent Law Treaty (PLT), the Hague Agreement, recent case law, etc.

Rating Official Narrative: *(Optional)*

See attached

Critical Element Rating – Leading Change

(b)(6)

Critical Element 2. Leading People

(Minimum weight 5%)

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

Builds and manages an appropriately skilled workforce by:

- Enhancing the Employee Relations (ER) liaison program;
- Ensuring surveys (including Federal Employee Viewpoint Survey) and other instruments are in place to monitor and develop plans to provide a work environment that optimizes performance and increases job satisfaction
- Embracing equal opportunity principles;
- Fostering a diverse and inclusive environment characterized by cultural sensitivity and respect for divergent employee backgrounds;
- Promptly and appropriately addressing allegations of harassment or discrimination;
- Overseeing the recruitment, selection, appraisal and recognition of employees based on individual performance;
- Supporting Agency efforts to train employees on equal opportunity principles;
- Aligning performance plans and awards with Agency goals;
- Identifying talent gaps and providing training and developmental opportunities, coaching and counseling to employees to strengthen performance or address concerns;
- Encouraging employees to develop new and better ways of performing tasks;
- Supporting a culture of transparency, communication and collaboration in the Patents Business area;
- 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; and
- Promotes the protection of whistleblowers by: responding constructively when an employee makes disclosures described in subparagraph (A) or (B) of section 2302(b)(8); taking responsible actions to resolve disclosures; and fostering an environment in which employees of the agency feel comfortable making disclosures to supervisory employees or other appropriate authorities.

Individual Projects (listed below):

- Works with managers and employees to identify performance gaps and provide necessary training;
- Develops and implements an integrated training approach for the patent examining corps to leverage resources and maximize the impact and retention of information;
- Conducts town-hall meetings with employees and managers to identify and address concerns;
- Uses results of the Federal Employee Viewpoint Survey (EVS) and other survey instruments to improve designated areas of opportunity within the Office of Patent Legal Administration, the Office of Petitions and the MPEP;
- Assesses resource needs and redefines requirements to maximize effectiveness;
- Encourages staff to develop creative ideas and solutions for providing improved applicant-oriented services; and
- Supports supervisor training programs designed to improve mentoring and coaching skills in order to assist OPLA support in reaching full potential

Rating Official Narrative: *(Optional)*

See attached

Critical Element Rating – Leading People

(b)(6)

Executive Name and ID: **Bahr, Robert**

Appraisal Period: **10/1/18 – 9/30/19**

Critical Element 3. Business Acumen

(Minimum weight 5%)

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

- Assesses current and future staffing needs on a regular basis;
- Implements Business Unit's Human Capital Strategic Plans that include recruitment strategies that support organizational objectives;
- Demonstrates sound management of human, financial and technological resources in order to achieve established priorities, goals, and objectives. In doing so, manages program performance throughout the year to maximize operational efficiency and effectiveness within established budgetary resources; ensures overtime is effectively distributed and usage monitored; builds and manages an appropriately skilled and diverse workforce based on organizational goals, budget considerations, and staffing needs; and engages in succession planning as needed for long-term organizational effectiveness;
- Makes effective use of available information technology (IT) to achieve organizational goals; works collaboratively with IT professionals at the operating unit and Department levels, as appropriate, to safeguard IT equipment, software and data; ensures required property accountability processes are in place and ensures appropriate training of employees to avoid cyber-security threats;
- Fosters a work environment that is safe, secure and conducive to the retention of a skilled and effective workforce, which includes continuity of operations planning and emergency preparedness, addressing unsafe working conditions or environmental concerns, and facilitating employee awareness of the procedures to follow in the event of an emergency;
- Adheres to applicable administrative and programmatic laws, regulations, policies and procedures that provide the internal controls needed to safeguard resources, achieve organizational objectives, and protect the confidentiality of information provided to the agency, and respect individual privacy; and
- Strengthens the USPTO's telework program and improves controls to best manage employees and focuses on the implementation of any new actions and guidance as may be necessary.

Individual Projects (List Below):

- Improves and enhances recruitment strategies to attract highly skilled and diverse professionals through the expansion of telework programs and the implementation of a nation-wide workforce;
- Supports the IT development of search and information resources and capabilities for internal and external stakeholders;
- Assists in the identification of and addresses anomalies in examination trends pertinent to particular areas within patent operations; and
- Ensures that Patents budget is managed effectively within areas of oversight.

Rating Official Narrative: *(Optional)*

See attached

Critical Element Rating – Business Acumen

(b)(6)

Critical Element 4. Building Coalitions

(Minimum weight 5%)

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

- Assures that each business unit participates in the formulation of clear, concise, and effective communication strategies, including providing appropriate information and documentation to the Office of the Chief Communication Officer;
- Demonstrates a high degree of responsiveness to the full range of clients, including end users of goods and services for which the executive is responsible, Departmental and operating unit leadership, members of Congress and their staffs, and the public in general;
- Develops strategic alliances both within and across organizational lines to achieve common goals, meets evolving requirements, and shares knowledge, skills and experience needed for personal development and professional performance;
- Builds consensus of opinion among stakeholders;
- Seeks to identify client needs and expectations, responds to identified concerns promptly, professionally and fairly, and improves business and management processes based on customer and employee feedback;
- Solicits employee feedback on direction received, opportunities provided, and recognition given, as inputs for improving how employees are led and motivated;
- Collaborates with stakeholders on outreach and on specific Patent-related initiatives;
- Works closely with internal and external stakeholders in the development and implementation of quality initiatives that support the Enhances Patent Quality Initiative;
- Ensures appropriate investigation and resolution of labor issues raised with Patent management;
- Develops and/or participates in formal cross-organizational boundary collaboration activities whenever appropriate to enhance service delivery and comprehensive mission coordination within the Department, among organizations with complimentary missions, and within the USPTO;
- Supports a transparent and collaborative work environment; and
- Encourages enhanced communication within and across Business Units.

Individual Projects (List Below):

- Develops and implements strategies to improve internal and external communications;

- Establishes alliances to promote inter- and intra-agency collaboration and cooperation;
- Establishes transparent operations and processes to disseminate data in a timely manner to the public through the USPTO website and other electronic media;
- Executes outreach efforts with the Patent Public Advisory Committee (PPAC), Software Partnership, Biotechnology Customer Partnership, business groups, advocacy organizations, and the general public;
- Provides education and outreach to internal stakeholders;
- Represents the USPTO at inter-agency and non-Governmental meetings and events;
- Conducts public presentations on a variety of issues relating to patent examination policy and patent law; and
- Meets regularly with senior leadership of the Patent Trial and Appeal Board (PTAB), Office of the Solicitor and the Office of Governmental Affairs (OGA) to discuss legal priorities of the Agency.

Rating Official Narrative: *(Optional)*

See attached

Critical Element Rating – Building Coalitions

(b)(6)

Executive Name and ID: **Bahr, Robert**

Appraisal Period: **10/1/18 – 9/30/19**

Critical Element 5. Results Driven

(Minimum Weight 20%)

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: Backlog, Pendency and Timeliness [Weight 20%]

Strategic Alignment: Strategic Goal 1 /Objective Alignments 1 and 2

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

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

As a fee-funded agency, the USPTO relies on user fee collections to fund operations. The USPTO considers a number of economic factors and relevant indicators when forecasting its workloads. While many of these defining indicators point toward renewed economic expansion, considerable uncertainty still remains regarding the current and near future prospects for growth. This uncertainty could affect anticipated USPTO workloads and fee

<p>collections which in turn could significantly impact the USPTO's long-term goals, objectives and targets, and therefore simultaneously affect any interim results.</p> <p>Success of these objectives will be determined by the specific performance measures laid out in the attached document and will be measured based on overall performance taking into account the totality of all the measures in the attached document. Meeting or exceeding the targets set forth in the attached document represents a level of outstanding performance.</p>	<p>term, multi-year goal to be achieved over the next several years.</p>
<p>Performance Requirement 2: Patent Legal Administration, Examination Guidance and Rulemakings [Weight 35%]</p> <p>Develop an effective and efficient planning strategy and performance measurement system for the Office of Patent Legal Administration to contribute to the achievement of goals, objectives and targets based on requirements in the President's Budget.</p> <p>As a fee-funded agency, the USPTO relies on user fee collections to fund operations. The USPTO considers a number of economic factors and relevant indicators when forecasting its workloads. While many of these defining indicators point toward renewed economic expansion, considerable uncertainty still remains regarding the current and near future prospects for growth. This uncertainty could affect anticipated USPTO workloads and fee collections which in turn could significantly impact the USPTO's long-term goals, objectives and targets, and therefore simultaneously affect any interim results.</p> <p>Success of these objectives will be determined by the specific performance measures laid out in the attached document and will be measured based on overall performance taking into account the totality of all the measures in the attached document. Meeting or exceeding the targets set forth in the attached document represents a level of outstanding performance.</p>	<p>Strategic Alignment: Strategic Goal 1 /Objective Alignments 1, 2, 4, and 6</p> <p>Goal 1, Objectives 1 and 2 of the <i>USPTO 2014-2018 Strategic Plan</i> will be accomplished when patent pendency is optimized, allowing a final action on the merits within one year of filing for any applicant who requests it, with overall patent pendency time reduced to 10 months for a first office action and 20 months total pendency. This is a long-term, multi-year goal to be achieved over the next several years.</p> <p>Goal 1, Objective 4 of the <i>USPTO 2014-2018 Strategic Plan</i> will be accomplished when issued patents are of higher quality, claim clarity is improved, and the stakeholder community has a clear understanding of the meaning of a "quality" patent.</p> <p>Goal 1, Objective 6 of the <i>USPTO 2014-2018 Strategic Plan</i> will be accomplished by focusing on improving and enhancing stakeholder and public outreach and increasing awareness and transparency of patent information, and patent application and ownership information.</p>
<p>Performance Requirement 3: Office of Petitions and Petitions Processing [Weight 30%]</p> <p>Develop an effective and efficient business planning strategy and performance measurement system for the Office of Petitions to contribute to the achievement of goals, objectives and targets based on requirements in the President's Budget.</p> <p>As a fee-funded agency, the USPTO relies on user fee collections to fund operations. The USPTO considers a number of economic factors and relevant indicators when forecasting its workloads. While many of these defining</p>	<p>Strategic Alignment: Strategic Goal 1 /Objective Alignment 1, 2 and 4</p> <p>Goal 1, Objectives 1 and 2 of the <i>USPTO 2014-2018 Strategic Plan</i> will be accomplished when patent pendency is optimized, allowing a final action on the merits within one year of filing for any applicant who requests it, with overall patent pendency time reduced to 10 months for a first office action and 20</p>

<p>indicators point toward renewed economic expansion, considerable uncertainty still remains regarding the current and near future prospects for growth. This uncertainty could affect anticipated USPTO workloads and fee collections which in turn could significantly impact the USPTO's long-term goals, objectives and targets, and therefore simultaneously affect any interim results.</p> <p>Success of these objectives will be determined by the specific performance measures laid out in the attached document and will be measured based on overall performance taking into account the totality of all the measures in the attached document. Meeting or exceeding the targets set forth in the attached document represents a level of outstanding performance.</p>	<p>months total pendency. This is a long-term, multi-year goal to be achieved over the next several years.</p> <p>Goal 1, Objective 4 of the <i>USPTO 2014-2018 Strategic Plan</i> will be accomplished when issued patents are of higher quality, claim clarity is improved, and the stakeholder community has a clear understanding of the meaning of a "quality" patent.</p>				
<p>Performance Requirement 4: Quality and Training [Weight 20%]</p> <p>Develop an effective and efficient business planning strategy and performance measurement system to contribute to the achievement of goals, objectives and targets based on requirements in the President's Budget.</p> <p>As a fee-funded agency, the USPTO relies on user fee collections to fund operations. The USPTO considers a number of economic factors and relevant indicators when forecasting its workloads. While many of these defining indicators point toward renewed economic expansion, considerable uncertainty still remains regarding the current and near future prospects for growth. This uncertainty could affect anticipated USPTO workloads and fee collections which in turn could significantly impact the USPTO's long-term goals, objectives and targets, and therefore simultaneously affect any interim results.</p> <p>Success of these objectives will be determined by the specific performance measures laid out in the attached document and will be measured based on overall performance taking into account the totality of all the measures in the attached document. Meeting or exceeding the targets set forth in the attached document represents a level of outstanding performance.</p>	<p>Strategic Alignment: Strategic Goal 1 /Objective Alignment 4</p> <p>Goal 1, Objective 4 of the <i>USPTO 2014-2018 Strategic Plan</i> will be accomplished when issued patents are of higher quality, claim clarity is improved, and the stakeholder community has a clear understanding of the meaning of a "quality" patent.</p>				
<p>Rating Official Narrative: <i>(Optional)</i></p> <p style="text-align: center;"><i>See attached PAP Addendum and attached write-up.</i></p>					
<p>Critical Element Rating – Results Driven</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)

See attached

Part 7: Executive's Accomplishment Narrative (Optional)

Part 8: Agency Use

Deriving the Results Driven Rating Worksheet

Executive Name Robert Bahr Rating Period 10/1/18 – 9/30/19

Results Driven Sub Elements (SE)	Sub Element Rating Level Score	Weight (multiply by)	Sub Element Points Score	Point Ranges to Rating Level Score	Results Driven Initial Element Score
Sub Element 1 <i>(Backlog, Pendency and Timeliness)</i>		20%		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 SE rated Level 1 overall score must be = Level 1 Rating Score <i>See Addendum PAP Attached</i>	
Sub Element 2 <i>(Patent Legal Administration, Examination Guidance, and Rulemakings)</i>		30%			
Sub Element 3 <i>(Office of Petitions and Petitions Processing)</i>		30%			
Sub element 4 <i>(Quality and Training)</i>		20%			
		= 100%			
Sub Element Total Score				___ = Level ___	

Example of Results Driven Element Being Rated Level 4

Results Driven Sub Elements (SE)	Sub Element Rating Level Score	Weight (multiply by)	Sub Element Points Score	Point Ranges to Rating Level Score	Results Driven Initial Element Score
Sub Element 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 SE rated Level 1 overall score must be = Level 1 Rating Score	
Sub Element 2	5	x 30	150		
Sub Element 3	5	x 15	75		
Sub element 4	3	x 30	90		
		= 100%			
Sub Element Total Score			415	415= Level 4	4*

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

Critical Element 5: Results Driven

Results: Patent Pendency, Backlog and Timeliness (Weight 20%)

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

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

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

Results: Patent Legal Administration, Examination Guidance, and Rulemaking (Weight 30%)

Measures	FY 2019 Targets	FY 2019 Results
% of Clear and Timely Guidance and Memos Completed		
% of Clear and Timely Rulemaking and Notices Published		
% of Timely Implementation of Legislative Changes and Case Law Developments		

Results: Office of Petitions and Petitions Processing (Weight 30%)

Measures	FY 2019 targets	FY 2019 Results
% of Timely Petition Decisions ¹⁾		
% of Timely Track 1 Petition Decisions ²⁾		
% of Timely PPH Petitions ³⁾		

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

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

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

3) PPH petitions processed in less than 90 days.

Results: Quality and Training (Weight 20%)

Management and Support – Quality Metrics for Correctness and Clarity	FY 2019 Targets	FY 2019 Results
FY '19 Corps Quality Metrics: 35 U.S.C 102 Correctness		
FY '19 Corps Quality Metrics: 35 U.S.C 103 Correctness		
FY '19 Corps Quality Metrics: 35 U.S.C 112 Correctness		
FY '19 Corps Quality Metrics: 35 U.S.C 101 Correctness		
FY '19 Corps Quality Metrics: 35 U.S.C 102 Clarity		
FY '19 Corps Quality Metrics: 35 U.S.C 103 Clarity		
FY '19 Corps Quality Metrics: 35 U.S.C 112(b) Clarity		
FY '19 Corps Quality Metrics: 35 U.S.C 101 Clarity		
FY '20 Examination Corps Quality Metrics: Correctness and Clarity		
Access to Relevant Prior Art - Explore how to best utilize available electronic resources to provide examiners with information from applicant's other applications filed in the U.S. and internationally as early as possible to increase patent examination quality and efficiency.	FY 2019 Targets	FY 2019 Results
Begin development of Phase 1 of the project		
Develop implementation plan for phases to be implemented in FY '20		
Complete implementation of Phase 1 of the project		
35 U.S.C. 112(f) - Improve the frequency of examiner clarification of the record for § 112(f) issues	FY 2019 Targets	FY 2019 Results
Provide Patent Examining Corps-Wide training		
Training Measures and Targets	FY 2019 Targets	FY 2019 Results

Ensure that Training is delivered in a timely manner in accordance with established timelines.		
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**Quality Metrics results for Correctness and Clarify are accurate to a level of +/- 1.0%*

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

Fiscal Year 2019
Executive Performance Plan
Addendum

I hereby acknowledge receipt of the attached Executive Performance Plan Addendum that replaces *Critical Element 5: Results Driven* of the FY 2019 Executive Performance Plan signed on September 24, 2018 in its entirety.

Executive Signature:

(b)(6)

Date: 8/5/2019

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>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.</p>		
<p>Performance Requirement 1: Pendency and Timeliness [Weight 25%] Develop an effective and efficient business planning strategy and performance measurement system to contribute to the achievement of goals, objectives and targets based on requirements in the President’s FY 2019 Budget.</p> <p>As a fee-funded agency, the USPTO relies on user fee collections to fund operations. The USPTO considers a number of economic factors and relevant indicators when forecasting its workloads. While many of these defining indicators point toward renewed economic expansion, considerable uncertainty remains regarding the current and near future prospects for growth. This uncertainty could affect anticipated USPTO workloads and fee collections, which in turn could significantly affect the USPTO’s long-term goals, objectives and targets, and therefore simultaneously affect any interim results.</p> <p>Success of these objectives will be determined by the specific performance measures laid out in the attached document and will be measured based on overall performance taking into account the totality of all the measures in the attached document. Meeting or exceeding the targets set forth in the attached document represents a level of outstanding performance.</p>	<p>Strategic Alignment: Strategic Goal 1 /Objective Alignment 1</p> <p>Goal I, Objective 1 of the <i>USPTO’s 2018-2022 Strategic Plan</i> will be accomplished when patent pendency is optimized to better ensure the timely delivery of innovative goods and services to market, and the related economic growth and creation of new or higher paying jobs.</p> <p>Through this objective, the USPTO will continue working diligently to take maximum advantage of all opportunities to address increasing workload. The USPTO will further optimize patent examination timeframes within the framework of patent term adjustment while continuing to monitor and report traditional pendency measures. This includes engaging stakeholders to identify optimal pendency examination timeframes and making sure that the USPTO has the appropriate number of examiners to</p>	

	<p>generate the level of production to meet those timeframes. To do this, the USPTO will take advantage, to the greatest extent possible, of international work products, such as Global Dossier, Patent Cooperation Treaty searches, and prior art (e.g., publications), and will identify and offer customers various prosecution options to better meet their individual needs.</p> <p>This is a long-term, multi-year goal to be achieved over the next several years.</p>
<p>Performance Requirement 2: Patent Legal Administration, Examination Guidance and Rulemakings [Weight 25%]</p> <p>Develop an effective and efficient planning strategy and performance measurement system for the Office of Patent Legal Administration to contribute to the achievement of goals, objectives and targets based on requirements in the President's FY 2019 Budget.</p> <p>As a fee-funded agency, the USPTO relies on user fee collections to fund operations. The USPTO considers a number of economic factors and relevant indicators when forecasting its workloads. While many of these defining indicators point toward renewed economic expansion, considerable uncertainty remains regarding the current and near future prospects for growth. This uncertainty could affect anticipated USPTO workloads and fee collections, which in turn could significantly affect the USPTO's long-term goals, objectives and targets, and therefore simultaneously affect any interim results.</p> <p>Success of these objectives will be determined by the specific performance measures laid out in the attached document and will be measured based on overall performance taking into account the totality of all the measures in the attached document. Meeting or exceeding the targets set forth in the attached document represents a level of outstanding performance</p>	<p>Strategic Alignment: Strategic Goal 1 / Objective Alignment 2, 4, and 6</p> <p>Goal 1, Objective 2 of the <i>USPTO's 2018-2022 Strategic Plan</i> will be accomplished when the USPTO has put in place initiatives needed to ensure that actions taken to optimize patent examination timeframes are synchronized with its commitment to issue highly reliable patents. Issuing highly reliable patents includes ensuring that examiners are able to access the best prior art during the examination process. This also includes enhancing ongoing technical and legal training that is offered to examiners as well as to all Patent organization employees that are part of the administrative, quality, or other aspects of the examination process, and maximizing our use of results from quality assessments to identify areas for improvement.</p>
<p>Performance Requirement 3: Office of Petitions and Petitions Processing [Weight 25%]</p>	<p>Strategic Alignment: Strategic Goal 1 / Objective Alignment 1 and 2</p>

<p>Develop an effective and efficient planning strategy and performance measurement system for the Office of Petitions to contribute to the achievement of goals, objectives and targets based on requirements in the President's FY 2019 Budget.</p> <p>As a fee-funded agency, the USPTO relies on user fee collections to fund operations. The USPTO considers a number of economic factors and relevant indicators when forecasting its workloads. While many of these defining indicators point toward renewed economic expansion, considerable uncertainty remains regarding the current and near future prospects for growth. This uncertainty could affect anticipated USPTO workloads and fee collections, which in turn could significantly affect the USPTO's long-term goals, objectives and targets, and therefore simultaneously affect any interim results.</p> <p>Success of these objectives will be determined by the specific performance measures laid out in the attached document and will be measured based on overall performance taking into account the totality of all the measures in the attached document. Meeting or exceeding the targets set forth in the attached document represents a level of outstanding performance.</p>	<p>Goal I, Objectives 1 and 2 of the <i>USPTO 2018-2022 Strategic Plan</i> will be accomplished when patent pendency is optimized to better ensure the timely delivery of innovative goods and services to market, and the related economic growth and creation of new or higher paying jobs and when the USPTO has put in place initiatives needed to ensure that actions taken to optimize patent examination timeframes are synchronized with its commitment to issue highly reliable patents.</p>
<p>Performance Requirement 4: Quality, Training and Search [Weight 25%]</p> <p>Develop an effective and efficient planning strategy and performance measurement system to contribute to the achievement of goals, objectives and targets based on requirements in the President's FY 2019 Budget.</p> <p>As a fee-funded agency, the USPTO relies on user fee collections to fund operations. The USPTO considers a number of economic factors and relevant indicators when forecasting its workloads. While many of these defining indicators point toward renewed economic expansion, considerable uncertainty remains regarding the current and near future prospects for growth. This uncertainty could affect anticipated USPTO workloads and fee collections, which in turn could significantly affect the USPTO's long-term goals, objectives and targets, and therefore simultaneously affect any interim results.</p> <p>Success of these objectives will be determined by the specific performance measures laid out in the attached document and will be measured based on overall performance taking into account the totality of all the measures in the attached document. Meeting or exceeding the targets set forth in the attached document represents a level of outstanding performance.</p>	<p>Strategic Alignment: Strategic Goal 1 /Objective Alignment 2</p> <p>Goal I, Objective 2 of the <i>USPTO's 2018-2022 Strategic Plan</i> will be accomplished when issued patents are of higher quality and reliability, claim clarity is improved, and the stakeholder community has a clear understanding of the meaning of a "quality" patent.</p> <p>Through objective 2, initiatives will be put in place to ensure that actions taken under the first objective to optimize patent examination timeframes are synchronized with the USPTO's commitment to issue highly reliable patents. Issuing highly reliable patents includes ensuring that examiners are able to access the best prior art during the examination process, for example, by improving searchable access to applications and prior art. This also includes enhancing ongoing technical and legal training that is offered to examiners as well as</p>

to all Patent organization employees that are part of the administrative, quality, or other aspects of the examination process, and maximizing our use of results from quality assessments to identify areas for improvement. By comprehensively studying examination time goals, the USPTO will evaluate the appropriate amount of examination time and align production goals with quality expectations. Finally, the USPTO will enhance transparency and communication of quality metrics to both employees and stakeholders.

Rating Official Narrative: *(Optional)*

See attached

Critical Element Rating – Results Driven

(b)(6)

Deriving the Results Driven Rating Worksheet					
Executive Name Bahr, Robert		Rating Period 10/1/18 – 9/30/19			
Results Driven Sub Elements (SE)	Sub Element Rating Level Score	Weight (multiply by)	Sub Element Points Score	Point Ranges to Rating Level Score	Results Driven Initial Element Score
Sub Element 1 <i>Pendency and Timeliness</i>	(b)(6)			Points 475 – 500 = Level 5 Rating Score Points 400 – 474 = Level 4 Rating Score Points 300 – 399 = Level 3 Rating Score Points 200 – 299 = Level 2 Rating Score Any SE rated Level 1 overall score must be = Level 1 Rating Score	
Sub Element 2 <i>Patent Legal Administration, Examination Guidance and Rulemakings</i>					
Sub Element 3 <i>Office of Petitions and Petitions Processing</i>					
Sub element 4 <i>Quality, Training and Search</i>					
		= 100%			
Sub Element Total Score			(b)(6)		
Example of Results Driven Element Being Rated Level 4					
Results Driven Sub Elements (SE)	Sub Element Rating Level Score	Weight (multiply by)	Sub Element Points Score	Point Ranges to Rating Level Score	Results Driven Initial Element Score
Sub Element 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 SE rated Level 1 overall score must be = Level 1 Rating Score	
Sub Element 2	5	x 30	150		
Sub Element 3	5	x 15	75		
Sub element 4	3	x 30	90		
		= 100%			
Sub Element 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.					

FY 2019 Executive Performance Plan Addendum**Sub Element 1: Pendency and Timeliness (Weight 25%)**

<i>Patent Pendency and Timeliness Measures</i>	<i>FY 2019 Targets</i>	<i>FY 2019 Results</i>
<i>Patent Corps Pendency and Timeliness Metrics</i>		
First Action Pendency	<15 months	
Total Pendency	<24 months	
UPR Production Units (PUs)	617,000	
T1 Pendency (% inventory of Track 1 ≤ 12 months)	98.0%	
RCE Pendency (% inventory of RCEs < 4 months)	73.0%	
<i>Patent Term Adjustment (PTA) Timeframes (14/4/4/36)</i>		
Provide at least one notification under 35 U.S.C. 132 within 14 – months from filing under section 111(a) or the commencement of the national stage under section 371	45% of actions	
Respond to a Reply under 35 U.S.C. 132 within 4 months	93% of amendment actions; 95% of remaining amended inventory; 79% of RCE actions and 73% of remaining inventory of applications < 4 months	
Act on an application within 4 months after the date of a decision by PTAB	96% of actions and 96% of remaining inventory	
Issue a patent within 4 months from payment of the issue fee	98% of issues and 98% of remaining inventory	
No more than 36 month application pendency	80% of allowances and 90% of remaining inventory <36 months from filing	

Sub Element 2: Patent Legal Administration, Examination Guidance, and Rulemakings (Weight: 25%)

<i>Measures</i>	<i>FY 2019 targets</i>	<i>FY 2019 Results</i>
% of Clear and Timely Guidance and Memos Completed	75-85%	
% of Clear and Timely Rulemaking and Notices Published	75-85%	
% of Timely Implementation of Legislative Changes and Case Law Developments	75-85%	

Sub Element 3: Office of Petitions and Petitions Processing (Weight: 25%)

<i>Measures</i>	<i>FY 2019 targets</i>	<i>FY 2019 Results</i>
% of Timely Petition Decisions ¹⁾	75-85%	
% of Timely Track 1 Petition Decisions ²⁾	75-85%	
% of Timely PPH Petitions ³⁾	75-85%	

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

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

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

3) PPH petitions processed in 90 days or less from PPH filing date.

Sub Element 4: Quality and Training (Weight 25%)

Quality Metrics for Correctness and Clarity	FY 2019 Targets	FY 2019 Results
FY '19 Corps Quality Metrics: 35 U.S.C 102 Correctness	>95%	
FY '19 Corps Quality Metrics: 35 U.S.C 103 Correctness	>93%	
FY '19 Corps Quality Metrics: 35 U.S.C 112 Correctness	>93%	
FY '19 Corps Quality Metrics: 35 U.S.C 101 Correctness	>97%	
FY '19 Corps Quality Metrics: 35 U.S.C 102 Clarity	>90%	
FY '19 Corps Quality Metrics: 35 U.S.C 103 Clarity	>90%	
FY '19 Corps Quality Metrics: 35 U.S.C 112 Clarity	>90%	
FY '19 Corps Quality Metrics: 35 U.S.C 101 Clarity	>90%	
FY '20 Examination Corps Quality Metrics: Correctness and Clarity	Establish targets for FY '20 in Q4 of FY '19	
Training	FY 2019 Targets	FY 2019 Results
Ensure that Training is delivered in a timely manner in accordance with established timelines.	Training is delivered within established timelines	
Develop and implement training on the 2019 Revised Subject Matter Eligibility Guidance	Develop and implement training in FY '19	
Develop and implement legal training for the patent examining corp. on the following: 35 U.S.C. 112, Restriction, Court Decisions, and prior art rejections.	Provide training on each of these topics to the patent examining corps. in FY '19	
Search	FY 2019 Targets	FY 2019 Results
Continuing Education Classes focused on Examiner Search	Support training courses that focus on search techniques and strategies, database searching, and NPL searching by technology to examiners in FY '19	
Leverage SPE Action Plans	Support the implementation of action plans and evaluation of the initiative	
Define and Improve Search Standards	Support the establishment of a universally applicable methodology to define and facilitate a thorough prior art search in order to increase reproducibility of search results and further improve examiners' search capabilities in FY '19	
OPQA Feedback on Search	Support the piloting and evaluation of the pilot in FY '19	
Examiner Training Certification	Support the development of this initiative in FY '19	
Search and Classification Experts Position	Provide support to the development and implementation of the pilot in FY '19	
Access to Relevant Prior Art Project	Launch the IT tool to a limited area within the Technology Centers in FY '19	
Peer Search Collaboration Pilot	Support the piloting and evaluation of the pilot in FY '19	
Preliminary Search Reports Pilot	Support the development of a preliminary search report pilot in FY '19	

Assessing Incoming Applications	Support the study of the assessment of incoming applications in FY '19	
Review PTAB Trials for Lessons Learned	Support the review of PTAB trials for lessons learned	

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

(b)(6)



Critical Element 1: Leading Change (Weight 10%):

(b)(6)



(b)(6)



(b)(6)



(b)(6)



Critical Element 2: Leading People (Weight 10%):

(b)(6)



(b)(6)



(b)(6)



Critical Element 3: Business Acumen (Weight 10%):

(b)(6)



(b)(6)



Critical Element 4: Building Coalitions (Weight 10%):

(b)(6)



(b)(6)



Robert Bahr

Deputy Commissioner for Patent Examination Policy

Office of the Commissioner for Patents

Fiscal Year 2019 Performance Review

Critical Element 5: Results Driven (60%):

In FY 2019, the following results were achieved:

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

Patent Pendency and Timeliness Measures	FY 2019 Targets	FY 2019 Results
Patent Corps Pendency and Timeliness Metrics		
First Action Pendency	<15 months	(b)(6)
Total Pendency	<24 months	
UPR Production Units (PUs)	617,000	
T1 Pendency (% inventory of Track 1 ≤ 12 months)	98.0%	
RCE Pendency (% inventory of RCEs < 4 months)	73.0%	
Patent Term Adjustment (PTA) Timeframes (14/4/4/4/36)		
Provide at least one notification under 35 U.S.C. 132 within 14 –months from filing under section 111(a) or the commencement of the national stage under section 371	45% of actions	(b)(6)
Respond to a Reply under 35 U.S.C. 132 within 4 months	93% of amendment actions; 95% of remaining amended inventory; 79% of RCE actions and 73% of remaining inventory of applications < 4 months	
Act on an application within 4 months after the date of a decision by PTAB	96% of actions and 96% of remaining inventory	
Issue a patent within 4 months from payment of the issue fee	98% of issues and 98% of remaining inventory	
No more than 36 month application pendency	80% of allowances and 90% of remaining inventory <36 months from filing	

*Target not met

(b)(6)

Robert Bahr

Deputy Commissioner for Patent Examination Policy
 Office of the Commissioner for Patents
 Fiscal Year 2019 Performance Review

looking at this, in the final six months of the fiscal year over 95% of amendments were acted on within 4 months; this is well within the target goal of 93%.

Based on the criteria for evaluation a rating level of Level 5 is warranted in this sub-element for FY 2019.

Sub Element 2: Patent Legal Administration, Examination Guidance, and Rulemakings (Weight: 25%)

Patent Legal Administration Measures		
	FY 2019 Targets	FY 2019 Results
% of Clear and Timely Guidance and Memos Completed	75-85%	(b)(6)
% of Clear and Timely Rulemaking and Notices Published	75-85%	
% of Timely Implementation of Legislative Changes and Case Law Developments	75-85%	

Based on the criteria for evaluation a rating level of Level 5 is warranted in this sub-element for FY 2019.

Sub Element 3: Office of Petitions and Petitions Processing (Weight: 25%)

Office of Petitions Measures		
	FY 2019 Targets	FY 2019 Results
% of Timely Petition Decisions ¹⁾	75-85%	(b)(6)
% of Timely Track 1 Petition Decisions ²⁾	75-85%	
% of Timely PPH Petitions ³⁾	75-85%	

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

Based on the criteria for evaluation a rating level of Level 5 is warranted in this sub-element for FY 2019.

Results Sub Element 4: Quality, Training and Search (Weight 25%)

Quality Metrics for Correctness and Clarity	FY 2019 Targets	FY 2019 Results
FY '19 Corps Quality Metrics: 35 U.S.C 102 Correctness	>95%	(b)(6)
FY '19 Corps Quality Metrics: 35 U.S.C 103 Correctness	>93%	
FY '19 Corps Quality Metrics: 35 U.S.C 112 Correctness	>93%	
FY '19 Corps Quality Metrics: 35 U.S.C 101 Correctness	>97%	
FY '19 Corps Quality Metrics: 35 U.S.C 102 Clarity	>90%	
FY '19 Corps Quality Metrics: 35 U.S.C 103 Clarity	>90%	
FY '19 Corps Quality Metrics: 35 U.S.C 112 Clarity	>90%	
FY '19 Corps Quality Metrics: 35 U.S.C 101 Clarity	>90%	
FY '20 Examination Corps Quality Metrics: Correctness and Clarity	Establish targets for FY '20 in Q4 of FY '19	
Training	FY 2019 Targets	FY 2019 Results

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 Office of the Commissioner for Patents
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Ensure that Training is delivered in a timely manner in accordance with established timelines.	Training is delivered within established timelines	(b)(6)
Develop and implement training on the 2019 Revised Subject Matter Eligibility Guidance	Develop and implement training in FY '19	
Develop and implement legal training for the patent examining corp. on the following: 35 U.S.C. 112, Restriction, Court Decisions, and prior art rejections.	Provide training on each of these topics to the patent examining corps. in FY '19	
Search	FY 2019 Targets	FY 2019 Results
Continuing Education Classes focused on Examiner Search	Support training courses that focus on search techniques and strategies, database searching, and NPL searching by technology to examiners in FY '19	(b)(6)
Leverage SPE Action Plans	Support the implementation of action plans and evaluation of the initiative	
Define and Improve Search Standards	Support the establishment of a universally applicable methodology to define and facilitate a thorough prior art search in order to increase reproducibility of search results and further improve examiners' search capabilities in FY '19	
OPQA Feedback on Search	Support the pilot and evaluation of the pilot in FY '19	
Examiner Training Certification	Support the development of this initiative in FY '19	
Search and Classification Experts Position	Provide support to the development and implementation of the pilot in FY '19	
Access to Relevant Prior Art Project	Launch the IT tool to limited area within the Technology Center in FY '19	
Peer Search Collaboration Pilot	Support the piloting and evaluation in FY' 19	
Preliminary Search Reports Pilot	Support the development of a preliminary search report pilot in FY '19	
Assessing Incoming Applications	Support the study of the assessment of incoming applications in FY '19	
Review PTAB Trials for Lessons Learned	Support the study of PTAB trials for lessons learned	

Notes:

*Target not met

(b)(6)

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Office of the Commissioner for Patents
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(b)(6)



**SES Performance Management System
Executive Performance Plan**



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

Executive's Name (Last, First, MI): Bahr, Robert	Appraisal Pd. 10/01/18 - 9/30/19
Executive's Signature: (b)(6)	Date: 9/24/2018
Title: Deputy Commissioner for Patent Examination Policy	Organization: Patents
Rating Official's Name (Last, First, MI): Hirshfeld, Andrew H.	CA <input type="checkbox"/> NC <input type="checkbox"/> LT/LE <input type="checkbox"/>
Rating Official's Signature: (b)(6)	Date: 10/12/18

Part 2. Progress Review

Executive's Signature: (b)(6)	Date: 5/3/2019
Rating Official's Signature: (b)(6)	Date: 5/3/19
Reviewing Official's Signature (Optional):	Date:

Part 3. Summary Rating

Initial Summary Rating	(b)(6)
Rating Official's Name (Last, First, MI): Hirshfeld, Andrew H.	
Rating Official's Signature: (b)(6)	Date: 11/6/19
Executive's Signature: (b)(6)	Date: 11/06/2019
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:				
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	(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

Critical Element 1. Leading Change**(Minimum weight 5%)****Weight 10%**

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

Agency-Specific Performance Requirements

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

- Establishes organizational goals that are consistent with priorities established by the Secretary and Deputy Secretary of Commerce, government-wide initiatives established by the Administration, and strategic goals of the Department; and ensures that they are appropriately reflected in performance plans throughout the organization with meaningful measures and clear priorities;
- Works collaboratively to foster economic growth and opportunity, to meet the needs of businesses and entrepreneurs, and to create jobs to benefit the American people;
- Exhibits vision and strategic thinking to address concerns that cross organizational boundaries and to meet the long-term interests of the Department;
- Uses creativity and innovation, and encourages new ideas and unconventional approaches in response to evolving conditions;
- Ensures success of the America Invents Act (AIA) by actively supporting internal and external training, devoting sufficient resources, increasing awareness of new initiatives, and collaborating with all necessary parties to ensure an innovative, effective, and efficient reformed patent system;
- Puts procedures in place to analyze examination processes and explore prosecution efficiencies;
- Continues to strengthen time and attendance controls for both teleworking and non-teleworking employees within the Executive's area of oversight;
- Supports the continued deployment of Patents-End-to-End (PE2E) tools within the Patents Business Unit;
- Supports the continued establishment of the office of the Deputy Commissioner for Patent Quality and related quality initiatives developed under the Enhanced Patent Quality Initiative (EPQI) in support of achieving excellence in: work products, customer service, and measuring patent quality; and
- Ensures that workloads are monitored within the Executive's area of oversight and takes steps to make sure that workloads are appropriate.

Individual Projects (List below):

- Sets strategic direction within the Office of the Deputy Commissioner for Patent Examination Policy (D/C PEP) (eg. OPLA, Office of Petitions, and MPEP) to address organizational goals and build a collaborative, transparent culture with increased quality components;
- Oversees and provides executive leadership for the development and drafting of examination policy guidance and training;
- Oversees and provides executive leadership for rulemaking and drafting of Official Gazette and Federal Register notices;
- Establishes legal and policy guidance for the Office of the Commissioner for Patents including developing examination policy guidance and training;
- Continues to provide oversight of the implementation of the First Inventor to File (FITF) provisions of the AIA;
- Supports implementation of the Hague Agreement;
- Supports the development and implementation of all quality initiatives developed under the Enhanced Patent Quality Initiative (EPQI) within Patents in support of achieving excellence in: work products, customer service, and measuring patent quality;
- Oversees and provides executive leadership for the Office of Petitions and oversees activities with the Office of Petitions;
- Supports training within Patents so it can be delivered in a timely manner;

- Supports the patent examining corps, including the regional offices and hoteling examiners, on legal issues relating to patent examination; and
- Monitors and supports timely revisions to the MPEP to reflect changes resulting from the AIA, Patent Law Treaty (PLT), the Hague Agreement, recent case law, etc.

Rating Official Narrative: *(Optional)*

See attached

Critical Element Rating – Leading Change

(b)(6)

Critical Element 2. Leading People

(Minimum weight 5%)

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

Builds and manages an appropriately skilled workforce by:

- Enhancing the Employee Relations (ER) liaison program;
- Ensuring surveys (including Federal Employee Viewpoint Survey) and other instruments are in place to monitor and develop plans to provide a work environment that optimizes performance and increases job satisfaction
- Embracing equal opportunity principles;
- Fostering a diverse and inclusive environment characterized by cultural sensitivity and respect for divergent employee backgrounds;
- Promptly and appropriately addressing allegations of harassment or discrimination;
- Overseeing the recruitment, selection, appraisal and recognition of employees based on individual performance;
- Supporting Agency efforts to train employees on equal opportunity principles;
- Aligning performance plans and awards with Agency goals;
- Identifying talent gaps and providing training and developmental opportunities, coaching and counseling to employees to strengthen performance or address concerns;
- Encouraging employees to develop new and better ways of performing tasks;
- Supporting a culture of transparency, communication and collaboration in the Patents Business area;
- 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; and
- Promotes the protection of whistleblowers by: responding constructively when an employee makes disclosures described in subparagraph (A) or (B) of section 2302(b)(8); taking responsible actions to resolve disclosures; and fostering an environment in which employees of the agency feel comfortable making disclosures to supervisory employees or other appropriate authorities.

Individual Projects (listed below):

- Works with managers and employees to identify performance gaps and provide necessary training;
- Develops and implements an integrated training approach for the patent examining corps to leverage resources and maximize the impact and retention of information;
- Conducts town-hall meetings with employees and managers to identify and address concerns;
- Uses results of the Federal Employee Viewpoint Survey (EVS) and other survey instruments to improve designated areas of opportunity within the Office of Patent Legal Administration, the Office of Petitions and the MPEP;
- Assesses resource needs and redefines requirements to maximize effectiveness;
- Encourages staff to develop creative ideas and solutions for providing improved applicant-oriented services; and
- Supports supervisor training programs designed to improve mentoring and coaching skills in order to assist OPLA support in reaching full potential

Rating Official Narrative: *(Optional)*

See attached

Critical Element Rating – Leading People

(b)(6)

Executive Name and ID: **Bahr, Robert**

Appraisal Period: **10/1/18 – 9/30/19**

Critical Element 3. Business Acumen

(Minimum weight 5%)

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

- Assesses current and future staffing needs on a regular basis;
- Implements Business Unit's Human Capital Strategic Plans that include recruitment strategies that support organizational objectives;
- Demonstrates sound management of human, financial and technological resources in order to achieve established priorities, goals, and objectives. In doing so, manages program performance throughout the year to maximize operational efficiency and effectiveness within established budgetary resources; ensures overtime is effectively distributed and usage monitored; builds and manages an appropriately skilled and diverse workforce based on organizational goals, budget considerations, and staffing needs; and engages in succession planning as needed for long-term organizational effectiveness;
- Makes effective use of available information technology (IT) to achieve organizational goals; works collaboratively with IT professionals at the operating unit and Department levels, as appropriate, to safeguard IT equipment, software and data; ensures required property accountability processes are in place and ensures appropriate training of employees to avoid cyber-security threats;
- Fosters a work environment that is safe, secure and conducive to the retention of a skilled and effective workforce, which includes continuity of operations planning and emergency preparedness, addressing unsafe working conditions or environmental concerns, and facilitating employee awareness of the procedures to follow in the event of an emergency;
- Adheres to applicable administrative and programmatic laws, regulations, policies and procedures that provide the internal controls needed to safeguard resources, achieve organizational objectives, and protect the confidentiality of information provided to the agency, and respect individual privacy; and
- Strengthens the USPTO's telework program and improves controls to best manage employees and focuses on the implementation of any new actions and guidance as may be necessary.

Individual Projects (List Below):

- Improves and enhances recruitment strategies to attract highly skilled and diverse professionals through the expansion of telework programs and the implementation of a nation-wide workforce;
- Supports the IT development of search and information resources and capabilities for internal and external stakeholders;
- Assists in the identification of and addresses anomalies in examination trends pertinent to particular areas within patent operations; and
- Ensures that Patents budget is managed effectively within areas of oversight.

Rating Official Narrative: *(Optional)*

See attached

Critical Element Rating – Business Acumen

(b)(6)

Critical Element 4. Building Coalitions

(Minimum weight 5%)

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

- Assures that each business unit participates in the formulation of clear, concise, and effective communication strategies, including providing appropriate information and documentation to the Office of the Chief Communication Officer;
- Demonstrates a high degree of responsiveness to the full range of clients, including end users of goods and services for which the executive is responsible, Departmental and operating unit leadership, members of Congress and their staffs, and the public in general;
- Develops strategic alliances both within and across organizational lines to achieve common goals, meets evolving requirements, and shares knowledge, skills and experience needed for personal development and professional performance;
- Builds consensus of opinion among stakeholders;
- Seeks to identify client needs and expectations, responds to identified concerns promptly, professionally and fairly, and improves business and management processes based on customer and employee feedback;
- Solicits employee feedback on direction received, opportunities provided, and recognition given, as inputs for improving how employees are led and motivated;
- Collaborates with stakeholders on outreach and on specific Patent-related initiatives;
- Works closely with internal and external stakeholders in the development and implementation of quality initiatives that support the Enhances Patent Quality Initiative;
- Ensures appropriate investigation and resolution of labor issues raised with Patent management;
- Develops and/or participates in formal cross-organizational boundary collaboration activities whenever appropriate to enhance service delivery and comprehensive mission coordination within the Department, among organizations with complimentary missions, and within the USPTO;
- Supports a transparent and collaborative work environment; and
- Encourages enhanced communication within and across Business Units.

Individual Projects (List Below):

- Develops and implements strategies to improve internal and external communications;

- Establishes alliances to promote inter- and intra-agency collaboration and cooperation;
- Establishes transparent operations and processes to disseminate data in a timely manner to the public through the USPTO website and other electronic media;
- Executes outreach efforts with the Patent Public Advisory Committee (PPAC), Software Partnership, Biotechnology Customer Partnership, business groups, advocacy organizations, and the general public;
- Provides education and outreach to internal stakeholders;
- Represents the USPTO at inter-agency and non-Governmental meetings and events;
- Conducts public presentations on a variety of issues relating to patent examination policy and patent law; and
- Meets regularly with senior leadership of the Patent Trial and Appeal Board (PTAB), Office of the Solicitor and the Office of Governmental Affairs (OGA) to discuss legal priorities of the Agency.

Rating Official Narrative: *(Optional)*

See attached

Critical Element Rating – Building Coalitions

(b)(6)

Executive Name and ID: **Bahr, Robert**

Appraisal Period: **10/1/18 – 9/30/19**

Critical Element 5. Results Driven

(Minimum Weight 20%)

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: Backlog, Pendency and Timeliness [Weight 20%]

Strategic Alignment: Strategic Goal 1 /Objective Alignments 1 and 2

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

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

As a fee-funded agency, the USPTO relies on user fee collections to fund operations. The USPTO considers a number of economic factors and relevant indicators when forecasting its workloads. While many of these defining indicators point toward renewed economic expansion, considerable uncertainty still remains regarding the current and near future prospects for growth. This uncertainty could affect anticipated USPTO workloads and fee

<p>collections which in turn could significantly impact the USPTO’s long-term goals, objectives and targets, and therefore simultaneously affect any interim results.</p> <p>Success of these objectives will be determined by the specific performance measures laid out in the attached document and will be measured based on overall performance taking into account the totality of all the measures in the attached document. Meeting or exceeding the targets set forth in the attached document represents a level of outstanding performance.</p>	<p>term, multi-year goal to be achieved over the next several years.</p>
<p>Performance Requirement 2: Patent Legal Administration, Examination Guidance and Rulemakings [Weight 35%]</p> <p>Develop an effective and efficient planning strategy and performance measurement system for the Office of Patent Legal Administration to contribute to the achievement of goals, objectives and targets based on requirements in the President’s Budget.</p> <p>As a fee-funded agency, the USPTO relies on user fee collections to fund operations. The USPTO considers a number of economic factors and relevant indicators when forecasting its workloads. While many of these defining indicators point toward renewed economic expansion, considerable uncertainty still remains regarding the current and near future prospects for growth. This uncertainty could affect anticipated USPTO workloads and fee collections which in turn could significantly impact the USPTO’s long-term goals, objectives and targets, and therefore simultaneously affect any interim results.</p> <p>Success of these objectives will be determined by the specific performance measures laid out in the attached document and will be measured based on overall performance taking into account the totality of all the measures in the attached document. Meeting or exceeding the targets set forth in the attached document represents a level of outstanding performance.</p>	<p>Strategic Alignment: Strategic Goal 1 /Objective Alignments 1, 2, 4, and 6</p> <p>Goal 1, Objectives 1 and 2 of the <i>USPTO 2014-2018 Strategic Plan</i> will be accomplished when patent pendency is optimized, allowing a final action on the merits within one year of filing for any applicant who requests it, with overall patent pendency time reduced to 10 months for a first office action and 20 months total pendency. This is a long-term, multi-year goal to be achieved over the next several years.</p> <p>Goal 1, Objective 4 of the <i>USPTO 2014-2018 Strategic Plan</i> will be accomplished when issued patents are of higher quality, claim clarity is improved, and the stakeholder community has a clear understanding of the meaning of a “quality” patent.</p> <p>Goal 1, Objective 6 of the <i>USPTO 2014-2018 Strategic Plan</i> will be accomplished by focusing on improving and enhancing stakeholder and public outreach and increasing awareness and transparency of patent information, and patent application and ownership information.</p>
<p>Performance Requirement 3: Office of Petitions and Petitions Processing [Weight 30%]</p> <p>Develop an effective and efficient business planning strategy and performance measurement system for the Office of Petitions to contribute to the achievement of goals, objectives and targets based on requirements in the President’s Budget.</p> <p>As a fee-funded agency, the USPTO relies on user fee collections to fund operations. The USPTO considers a number of economic factors and relevant indicators when forecasting its workloads. While many of these defining</p>	<p>Strategic Alignment: Strategic Goal 1 /Objective Alignment 1, 2 and 4</p> <p>Goal 1, Objectives 1 and 2 of the <i>USPTO 2014-2018 Strategic Plan</i> will be accomplished when patent pendency is optimized, allowing a final action on the merits within one year of filing for any applicant who requests it, with overall patent pendency time reduced to 10 months for a first office action and 20</p>

<p>indicators point toward renewed economic expansion, considerable uncertainty still remains regarding the current and near future prospects for growth. This uncertainty could affect anticipated USPTO workloads and fee collections which in turn could significantly impact the USPTO's long-term goals, objectives and targets, and therefore simultaneously affect any interim results.</p> <p>Success of these objectives will be determined by the specific performance measures laid out in the attached document and will be measured based on overall performance taking into account the totality of all the measures in the attached document. Meeting or exceeding the targets set forth in the attached document represents a level of outstanding performance.</p>	<p>months total pendency. This is a long-term, multi-year goal to be achieved over the next several years.</p> <p>Goal 1, Objective 4 of the <i>USPTO 2014-2018 Strategic Plan</i> will be accomplished when issued patents are of higher quality, claim clarity is improved, and the stakeholder community has a clear understanding of the meaning of a "quality" patent.</p>				
<p>Performance Requirement 4: Quality and Training [Weight 20%]</p> <p>Develop an effective and efficient business planning strategy and performance measurement system to contribute to the achievement of goals, objectives and targets based on requirements in the President's Budget.</p> <p>As a fee-funded agency, the USPTO relies on user fee collections to fund operations. The USPTO considers a number of economic factors and relevant indicators when forecasting its workloads. While many of these defining indicators point toward renewed economic expansion, considerable uncertainty still remains regarding the current and near future prospects for growth. This uncertainty could affect anticipated USPTO workloads and fee collections which in turn could significantly impact the USPTO's long-term goals, objectives and targets, and therefore simultaneously affect any interim results.</p> <p>Success of these objectives will be determined by the specific performance measures laid out in the attached document and will be measured based on overall performance taking into account the totality of all the measures in the attached document. Meeting or exceeding the targets set forth in the attached document represents a level of outstanding performance.</p>	<p>Strategic Alignment: Strategic Goal 1 /Objective Alignment 4</p> <p>Goal 1, Objective 4 of the <i>USPTO 2014-2018 Strategic Plan</i> will be accomplished when issued patents are of higher quality, claim clarity is improved, and the stakeholder community has a clear understanding of the meaning of a "quality" patent.</p>				
<p>Rating Official Narrative: <i>(Optional)</i></p> <p style="text-align: center;"><i>See attached PAP Addendum and attached write-up.</i></p>					
<p>Critical Element Rating – Results Driven</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)

See attached

Part 7: Executive's Accomplishment Narrative (Optional)

Part 8: Agency Use

Deriving the Results Driven Rating Worksheet

Executive Name Robert Bahr Rating Period 10/1/18 – 9/30/19

Results Driven Sub Elements (SE)	Sub Element Rating Level Score	Weight (multiply by)	Sub Element Points Score	Point Ranges to Rating Level Score	Results Driven Initial Element Score
Sub Element 1 <i>(Backlog, Pendency and Timeliness)</i>		20%		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 SE rated Level 1 overall score must be = Level 1 Rating Score <i>See Addendum PAP Attached</i>	
Sub Element 2 <i>(Patent Legal Administration, Examination Guidance, and Rulemakings)</i>		30%			
Sub Element 3 <i>(Office of Petitions and Petitions Processing)</i>		30%			
Sub element 4 <i>(Quality and Training)</i>		20%			
		= 100%			
Sub Element Total Score				___ = Level ___	

Example of Results Driven Element Being Rated Level 4

Results Driven Sub Elements (SE)	Sub Element Rating Level Score	Weight (multiply by)	Sub Element Points Score	Point Ranges to Rating Level Score	Results Driven Initial Element Score
Sub Element 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 SE rated Level 1 overall score must be = Level 1 Rating Score	
Sub Element 2	5	x 30	150		
Sub Element 3	5	x 15	75		
Sub element 4	3	x 30	90		
		= 100%			
Sub Element Total Score			415	415= Level 4	4*

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

Critical Element 5: Results Driven

Results: Patent Pendency, Backlog and Timeliness (Weight 20%)

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

(b)(6)

Results: Patent Legal Administration, Examination Guidance, and Rulemaking (Weight 30%)

<i>Measures</i>	<i>FY 2019 Targets</i>	<i>FY 2019 Results</i>
% of Clear and Timely Guidance and Memos Completed		
% of Clear and Timely Rulemaking and Notices Published		
% of Timely Implementation of Legislative Changes and Case Law Developments		

Results: Office of Petitions and Petitions Processing (Weight 30%)

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

(b)(6)

Results: Quality and Training (Weight 20%)

Management and Support – Quality Metrics for Correctness and Clarity	<i>FY 2019 Targets</i>	<i>FY 2019 Results</i>
FY '19 Corps Quality Metrics: 35 U.S.C 102 Correctness		
FY '19 Corps Quality Metrics: 35 U.S.C 103 Correctness		
FY '19 Corps Quality Metrics: 35 U.S.C 112 Correctness		
FY '19 Corps Quality Metrics: 35 U.S.C 101 Correctness		
FY '19 Corps Quality Metrics: 35 U.S.C 102 Clarity		
FY '19 Corps Quality Metrics: 35 U.S.C 103 Clarity		
FY '19 Corps Quality Metrics: 35 U.S.C 112(b) Clarity		
FY '19 Corps Quality Metrics: 35 U.S.C 101 Clarity		
FY '20 Examination Corps Quality Metrics: Correctness and Clarity		
Access to Relevant Prior Art - Explore how to best utilize available electronic resources to provide examiners with information from applicant's other applications filed in the U.S. and internationally as early as possible to increase patent examination quality and efficiency.	FY 2019 Targets	FY 2019 Results
Begin development of Phase 1 of the project		
Develop implementation plan for phases to be implemented in FY '20		
Complete implementation of Phase 1 of the project		
35 U.S.C. 112(f) - Improve the frequency of examiner clarification of the record for § 112(f) issues	FY 2019 Targets	FY 2019 Results
Provide Patent Examining Corps-Wide training		
Training Measures and Targets	FY 2019 Targets	FY 2019 Results

Ensure that Training is delivered in a timely manner in accordance with established timelines.		
--	--	--

(b)(6)

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

Fiscal Year 2019
Executive Performance Plan
Addendum

I hereby acknowledge receipt of the attached Executive Performance Plan Addendum that replaces *Critical Element 5: Results Driven* of the FY 2019 Executive Performance Plan signed on September 24, 2018 in its entirety.

Executive Signature: (b)(6)

Date: 8/5/2019

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>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.</p>		
<p>Performance Requirement 1: Pendency and Timeliness [Weight 25%] Develop an effective and efficient business planning strategy and performance measurement system to contribute to the achievement of goals, objectives and targets based on requirements in the President’s FY 2019 Budget.</p> <p>As a fee-funded agency, the USPTO relies on user fee collections to fund operations. The USPTO considers a number of economic factors and relevant indicators when forecasting its workloads. While many of these defining indicators point toward renewed economic expansion, considerable uncertainty remains regarding the current and near future prospects for growth. This uncertainty could affect anticipated USPTO workloads and fee collections, which in turn could significantly affect the USPTO’s long-term goals, objectives and targets, and therefore simultaneously affect any interim results.</p> <p>Success of these objectives will be determined by the specific performance measures laid out in the attached document and will be measured based on overall performance taking into account the totality of all the measures in the attached document. Meeting or exceeding the targets set forth in the attached document represents a level of outstanding performance.</p>	<p>Strategic Alignment: Strategic Goal 1 /Objective Alignment 1</p> <p>Goal I, Objective 1 of the <i>USPTO’s 2018-2022 Strategic Plan</i> will be accomplished when patent pendency is optimized to better ensure the timely delivery of innovative goods and services to market, and the related economic growth and creation of new or higher paying jobs.</p> <p>Through this objective, the USPTO will continue working diligently to take maximum advantage of all opportunities to address increasing workload. The USPTO will further optimize patent examination timeframes within the framework of patent term adjustment while continuing to monitor and report traditional pendency measures. This includes engaging stakeholders to identify optimal pendency examination timeframes and making sure that the USPTO has the appropriate number of examiners to</p>	

	<p>generate the level of production to meet those timeframes. To do this, the USPTO will take advantage, to the greatest extent possible, of international work products, such as Global Dossier, Patent Cooperation Treaty searches, and prior art (e.g., publications), and will identify and offer customers various prosecution options to better meet their individual needs.</p> <p>This is a long-term, multi-year goal to be achieved over the next several years.</p>
<p>Performance Requirement 2: Patent Legal Administration, Examination Guidance and Rulemakings [Weight 25%]</p> <p>Develop an effective and efficient planning strategy and performance measurement system for the Office of Patent Legal Administration to contribute to the achievement of goals, objectives and targets based on requirements in the President's FY 2019 Budget.</p> <p>As a fee-funded agency, the USPTO relies on user fee collections to fund operations. The USPTO considers a number of economic factors and relevant indicators when forecasting its workloads. While many of these defining indicators point toward renewed economic expansion, considerable uncertainty remains regarding the current and near future prospects for growth. This uncertainty could affect anticipated USPTO workloads and fee collections, which in turn could significantly affect the USPTO's long-term goals, objectives and targets, and therefore simultaneously affect any interim results.</p> <p>Success of these objectives will be determined by the specific performance measures laid out in the attached document and will be measured based on overall performance taking into account the totality of all the measures in the attached document. Meeting or exceeding the targets set forth in the attached document represents a level of outstanding performance</p>	<p>Strategic Alignment: Strategic Goal 1 / Objective Alignment 2, 4, and 6</p> <p>Goal 1, Objective 2 of the <i>USPTO's 2018-2022 Strategic Plan</i> will be accomplished when the USPTO has put in place initiatives needed to ensure that actions taken to optimize patent examination timeframes are synchronized with its commitment to issue highly reliable patents. Issuing highly reliable patents includes ensuring that examiners are able to access the best prior art during the examination process. This also includes enhancing ongoing technical and legal training that is offered to examiners as well as to all Patent organization employees that are part of the administrative, quality, or other aspects of the examination process, and maximizing our use of results from quality assessments to identify areas for improvement.</p>
<p>Performance Requirement 3: Office of Petitions and Petitions Processing [Weight 25%]</p>	<p>Strategic Alignment: Strategic Goal 1 / Objective Alignment 1 and 2</p>

<p>Develop an effective and efficient planning strategy and performance measurement system for the Office of Petitions to contribute to the achievement of goals, objectives and targets based on requirements in the President's FY 2019 Budget.</p> <p>As a fee-funded agency, the USPTO relies on user fee collections to fund operations. The USPTO considers a number of economic factors and relevant indicators when forecasting its workloads. While many of these defining indicators point toward renewed economic expansion, considerable uncertainty remains regarding the current and near future prospects for growth. This uncertainty could affect anticipated USPTO workloads and fee collections, which in turn could significantly affect the USPTO's long-term goals, objectives and targets, and therefore simultaneously affect any interim results.</p> <p>Success of these objectives will be determined by the specific performance measures laid out in the attached document and will be measured based on overall performance taking into account the totality of all the measures in the attached document. Meeting or exceeding the targets set forth in the attached document represents a level of outstanding performance.</p>	<p>Goal I, Objectives 1 and 2 of the <i>USPTO 2018-2022 Strategic Plan</i> will be accomplished when patent pendency is optimized to better ensure the timely delivery of innovative goods and services to market, and the related economic growth and creation of new or higher paying jobs and when the USPTO has put in place initiatives needed to ensure that actions taken to optimize patent examination timeframes are synchronized with its commitment to issue highly reliable patents.</p>
<p>Performance Requirement 4: Quality, Training and Search [Weight 25%]</p> <p>Develop an effective and efficient planning strategy and performance measurement system to contribute to the achievement of goals, objectives and targets based on requirements in the President's FY 2019 Budget.</p> <p>As a fee-funded agency, the USPTO relies on user fee collections to fund operations. The USPTO considers a number of economic factors and relevant indicators when forecasting its workloads. While many of these defining indicators point toward renewed economic expansion, considerable uncertainty remains regarding the current and near future prospects for growth. This uncertainty could affect anticipated USPTO workloads and fee collections, which in turn could significantly affect the USPTO's long-term goals, objectives and targets, and therefore simultaneously affect any interim results.</p> <p>Success of these objectives will be determined by the specific performance measures laid out in the attached document and will be measured based on overall performance taking into account the totality of all the measures in the attached document. Meeting or exceeding the targets set forth in the attached document represents a level of outstanding performance.</p>	<p>Strategic Alignment: Strategic Goal 1 /Objective Alignment 2</p> <p>Goal I, Objective 2 of the <i>USPTO's 2018-2022 Strategic Plan</i> will be accomplished when issued patents are of higher quality and reliability, claim clarity is improved, and the stakeholder community has a clear understanding of the meaning of a "quality" patent.</p> <p>Through objective 2, initiatives will be put in place to ensure that actions taken under the first objective to optimize patent examination timeframes are synchronized with the USPTO's commitment to issue highly reliable patents. Issuing highly reliable patents includes ensuring that examiners are able to access the best prior art during the examination process, for example, by improving searchable access to applications and prior art. This also includes enhancing ongoing technical and legal training that is offered to examiners as well as</p>

to all Patent organization employees that are part of the administrative, quality, or other aspects of the examination process, and maximizing our use of results from quality assessments to identify areas for improvement. By comprehensively studying examination time goals, the USPTO will evaluate the appropriate amount of examination time and align production goals with quality expectations. Finally, the USPTO will enhance transparency and communication of quality metrics to both employees and stakeholders.

Rating Official Narrative: *(Optional)*

See attached

Critical Element Rating – Results Driven

(b)(6)

Deriving the Results Driven Rating Worksheet

Executive Name **Bahr, Robert** Rating Period **10/1/18 – 9/30/19**

Results Driven Sub Elements (SE)	Sub Element Rating Level Score	Weight (multiply by)	Sub Element Points Score	Point Ranges to Rating Level Score	Results Driven Initial Element Score
Sub Element 1 <i>Pendency and Timeliness</i>	(b)(6)	25%	(b)(6)	Points 475 – 500 = Level 5 Rating Score Points 400 – 474 = Level 4 Rating Score Points 300 – 399 = Level 3 Rating Score Points 200 – 299 = Level 2 Rating Score Any SE rated Level 1 overall score must be = Level 1 Rating Score	
Sub Element 2 <i>Patent Legal Administration, Examination Guidance and Rulemakings</i>		25%			
Sub Element 3 <i>Office of Petitions and Petitions Processing</i>		25%			
Sub element 4 <i>Quality, Training and Search</i>		25%			
		= 100%			
Sub Element Total Score			(b)(6)		

Example of Results Driven Element Being Rated Level 4

Results Driven Sub Elements (SE)	Sub Element Rating Level Score	Weight (multiply by)	Sub Element Points Score	Point Ranges to Rating Level Score	Results Driven Initial Element Score
Sub Element 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 SE rated Level 1 overall score must be = Level 1 Rating Score	
Sub Element 2	5	x 30	150		
Sub Element 3	5	x 15	75		
Sub element 4	3	x 30	90		
		= 100%			
Sub Element 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.**

FY 2019 Executive Performance Plan Addendum**Sub Element 1: Pendency and Timeliness (Weight 25%)**

Patent Pendency and Timeliness Measures	FY 2019 Targets	FY 2019 Results
Patent Corps Pendency and Timeliness Metrics		
First Action Pendency	<15 months	
Total Pendency	<24 months	
UPR Production Units (PUs)	617,000	
T1 Pendency (% inventory of Track 1 ≤ 12 months)	98.0%	
RCE Pendency (% inventory of RCEs < 4 months)	73.0%	
Patent Term Adjustment (PTA) Timeframes (14/4/4/36)		
Provide at least one notification under 35 U.S.C. 132 within 14 – months from filing under section 111(a) or the commencement of the national stage under section 371	45% of actions	
Respond to a Reply under 35 U.S.C. 132 within 4 months	93% of amendment actions; 95% of remaining amended inventory; 79% of RCE actions and 73% of remaining inventory of applications < 4 months	
Act on an application within 4 months after the date of a decision by PTAB	96% of actions and 96% of remaining inventory	
Issue a patent within 4 months from payment of the issue fee	98% of issues and 98% of remaining inventory	
No more than 36 month application pendency	80% of allowances and 90% of remaining inventory <36 months from filing	

Sub Element 2: Patent Legal Administration, Examination Guidance, and Rulemakings (Weight: 25%)

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

Sub Element 3: Office of Petitions and Petitions Processing (Weight: 25%)

Measures	FY 2019 targets	FY 2019 Results
% of Timely Petition Decisions ¹⁾	75-85%	
% of Timely Track 1 Petition Decisions ²⁾	75-85%	
% of Timely PPH Petitions ³⁾	75-85%	

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

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

(b)(6)

Sub Element 4: Quality and Training (Weight 25%)

Quality Metrics for Correctness and Clarity	FY 2019 Targets	FY 2019 Results
FY '19 Corps Quality Metrics: 35 U.S.C 102 Correctness	>95%	
FY '19 Corps Quality Metrics: 35 U.S.C 103 Correctness	>93%	
FY '19 Corps Quality Metrics: 35 U.S.C 112 Correctness	>93%	
FY '19 Corps Quality Metrics: 35 U.S.C 101 Correctness	>97%	
FY '19 Corps Quality Metrics: 35 U.S.C 102 Clarity	>90%	
FY '19 Corps Quality Metrics: 35 U.S.C 103 Clarity	>90%	
FY '19 Corps Quality Metrics: 35 U.S.C 112 Clarity	>90%	
FY '19 Corps Quality Metrics: 35 U.S.C 101 Clarity	>90%	
FY '20 Examination Corps Quality Metrics: Correctness and Clarity	Establish targets for FY '20 in Q4 of FY '19	
Training	FY 2019 Targets	FY 2019 Results
Ensure that Training is delivered in a timely manner in accordance with established timelines.	Training is delivered within established timelines	
Develop and implement training on the 2019 Revised Subject Matter Eligibility Guidance	Develop and implement training in FY '19	
Develop and implement legal training for the patent examining corp. on the following: 35 U.S.C. 112, Restriction, Court Decisions, and prior art rejections.	Provide training on each of these topics to the patent examining corps. in FY '19	
Search	FY 2019 Targets	FY 2019 Results
Continuing Education Classes focused on Examiner Search	Support training courses that focus on search techniques and strategies, database searching, and NPL searching by technology to examiners in FY '19	
Leverage SPE Action Plans	Support the implementation of action plans and evaluation of the initiative	
Define and Improve Search Standards	Support the establishment of a universally applicable methodology to define and facilitate a thorough prior art search in order to increase reproducibility of search results and further improve examiners' search capabilities in FY '19	
OPQA Feedback on Search	Support the piloting and evaluation of the pilot in FY '19	
Examiner Training Certification	Support the development of this initiative in FY '19	
Search and Classification Experts Position	Provide support to the development and implementation of the pilot in FY '19	
Access to Relevant Prior Art Project	Launch the IT tool to a limited area within the Technology Centers in FY '19	
Peer Search Collaboration Pilot	Support the piloting and evaluation of the pilot in FY '19	
Preliminary Search Reports Pilot	Support the development of a preliminary search report pilot in FY '19	

Assessing Incoming Applications	Support the study of the assessment of incoming applications in FY '19	
Review PTAB Trials for Lessons Learned	Support the review of PTAB trials for lessons learned	

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

(b)(6)

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Critical Element 1: Leading Change (Weight 10%):

(b)(6)

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Mr. Bahr's accomplishments under this element during fiscal year 2019 included:

Subject Matter Eligibility - 2019 Revised Patent Subject Matter Eligibility Guidance:

(b)(6)

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(b)(6)



(b)(6)



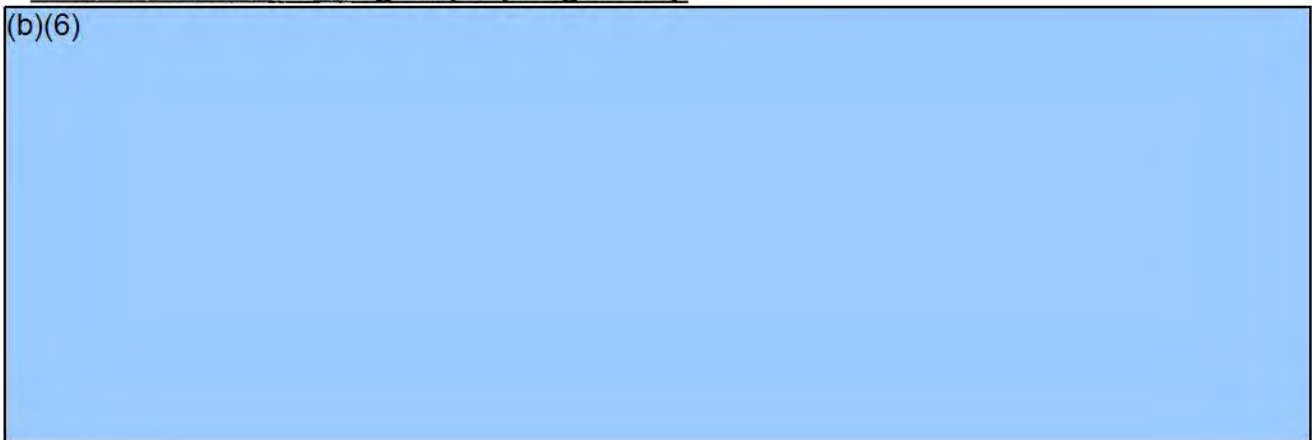
(b)(6)



Based on the criteria for evaluation a rating level of (b)(6) is warranted in this element for FY 2019.

Critical Element 2: Leading People (Weight 10%):

(b)(6)



(b)(6)



(b)(6)



Based on the criteria for evaluation a rating level of (b)(6) is warranted in this element for FY 2019.

Robert Bahr
Deputy Commissioner for Patent Examination Policy
Office of the Commissioner for Patents
Fiscal Year 2019 Performance Review

Critical Element 3: Business Acumen (Weight 10%):

(b)(6)



Mr. Bahr's accomplishments under this element during fiscal year 2019 included:

(b)(6)



(b)(6)

(b)(6)

Based on the criteria for evaluation a rating level of (b)(6) is warranted in this element for FY 2019.

Critical Element 4: Building Coalitions (Weight 10%):

(b)(6)

Mr. Bahr’s accomplishments under this element during fiscal year 2019 included:

(b)(6)

(b)(6)



(b)(6)



Based on the criteria for evaluation a rating level of (b)(6) is warranted in this element for FY 2019.

Robert Bahr

Deputy Commissioner for Patent Examination Policy

Office of the Commissioner for Patents

Fiscal Year 2019 Performance Review

Critical Element 5: Results Driven (60%):

In FY 2019, the following results were achieved:

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

<i>Patent Pendency and Timeliness Measures</i>	<i>FY 2019 Targets</i>	<i>FY 2019 Results</i>
Patent Corps Pendency and Timeliness Metrics		
First Action Pendency	<15 months	(b)(6)
Total Pendency	<24 months	
UPR Production Units (PUs)	617,000	
T1 Pendency (% inventory of Track 1 ≤ 12 months)	98.0%	
RCE Pendency (% inventory of RCEs < 4 months)	73.0%	
Patent Term Adjustment (PTA) Timeframes (14/4/4/4/36)		
Provide at least one notification under 35 U.S.C. 132 within 14 –months from filing under section 111(a) or the commencement of the national stage under section 371	45% of actions	(b)(6)
Respond to a Reply under 35 U.S.C. 132 within 4 months	93% of amendment actions; 95% of remaining amended inventory; 79% of RCE actions and 73% of remaining inventory of applications < 4 months	
Act on an application within 4 months after the date of a decision by PTAB	96% of actions and 96% of remaining inventory	
Issue a patent within 4 months from payment of the issue fee	98% of issues and 98% of remaining inventory	
No more than 36 month application pendency	80% of allowances and 90% of remaining inventory <36 months from filing	

(b)(6)

(b)(6)

Robert Bahr

Deputy Commissioner for Patent Examination Policy

Office of the Commissioner for Patents

Fiscal Year 2019 Performance Review

(b)(6)

Based on the criteria for evaluation a rating level of (b)(6) is warranted in this sub-element for FY 2019.

Sub Element 2: Patent Legal Administration, Examination Guidance, and Rulemakings (Weight: 25%)

Patent Legal Administration Measures		
	FY 2019 Targets	FY 2019 Results
% of Clear and Timely Guidance and Memos Completed	75-85%	(b)(6)
% of Clear and Timely Rulemaking and Notices Published	75-85%	
% of Timely Implementation of Legislative Changes and Case Law Developments	75-85%	

Based on the criteria for evaluation a rating level of Level 5 is warranted in this sub-element for FY 2019.

Sub Element 3: Office of Petitions and Petitions Processing (Weight: 25%)

Office of Petitions Measures		
	FY 2019 Targets	FY 2019 Results
% of Timely Petition Decisions ¹⁾	75-85%	(b)(6)
% of Timely Track 1 Petition Decisions ²⁾	75-85%	
% of Timely PPH Petitions ³⁾	75-85%	

(b)(6)

Based on the criteria for evaluation a rating level of (b)(6) is warranted in this sub-element for FY 2019.

Results Sub Element 4: Quality, Training and Search (Weight 25%)

Quality Metrics for Correctness and Clarity	FY 2019 Targets	FY 2019 Results
FY '19 Corps Quality Metrics: 35 U.S.C 102 Correctness	>95%	(b)(6)
FY '19 Corps Quality Metrics: 35 U.S.C 103 Correctness	>93%	
FY '19 Corps Quality Metrics: 35 U.S.C 112 Correctness	>93%	
FY '19 Corps Quality Metrics: 35 U.S.C 101 Correctness	>97%	
FY '19 Corps Quality Metrics: 35 U.S.C 102 Clarity	>90%	
FY '19 Corps Quality Metrics: 35 U.S.C 103 Clarity	>90%	
FY '19 Corps Quality Metrics: 35 U.S.C 112 Clarity	>90%	
FY '19 Corps Quality Metrics: 35 U.S.C 101 Clarity	>90%	
FY '20 Examination Corps Quality Metrics: Correctness and Clarity	Establish targets for FY '20 in Q4 of FY '19	
Training	FY 2019 Targets	FY 2019 Results

Robert Bahr
 Deputy Commissioner for Patent Examination Policy
 Office of the Commissioner for Patents
 Fiscal Year 2019 Performance Review

Ensure that Training is delivered in a timely manner in accordance with established timelines.	Training is delivered within established timelines	(b)(6)
Develop and implement training on the 2019 Revised Subject Matter Eligibility Guidance	Develop and implement training in FY '19	
Develop and implement legal training for the patent examining corp. on the following: 35 U.S.C. 112, Restriction, Court Decisions, and prior art rejections.	Provide training on each of these topics to the patent examining corps. in FY '19	
Search	FY 2019 Targets	FY 2019 Results
Continuing Education Classes focused on Examiner Search	Support training courses that focus on search techniques and strategies, database searching, and NPL searching by technology to examiners in FY '19	(b)(6)
Leverage SPE Action Plans	Support the implementation of action plans and evaluation of the initiative	
Define and Improve Search Standards	Support the establishment of a universally applicable methodology to define and facilitate a thorough prior art search in order to increase reproducibility of search results and further improve examiners' search capabilities in FY '19	
OPQA Feedback on Search	Support the pilot and evaluation of the pilot in FY '19	
Examiner Training Certification	Support the development of this initiative in FY '19	
Search and Classification Experts Position	Provide support to the development and implementation of the pilot in FY '19	
Access to Relevant Prior Art Project	Launch the IT tool to limited area within the Technology Center in FY '19	
Peer Search Collaboration Pilot	Support the piloting and evaluation in FY' 19	
Preliminary Search Reports Pilot	Support the development of a preliminary search report pilot in FY '19	
Assessing Incoming Applications	Support the study of the assessment of incoming applications in FY '19	
Review PTAB Trials for Lessons Learned	Support the study of PTAB trials for lessons learned	

Notes:

(b)(6)

(b)(6)

Robert Bahr
Deputy Commissioner for Patent Examination Policy
Office of the Commissioner for Patents
Fiscal Year 2019 Performance Review

(b)(6)

Based on the criteria for evaluation a rating level of (b)(6) is warranted in this sub-element for FY 2019.

Based on the criteria for evaluation an overall rating level of (b)(6) is warranted in this element for FY 2019.

**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): Bahr, Robert	Appraisal Pd. 10/01/17 - 9/30/18
Executive's Signature: (b)(6)	Date: 9/13/2017
Title: Deputy Commissioner for Patent Examination Policy	Organization: Patents
Rating Official's Name (Last, First, MI): Hirshfeld, Andrew H.	CA <input type="checkbox"/> NC <input type="checkbox"/> LT/LE <input type="checkbox"/>
Rating Official's Signature: (b)(6)	Date: 9/29/17

Part 2. Progress Review

Executive's Signature: (b)(6)	Date: 6/1/18
Rating Official's Signature: (b)(6)	Date: 6/1/18
Reviewing Official's Signature (Optional):	Date:

Part 3. Summary Rating

Initial Summary Rating (b)(6)

Rating Official's Name (Last, First, MI): Hirshfeld, Andrew H.	Date:
Rating Official's Signature: (b)(6)	Date: 11/9/18
Executive's Signature: (b)(6)	Date: 11/9/18
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

<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)	(b)(6)	(b)(6)	(b)(6)	(b)(6)	475-500 = Level 5 400-474 = Level 4 300-399 = Level 3 200-299 = Level 2 Any CE rated Level 1 = Level 1
2. Leading People	(b)(6)	(b)(6)		(b)(6)	(b)(6)	
3. Business Acumen	(b)(6)	(b)(6)		(b)(6)	(b)(6)	
4. Building Coalitions	(b)(6)	(b)(6)		(b)(6)	(b)(6)	
5. Results Driven	(b)(6)	(b)(6)		(b)(6)	(b)(6)	
Total			100%	(b)(6)	(b)(6)	

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%

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

Agency-Specific Performance Requirements

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

- Establishes organizational goals that are consistent with priorities established by the Secretary and Deputy Secretary of Commerce, government-wide initiatives established by the Administration, and strategic goals of the Department; and ensures that they are appropriately reflected in performance plans throughout the organization with meaningful measures and clear priorities;
- Works collaboratively to foster economic growth and opportunity, to meet the needs of businesses and entrepreneurs, and to create jobs to benefit the American people;
- Exhibits vision and strategic thinking to address concerns that cross organizational boundaries and to meet the long-term interests of the Department;
- Uses creativity and innovation, and encourages new ideas and unconventional approaches in response to evolving conditions;
- Ensures success of the America Invents Act (AIA) by actively supporting internal and external training, devoting sufficient resources, increasing awareness of new initiatives, and collaborating with all necessary parties to ensure an innovative, effective, and efficient reformed patent system;
- Puts procedures in place to analyze examination processes and explore prosecution efficiencies;
- Continues to strengthen time and attendance controls for both teleworking and non-teleworking employees within the Executive's area of oversight;
- Supports the continued deployment of Patents-End-to-End (PE2E) tools within the Patents Business Unit;
- Supports the continued establishment of the office of the Deputy Commissioner for Patent Quality and related quality initiatives developed under the Enhanced Patent Quality Initiative (EPQI) in support of achieving excellence in: work products, customer service, and measuring patent quality; and
- Ensures that workloads are monitored within the Executive's area of oversight and takes steps to make sure that workloads are appropriate.

Individual Projects (List below):

- Sets strategic direction within the Office of the Deputy Commissioner for Patent Examination Policy (D/C PEP) (eg. OPLA, Office of Petitions, and MPEP) to address organizational goals and build a collaborative, transparent culture with increased quality components;
- Oversees and provides executive leadership for the development and drafting of examination policy guidance and training;
- Oversees and provides executive leadership for rulemaking and drafting of Official Gazette and Federal Register notices;
- Establishes legal and policy guidance for the Office of the Commissioner for Patents including developing examination policy guidance and training;
- Continues to provide oversight of the implementation of the First Inventor to File (FITF) provisions of the AIA;
- Supports implementation of the Hague Agreement;
- Supports the development and implementation of all quality initiatives developed under the Enhanced Patent Quality Initiative (EPQI) within Patents in support of achieving excellence in: work products, customer service, and measuring patent quality;
- Oversees and provides executive leadership for the Office of Petitions and oversees activities with the Office of Petitions;
- Supports training within Patents so it can be delivered in a timely manner;

- Supports the patent examining corps, including the regional offices and hoteling examiners, on legal issues relating to patent examination; and
- Monitors and supports timely revisions to the MPEP to reflect changes resulting from the AIA, Patent Law Treaty (PLT), the Hague Agreement, recent case law, etc.

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%)

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

Builds and manages an appropriately skilled workforce by:

- Enhancing the Employee Relations (ER) liaison program;
- Ensuring surveys (including Federal Employee Viewpoint Survey) and other instruments are in place to monitor and develop plans to provide a work environment that optimizes performance and increases job satisfaction
- Embracing equal opportunity principles;
- Fostering a diverse and inclusive environment characterized by cultural sensitivity and respect for divergent employee backgrounds;
- Promptly and appropriately addressing allegations of harassment or discrimination;
- Overseeing the recruitment, selection, appraisal and recognition of employees based on individual performance;
- Supporting Agency efforts to train employees on equal opportunity principles;
- Aligning performance plans and awards with Agency goals;
- Identifying talent gaps and providing training and developmental opportunities, coaching and counseling to employees to strengthen performance or address concerns;
- Encouraging employees to develop new and better ways of performing tasks;
- Supporting a culture of transparency, communication and collaboration in the Patents Business area;
- 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.

Individual Projects (listed below):

- Works with managers and employees to identify performance gaps and provide necessary training;
- Develops and implements an integrated training approach for the patent examining corps to leverage resources and maximize the impact and retention of information;

- Conducts town-hall meetings with employees and managers to identify and address concerns;
- Uses results of the Federal Employee Viewpoint Survey (EVS) and other survey instruments to improve designated areas of opportunity within the Office of Patent Legal Administration, the Office of Petitions and the MPEP;
- Assesses resource needs and redefines requirements to maximize effectiveness;
- Encourages staff to develop creative ideas and solutions for providing improved applicant-oriented services; and
- Supports supervisor training programs designed to improve mentoring and coaching skills in order to assist OPLA support in reaching full potential

Rating Official Narrative: *(Optional)*

Critical Element Rating – Leading People

Level 5

Level 4

Level 3

Level 2

Level 1

Executive Name and ID: **Bahr, Robert**

Appraisal Period: **10/1/17 – 9/30/18**

Critical Element 3. Business Acumen

(Minimum weight 5%)

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

- Assesses current and future staffing needs on a regular basis;
- Implements Business Unit’s Human Capital Strategic Plans that include recruitment strategies that support organizational objectives;
- Demonstrates sound management of human, financial and technological resources in order to achieve established priorities, goals, and objectives. In doing so, manages program performance throughout the year to maximize operational efficiency and effectiveness within established budgetary resources; ensures overtime is effectively distributed and usage monitored; builds and manages an appropriately skilled and diverse workforce based on organizational goals, budget considerations, and staffing needs; and engages in succession planning as needed for long-term organizational effectiveness;
- Makes effective use of available information technology (IT) to achieve organizational goals; works collaboratively with IT professionals at the operating unit and Department levels, as appropriate, to safeguard IT equipment, software and data; ensures required property accountability processes are in place and ensures appropriate training of employees to avoid cyber-security threats;
- Fosters a work environment that is safe, secure and conducive to the retention of a skilled and effective workforce, which includes continuity of operations planning and emergency preparedness, addressing unsafe working conditions or environmental concerns, and facilitating employee awareness of the procedures to follow in the event of an emergency;
- Adheres to applicable administrative and programmatic laws, regulations, policies and procedures that provide the internal controls needed to safeguard resources, achieve organizational objectives, and protect the confidentiality of information provided to the agency, and respect individual privacy; and
- Strengthens the USPTO’s telework program and improves controls to best manage employees and focuses on the implementation of any new actions and guidance as may be necessary.

Individual Projects (List Below):

- Improves and enhances recruitment strategies to attract highly skilled and diverse professionals through the expansion of telework programs and the implementation of a nation-wide workforce;
- Supports the IT development of search and information resources and capabilities for internal and external stakeholders;

- Assists in the identification of and addresses anomalies in examination trends pertinent to particular areas within patent operations; and
- Ensures that Patents budget is managed effectively within areas of oversight.

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%)

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

- Assures that each business unit participates in the formulation of clear, concise, and effective communication strategies, including providing appropriate information and documentation to the Office of the Chief Communication Officer;
- Demonstrates a high degree of responsiveness to the full range of clients, including end users of goods and services for which the executive is responsible, Departmental and operating unit leadership, members of Congress and their staffs, and the public in general;
- Develops strategic alliances both within and across organizational lines to achieve common goals, meets evolving requirements, and shares knowledge, skills and experience needed for personal development and professional performance;
- Builds consensus of opinion among stakeholders;
- Seeks to identify client needs and expectations, responds to identified concerns promptly, professionally and fairly, and improves business and management processes based on customer and employee feedback;
- Solicits employee feedback on direction received, opportunities provided, and recognition given, as inputs for improving how employees are led and motivated;
- Collaborates with stakeholders on outreach and on specific Patent-related initiatives;
- Works closely with internal and external stakeholders in the development and implementation of quality initiatives that support the Enhances Patent Quality Initiative;
- Ensures appropriate investigation and resolution of labor issues raised with Patent management;
- Develops and/or participates in formal cross-organizational boundary collaboration activities whenever appropriate to enhance service delivery and comprehensive mission coordination within the Department, among organizations with complimentary missions, and within the USPTO;
- Supports a transparent and collaborative work environment; and
- Encourages enhanced communication within and across Business Units.

Individual Projects (List Below):

- Develops and implements strategies to improve internal and external communications;
- Establishes alliances to promote inter- and intra-agency collaboration and cooperation;
- Establishes transparent operations and processes to disseminate data in a timely manner to the public through the USPTO website and other electronic media;
- Executes outreach efforts with the Patent Public Advisory Committee (PPAC), Software Partnership, Biotechnology

Customer Partnership, business groups, advocacy organizations, and the general public;

- Provides education and outreach to internal stakeholders;
- Represents the USPTO at inter-agency and non-Governmental meetings and events;
- Conducts public presentations on a variety of issues relating to patent examination policy and patent law; and
- Meets regularly with senior leadership of the Patent Trial and Appeal Board (PTAB), Office of the Solicitor and the Office of Governmental Affairs (OGA) to discuss legal priorities of the Agency.

Rating Official Narrative: *(Optional)*

Critical Element Rating – Building Coalitions

Level 5

Level 4

Level 3

Level 2

Level 1

Executive Name and ID: **Bahr, Robert**

Appraisal Period: **10/1/17 – 9/30/18**

Critical Element 5. Results Driven

(Minimum Weight 20%)

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: Backlog, Pendency and Timeliness [Weight 20%]

Strategic Alignment: Strategic Goal 1 /Objective Alignments 1 and 2

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

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

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

<p>Success of these objectives will be determined by the specific performance measures laid out in the attached document and will be measured based on overall performance taking into account the totality of all the measures in the attached document. Meeting or exceeding the targets set forth in the attached document represents a level of outstanding performance.</p>	
<p>Performance Requirement 2: Patent Legal Administration, Examination Guidance and Rulemakings [Weight 35%]</p> <p>Develop an effective and efficient planning strategy and performance measurement system for the Office of Patent Legal Administration to contribute to the achievement of goals, objectives and targets based on requirements in the President’s FY 2018 Budget.</p> <p>As a fee-funded agency, the USPTO relies on user fee collections to fund operations. The USPTO considers a number of economic factors and relevant indicators when forecasting its workloads. While many of these defining indicators point toward renewed economic expansion, considerable uncertainty still remains regarding the current and near future prospects for growth. This uncertainty could affect anticipated USPTO workloads and fee collections which in turn could significantly impact the USPTO’s long-term goals, objectives and targets, and therefore simultaneously affect any interim results.</p> <p>Success of these objectives will be determined by the specific performance measures laid out in the attached document and will be measured based on overall performance taking into account the totality of all the measures in the attached document. Meeting or exceeding the targets set forth in the attached document represents a level of outstanding performance.</p>	<p>Strategic Alignment: Strategic Goal 1 /Objective Alignments 1, 2, 4, and 6</p> <p>Goal 1, Objectives 1 and 2 of the <i>USPTO 2014-2018 Strategic Plan</i> will be accomplished when patent pendency is optimized, allowing a final action on the merits within one year of filing for any applicant who requests it, with overall patent pendency time reduced to 10 months for a first office action and 20 months total pendency. This is a long-term, multi-year goal to be achieved over the next several years.</p> <p>Goal 1, Objective 4 of the <i>USPTO 2014-2018 Strategic Plan</i> will be accomplished when issued patents are of higher quality, claim clarity is improved, and the stakeholder community has a clear understanding of the meaning of a “quality” patent.</p> <p>Goal 1, Objective 6 of the <i>USPTO 2014-2018 Strategic Plan</i> will be accomplished by focusing on improving and enhancing stakeholder and public outreach and increasing awareness and transparency of patent information, and patent application and ownership information.</p>
<p>Performance Requirement 3: Office of Petitions and Petitions Processing [Weight 30%]</p> <p>Develop an effective and efficient business planning strategy and performance measurement system for the Office of Petitions to contribute to the achievement of goals, objectives and targets based on requirements in the President’s FY 2018 Budget.</p> <p>As a fee-funded agency, the USPTO relies on user fee collections to fund operations. The USPTO considers a number of economic factors and relevant indicators when forecasting its workloads. While many of these defining indicators point toward renewed economic expansion, considerable uncertainty still remains regarding the current and near future prospects for growth. This uncertainty could affect anticipated USPTO workloads and fee collections which in turn could significantly impact the USPTO’s long-term</p>	<p>Strategic Alignment: Strategic Goal 1 /Objective Alignment 1, 2 and 4</p> <p>Goal 1, Objectives 1 and 2 of the <i>USPTO 2014-2018 Strategic Plan</i> will be accomplished when patent pendency is optimized, allowing a final action on the merits within one year of filing for any applicant who requests it, with overall patent pendency time reduced to 10 months for a first office action and 20 months total pendency. This is a long-term, multi-year goal to be achieved over the next several years.</p>

<p>goals, objectives and targets, and therefore simultaneously affect any interim results.</p> <p>Success of these objectives will be determined by the specific performance measures laid out in the attached document and will be measured based on overall performance taking into account the totality of all the measures in the attached document. Meeting or exceeding the targets set forth in the attached document represents a level of outstanding performance.</p>	<p>Goal 1, Objective 4 of the <i>USPTO 2014-2018 Strategic Plan</i> will be accomplished when issued patents are of higher quality, claim clarity is improved, and the stakeholder community has a clear understanding of the meaning of a “quality” patent.</p>
<p>Performance Requirement 4: Quality and Training [Weight 20%]</p> <p>Develop an effective and efficient business planning strategy and performance measurement system to contribute to the achievement of goals, objectives and targets based on requirements in the President’s FY 2018 Budget.</p> <p>As a fee-funded agency, the USPTO relies on user fee collections to fund operations. The USPTO considers a number of economic factors and relevant indicators when forecasting its workloads. While many of these defining indicators point toward renewed economic expansion, considerable uncertainty still remains regarding the current and near future prospects for growth. This uncertainty could affect anticipated USPTO workloads and fee collections which in turn could significantly impact the USPTO’s long-term goals, objectives and targets, and therefore simultaneously affect any interim results.</p> <p>Success of these objectives will be determined by the specific performance measures laid out in the attached document and will be measured based on overall performance taking into account the totality of all the measures in the attached document. Meeting or exceeding the targets set forth in the attached document represents a level of outstanding performance.</p>	<p>Strategic Alignment: Strategic Goal 1 /Objective Alignment 4</p> <p>Goal 1, Objective 4 of the <i>USPTO 2014-2018 Strategic Plan</i> will be accomplished when issued patents are of higher quality, claim clarity is improved, and the stakeholder community has a clear understanding of the meaning of a “quality” patent.</p>
<p>Rating Official Narrative: <i>(Optional)</i></p>	
<p>Critical Element Rating – Results Driven</p>	<p><input type="checkbox"/> Level 5 <input type="checkbox"/> Level 4 <input type="checkbox"/> Level 3 <input type="checkbox"/> Level 2 <input type="checkbox"/> Level 1</p>

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 Robert Bahr Rating Period 10/1/17 – 9/30/18

Results Driven Sub Elements (SE)	Sub Element Rating Level Score	Weight (multiply by)	Sub Element Points Score	Point Ranges to Rating Level Score	Results Driven Initial Element Score
Sub Element 1 <i>(Backlog, Pendency and Timeliness)</i>		20%		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 SE rated Level 1 overall score must be = Level 1 Rating Score	
Sub Element 2 <i>(Patent Legal Administration, Examination Guidance, and Rulemakings)</i>		30%			
Sub Element 3 <i>(Office of Petitions and Petitions Processing)</i>		30%			
Sub element 4 <i>(Quality and Training)</i>		20%			
		= 100%			
Sub Element Total Score				___ = Level ___	

Example of Results Driven Element Being Rated Level 4

Results Driven Sub Elements (SE)	Sub Element Rating Level Score	Weight (multiply by)	Sub Element Points Score	Point Ranges to Rating Level Score	Results Driven Initial Element Score
Sub Element 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 SE rated Level 1 overall score must be = Level 1 Rating Score	
Sub Element 2	5	x 30	150		
Sub Element 3	5	x 15	75		
Sub element 4	3	x 30	90		
		= 100%			
Sub Element 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.

Results Driven Performance Requirement 1: Backlog, Pendency and Timeliness (Weight 20%)

Backlog, Pendency and Timeliness Measures	FY 2018 Targets				FY 2018 Results
	FY18: -1.0% Growth	FY18: 1.0% Growth	FY18: 3.0% Growth	FY18: 5.0% Growth	
Patent Corps Backlog Metrics					
Unexamined Backlog*					
RCE backlog					
Patent Corps Pendency and Timeliness Metrics					
First Action Pendency					
Total Pendency					
UPR PUs					
T1 Pendency (snapshots < 12 months)					
RCE Pendency (inventory > 4 months)					

*The Unexamined Backlog goal varies with overall filing growth rate (e.g. if the filing growth rate is 1.0% for the FY the backlog goal will be 450,000-500,000).

Results Driven Performance Requirement 2: Patent Legal Administration, Examination Guidance, and Rulemakings (Weight: 30%)

Patent Legal Administration Measures	FY 2018 Targets	FY 2018 Results
% of Clear and Timely Guidance and Memos Completed		
% of Clear and Timely Rulemaking and Notices Published		
% of Timely Implementation of Legislative Changes and Case Law Developments		

Results Driven Performance Requirement 3: Office of Petitions and Petitions Processing (Weight: 30%)

Office of Petitions Measures	FY 2018 Targets	FY 2018 Results
% of Timely Petition Decisions ¹		
% of Timely Track 1 Petition Decisions ²		
% of Timely Patent Prosecution Highway (PPH) Decisions ³		

¹ Petitions processed in less than six months from the filing date:

- a. Does not include PTA decisions

²Track 1 petitions processed in less than 60 days.

³PPH petitions processed in less than 120 days.

Results Driven Performance Requirement 4: Quality and Training (Weight 20%)

Quality Programs Measures and Targets	FY 2018 Results
Support the implementation of the Correctness and Clarity Data Collection Form (CCDC) for reviews in the Office of Patent Quality Assurance (OPQA)	
Support the reevaluation of AFCP 2.0 and the Pre-Appeal Conference program and	

assist in the development of a follow-on after final program in response to the completed reevaluation as appropriate	
Provide assistance and guidance in the development of baseline Correctness and Clarity metrics utilizing the results of the CCDC reviews	
Assist in the development of Quality Metrics and Targets for FY 2018 in the 4 th Quarter of the FY utilizing the baselined Correctness and Clarity Metrics	
Provide support and legal assistance to the implementation of the Clarity of the Record Pilot Program in Patent Operations – provide support to develop best practices for enhancing the clarity of all aspects of the prosecution record and then study the impact of implementing these best practices during examination	
Support the development of a program/process for providing post-grant outcomes from sources, such as the Patent Trial and Appeal Board (PTAB), to the examiner of record and the examiners of related applications. (EPQI – Post Grant Outcome Initiative)	
Support the development of a program for reviewing the consistency of examination and programs to address any inconsistencies	
Provide leadership in the development of and provide support to the topic submission for case studies program	

<i>Training Measures and Targets</i>	FY 2018 Results
Ensure that Training is developed and delivered in a timely manner in accordance with established timelines.	
Assist with the development of Clarity of the Record Training modules for examiners on effective ways to improve all aspects of the clarity of the prosecution record.	
Support training within Patents so it can be delivered in a timely manner	

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

Fiscal Year 2018
Executive Performance Plan
Addendum

I hereby acknowledge receipt of the attached Executive Performance Plan Addendum which replaces *Critical Element 5: Results Driven* of the FY 2018 Executive Performance Plan signed on September 13, 2017 in its entirety.

Executive Signature: (b)(6)

Date: 8/13/2018

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>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.</p>		
<p>Performance Requirement 1: Backlog, Pendency and Timeliness [Weight 25%]</p> <p>Develop an effective and efficient business planning strategy and performance measurement system to contribute to the achievement of goals, objectives and targets based on requirements in the President’s FY 2018 Budget.</p> <p>As a fee-funded agency, the USPTO relies on user fee collections to fund operations. The USPTO considers a number of economic factors and relevant indicators when forecasting its workloads. While many of these defining indicators point toward renewed economic expansion, considerable uncertainty still remains regarding the current and near future prospects for growth. This uncertainty could affect anticipated USPTO workloads and fee collections which in turn could significantly impact the USPTO’s long-term goals, objectives and targets, and therefore simultaneously affect any interim results.</p> <p>Success of these objectives will be determined by the specific performance measures laid out in the attached document and will be measured based on overall performance taking into account the totality of all the measures in the attached document. Meeting or exceeding the targets set forth in the attached document represents a level of outstanding performance.</p>	<p>Strategic Alignment: Strategic Goal <u>1</u> /Objective Alignment <u>1-2</u></p> <p>Goal I, Objectives 1 and 2 of the <i>USPTO 2014-2018 Strategic Plan</i> will be accomplished when patent pendency is optimized, allowing a final action on the merits within one year of filing for any applicant who requests it, with overall patent pendency time reduced to 10 months for a first office action and 20 months total pendency. This is a long-term, multi-year goal to be achieved over the next several years.</p>	
<p>Performance Requirement 2: Patent Legal Administration, Examination Guidance and Rulemakings [Weight 25%]</p>	<p>Strategic Alignment: Strategic Goal <u>1</u> /Objective Alignment <u>1, 2, 4, and 6</u></p>	

<p>Develop an effective and efficient planning strategy and performance measurement system for the Office of Patent Legal Administration to contribute to the achievement of goals, objectives and targets based on requirements in the President's FY 2018 Budget.</p> <p>As a fee-funded agency, the USPTO relies on user fee collections to fund operations. The USPTO considers a number of economic factors and relevant indicators when forecasting its workloads. While many of these defining indicators point toward renewed economic expansion, considerable uncertainty still remains regarding the current and near future prospects for growth. This uncertainty could affect anticipated USPTO workloads and fee collections which in turn could significantly impact the USPTO's long-term goals, objectives and targets, and therefore simultaneously affect any interim results.</p> <p>Success of these objectives will be determined by the specific performance measures laid out in the attached document and will be measured based on overall performance taking into account the totality of all the measures in the attached document. Meeting or exceeding the targets set forth in the attached document represents a level of outstanding performance</p>	<p>Goal I, Objectives 1 and 2 of the <i>USPTO 2014-2018 Strategic Plan</i> will be accomplished when patent pendency is optimized, allowing a final action on the merits within one year of filing for any applicant who requests it, with overall patent pendency time reduced to 10 months for a first office action and 20 months total pendency. This is a long-term, multi-year goal to be achieved over the next several years.</p> <p>Goal 1, Objective 4 of the USPTO 2014-2018 Strategic Plan will be accomplished when issued patents are of higher quality, claim clarity is improved, and the stakeholder community has a clear understanding of the meaning of a "quality" patent.</p> <p>Goal 1, Objective 6 of the USPTO 2018 Strategic Plan will be accomplished by focusing on improving and enhancing stakeholder and public outreach and increasing awareness and transparency of patent information, and patent application and ownership information</p>
<p>Performance Requirement 3: Office of Petitions and Petitions Processing [Weight 25%]</p> <p>Develop an effective and efficient planning strategy and performance measurement system for the Office of Petitions to contribute to the achievement of goals, objectives and targets based on requirements in the President's FY 2018 Budget.</p> <p>As a fee-funded agency, the USPTO relies on user fee collections to fund operations. The USPTO considers a number of economic factors and relevant indicators when forecasting its workloads. While many of these defining indicators point toward renewed economic expansion, considerable uncertainty still remains regarding the current and near future prospects for growth. This uncertainty could affect anticipated USPTO workloads and fee collections which in turn could significantly impact the USPTO's long-term goals, objectives and targets, and therefore simultaneously affect any interim results.</p>	<p>Strategic Alignment: Strategic Goal 1 / Objective Alignment 1, 2, and 4</p> <p>Goal I, Objectives 1 and 2 of the <i>USPTO 2014-2018 Strategic Plan</i> will be accomplished when patent pendency is optimized, allowing a final action on the merits within one year of filing for any applicant who requests it, with overall patent pendency time reduced to 10 months for a first office action and 20 months total pendency. This is a long-term, multi-year goal to be achieved over the next several years.</p>

<p>Success of these objectives will be determined by the specific performance measures laid out in the attached document and will be measured based on overall performance taking into account the totality of all the measures in the attached document. Meeting or exceeding the targets set forth in the attached document represents a level of outstanding performance.</p>	<p>Goal 1, Objective 4 of the USPTO 2014-2018 Strategic Plan will be accomplished when issued patents are of higher quality, claim clarity is improved, and the stakeholder community has a clear understanding of the meaning of a “quality” patent.</p>				
<p>Performance Requirement 4: Quality and Training [Weight 25%]</p> <p>Develop an effective and efficient planning strategy and performance measurement system to contribute to the achievement of goals, objectives and targets based on requirements in the President’s FY 2018 Budget.</p> <p>As a fee-funded agency, the USPTO relies on user fee collections to fund operations. The USPTO considers a number of economic factors and relevant indicators when forecasting its workloads. While many of these defining indicators point toward renewed economic expansion, considerable uncertainty still remains regarding the current and near future prospects for growth. This uncertainty could affect anticipated USPTO workloads and fee collections which in turn could significantly impact the USPTO’s long-term goals, objectives and targets, and therefore simultaneously affect any interim results.</p> <p>Success of these objectives will be determined by the specific performance measures laid out in the attached document and will be measured based on overall performance taking into account the totality of all the measures in the attached document. Meeting or exceeding the targets set forth in the attached document represents a level of outstanding performance.</p>	<p>Strategic Alignment: Strategic Goal 1 /Objective Alignment 4</p> <p>Goal I, Objective 4 of the <i>USPTO 2014-2018 Strategic Plan</i> will be accomplished when issued patents are of higher quality, claim clarity is improved, and the stakeholder community has a clear understanding of the meaning of a “quality” patent.</p>				
<p>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

Deriving the Results Driven Rating Worksheet

Executive Name **Bahr, Robert** Rating Period **10/1/17 – 9/30/18**

Results Driven Sub Elements (SE)	Sub Element Rating Level Score	Weight (multiply by)	Sub Element Points Score	Point Ranges to Rating Level Score	Results Driven Initial Element Score
Sub Element 1 <i>Backlog, Pendency and Timeliness</i>	(b)(6)			Points 475 – 500 = Level 5 Rating Score Points 400 – 474 = Level 4 Rating Score Points 300 – 399 = Level 3 Rating Score Points 200 – 299 = Level 2 Rating Score Any SE rated Level 1 overall score must be = Level 1 Rating Score	
Sub Element 2 <i>Patent Legal Administration, Examination Guidance and Rulemakings</i>					
Sub Element 3 <i>Office of Petitions and Petitions Processing</i>					
Sub element 4 <i>Quality and Training</i>					
		= 100%			
Sub Element Total Score			(b)(6)		

Example of Results Driven Element Being Rated Level 4

Results Driven Sub Elements (SE)	Sub Element Rating Level Score	Weight (multiply by)	Sub Element Points Score	Point Ranges to Rating Level Score	Results Driven Initial Element Score
Sub Element 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 SE rated Level 1 overall score must be = Level 1 Rating Score	
Sub Element 2	5	x 30	150		
Sub Element 3	5	x 15	75		
Sub element 4	3	x 30	90		
		= 100%			
Sub Element 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.**

FY 2018 Executive Performance Plan Addendum**Sub Element 1: Backlog, Pendency and Timeliness (Weight 25%)**

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

*The Unexamined Backlog goal varies with overall filing growth rate (e.g. if the filing growth rate is 0% - 2% for the FY the backlog goal will be 505,000).

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

Sub Element 2: Patent Legal Administration, Examination Guidance, and Rulemakings (Weight: 25%)

Measures	FY 2018 targets	FY 2018 Results
% of Clear and Timely Guidance and Memos Completed	75-85%	
% of Clear and Timely Rulemaking and Notices Published	75-85%	
% of Timely Implementation of Legislative Changes and Case Law Developments	75-85%	

Sub Element 3: Office of Petitions and Petitions Processing (Weight: 25%)

Measures	FY 2018 targets	FY 2018 Results
% of Timely Petition Decisions ¹⁾	75-85%	
% of Timely Track 1 Petition Decisions ²⁾	75-85%	
% of Timely PPH Petitions ³⁾	75-85%	

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

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

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

3) PPH petitions processed in less than 90 days.

Sub Element 4: Quality and Training (Weight 25%)

Management and Support – Quality Metrics for Correctness and Clarity	FY 2018 Targets	FY 2018 Results
FY '18 Corps Quality Metrics: 35 U.S.C 102 Correctness	>95%	
FY '18 Corps Quality Metrics: 35 U.S.C 103 Correctness	>93%	
FY '18 Corps Quality Metrics: 35 U.S.C 112 Correctness	>93%	
FY '18 Corps Quality Metrics: 35 U.S.C 101 Correctness	>97%	
FY '18 Corps Quality Metrics: 35 U.S.C 102 Clarity	>90%	
FY '18 Corps Quality Metrics: 35 U.S.C 103 Clarity	>90%	
FY '18 Corps Quality Metrics: 35 U.S.C 112(b) Clarity	>90%	
FY '18 Corps Quality Metrics: 35 U.S.C 101 Clarity	>90%	
FY '19 Examination Corps Quality Metrics: Correctness and Clarity	Establish targets for FY '19 in Q4 of FY' 18	
<i>Access to Relevant Prior Art - Explore how to best utilize available electronic resources to provide examiners with information from applicant's other applications filed in the U.S. and internationally as early as possible to increase patent examination quality and efficiency.</i>	FY 2018 Targets	FY 2018 Results
Begin development of Phase 1 of the project	FY '18, Q1	
Develop implementation plan for phases to be implemented in FY '19	FY '18 Q2/Q3/Q4	
Complete implementation of Phase 1 of the project	Complete Phase 1 implementation by the end of FY '18	
<i>35 U.S.C. 112(f) - Improve the frequency of examiner clarification of the record for § 112(f) issues</i>	FY 2018 Targets	FY 2018 Results
Provide Patent Examining Corps-Wide training	FY '18, Q1	
Training Measures and Targets	FY 2018 Targets	FY 2018 Results

Ensure that Training is delivered in a timely manner in accordance with established timelines.	Training is delivered within established timelines	
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Note: Meeting or exceeding the targets in the above sub elements represents a level of outstanding performance.

Robert Bahr
 Deputy Commissioner for Patent Examination Policy
 Office of the Commissioner for Patents
 Mid-Year Progress Review: Fiscal Year 2018

- Providing advice to the Office of the Solicitor on various disputes between applicants and the Office.
- Providing executive leadership for the Office of Petitions and overseeing the Office of Petitions in setting priorities.

Critical Element 5: Results Driven

At midyear FY 2018, the following results were achieved:

Results: Patent Pendency, Backlog and Timeliness

Patent Pendency, Backlog and Timeliness Measures	FY 2018 Targets				MY 2018 Results
	-2% - 0% Filing Growth	0% - 2% Filing Growth	2% - 4% Filing Growth	4% - 6% Filing Growth	
Patent Corps Backlog Metrics					
Unexamined Inventory**	493,500	505,000	516,000	528,000	(b)(6)
RCE Inventory**	23,000				
Patent Corps Pendency and Timeliness Metrics					
First Action Pendency**	15.4				(b)(6)
Total Pendency**	25.0				
UPR Production Units (PUs)**	620,000				
T1 Pendency (snapshots ≤ 12 months)	98.0%				
RCE Pendency (inventory ≤ 4 months)	72.0%				
Patent Term Adjustment (PTA) Timeframes (14/4/4/4/36)					
Provide at least one notification under 35 U.S.C. 132 within 14 – months from filing under section 111(a) or the commencement of the national stage under section 371	47% of actions and remaining inventory of 125,000 apps > 14 months				(b)(6)
Respond to a Reply under 35 U.S.C. 132 within 4 months	93% of amendment actions; 96% of remaining amended inventory; 78% of RCE actions and remaining inventory of 7,000 apps > 4 months				
Act on an application within 4 months after the date of a decision by PTAB	96% of actions and 96% of remaining inventory				
Issue a patent within 4 months from payment of the issue fee	98% of issues and 98% of remaining inventory				

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 Office of the Commissioner for Patents
 Mid-Year Progress Review: Fiscal Year 2018

No more than 36 month application pendency	80% of issued patents	(b)(6)
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(b)(6)

Results: Patent Legal Administration, Examination Guidance, and Rulemaking

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

Results: Office of Petitions and Petitions Processing

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

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

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

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

3) PPH petitions processed in less than 90 days.

Results: Quality and Training

Management and Support – Quality Metrics for Correctness and Clarity	FY 2018 Targets	MY 2018 Results
FY '18 Corps Quality Metrics: 35 U.S.C 102 Correctness	>95%	(b)(6)
FY '18 Corps Quality Metrics: 35 U.S.C 103 Correctness	>93%	
FY '18 Corps Quality Metrics: 35 U.S.C 112 Correctness	>93%	
FY '18 Corps Quality Metrics: 35 U.S.C 101 Correctness	>97%	
FY '18 Corps Quality Metrics: 35 U.S.C 102 Clarity	>90%	
FY '18 Corps Quality Metrics: 35 U.S.C 103 Clarity	>90%	
FY '18 Corps Quality Metrics: 35 U.S.C 112(b) Clarity	>90%	
FY '18 Corps Quality Metrics: 35 U.S.C 101 Clarity	>90%	
FY '19 Examination Corps Quality Metrics: Correctness and Clarity	Establish targets for FY '19 in Q4 of FY' 18	N/A
Access to Relevant Prior Art - Explore how to best utilize available electronic resources to provide examiners with information from applicant's other applications filed in the U.S. and internationally as early as possible to increase patent examination quality and efficiency.	FY 2018 Targets	MY 2018 Results

Robert Bahr

Deputy Commissioner for Patent Examination Policy

Office of the Commissioner for Patents

Mid-Year Progress Review: Fiscal Year 2018

Begin development of Phase 1 of the project	FY '18, Q1	Completed
Develop implementation plan for phases to be implemented in FY '19	FY '18 Q2/Q3/Q4	(b)(6)
Complete implementation of Phase 1 of the project	Complete Phase 1 implementation by the end of FY '18	(b)(6)
35 U.S.C. 112(f) - Improve the frequency of examiner clarification of the record for § 112(f) issues	FY 2018 Targets	MY 2018 Results
Provide Patent Examining Corps-Wide training	FY '18, Q1	(b)(6)
Training Measures and Targets	FY 2018 Targets	MY 2018 Results
Ensure that Training is delivered in a timely manner in accordance with established timelines.	Training is delivered within established timelines	(b)(6)

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

Discussion:

(b)(6)

Summary:

(b)(6)

(b)(6)

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(b)(6)



Critical Element 1: Leading Change (Weight 10%):

(b)(6)



(b)(6)



(b)(6)



(b)(6)



Critical Element 2: Leading People (Weight 10%):

(b)(6)



(b)(6)



Critical Element 3: Business Acumen (Weight 10%):

(b)(6)



(b)(6)



(b)(6)



(b)(6)



Critical Element 4: Building Coalitions (Weight 10%):

(b)(6)



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Critical Element 5: Results Driven (60%):

Through the oversight and efforts of Mr. Bahr, the following results were achieved in FY 2018:

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

Patent Pendency, Backlog and Timeliness Measures	FY 2018 Targets				FY 2018 Results
	-2% - 0% Filing Growth	0% - 2% Filing Growth	2% - 4% Filing Growth	4% - 6% Filing Growth	
Patent Corps Backlog Metrics					
Unexamined Inventory*. **	493,500	505,000	516,000	528,000	(b)(6)
RCE Inventory**	23,000				
Patent Corps Pendency and Timeliness Metrics					
First Action Pendency**	15.4				(b)(6)
Total Pendency**	25.0				
UPR Production Units (PUs)**	620,000				
T1 Pendency (snapshots ≤ 12 months)	98.0%				
RCE Pendency (inventory ≤ 4 months)	72.0%				

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Deputy Commissioner for Patent Examination Policy
 Office of the Commissioner for Patents
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Patent Term Adjustment (PTA) Timeframes (14/4/4/4/36)		
Provide at least one notification under 35 U.S.C. 132 within 14 –months from filing under section 111(a) or the commencement of the national stage under section 371	47% of actions and remaining inventory of 125,000 apps > 14 months	(b)(6)
Respond to a Reply under 35 U.S.C. 132 within 4 months	93% of amendment actions; 96% of remaining amended inventory; 78% of RCE actions and remaining inventory of 7,000 apps > 4 months	
Act on an application within 4 months after the date of a decision by PTAB	96% of actions and 96% of remaining inventory	
Issue a patent within 4 months from payment of the issue fee	98% of issues and 98% of remaining inventory	
No more than 36 month application pendency	80% of issued patents	

(b)(6)

(b)(6)

Sub Element 2: Patent Legal Administration, Examination Guidance, and Rulemakings (Weight: 25%)

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

(b)(6)

Sub Element 3: Office of Petitions and Petitions Processing (Weight: 25%)

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

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

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

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

Robert Bahr

Deputy Commissioner for Patent Examination Policy

Office of the Commissioner for Patents

Fiscal Year 2018 Performance Review

3) PPH petitions processed in less than 90 days.

(b)(6)

Results Sub Element 4: Quality and Training (Weight 25%)

Management and Support – Quality Metrics for Correctness and Clarity	FY 2018 Targets	FY 2018 Results
FY '18 Corps Quality Metrics: 35 U.S.C 102 Correctness	>95%	(b)(6)
FY '18 Corps Quality Metrics: 35 U.S.C 103 Correctness	>93%	
FY '18 Corps Quality Metrics: 35 U.S.C 112 Correctness	>93%	
FY '18 Corps Quality Metrics: 35 U.S.C 101 Correctness	>97%	
FY '18 Corps Quality Metrics: 35 U.S.C 102 Clarity	>90%	
FY '18 Corps Quality Metrics: 35 U.S.C 103 Clarity	>90%	
FY '18 Corps Quality Metrics: 35 U.S.C 112(b) Clarity	>90%	
FY '18 Corps Quality Metrics: 35 U.S.C 101 Clarity	>90%	
FY '19 Examination Corps Quality Metrics: Correctness and Clarity	Establish targets for FY '19 in Q4 of FY' 18	
Access to Relevant Prior Art - Explore how to best utilize available electronic resources to provide examiners with information from applicant's other applications filed in the U.S. and internationally as early as possible to increase patent examination quality and efficiency.	FY 2018 Targets	
Begin development of Phase 1 of the project	FY '18, Q1	(b)(6)
Develop implementation plan for phases to be implemented in FY '19	FY '18 Q2/Q3/Q4	
Complete implementation of Phase 1 of the project	Complete Phase 1 implementation by the end of FY '18	
35 U.S.C. 112(f) - Improve the frequency of examiner clarification of the record for § 112(f) issues	FY 2018 Targets	FY 2018 Results
Provide Patent Examining Corps-Wide training	FY '18, Q1	(b)(6)
Training Measures and Targets	FY 2018 Targets	FY 2018 Results
Ensure that Training is delivered in a timely manner in accordance with established timelines.	Training is delivered within established timelines	(b)(6)

Notes:

(b)(6)

(b)(6)

Robert Bahr
Deputy Commissioner for Patent Examination Policy
Office of the Commissioner for Patents
Fiscal Year 2018 Performance Review

(b)(6)



**SES Performance Management System
Executive Performance Plan**



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

Executive's Name (Last, First, MI): Bahr, Robert	Appraisal Pd. 10/01/17 - 9/30/18
Executive's Signature: (b)(6)	Date: 9/13/2017
Title: Deputy Commissioner for Patent Examination Policy	Organization: Patents
Rating Official's Name (Last, First, MI): Hirshfeld, Andrew H.	CA <input type="checkbox"/> NC <input type="checkbox"/> LT/LE <input type="checkbox"/>
Rating Official's Signature: (b)(6)	Date: 9/29/17

Part 2. Progress Review

Executive's Signature: (b)(6)	Date: 6/1/18
Rating Official's Signature: (b)(6)	Date: 6/1/18
Reviewing Official's Signature (Optional):	Date:

Part 3. Summary Rating

Initial Summary Rating: (b)(6)

Rating Official's Name (Last, First, MI): Hirshfeld, Andrew H.	Date:
Rating Official's Signature: (b)(6)	Date: 11/9/18
Executive's Signature: (b)(6)	Date: 11/9/18
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			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

Critical Element 1. Leading Change**(Minimum weight 5%)****Weight 10%**

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

Agency-Specific Performance Requirements

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

- Establishes organizational goals that are consistent with priorities established by the Secretary and Deputy Secretary of Commerce, government-wide initiatives established by the Administration, and strategic goals of the Department; and ensures that they are appropriately reflected in performance plans throughout the organization with meaningful measures and clear priorities;
- Works collaboratively to foster economic growth and opportunity, to meet the needs of businesses and entrepreneurs, and to create jobs to benefit the American people;
- Exhibits vision and strategic thinking to address concerns that cross organizational boundaries and to meet the long-term interests of the Department;
- Uses creativity and innovation, and encourages new ideas and unconventional approaches in response to evolving conditions;
- Ensures success of the America Invents Act (AIA) by actively supporting internal and external training, devoting sufficient resources, increasing awareness of new initiatives, and collaborating with all necessary parties to ensure an innovative, effective, and efficient reformed patent system;
- Puts procedures in place to analyze examination processes and explore prosecution efficiencies;
- Continues to strengthen time and attendance controls for both teleworking and non-teleworking employees within the Executive's area of oversight;
- Supports the continued deployment of Patents-End-to-End (PE2E) tools within the Patents Business Unit;
- Supports the continued establishment of the office of the Deputy Commissioner for Patent Quality and related quality initiatives developed under the Enhanced Patent Quality Initiative (EPQI) in support of achieving excellence in: work products, customer service, and measuring patent quality; and
- Ensures that workloads are monitored within the Executive's area of oversight and takes steps to make sure that workloads are appropriate.

Individual Projects (List below):

- Sets strategic direction within the Office of the Deputy Commissioner for Patent Examination Policy (D/C PEP) (eg. OPLA, Office of Petitions, and MPEP) to address organizational goals and build a collaborative, transparent culture with increased quality components;
- Oversees and provides executive leadership for the development and drafting of examination policy guidance and training;
- Oversees and provides executive leadership for rulemaking and drafting of Official Gazette and Federal Register notices;
- Establishes legal and policy guidance for the Office of the Commissioner for Patents including developing examination policy guidance and training;
- Continues to provide oversight of the implementation of the First Inventor to File (FITF) provisions of the AIA;
- Supports implementation of the Hague Agreement;
- Supports the development and implementation of all quality initiatives developed under the Enhanced Patent Quality Initiative (EPQI) within Patents in support of achieving excellence in: work products, customer service, and measuring patent quality;
- Oversees and provides executive leadership for the Office of Petitions and oversees activities with the Office of Petitions;
- Supports training within Patents so it can be delivered in a timely manner;

- Supports the patent examining corps, including the regional offices and hoteling examiners, on legal issues relating to patent examination; and
- Monitors and supports timely revisions to the MPEP to reflect changes resulting from the AIA, Patent Law Treaty (PLT), the Hague Agreement, recent case law, etc.

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%)

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

Builds and manages an appropriately skilled workforce by:

- Enhancing the Employee Relations (ER) liaison program;
- Ensuring surveys (including Federal Employee Viewpoint Survey) and other instruments are in place to monitor and develop plans to provide a work environment that optimizes performance and increases job satisfaction
- Embracing equal opportunity principles;
- Fostering a diverse and inclusive environment characterized by cultural sensitivity and respect for divergent employee backgrounds;
- Promptly and appropriately addressing allegations of harassment or discrimination;
- Overseeing the recruitment, selection, appraisal and recognition of employees based on individual performance;
- Supporting Agency efforts to train employees on equal opportunity principles;
- Aligning performance plans and awards with Agency goals;
- Identifying talent gaps and providing training and developmental opportunities, coaching and counseling to employees to strengthen performance or address concerns;
- Encouraging employees to develop new and better ways of performing tasks;
- Supporting a culture of transparency, communication and collaboration in the Patents Business area;
- 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.

Individual Projects (listed below):

- Works with managers and employees to identify performance gaps and provide necessary training;
- Develops and implements an integrated training approach for the patent examining corps to leverage resources and maximize the impact and retention of information;

- Conducts town-hall meetings with employees and managers to identify and address concerns;
- Uses results of the Federal Employee Viewpoint Survey (EVS) and other survey instruments to improve designated areas of opportunity within the Office of Patent Legal Administration, the Office of Petitions and the MPEP;
- Assesses resource needs and redefines requirements to maximize effectiveness;
- Encourages staff to develop creative ideas and solutions for providing improved applicant-oriented services; and
- Supports supervisor training programs designed to improve mentoring and coaching skills in order to assist OPLA support in reaching full potential

Rating Official Narrative: *(Optional)*

Critical Element Rating – Leading People

Level 5

Level 4

Level 3

Level 2

Level 1

Executive Name and ID: **Bahr, Robert**

Appraisal Period: **10/1/17 – 9/30/18**

Critical Element 3. Business Acumen

(Minimum weight 5%)

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

- Assesses current and future staffing needs on a regular basis;
- Implements Business Unit's Human Capital Strategic Plans that include recruitment strategies that support organizational objectives;
- Demonstrates sound management of human, financial and technological resources in order to achieve established priorities, goals, and objectives. In doing so, manages program performance throughout the year to maximize operational efficiency and effectiveness within established budgetary resources; ensures overtime is effectively distributed and usage monitored; builds and manages an appropriately skilled and diverse workforce based on organizational goals, budget considerations, and staffing needs; and engages in succession planning as needed for long-term organizational effectiveness;
- Makes effective use of available information technology (IT) to achieve organizational goals; works collaboratively with IT professionals at the operating unit and Department levels, as appropriate, to safeguard IT equipment, software and data; ensures required property accountability processes are in place and ensures appropriate training of employees to avoid cyber-security threats;
- Fosters a work environment that is safe, secure and conducive to the retention of a skilled and effective workforce, which includes continuity of operations planning and emergency preparedness, addressing unsafe working conditions or environmental concerns, and facilitating employee awareness of the procedures to follow in the event of an emergency;
- Adheres to applicable administrative and programmatic laws, regulations, policies and procedures that provide the internal controls needed to safeguard resources, achieve organizational objectives, and protect the confidentiality of information provided to the agency, and respect individual privacy; and
- Strengthens the USPTO's telework program and improves controls to best manage employees and focuses on the implementation of any new actions and guidance as may be necessary.

Individual Projects (List Below):

- Improves and enhances recruitment strategies to attract highly skilled and diverse professionals through the expansion of telework programs and the implementation of a nation-wide workforce;
- Supports the IT development of search and information resources and capabilities for internal and external stakeholders;

- Assists in the identification of and addresses anomalies in examination trends pertinent to particular areas within patent operations; and
- Ensures that Patents budget is managed effectively within areas of oversight.

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%)

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

- Assures that each business unit participates in the formulation of clear, concise, and effective communication strategies, including providing appropriate information and documentation to the Office of the Chief Communication Officer;
- Demonstrates a high degree of responsiveness to the full range of clients, including end users of goods and services for which the executive is responsible, Departmental and operating unit leadership, members of Congress and their staffs, and the public in general;
- Develops strategic alliances both within and across organizational lines to achieve common goals, meets evolving requirements, and shares knowledge, skills and experience needed for personal development and professional performance;
- Builds consensus of opinion among stakeholders;
- Seeks to identify client needs and expectations, responds to identified concerns promptly, professionally and fairly, and improves business and management processes based on customer and employee feedback;
- Solicits employee feedback on direction received, opportunities provided, and recognition given, as inputs for improving how employees are led and motivated;
- Collaborates with stakeholders on outreach and on specific Patent-related initiatives;
- Works closely with internal and external stakeholders in the development and implementation of quality initiatives that support the Enhances Patent Quality Initiative;
- Ensures appropriate investigation and resolution of labor issues raised with Patent management;
- Develops and/or participates in formal cross-organizational boundary collaboration activities whenever appropriate to enhance service delivery and comprehensive mission coordination within the Department, among organizations with complimentary missions, and within the USPTO;
- Supports a transparent and collaborative work environment; and
- Encourages enhanced communication within and across Business Units.

Individual Projects (List Below):

- Develops and implements strategies to improve internal and external communications;
- Establishes alliances to promote inter- and intra-agency collaboration and cooperation;
- Establishes transparent operations and processes to disseminate data in a timely manner to the public through the USPTO website and other electronic media;
- Executes outreach efforts with the Patent Public Advisory Committee (PPAC), Software Partnership, Biotechnology

Customer Partnership, business groups, advocacy organizations, and the general public;

- Provides education and outreach to internal stakeholders;
- Represents the USPTO at inter-agency and non-Governmental meetings and events;
- Conducts public presentations on a variety of issues relating to patent examination policy and patent law; and
- Meets regularly with senior leadership of the Patent Trial and Appeal Board (PTAB), Office of the Solicitor and the Office of Governmental Affairs (OGA) to discuss legal priorities of the Agency.

Rating Official Narrative: *(Optional)*

Critical Element Rating – Building Coalitions	<input type="checkbox"/> Level 5	<input type="checkbox"/> Level 4	<input type="checkbox"/> Level 3	<input type="checkbox"/> Level 2	<input type="checkbox"/> Level 1
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Executive Name and ID: **Bahr, Robert**

Appraisal Period: **10/1/17 – 9/30/18**

Critical Element 5. Results Driven	(Minimum Weight 20%)	Weight 60%
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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: **Backlog, Pendency and Timeliness [Weight 20%]**

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

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

Strategic Alignment: **Strategic Goal 1 /Objective Alignments 1 and 2**

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

<p>Success of these objectives will be determined by the specific performance measures laid out in the attached document and will be measured based on overall performance taking into account the totality of all the measures in the attached document. Meeting or exceeding the targets set forth in the attached document represents a level of outstanding performance.</p>	
<p>Performance Requirement 2: Patent Legal Administration, Examination Guidance and Rulemakings [Weight 35%]</p> <p>Develop an effective and efficient planning strategy and performance measurement system for the Office of Patent Legal Administration to contribute to the achievement of goals, objectives and targets based on requirements in the President’s FY 2018 Budget.</p> <p>As a fee-funded agency, the USPTO relies on user fee collections to fund operations. The USPTO considers a number of economic factors and relevant indicators when forecasting its workloads. While many of these defining indicators point toward renewed economic expansion, considerable uncertainty still remains regarding the current and near future prospects for growth. This uncertainty could affect anticipated USPTO workloads and fee collections which in turn could significantly impact the USPTO’s long-term goals, objectives and targets, and therefore simultaneously affect any interim results.</p> <p>Success of these objectives will be determined by the specific performance measures laid out in the attached document and will be measured based on overall performance taking into account the totality of all the measures in the attached document. Meeting or exceeding the targets set forth in the attached document represents a level of outstanding performance.</p>	<p>Strategic Alignment: Strategic Goal 1 /Objective Alignments 1, 2, 4, and 6</p> <p>Goal 1, Objectives 1 and 2 of the <i>USPTO 2014-2018 Strategic Plan</i> will be accomplished when patent pendency is optimized, allowing a final action on the merits within one year of filing for any applicant who requests it, with overall patent pendency time reduced to 10 months for a first office action and 20 months total pendency. This is a long-term, multi-year goal to be achieved over the next several years.</p> <p>Goal 1, Objective 4 of the <i>USPTO 2014-2018 Strategic Plan</i> will be accomplished when issued patents are of higher quality, claim clarity is improved, and the stakeholder community has a clear understanding of the meaning of a “quality” patent.</p> <p>Goal 1, Objective 6 of the <i>USPTO 2014-2018 Strategic Plan</i> will be accomplished by focusing on improving and enhancing stakeholder and public outreach and increasing awareness and transparency of patent information, and patent application and ownership information.</p>
<p>Performance Requirement 3: Office of Petitions and Petitions Processing [Weight 30%]</p> <p>Develop an effective and efficient business planning strategy and performance measurement system for the Office of Petitions to contribute to the achievement of goals, objectives and targets based on requirements in the President’s FY 2018 Budget.</p> <p>As a fee-funded agency, the USPTO relies on user fee collections to fund operations. The USPTO considers a number of economic factors and relevant indicators when forecasting its workloads. While many of these defining indicators point toward renewed economic expansion, considerable uncertainty still remains regarding the current and near future prospects for growth. This uncertainty could affect anticipated USPTO workloads and fee collections which in turn could significantly impact the USPTO’s long-term</p>	<p>Strategic Alignment: Strategic Goal 1 /Objective Alignment 1, 2 and 4</p> <p>Goal 1, Objectives 1 and 2 of the <i>USPTO 2014-2018 Strategic Plan</i> will be accomplished when patent pendency is optimized, allowing a final action on the merits within one year of filing for any applicant who requests it, with overall patent pendency time reduced to 10 months for a first office action and 20 months total pendency. This is a long-term, multi-year goal to be achieved over the next several years.</p>

<p>goals, objectives and targets, and therefore simultaneously affect any interim results.</p> <p>Success of these objectives will be determined by the specific performance measures laid out in the attached document and will be measured based on overall performance taking into account the totality of all the measures in the attached document. Meeting or exceeding the targets set forth in the attached document represents a level of outstanding performance.</p>	<p>Goal 1, Objective 4 of the <i>USPTO 2014-2018 Strategic Plan</i> will be accomplished when issued patents are of higher quality, claim clarity is improved, and the stakeholder community has a clear understanding of the meaning of a “quality” patent.</p>				
<p>Performance Requirement 4: Quality and Training [Weight 20%]</p> <p>Develop an effective and efficient business planning strategy and performance measurement system to contribute to the achievement of goals, objectives and targets based on requirements in the President’s FY 2018 Budget.</p> <p>As a fee-funded agency, the USPTO relies on user fee collections to fund operations. The USPTO considers a number of economic factors and relevant indicators when forecasting its workloads. While many of these defining indicators point toward renewed economic expansion, considerable uncertainty still remains regarding the current and near future prospects for growth. This uncertainty could affect anticipated USPTO workloads and fee collections which in turn could significantly impact the USPTO’s long-term goals, objectives and targets, and therefore simultaneously affect any interim results.</p> <p>Success of these objectives will be determined by the specific performance measures laid out in the attached document and will be measured based on overall performance taking into account the totality of all the measures in the attached document. Meeting or exceeding the targets set forth in the attached document represents a level of outstanding performance.</p>	<p>Strategic Alignment: Strategic Goal 1 /Objective Alignment 4</p> <p>Goal 1, Objective 4 of the <i>USPTO 2014-2018 Strategic Plan</i> will be accomplished when issued patents are of higher quality, claim clarity is improved, and the stakeholder community has a clear understanding of the meaning of a “quality” patent.</p>				
<p>Rating Official Narrative: <i>(Optional)</i></p>					
<p>Critical Element Rating – Results Driven</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 Robert Bahr Rating Period 10/1/17 – 9/30/18

Results Driven Sub Elements (SE)	Sub Element Rating Level Score	Weight (multiply by)	Sub Element Points Score	Point Ranges to Rating Level Score	Results Driven Initial Element Score
Sub Element 1 <i>(Backlog, Pendency and Timeliness)</i>		20%		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 SE rated Level 1 overall score must be = Level 1 Rating Score	
Sub Element 2 <i>(Patent Legal Administration, Examination Guidance, and Rulemakings)</i>		30%			
Sub Element 3 <i>(Office of Petitions and Petitions Processing)</i>		30%			
Sub element 4 <i>(Quality and Training)</i>		20%			
		= 100%			
Sub Element Total Score				___ = Level ___	

Example of Results Driven Element Being Rated Level 4

Results Driven Sub Elements (SE)	Sub Element Rating Level Score	Weight (multiply by)	Sub Element Points Score	Point Ranges to Rating Level Score	Results Driven Initial Element Score
Sub Element 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 SE rated Level 1 overall score must be = Level 1 Rating Score	
Sub Element 2	5	x 30	150		
Sub Element 3	5	x 15	75		
Sub element 4	3	x 30	90		
		= 100%			
Sub Element 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.

Results Driven Performance Requirement 1: Backlog, Pendency and Timeliness (Weight 20%)

Backlog, Pendency and Timeliness Measures	FY 2018 Targets				FY 2018 Results
	FY18: -1.0% Growth	FY18: 1.0% Growth	FY18: 3.0% Growth	FY18: 5.0% Growth	
Patent Corps Backlog Metrics					
Unexamined Backlog*					
RCE backlog					
Patent Corps Pendency and Timeliness Metrics					
First Action Pendency					
Total Pendency					
UPR PUs					
T1 Pendency (snapshots < 12 months)					
RCE Pendency (inventory > 4 months)					

(b)(6)

Results Driven Performance Requirement 2: Patent Legal Administration, Examination Guidance, and Rulemakings (Weight: 30%)

Patent Legal Administration Measures	FY 2018 Targets	FY 2018 Results
% of Clear and Timely Guidance and Memos Completed		
% of Clear and Timely Rulemaking and Notices Published		
% of Timely Implementation of Legislative Changes and Case Law Developments		

Results Driven Performance Requirement 3: Office of Petitions and Petitions Processing (Weight: 30%)

Office of Petitions Measures	FY 2018 Targets	FY 2018 Results
% of Timely Petition Decisions ¹		
% of Timely Track 1 Petition Decisions ²		
% of Timely Patent Prosecution Highway (PPH) Decisions ³		

(b)(6)

Results Driven Performance Requirement 4: Quality and Training (Weight 20%)

Quality Programs Measures and Targets	FY 2018 Results
Support the implementation of the Correctness and Clarity Data Collection Form (CCDC) for reviews in the Office of Patent Quality Assurance (OPQA)	
Support the reevaluation of AFCP 2.0 and the Pre-Appeal Conference program and	

assist in the development of a follow-on after final program in response to the completed reevaluation as appropriate	
Provide assistance and guidance in the development of baseline Correctness and Clarity metrics utilizing the results of the CCDC reviews	
Assist in the development of Quality Metrics and Targets for FY 2018 in the 4 th Quarter of the FY utilizing the baselined Correctness and Clarity Metrics	
Provide support and legal assistance to the implementation of the Clarity of the Record Pilot Program in Patent Operations – provide support to develop best practices for enhancing the clarity of all aspects of the prosecution record and then study the impact of implementing these best practices during examination	
Support the development of a program/process for providing post-grant outcomes from sources, such as the Patent Trial and Appeal Board (PTAB), to the examiner of record and the examiners of related applications. (EPQI – Post Grant Outcome Initiative)	
Support the development of a program for reviewing the consistency of examination and programs to address any inconsistencies	
Provide leadership in the development of and provide support to the topic submission for case studies program	

<i>Training Measures and Targets</i>	FY 2018 Results
Ensure that Training is developed and delivered in a timely manner in accordance with established timelines.	
Assist with the development of Clarity of the Record Training modules for examiners on effective ways to improve all aspects of the clarity of the prosecution record.	
Support training within Patents so it can be delivered in a timely manner	

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

Fiscal Year 2018
Executive Performance Plan
Addendum

I hereby acknowledge receipt of the attached Executive Performance Plan Addendum which replaces *Critical Element 5: Results Driven* of the FY 2018 Executive Performance Plan signed on September 13, 2017 in its entirety.

Executive Signature: (b)(6)

Date: 8/13/2018

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>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.</p>		
<p>Performance Requirement 1: Backlog, Pendency and Timeliness [Weight 25%]</p> <p>Develop an effective and efficient business planning strategy and performance measurement system to contribute to the achievement of goals, objectives and targets based on requirements in the President’s FY 2018 Budget.</p> <p>As a fee-funded agency, the USPTO relies on user fee collections to fund operations. The USPTO considers a number of economic factors and relevant indicators when forecasting its workloads. While many of these defining indicators point toward renewed economic expansion, considerable uncertainty still remains regarding the current and near future prospects for growth. This uncertainty could affect anticipated USPTO workloads and fee collections which in turn could significantly impact the USPTO’s long-term goals, objectives and targets, and therefore simultaneously affect any interim results.</p> <p>Success of these objectives will be determined by the specific performance measures laid out in the attached document and will be measured based on overall performance taking into account the totality of all the measures in the attached document. Meeting or exceeding the targets set forth in the attached document represents a level of outstanding performance.</p>	<p>Strategic Alignment: Strategic Goal <u>1</u> /Objective Alignment <u>1-2</u></p> <p>Goal I, Objectives 1 and 2 of the <i>USPTO 2014-2018 Strategic Plan</i> will be accomplished when patent pendency is optimized, allowing a final action on the merits within one year of filing for any applicant who requests it, with overall patent pendency time reduced to 10 months for a first office action and 20 months total pendency. This is a long-term, multi-year goal to be achieved over the next several years.</p>	
<p>Performance Requirement 2: Patent Legal Administration, Examination Guidance and Rulemakings [Weight 25%]</p>	<p>Strategic Alignment: Strategic Goal <u>1</u> /Objective Alignment <u>1, 2, 4, and 6</u></p>	

<p>Develop an effective and efficient planning strategy and performance measurement system for the Office of Patent Legal Administration to contribute to the achievement of goals, objectives and targets based on requirements in the President's FY 2018 Budget.</p> <p>As a fee-funded agency, the USPTO relies on user fee collections to fund operations. The USPTO considers a number of economic factors and relevant indicators when forecasting its workloads. While many of these defining indicators point toward renewed economic expansion, considerable uncertainty still remains regarding the current and near future prospects for growth. This uncertainty could affect anticipated USPTO workloads and fee collections which in turn could significantly impact the USPTO's long-term goals, objectives and targets, and therefore simultaneously affect any interim results.</p> <p>Success of these objectives will be determined by the specific performance measures laid out in the attached document and will be measured based on overall performance taking into account the totality of all the measures in the attached document. Meeting or exceeding the targets set forth in the attached document represents a level of outstanding performance</p>	<p>Goal I, Objectives 1 and 2 of the <i>USPTO 2014-2018 Strategic Plan</i> will be accomplished when patent pendency is optimized, allowing a final action on the merits within one year of filing for any applicant who requests it, with overall patent pendency time reduced to 10 months for a first office action and 20 months total pendency. This is a long-term, multi-year goal to be achieved over the next several years.</p> <p>Goal 1, Objective 4 of the USPTO 2014-2018 Strategic Plan will be accomplished when issued patents are of higher quality, claim clarity is improved, and the stakeholder community has a clear understanding of the meaning of a "quality" patent.</p> <p>Goal 1, Objective 6 of the USPTO 2018 Strategic Plan will be accomplished by focusing on improving and enhancing stakeholder and public outreach and increasing awareness and transparency of patent information, and patent application and ownership information</p>
<p>Performance Requirement 3: Office of Petitions and Petitions Processing [Weight 25%]</p> <p>Develop an effective and efficient planning strategy and performance measurement system for the Office of Petitions to contribute to the achievement of goals, objectives and targets based on requirements in the President's FY 2018 Budget.</p> <p>As a fee-funded agency, the USPTO relies on user fee collections to fund operations. The USPTO considers a number of economic factors and relevant indicators when forecasting its workloads. While many of these defining indicators point toward renewed economic expansion, considerable uncertainty still remains regarding the current and near future prospects for growth. This uncertainty could affect anticipated USPTO workloads and fee collections which in turn could significantly impact the USPTO's long-term goals, objectives and targets, and therefore simultaneously affect any interim results.</p>	<p>Strategic Alignment: Strategic Goal 1 / Objective Alignment 1, 2, and 4</p> <p>Goal I, Objectives 1 and 2 of the <i>USPTO 2014-2018 Strategic Plan</i> will be accomplished when patent pendency is optimized, allowing a final action on the merits within one year of filing for any applicant who requests it, with overall patent pendency time reduced to 10 months for a first office action and 20 months total pendency. This is a long-term, multi-year goal to be achieved over the next several years.</p>

<p>Success of these objectives will be determined by the specific performance measures laid out in the attached document and will be measured based on overall performance taking into account the totality of all the measures in the attached document. Meeting or exceeding the targets set forth in the attached document represents a level of outstanding performance.</p>	<p>Goal 1, Objective 4 of the USPTO 2014-2018 Strategic Plan will be accomplished when issued patents are of higher quality, claim clarity is improved, and the stakeholder community has a clear understanding of the meaning of a "quality" patent.</p>				
<p>Performance Requirement 4: Quality and Training [Weight 25%]</p> <p>Develop an effective and efficient planning strategy and performance measurement system to contribute to the achievement of goals, objectives and targets based on requirements in the President's FY 2018 Budget.</p> <p>As a fee-funded agency, the USPTO relies on user fee collections to fund operations. The USPTO considers a number of economic factors and relevant indicators when forecasting its workloads. While many of these defining indicators point toward renewed economic expansion, considerable uncertainty still remains regarding the current and near future prospects for growth. This uncertainty could affect anticipated USPTO workloads and fee collections which in turn could significantly impact the USPTO's long-term goals, objectives and targets, and therefore simultaneously affect any interim results.</p> <p>Success of these objectives will be determined by the specific performance measures laid out in the attached document and will be measured based on overall performance taking into account the totality of all the measures in the attached document. Meeting or exceeding the targets set forth in the attached document represents a level of outstanding performance.</p>	<p>Strategic Alignment: Strategic Goal 1 /Objective Alignment 4</p> <p>Goal I, Objective 4 of the <i>USPTO 2014-2018 Strategic Plan</i> will be accomplished when issued patents are of higher quality, claim clarity is improved, and the stakeholder community has a clear understanding of the meaning of a "quality" patent.</p>				
<p>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

Deriving the Results Driven Rating Worksheet

Executive Name **Bahr, Robert** Rating Period **10/1/17 – 9/30/18**

Results Driven Sub Elements (SE)	Sub Element Rating Level Score	Weight (multiply by)	Sub Element Points Score	Point Ranges to Rating Level Score	Results Driven Initial Element Score
Sub Element 1 <i>Backlog, Pendency and Timeliness</i>	(b)(6)	25%	(b)(6)	Points 475 – 500 = Level 5 Rating Score Points 400 – 474 = Level 4 Rating Score Points 300 – 399 = Level 3 Rating Score Points 200 – 299 = Level 2 Rating Score Any SE rated Level 1 overall score must be = Level 1 Rating Score	
Sub Element 2 <i>Patent Legal Administration, Examination Guidance and Rulemakings</i>		25%			
Sub Element 3 <i>Office of Petitions and Petitions Processing</i>		25%			
Sub element 4 <i>Quality and Training</i>		25%			
		= 100%			
Sub Element Total Score	(b)(6)				

Example of Results Driven Element Being Rated Level 4

Results Driven Sub Elements (SE)	Sub Element Rating Level Score	Weight (multiply by)	Sub Element Points Score	Point Ranges to Rating Level Score	Results Driven Initial Element Score
Sub Element 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 SE rated Level 1 overall score must be = Level 1 Rating Score	
Sub Element 2	5	x 30	150		
Sub Element 3	5	x 15	75		
Sub element 4	3	x 30	90		
		= 100%			
Sub Element 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.**

FY 2018 Executive Performance Plan Addendum

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

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

(b)(6)

(b)(6)

Sub Element 2: Patent Legal Administration, Examination Guidance, and Rulemakings (Weight: 25%)

Measures	FY 2018 targets	FY 2018 Results
% of Clear and Timely Guidance and Memos Completed	75-85%	
% of Clear and Timely Rulemaking and Notices Published	75-85%	
% of Timely Implementation of Legislative Changes and Case Law Developments	75-85%	

Sub Element 3: Office of Petitions and Petitions Processing (Weight: 25%)

Measures	FY 2018 targets	FY 2018 Results
% of Timely Petition Decisions ¹⁾	75-85%	
% of Timely Track 1 Petition Decisions ²⁾	75-85%	
% of Timely PPH Petitions ³⁾	75-85%	

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

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

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

3) PPH petitions processed in less than 90 days.

Sub Element 4: Quality and Training (Weight 25%)

Management and Support – Quality Metrics for Correctness and Clarity	FY 2018 Targets	FY 2018 Results
FY '18 Corps Quality Metrics: 35 U.S.C 102 Correctness	>95%	
FY '18 Corps Quality Metrics: 35 U.S.C 103 Correctness	>93%	
FY '18 Corps Quality Metrics: 35 U.S.C 112 Correctness	>93%	
FY '18 Corps Quality Metrics: 35 U.S.C 101 Correctness	>97%	
FY '18 Corps Quality Metrics: 35 U.S.C 102 Clarity	>90%	
FY '18 Corps Quality Metrics: 35 U.S.C 103 Clarity	>90%	
FY '18 Corps Quality Metrics: 35 U.S.C 112(b) Clarity	>90%	
FY '18 Corps Quality Metrics: 35 U.S.C 101 Clarity	>90%	
FY '19 Examination Corps Quality Metrics: Correctness and Clarity	Establish targets for FY '19 in Q4 of FY' 18	
<i>Access to Relevant Prior Art</i> - Explore how to best utilize available electronic resources to provide examiners with information from applicant's other applications filed in the U.S. and internationally as early as possible to increase patent examination quality and efficiency.	FY 2018 Targets	FY 2018 Results
Begin development of Phase 1 of the project	FY '18, Q1	
Develop implementation plan for phases to be implemented in FY '19	FY '18 Q2/Q3/Q4	
Complete implementation of Phase 1 of the project	Complete Phase 1 implementation by the end of FY '18	
<i>35 U.S.C. 112(f)</i> - Improve the frequency of examiner clarification of the record for § 112(f) issues	FY 2018 Targets	FY 2018 Results
Provide Patent Examining Corps-Wide training	FY '18, Q1	
Training Measures and Targets	FY 2018 Targets	FY 2018 Results

Ensure that Training is delivered in a timely manner in accordance with established timelines.	Training is delivered within established timelines	
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Note: Meeting or exceeding the targets in the above sub elements represents a level of outstanding performance.

Robert Bahr
 Deputy Commissioner for Patent Examination Policy
 Office of the Commissioner for Patents
 Mid-Year Progress Review: Fiscal Year 2018

- Providing advice to the Office of the Solicitor on various disputes between applicants and the Office.
- Providing executive leadership for the Office of Petitions and overseeing the Office of Petitions in setting priorities.

Critical Element 5: Results Driven

At midyear FY 2018, the following results were achieved:

Results: Patent Pendency, Backlog and Timeliness

Patent Pendency, Backlog and Timeliness Measures	FY 2018 Targets				MY 2018 Results
	-2% - 0% Filing Growth	0% - 2% Filing Growth	2% - 4% Filing Growth	4% - 6% Filing Growth	
Patent Corps Backlog Metrics					
Unexamined Inventory*. **	493,500	505,000	516,000	528,000	(b)(6)
RCE Inventory**	23,000				
Patent Corps Pendency and Timeliness Metrics					
First Action Pendency**	15.4				(b)(6)
Total Pendency**	25.0				
UPR Production Units (PUs)**	620,000				
T1 Pendency (snapshots ≤ 12 months)	98.0%				
RCE Pendency (inventory ≤ 4 months)	72.0%				
Patent Term Adjustment (PTA) Timeframes (14/4/4/4/36)					
Provide at least one notification under 35 U.S.C. 132 within 14 – months from filing under section 111(a) or the commencement of the national stage under section 371	47% of actions and remaining inventory of 125,000 apps > 14 months				(b)(6)
Respond to a Reply under 35 U.S.C. 132 within 4 months	93% of amendment actions; 96% of remaining amended inventory; 78% of RCE actions and remaining inventory of 7,000 apps > 4 months				
Act on an application within 4 months after the date of a decision by PTAB	96% of actions and 96% of remaining inventory				
Issue a patent within 4 months from payment of the issue fee	98% of issues and 98% of remaining inventory				

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No more than 36 month application pendency	80% of issued patents	(b)(6)
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*The Unexamined Backlog goal varies with overall filing growth rate (e.g. if the filing growth rate is 0% - 2% for the FY the backlog goal will be TBD).

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

Results: Patent Legal Administration, Examination Guidance, and Rulemaking

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

Results: Office of Petitions and Petitions Processing

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

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

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

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

3) PPH petitions processed in less than 90 days.

Results: Quality and Training

Management and Support – Quality Metrics for Correctness and Clarity	FY 2018 Targets	MY 2018 Results
FY '18 Corps Quality Metrics: 35 U.S.C 102 Correctness	>95%	(b)(6)
FY '18 Corps Quality Metrics: 35 U.S.C 103 Correctness	>93%	
FY '18 Corps Quality Metrics: 35 U.S.C 112 Correctness	>93%	
FY '18 Corps Quality Metrics: 35 U.S.C 101 Correctness	>97%	
FY '18 Corps Quality Metrics: 35 U.S.C 102 Clarity	>90%	
FY '18 Corps Quality Metrics: 35 U.S.C 103 Clarity	>90%	
FY '18 Corps Quality Metrics: 35 U.S.C 112(b) Clarity	>90%	
FY '18 Corps Quality Metrics: 35 U.S.C 101 Clarity	>90%	
FY '19 Examination Corps Quality Metrics: Correctness and Clarity	Establish targets for FY '19 in Q4 of FY' 18	
Access to Relevant Prior Art - Explore how to best utilize available electronic resources to provide examiners with information from applicant's other applications filed in the U.S. and internationally as early as possible to increase patent examination quality and efficiency.	FY 2018 Targets	

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Mid-Year Progress Review: Fiscal Year 2018

Begin development of Phase 1 of the project	FY '18, Q1	Completed
Develop implementation plan for phases to be implemented in FY '19	FY '18 Q2/Q3/Q4	(b)(6)
Complete implementation of Phase 1 of the project	Complete Phase 1 implementation by the end of FY '18	
35 U.S.C. 112(f) - Improve the frequency of examiner clarification of the record for § 112(f) issues	FY 2018 Targets	MY 2018 Results
Provide Patent Examining Corps-Wide training	FY '18, Q1	(b)(6)
Training Measures and Targets	FY 2018 Targets	MY 2018 Results
Ensure that Training is delivered in a timely manner in accordance with established timelines.	Training is delivered within established timelines	(b)(6)

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

Discussion:

(b)(6)

Summary:

(b)(6)

Robert Bahr
Deputy Commissioner for Patent Examination Policy
Office of the Commissioner for Patents
Mid-Year Fiscal Year 2018

(b)(6)

At mid-year, Mr. Bahr's progress under critical elements 1, 2, 3, and 4 has included:

(b)(6)

(b)(6)

Robert Bahr

Deputy Commissioner for Patent Examination Policy

Office of the Commissioner for Patents

Mid-Year Progress Review: Fiscal Year 2018

(b)(6)



(b)(6)



(b)(6)

Critical Element 1: Leading Change (Weight 10%):

(b)(6)

(b)(6)



(b)(6)



(b)(6)



Based on the criteria for evaluation a rating level of (b)(6) is warranted in this element for FY 2018.

Critical Element 2: Leading People (Weight 10%):

(b)(6)



(b)(6)

(b)(6)

(b)(6)

Based on the criteria for evaluation a rating level of (b)(6) is warranted in this element for FY 2018.

Critical Element 3: Business Acumen (Weight 10%):

(b)(6)

(b)(6)



Based on the criteria for evaluation a rating level of (b)(6) is warranted in this element for FY 2018.

Critical Element 4: Building Coalitions (Weight 10%):

(b)(6)



Robert Bahr

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Office of the Commissioner for Patents

Fiscal Year 2018 Performance Review

(b)(6)



(b)(6)

(b)(6)

Based on the criteria for evaluation a rating level of (b)(6) is warranted in this element for FY 2018.

Critical Element 5: Results Driven (60%):

Through the oversight and efforts of Mr. Bahr, the following results were achieved in FY 2018:

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

Patent Pendency, Backlog and Timeliness Measures	FY 2018 Targets				FY 2018 Results
	-2% - 0% Filing Growth	0% - 2% Filing Growth	2% - 4% Filing Growth	4% - 6% Filing Growth	
Patent Corps Backlog Metrics					
Unexamined Inventory*.***	493,500	505,000	516,000	528,000	(b)(6)
RCE Inventory**	23,000				
Patent Corps Pendency and Timeliness Metrics					
First Action Pendency**	15.4				(b)(6)
Total Pendency**	25.0				
UPR Production Units (PUs)**	620,000				
T1 Pendency (snapshots ≤ 12 months)	98.0%				
RCE Pendency (inventory ≤ 4 months)	72.0%				

Patent Term Adjustment (PTA) Timeframes (14/4/4/4/36)		
Provide at least one notification under 35 U.S.C. 132 within 14 –months from filing under section 111(a) or the commencement of the national stage under section 371	47% of actions and remaining inventory of 125,000 apps > 14 months	(b)(6)
Respond to a Reply under 35 U.S.C. 132 within 4 months	93% of amendment actions; 96% of remaining amended inventory; 78% of RCE actions and remaining inventory of 7,000 apps > 4 months	
Act on an application within 4 months after the date of a decision by PTAB	96% of actions and 96% of remaining inventory	
Issue a patent within 4 months from payment of the issue fee	98% of issues and 98% of remaining inventory	
No more than 36 month application pendency	80% of issued patents	

(b)(6)

Based on the criteria for evaluation a rating level of (b)(6) is warranted in this sub-element for FY 2018.

Sub Element 2: Patent Legal Administration, Examination Guidance, and Rulemakings (Weight: 25%)

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

Based on the criteria for evaluation a rating level of (b)(6) is warranted in this sub-element for FY 2018.

Sub Element 3: Office of Petitions and Petitions Processing (Weight: 25%)

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

(b)(6)

(b)(6)

Based on the criteria for evaluation a rating level of (b)(6) is warranted in this sub-element for FY 2018.

Results Sub Element 4: Quality and Training (Weight 25%)

Management and Support – Quality Metrics for Correctness and Clarity	FY 2018 Targets	FY 2018 Results
FY '18 Corps Quality Metrics: 35 U.S.C 102 Correctness	>95%	(b)(6)
FY '18 Corps Quality Metrics: 35 U.S.C 103 Correctness	>93%	
FY '18 Corps Quality Metrics: 35 U.S.C 112 Correctness	>93%	
FY '18 Corps Quality Metrics: 35 U.S.C 101 Correctness	>97%	
FY '18 Corps Quality Metrics: 35 U.S.C 102 Clarity	>90%	
FY '18 Corps Quality Metrics: 35 U.S.C 103 Clarity	>90%	
FY '18 Corps Quality Metrics: 35 U.S.C 112(b) Clarity	>90%	
FY '18 Corps Quality Metrics: 35 U.S.C 101 Clarity	>90%	
FY '19 Examination Corps Quality Metrics: Correctness and Clarity	Establish targets for FY '19 in Q4 of FY' 18	(b)(6)
Access to Relevant Prior Art - Explore how to best utilize available electronic resources to provide examiners with information from applicant's other applications filed in the U.S. and internationally as early as possible to increase patent examination quality and efficiency.	FY 2018 Targets	FY 2018 Results
Begin development of Phase 1 of the project	FY '18, Q1	(b)(6)
Develop implementation plan for phases to be implemented in FY '19	FY '18 Q2/Q3/Q4	
Complete implementation of Phase 1 of the project	Complete Phase 1 implementation by the end of FY '18	
35 U.S.C. 112(f) - Improve the frequency of examiner clarification of the record for § 112(f) issues	FY 2018 Targets	FY 2018 Results
Provide Patent Examining Corps-Wide training	FY '18, Q1	(b)(6)
Training Measures and Targets	FY 2018 Targets	FY 2018 Results
Ensure that Training is delivered in a timely manner in accordance with established timelines.	Training is delivered within established timelines	(b)(6)

Notes:

(b)(6)

Based on the criteria for evaluation a rating level of (b)(6) is warranted in this sub-element for FY 2018.

Robert Bahr

Deputy Commissioner for Patent Examination Policy

Office of the Commissioner for Patents

Fiscal Year 2018 Performance Review

Based on the criteria for evaluation an overall rating level of (b)(6) is warranted in this element for FY 2018.



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): Bahr, Robert	Appraisal Pd. 10/1/16 – 9/30/17
Executive's Signature: (b)(6)	Date: 7/21/2016
Title: Deputy Commissioner for Patent Examination Policy	Organization: Patents
Rating Official's Name (Last, First, MI): Hirshfeld, Andrew H.	CA <input type="checkbox"/> NC <input type="checkbox"/> LT/LE <input type="checkbox"/>
Rating Official's Signature: (b)(6)	Date: 9/20/16

Part 2. Progress Review

Executive's Signature: (b)(6)	Date: 4/22/17
Rating Official's Signature: (b)(6)	Date: 4/26/17
Reviewing Official's Signature (Optional):	Date:

Part 3. Summary Rating

Initial Summary Rating (b)(6)

Rating Official's Name (Last, First, MI): Hirshfeld, Andrew H.	
Rating Official's Signature: (b)(6)	Date: 10/25/17
Executive's Signature: (b)(6)	Date: 10/25/17
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 (b)(6)

PRB Chair Signature: (b)(6) Date: _____

Annual Summary Rating (b)(6)

Appointing Authority Signature: (b)(6) 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)		
Total			100%			

Part 5. Critical Elements

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

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

Element Rating Level Points

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

Critical Element 1. Leading Change**(Minimum weight 5%)****Weight 10%**

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

Agency-Specific Performance Requirements

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

- Establishes organizational goals that are consistent with priorities established by the Secretary and Deputy Secretary of Commerce, government-wide initiatives established by the Administration, and strategic goals of the Department; and ensures that they are appropriately reflected in performance plans throughout the organization with meaningful measures and clear priorities;
- Works collaboratively to foster economic growth and opportunity, to meet the needs of businesses and entrepreneurs, and to create jobs to benefit the American people;
- Exhibits vision and strategic thinking to address concerns that cross organizational boundaries and to meet the long-term interests of the Department;
- Uses creativity and innovation, and encourages new ideas and unconventional approaches in response to evolving conditions;
- Ensures success of the America Invents Act (AIA) by actively supporting internal and external training, devoting sufficient resources, increasing awareness of new initiatives, and collaborating with all necessary parties to ensure an innovative, effective, and efficient reformed patent system;
- Puts procedures in place to analyze examination processes and explore prosecution efficiencies;
- Continues to strengthen time and attendance controls for both teleworking and non-teleworking employees within the Executive's area of oversight;
- Supports the continued deployment of Patents-End-to-End (PE2E) tools within the Patents Business Unit;
- Supports the continued establishment of the office of the Deputy Commissioner for Patent Quality and related quality initiatives developed under the Enhanced Patent Quality Initiative (EPQI) in support of achieving excellence in: work products, customer service, and measuring patent quality; and
- Ensures that workloads are monitored within the Executive's area of oversight and takes steps to make sure that workloads are appropriate.

Individual Projects (List below):

- Sets strategic direction within the Office of the Deputy Commissioner for Patent Examination Policy (D/C PEP) (eg. OPLA, Office of Petitions, and MPEP) to address organizational goals and build a collaborative, transparent culture with increased quality components;
- Oversees and provides executive leadership for the development and drafting of examination policy guidance and training;
- Oversees and provides executive leadership for rulemaking and drafting of Official Gazette and Federal Register notices;
- Establishes legal and policy guidance for the Office of the Commissioner for Patents including developing examination policy guidance and training;
- Continues to provide oversight of the implementation of the First Inventor to File (FITF) provisions of the AIA;
- Supports implementation of the Hague Agreement;
- Supports the development and implementation of all quality initiatives developed under the Enhanced Patent Quality Initiative (EPQI) within Patents in support of achieving excellence in: work products, customer service, and measuring patent quality;
- Oversees and provides executive leadership for the Office of Petitions and oversees activities with the Office of Petitions;
- Supports training within Patents so it can be delivered in a timely manner;

- Supports the patent examining corps, including the regional offices and hoteling examiners, on legal issues relating to patent examination; and
- Monitors and supports timely revisions to the MPEP to reflect changes resulting from the AIA, Patent Law Treaty (PLT), the Hague Agreement, recent case law, etc.

Rating Official Narrative: *(Optional)* see attached

Critical Element Rating – Leading Change

(b)(6)

Critical Element 2. Leading People

(Minimum weight 5%)

Weight 10%

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

Agency-Specific Performance Requirements

Builds and manages an appropriately skilled workforce by:

- Enhancing the Employee Relations (ER) liaison program;
- Ensuring surveys (including Federal Employee Viewpoint Survey) and other instruments are in place to monitor and develop plans to provide a work environment that optimizes performance and increases job satisfaction
- Embracing equal opportunity principles;
- Fostering a diverse and inclusive environment characterized by cultural sensitivity and respect for divergent employee backgrounds;
- Promptly and appropriately addressing allegations of harassment or discrimination;
- Overseeing the recruitment, selection, appraisal and recognition of employees based on individual performance;
- Supporting Agency efforts to train employees on equal opportunity principles;
- Aligning performance plans and awards with Agency goals;
- Identifying talent gaps and providing training and developmental opportunities, coaching and counseling to employees to strengthen performance or address concerns;
- Encouraging employees to develop new and better ways of performing tasks;
- Supporting a culture of transparency, communication and collaboration in the Patents Business area;
- 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.

Individual Projects (listed below):

- Works with managers and employees to identify performance gaps and provide necessary training;
- Develops and implements an integrated training approach for the patent examining corps to leverage resources and maximize the impact and retention of information;
- Conducts town-hall meetings with employees and managers to identify and address concerns;
- Uses results of the Federal Employee Viewpoint Survey (EVS) and other survey instruments to improve designated areas of opportunity within the Office of Patent Legal Administration, the Office of Petitions and the MPEP;
- Assesses resource needs and redefines requirements to maximize effectiveness;
- Encourages staff to develop creative ideas and solutions for providing improved applicant-oriented services; and

- Supports supervisor training programs designed to improve mentoring and coaching skills in order to assist OPLA support in reaching full potential

Rating Official Narrative: *(Optional)* see attached

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

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

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

Agency-Specific Performance Requirements

- Assesses current and future staffing needs on a regular basis;
- Implements Business Unit’s Human Capital Strategic Plans that include recruitment strategies that support organizational objectives;
- Demonstrates sound management of human, financial and technological resources in order to achieve established priorities, goals, and objectives. In doing so, manages program performance throughout the year to maximize operational efficiency and effectiveness within established budgetary resources; ensures overtime is effectively distributed and usage monitored; builds and manages an appropriately skilled and diverse workforce based on organizational goals, budget considerations, and staffing needs; and engages in succession planning as needed for long-term organizational effectiveness;
- Makes effective use of available information technology (IT) to achieve organizational goals; works collaboratively with IT professionals at the operating unit and Department levels, as appropriate, to safeguard IT equipment, software and data; ensures required property accountability processes are in place and ensures appropriate training of employees to avoid cyber-security threats;
- Fosters a work environment that is safe, secure and conducive to the retention of a skilled and effective workforce, which includes continuity of operations planning and emergency preparedness, addressing unsafe working conditions or environmental concerns, and facilitating employee awareness of the procedures to follow in the event of an emergency;
- Adheres to applicable administrative and programmatic laws, regulations, policies and procedures that provide the internal controls needed to safeguard resources, achieve organizational objectives, and protect the confidentiality of information provided to the agency, and respect individual privacy; and
- Strengthens the USPTO’s telework program and improves controls to best manage employees and focuses on the implementation of any new actions and guidance as may be necessary.

Individual Projects (List Below):

- Improves and enhances recruitment strategies to attract highly skilled and diverse professionals through the expansion of telework programs and the implementation of a nation-wide workforce;
- Supports the IT development of search and information resources and capabilities for internal and external stakeholders;
- Assists in the identification of and addresses anomalies in examination trends pertinent to particular areas within patent operations; and
- Ensures that Patents budget is managed effectively within areas of oversight.

Rating Official Narrative: *(Optional)* see attached

Critical Element 4. Building Coalitions

(Minimum weight 5%)

Weight 10%

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

Agency-Specific Performance Requirements

- Assures that each business unit participates in the formulation of clear, concise, and effective communication strategies, including providing appropriate information and documentation to the Office of the Chief Communication Officer;
- Demonstrates a high degree of responsiveness to the full range of clients, including end users of goods and services for which the executive is responsible, Departmental and operating unit leadership, members of Congress and their staffs, and the public in general;
- Develops strategic alliances both within and across organizational lines to achieve common goals, meets evolving requirements, and shares knowledge, skills and experience needed for personal development and professional performance;
- Builds consensus of opinion among stakeholders;
- Seeks to identify client needs and expectations, responds to identified concerns promptly, professionally and fairly, and improves business and management processes based on customer and employee feedback;
- Solicits employee feedback on direction received, opportunities provided, and recognition given, as inputs for improving how employees are led and motivated;
- Collaborates with stakeholders on outreach and on specific Patent-related initiatives;
- Works closely with internal and external stakeholders in the development and implementation of quality initiatives that support the Enhances Patent Quality Initiative;
- Ensures appropriate investigation and resolution of labor issues raised with Patent management;
- Develops and/or participates in formal cross-organizational boundary collaboration activities whenever appropriate to enhance service delivery and comprehensive mission coordination within the Department, among organizations with complimentary missions, and within the USPTO;
- Supports a transparent and collaborative work environment; and
- Encourages enhanced communication within and across Business Units.

Individual Projects (List Below):

- Develops and implements strategies to improve internal and external communications;
- Establishes alliances to promote inter- and intra-agency collaboration and cooperation;
- Establishes transparent operations and processes to disseminate data in a timely manner to the public through the USPTO website and other electronic media;
- Executes outreach efforts with the Patent Public Advisory Committee (PPAC), Software Partnership, Biotechnology Customer Partnership, business groups, advocacy organizations, and the general public;
- Provides education and outreach to internal stakeholders;
- Represents the USPTO at inter-agency and non-Governmental meetings and events;
- Conducts public presentations on a variety of issues relating to patent examination policy and patent law; and
- Meets regularly with senior leadership of the Patent Trial and Appeal Board (PTAB), Office of the Solicitor and the Office of Governmental Affairs (OGA) to discuss legal priorities of the Agency.

Rating Official Narrative: (Optional) see attached

Critical Element 5. Results Driven	(Minimum Weight 20%)	Weight 60%
<p>Agency Goals/Objectives for current FY: Must have at least 1 result (may have more than 4)</p>		
<p>This critical element includes specific performance requirements expected of the executive during the appraisal period, focusing on measurable outcomes from the strategic plan or other measurable outputs and outcomes clearly aligned to organizational goals and objectives. At a minimum, the performance plan will include performance requirements (including measures, targets, timelines, or quality descriptors, as appropriate) describing the range of performance at Level 3 for each result specified. It is recommended to also establish the threshold measures/targets for Levels 5 and 2.</p>		
<p>Individual and organizational performance requirements expected to support of USPTO strategic initiatives. The executive is accountable for up to four sub-elements aligned/linked to the USPTO’s mission, strategic goals, program/policy objectives and/or annual performance plan, which contribute to the success of the agency effectively achieving goals in conformance with the Government Performance and Results Act. Performance meets or exceeds quality standards, is effective and efficient and produces significant benefits. Results reflect balanced consideration of public’s and other stakeholders’ concerns. Within his/her program area the executive provides leadership to ensure program objectives are met for quality, timeliness, efficiency, or other factors. The executive communicates USPTO objectives to employees; sets clear standards for their achievement and provide appropriate support for their achievement. Sub-elements may be weighed individually for a total of 60 percent and no sub-element should be weighted lower than 10 percent. Include specific measurable teaming/collaboration tasks designed to ensure collaboration and teamwork across business unit organization boundaries. <i>[Over the course of the appraisal cycle, it is acknowledged that certain performance commitments may be overtaken by events outside of the executive’s control such as funding, additional initiatives, or changes in USPTO priorities.]</i></p>		
<p>Alignment--cite relevant goals/objectives, page numbers, from the Strategic Plan, Congressional Budget Justification/Annual Performance Plan, or other organizational planning document in the designated section for each performance requirement specified.</p>		
<p>Sub Element/Performance Requirement 1: Backlog, Pendency and Timeliness [Weight 20%]</p>	<p>Strategic Alignment: Strategic Goal 1 /Objective Alignments 1 and 2</p>	
<p>Develop an effective and efficient business planning strategy and performance measurement system to contribute to the achievement of goals, objectives and targets based on requirements in the President’s FY 2017 Budget.</p>		
<p>As a fee-funded agency, the USPTO relies on user fee collections to fund operations. The USPTO considers a number of economic factors and relevant indicators when forecasting its workloads. While many of these defining indicators point toward renewed economic expansion, considerable uncertainty still remains regarding the current and near future prospects for growth. This uncertainty could affect anticipated USPTO workloads and fee collections which in turn could significantly impact the USPTO’s long-term goals, objectives and targets, and therefore simultaneously affect any interim results.</p>		<p>Goal 1, Objectives 1 and 2 of the <i>USPTO 2014-2018 Strategic Plan</i> will be accomplished when patent pendency is optimized, allowing a final action on the merits within one year of filing for any applicant who requests it, with overall patent pendency time reduced to 10 months for a first office action and 20 months total pendency. This is a long-term, multi-year goal to be achieved over the next several years.</p>
<p>Success of these objectives will be determined by the specific performance measures laid out in the attached document and will be measured based on overall performance taking into account the totality of all the measures in the attached document. Meeting or exceeding the targets set forth in the attached document represents a level of outstanding performance.</p>		
<p>Sub Element/Performance Requirement 2: Patent Legal Administration, Examination Guidance and Rulemakings [Weight 35%]</p>	<p>Strategic Alignment: Strategic Goal 1 /Objective Alignments 1, 2, 4, and 6</p>	

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

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

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

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

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

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

Sub Element/Performance Requirement 3: Office of Petitions and Petitions Processing [Weight 30%]

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

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

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

Strategic Alignment: Strategic Goal 1 /Objective Alignment 1, 2 and 4

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

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

Sub Element/Performance Requirement 4: Quality and Training [Weight 20%]

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

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

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

Strategic Alignment: Strategic Goal 1 /Objective Alignment 4

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

Rating Official Narrative: *(Optional) see attached*

Critical Element Rating – Results Driven

(b)(6)

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 Robert Bahr Rating Period 10/1/16 – 9/30/17

Results Driven Sub Elements (SE)	Sub Element Rating Level Score	Weight (multiply by)	Sub Element Points Score	Point Ranges to Rating Level Score	Results Driven Initial Element Score
Sub Element 1 <i>(Backlog, Pendency and Timeliness)</i>	(b)(6)	20%	(b)(6)	Points 475 – 500 = Level 5 Rating Score Points 400 – 474 = Level 4 Rating Score Points 300 – 399 = Level 3 Rating Score Points 200 – 299 = Level 2 Rating Score Any SE rated Level 1 overall score must be = Level 1 Rating Score	
Sub Element 2 <i>(Patent Legal Administration, Examination Guidance, and Rulemakings)</i>		30%			
Sub Element 3 <i>(Office of Petitions and Petitions Processing)</i>		30%			
Sub element 4 <i>(Quality and Training)</i>		20%			
		= 100%			
Sub Element Total Score	(b)(6)				

Example of Results Driven Element Being Rated Level 4

Results Driven Sub Elements (SE)	Sub Element Rating Level Score	Weight (multiply by)	Sub Element Points Score	Point Ranges to Rating Level Score	Results Driven Initial Element Score
Sub Element 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 SE rated Level 1 overall score must be = Level 1 Rating Score	
Sub Element 2	5	x 30	150		
Sub Element 3	5	x 15	75		
Sub element 4	3	x 30	90		
		= 100%			
Sub Element 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.

Results Sub Element 1: Backlog, Pendency and Timeliness (Weight 20%)

<i>Backlog, Pendency and Timeliness Measures</i>	<i>FY 2017 Targets</i>				<i>FY 2017 Results</i>
	<i>FY17: -1.0% Growth</i>	<i>FY17: 1.0% Growth</i>	<i>FY17: 3.0% Growth</i>	<i>FY17: 5.0% Growth</i>	
<i>Patent Corps Backlog Metrics</i>					
Unexamined Backlog*	440,000 - 490,000	450,000 - 500,000	465,000 - 515,000	475,000 - 525,000	
RCE backlog	25,000 - 29,000				
<i>Patent Corps Pendency and Timeliness Metrics</i>					
First Action Pendency	14.5-16.0				
Total Pendency	24.1 - 26.7				
UPR PUs	608,000 - 672,000				
T1 Pendency (snapshots < 12 months)	97.1% - 97.7%				
RCE Pendency (inventory > 4 months)	30% - 36%				

*The Unexamined Backlog goal varies with overall filing growth rate (e.g. if the filing growth rate is 1.0% for the FY the backlog goal will be 450,000-500,000).

Results Sub Element 2: Patent Legal Administration, Examination Guidance, and Rulemakings (Weight: 30%)

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

Results Sub Element 3: Office of Petitions and Petitions Processing (Weight: 30%)

<i>Office of Petitions Measures</i>	<i>FY 2017 Targets</i>	<i>FY 2017 Results</i>
% of Timely Petition Decisions ¹	75%	
% of Timely Track 1 Petition Decisions ²	60%	
% of Timely Patent Prosecution Highway (PPH) Decisions ³	60%	

¹ Petitions processed in less than six months from the filing date:

a. Does not include PTA decisions

²Track 1 petitions processed in less than 60 days.

³PPH petitions processed in less than 120 days.

Results Sub Element 4: Quality and Training (Weight 20%)

<i>Quality Programs Measures and Targets</i>	<i>FY 2017 Results</i>
Support the implementation of the Correctness and Clarity Data Collection Form (CCDC) for reviews in the Office of Patent Quality Assurance (OPQA)	

Support the reevaluation of AFCP 2.0 and the Pre-Appeal Conference program and assist in the development of a follow-on after final program in response to the completed reevaluation as appropriate	
Provide assistance and guidance in the development of baseline Correctness and Clarity metrics utilizing the results of the FY 2016 CCDC reviews	
Assist in the development of Quality Metrics and Targets for FY 2017 in the 4 th Quarter of the FY utilizing the baselined Correctness and Clarity Metrics	
Provide support and legal assistance to the implementation of the Clarity of the Record Pilot Program in Patent Operations – provide support to develop best practices for enhancing the clarity of all aspects of the prosecution record and then study the impact of implementing these best practices during examination	
Support the development of a program/process for providing post-grant outcomes from sources, such as the Patent Trial and Appeal Board (PTAB), to the examiner of record and the examiners of related applications. (EPQI – Post Grant Outcome Initiative)	
Support the development of a program for reviewing the consistency of examination and programs to address any inconsistencies	
Provide leadership in the development of and provide support to the topic submission for case studies program	

<i>Training Measures and Targets</i>	FY 2017 Results
Ensure that Training is developed and delivered in a timely manner in accordance with established timelines.	
Assist with the development of Clarity of the Record Training modules for examiners on effective ways to improve all aspects of the clarity of the prosecution record.	
Support training within Patents so it can be delivered in a timely manner	

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

(b)(6)

FY 2017 PAP Addendum

Results Sub Element 1: Backlog, Pendency and Timeliness (Weight 20%)

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

(b)(6)

Sub Element 2: Patent Legal Administration, Examination Guidance, and Rulemakings (Weight: 30%)

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

Sub Element 3: Office of Petitions and Petitions Processing (Weight: 30%)

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

(b)(6)

Results Sub Element 4: Quality and Training (Weight 20%)

<i>FY 2017 Quality Results, Measures and Targets</i>		
Management and Support - Clarity Data Collection Form (CCDC)	<i>FY 2017 Targets</i>	<i>FY 2017 Results</i>
Support the implementation of MRF 3.0	Implement MRF 3.0 by end of FY '17	
Management and Support – Quality Metrics for Correctness and Clarity	<i>FY 2017 Targets</i>	<i>FY 2017 Results</i>
<i>FY 2017 Statutory Compliance Rate Targets</i>		
FY '17 Corps Quality Metrics: 102 Correctness	90 - 95%	
FY '17 Corps Quality Metrics: 103 Correctness	88 - 93%	
FY '17 Corps Quality Metrics: 112 Correctness	87 - 92%	
FY '17 Corps Quality Metrics: 101 Correctness	93 - 98%	
FY '17 Corps Quality Metrics: Clarity	Establish baseline clarity metric(s) for FY '18 by end of Q4	
FY '18 Corps Quality Metrics: Correctness	Re-evaluate current targets	
Implement Phase 2 of Clarity of Record Pilot	Implement in FY '17	
Enhanced Search Program	Establish pilot in FY '17	
Topic Submissions for Case Studies	Support publication of reports (6) for studies implemented in FY '16	
Support the implementation of a uniform standard of review to be utilized in the Office of Patent Quality Assurance (OPQA) and the TCs	Implement a uniform standard of review within Patents	
<i>Training Measures and Targets</i>	<i>FY 2017 Targets</i>	<i>FY 2017 Results</i>
Ensure that Training is delivered in a timely manner in accordance with established timelines.	Training is delivered within established timelines	
Training Measures and Targets – Clarity of the Record	Develop and Deliver training related to Clarity of the Record	
Support the development and delivery of 112(f) training within Patents	Develop and Deliver training related to 112(f) by the end of FY '17	

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

I hereby acknowledge receipt of the above PAP addendum which replaces Results Sub Elements 1, 2, 3 and 4 of the FY 2017 PAP signed on September 21, 2016 in its entirety.

Signature:  (b)(6)

Date: 7/13/2017

Robert Bahr
Deputy Commissioner for Patent Examination Policy
Office of the Commissioner for Patents
Fiscal Year 2017 Performance Review

(b)(6)

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Critical Element 1: Leading Change (Weight 10%):

(b)(6)

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(b)(6)



(b)(6)



(b)(6)

Based on the criteria for evaluation a rating level of (b)(6) is warranted in this element for FY 2017.

Critical Element 2: Leading People (Weight 10%):

(b)(6)

(b)(6)

(b)(6)

Robert Bahr
Deputy Commissioner for Patent Examination Policy
Office of the Commissioner for Patents
Fiscal Year 2017 Performance Review

Based on the criteria for evaluation a rating level of (b)(6) is warranted in this element for FY 2017.

Critical Element 3: Business Acumen (Weight 10%):

(b)(6)

Mr. Bahr's accomplishments under this element during fiscal year 2017 included:

- Providing executive leadership to -

(b)(6)

Robert Bahr
Deputy Commissioner for Patent Examination Policy
Office of the Commissioner for Patents
Fiscal Year 2017 Performance Review

Based on the criteria for evaluation a rating level of (b)(6) is warranted in this element for FY 2017.

Critical Element 4: Building Coalitions (Weight 10%):

(b)(6)

Mr. Bahr's accomplishments under this element during fiscal year 2017 included:

(b)(6)

(b)(6)

(b)(6)

Based on the criteria for evaluation a rating level of (b)(6) is warranted in this element for FY 2017.

Critical Element 5: Results Driven (60%):

In FY 2017, the following results were achieved:

Results Sub Element 1: Backlog, Pendency and Timeliness (Weight 20%)

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

(b)(6)

(b)(6)

Robert Bahr
 Deputy Commissioner for Patent Examination Policy
 Office of the Commissioner for Patents
 Fiscal Year 2017 Performance Review

(b)(6)

Based on the criteria for evaluation a rating level of (b)(6) is warranted in this sub-element for FY 2017.

Sub Element 2: Patent Legal Administration, Examination Guidance, and Rulemakings (Weight: 30%)

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

Based on the criteria for evaluation a rating level of Level 5 is warranted in this sub-element for FY 2017.

Sub Element 3: Office of Petitions and Petitions Processing (Weight: 30%)

<i>Office of Petitions Measures</i>		
	<i>FY 2017 Targets</i>	<i>FY 2017 Results</i>
% of Timely Petition Decisions ¹⁾	75-85%	(b)(6)
% of Timely Track 1 Petition Decisions ²⁾	75-85%	
% of Timely PPH Petitions ³⁾	75-85%	

(b)(6)

Based on the criteria for evaluation a rating level of (b)(6) is warranted in this sub-element for FY 2017.

Results Sub Element 4: Quality and Training (Weight 20%)

<i>FY 2017 Quality Results, Measures and Targets</i>		
<i>Management and Support - Clarity Data Collection Form (CCDC)</i>	<i>FY 2017 Targets</i>	<i>FY 2017 Results</i>
Support the implementation of MRF 3.0	Implement MRF 3.0 by end of FY '17	(b)(6)
Management and Support – Quality Metrics for Correctness and Clarity		
<i>FY 2017 Statutory Compliance Rate Targets</i>		
FY '17 Corps Quality Metrics: 102 Correctness	90 - 95%	(b)(6)
FY '17 Corps Quality Metrics: 103 Correctness	88 - 93%	
FY '17 Corps Quality Metrics: 112 Correctness	87 - 92%	
FY '17 Corps Quality Metrics: 101 Correctness	93 - 98%	

Robert Bahr
 Deputy Commissioner for Patent Examination Policy
 Office of the Commissioner for Patents
 Fiscal Year 2017 Performance Review

FY '17 Corps Quality Metrics: Clarity	Establish baseline clarity metric(s) for FY '18 by end of Q4	(b)(6)
FY '18 Corps Quality Metrics: Correctness	Re-evaluate current targets	
Implement Phase 2 of Clarity of Record Pilot	Implement in FY '17	
Enhanced Search Program	Establish pilot in FY '17	
Topic Submissions for Case Studies	Support publication of reports (6) for studies implemented in FY '16	
Support the implementation of a uniform standard of review to be utilized in the Office of Patent Quality Assurance (OPQA) and the TCs	Implement a uniform standard of review within Patents	
Training Measures and Targets	FY 2017 Targets	FY 2017 Results
Ensure that Training is delivered in a timely manner in accordance with established timelines.	Training is delivered within established timelines	(b)(6)
Training Measures and Targets – Clarity of the Record	Develop and Deliver training related to Clarity of the Record	
Support the development and delivery of 112(f) training within Patents	Develop and Deliver training related to 112(f) by the end of FY '17	

- Establish baseline clarity metric(s) for FY 2018 by the end of the fourth quarter of FY 2017: The

(b)(6)

- Implement Phase 2 of Clarity of Record Pilot in FY 2017: (b)(6)

(b)(6)

- Establish an Enhanced Search Program pilot program in FY 2017: (b)(6)

(b)(6)

Robert Bahr

Deputy Commissioner for Patent Examination Policy

Office of the Commissioner for Patents

Fiscal Year 2017 Performance Review

Based on the criteria for evaluation a rating level of (b)(6) is warranted in this sub-element for FY 2017.

Based on the criteria for evaluation an overall rating level of (b)(6) is warranted in this element for FY 2017.

Robert Bahr
Deputy Commissioner for Patent Examination Policy
Office of the Commissioner for Patents
Mid-Year Fiscal Year 2017

(b)(6)

(b)(6)

(b)(6)

Robert Bahr
Deputy Commissioner for Patent Examination Policy
Office of the Commissioner for Patents
Mid-Year Progress Review: Fiscal Year 2017

(b)(6)



Robert Bahr

Deputy Commissioner for Patent Examination Policy

Office of the Commissioner for Patents

Mid-Year Progress Review: Fiscal Year 2017

(b)(6)

At mid-year, Mr. Bahr’s progress under critical element 5 has included:

Sub Element 1: Backlog, Pendency and Timeliness:

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

(b)(6)

Sub Element 2: Patent Legal Administration, Examination Guidance, and Rulemaking

<i>Measures</i>	<i>FY15 - Level 3 targets</i>	<i>Mid-Year</i>
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Robert Bahr

Deputy Commissioner for Patent Examination Policy
 Office of the Commissioner for Patents
 Mid-Year Progress Review: Fiscal Year 2017

% of Clear and Timely Guidance and Memos Completed	75-85%	(b)(6)
% of Clear and Timely Rulemaking and Notices Published	75-85%	
% of Timely Implementation of Legislative Changes and Case Law Developments	75-85%	

Sub Element 3: Office of Petitions and Petitions Processing

<i>Measures</i>	<i>FY15 - Level 3 targets</i>	<i>Mid-Year</i>
% of Timely Petition Decisions ¹⁾	75-85%	(b)(6)
% of Timely Track 1 Petition Decisions ²⁾	75-85%	
% of Timely PPH Petitions ³⁾	75-85%	

(b)(6)

Sub Element 4: Quality and Training

<i>FY 2017 Quality Results, Measures and Targets</i>		
<i>Management and Support - Clarity Data Collection Form (CCDC)</i>	<i>FY 2017 Targets</i>	<i>Mid-Year FY 2017 Results</i>
Implement MRF 3.0	Implement by end of FY '17 Q3	(b)(6)
<i>Management and Support – Quality Metrics for Correctness and Clarity</i>		
<i>FY 2017 Statutory Compliance Rate Targets</i>		
FY '17 Corps Quality Metrics: 102 Correctness	90 - 95%	(b)(6)
FY '17 Corps Quality Metrics: 103 Correctness	88 - 93%	
FY '17 Corps Quality Metrics: 112 Correctness	87 - 92%	
FY '17 Corps Quality Metrics: 101 Correctness	93 - 98%	
FY '17 Corps Quality Metrics: Clarity	Establish baseline clarity metric(s) for FY '18 by end of Q4	(b)(6)
FY '18 Corps Quality Metrics: Correctness	Re-evaluate current targets	
Implement Phase 2 of Clarity of Record Pilot	Implement in FY '17	
Enhanced Search Program	Establish pilot in FY '17	
Topic Submissions for Case Studies	Support publication of reports (6) for studies implemented in FY '16	

Robert Bahr

Deputy Commissioner for Patent Examination Policy

Office of the Commissioner for Patents

Mid-Year Progress Review: Fiscal Year 2017

Support the implementation of a uniform standard of review to be utilized in the Office of Patent Quality Assurance (OPQA) and the Technology Centers	Implement a uniform standard of review within Patents	(b)(6)
<i>Training Measures and Targets</i>	<i>FY 2017 Targets</i>	<i>Mid-Year FY 2017 Results</i>
Ensure that Training is delivered in a timely manner in accordance with established timelines.	Training is delivered within established timelines	(b)(6)
Training Measures and Targets – Clarity of the Record	Develop and deliver training related to Clarity of the Record	
Support the development and delivery of 112(f) training within Patents	Develop and deliver training related to 112(f) by the end of FY '17	

Areas of Focus:

(b)(6)

Summary:

(b)(6)



SES Performance Management System Executive Performance Agreement



Part 1. Consultation. <i>I have reviewed this plan and have been consulted on its development.</i>						
Executive's Name (Last, First, MI): Bahr, Robert				Appraisal Pd. 10/1/16 – 9/30/17		
Executive's Signature: (b)(6)				Date: 7/21/2016		
Title: Deputy Commissioner for Patent Examination Policy				Organization: Patents		
Rating Official's Name (Last, First, MI): Hirshfeld, Andrew H.				CA <input type="checkbox"/> NC <input type="checkbox"/> LT/LE <input type="checkbox"/>		
Rating Official's Signature: (b)(6)				Date: 9/20/16		
Part 2. Progress Review						
Executive's Signature: (b)(6)				Date: 4/22/17		
Rating Official's Signature: (b)(6)				Date: 4/26/17		
Reviewing Official's Signature (Optional):				Date:		
Part 3. Summary Rating						
Initial Summary Rating (b)(6)						
Rating Official's Name (Last, First, MI): Hirshfeld, Andrew H.						
Rating Official's Signature: (b)(6)				Date: 10/25/17		
Executive's Signature: (b)(6)				Date: 10/25/17		
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)(6)						
PRB Chair Signature: (b)(6)				Date:		
Annual Summary Rating (b)(6)						
Appointing Authority Signature: (b)(6)				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)		(b)(6)	(b)(6)		475-500 = Level 5 400-474 = Level 4 300-399 = Level 3 200-299 = Level 2 Any CE rated Level 1 = Level 1
2. Leading People	(b)(6)			(b)(6)		
3. Business Acumen	(b)(6)			(b)(6)		
4. Building Coalitions	(b)(6)			(b)(6)		
5. Results Driven	(b)(6)			(b)(6)		
Total			100%	(b)(6)		

Part 5. Critical Elements

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

- **Level 5:** The executive demonstrates exceptional performance, fostering a climate that sustains excellence and optimizes results in the executive’s organization, agency, department or government-wide. This represents the highest level of executive performance, as evidenced by the extraordinary impact on the achievement of the organization’s mission. The executive is an inspirational leader and is considered a role model by agency leadership, peers, and employees. The executive continually contributes materially to or spearheads agency efforts that address or accomplish important agency goals, consistently achieves expectations at the highest level of quality possible, and consistently handles challenges, exceeds targets, and completes assignments ahead of schedule at every step along the way.

- **Level 4:** The executive demonstrates a very high level of performance beyond that required for successful performance in the executive’s position and scope of responsibilities. The executive is a proven, highly effective leader who builds trust and instills confidence in agency leadership, peers, and employees. The executive consistently exceeds established performance expectations, timelines, or targets, as applicable.

- **Level 3:** The executive demonstrates the high level of performance expected and the executive’s actions and leadership contribute positively toward the achievement of strategic goals and meaningful results. The executive is an effective, solid, and dependable leader who delivers high-quality results based on measures of quality, quantity, efficiency, and/or effectiveness within agreed upon timelines. The executive meets and often exceeds challenging performance expectations established for the position.

- **Level 2:** The executive’s contributions to the organization are acceptable in the short term but do not appreciably advance the organization towards achievement of its goals and objectives. While the executive generally meets established performance expectations, timelines and targets, there are occasional lapses that impair operations and/or cause concern from management. While showing basic ability to accomplish work through others, the executive may demonstrate limited ability to inspire subordinates to give their best efforts or to marshal those efforts effectively to address problems characteristic of the organization and its work.

- **Level 1:** In repeated instances, the executive demonstrates performance deficiencies that detract from mission goals and objectives. The executive generally is viewed as ineffectual by agency leadership, peers, or employees. The executive does not meet established performance expectations/timelines/targets and fails to produce – or produces unacceptable – work products, services, or outcomes.

Element Rating Level Points

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

Critical Element 1. Leading Change**(Minimum weight 5%)****Weight 10%**

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

Agency-Specific Performance Requirements

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

- Establishes organizational goals that are consistent with priorities established by the Secretary and Deputy Secretary of Commerce, government-wide initiatives established by the Administration, and strategic goals of the Department; and ensures that they are appropriately reflected in performance plans throughout the organization with meaningful measures and clear priorities;
- Works collaboratively to foster economic growth and opportunity, to meet the needs of businesses and entrepreneurs, and to create jobs to benefit the American people;
- Exhibits vision and strategic thinking to address concerns that cross organizational boundaries and to meet the long-term interests of the Department;
- Uses creativity and innovation, and encourages new ideas and unconventional approaches in response to evolving conditions;
- Ensures success of the America Invents Act (AIA) by actively supporting internal and external training, devoting sufficient resources, increasing awareness of new initiatives, and collaborating with all necessary parties to ensure an innovative, effective, and efficient reformed patent system;
- Puts procedures in place to analyze examination processes and explore prosecution efficiencies;
- Continues to strengthen time and attendance controls for both teleworking and non-teleworking employees within the Executive's area of oversight;
- Supports the continued deployment of Patents-End-to-End (PE2E) tools within the Patents Business Unit;
- Supports the continued establishment of the office of the Deputy Commissioner for Patent Quality and related quality initiatives developed under the Enhanced Patent Quality Initiative (EPQI) in support of achieving excellence in: work products, customer service, and measuring patent quality; and
- Ensures that workloads are monitored within the Executive's area of oversight and takes steps to make sure that workloads are appropriate.

Individual Projects (List below):

- Sets strategic direction within the Office of the Deputy Commissioner for Patent Examination Policy (D/C PEP) (eg. OPLA, Office of Petitions, and MPEP) to address organizational goals and build a collaborative, transparent culture with increased quality components;
- Oversees and provides executive leadership for the development and drafting of examination policy guidance and training;
- Oversees and provides executive leadership for rulemaking and drafting of Official Gazette and Federal Register notices;
- Establishes legal and policy guidance for the Office of the Commissioner for Patents including developing examination policy guidance and training;
- Continues to provide oversight of the implementation of the First Inventor to File (FITF) provisions of the AIA;
- Supports implementation of the Hague Agreement;
- Supports the development and implementation of all quality initiatives developed under the Enhanced Patent Quality Initiative (EPQI) within Patents in support of achieving excellence in: work products, customer service, and measuring patent quality;
- Oversees and provides executive leadership for the Office of Petitions and oversees activities with the Office of Petitions;
- Supports training within Patents so it can be delivered in a timely manner;

- Supports the patent examining corps, including the regional offices and hoteling examiners, on legal issues relating to patent examination; and
- Monitors and supports timely revisions to the MPEP to reflect changes resulting from the AIA, Patent Law Treaty (PLT), the Hague Agreement, recent case law, etc.

Rating Official Narrative: (Optional) see attached

Critical Element Rating – Leading Change

(b)(6)

Critical Element 2. Leading People

(Minimum weight 5%)

Weight 10%

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

Agency-Specific Performance Requirements

Builds and manages an appropriately skilled workforce by:

- Enhancing the Employee Relations (ER) liaison program;
- Ensuring surveys (including Federal Employee Viewpoint Survey) and other instruments are in place to monitor and develop plans to provide a work environment that optimizes performance and increases job satisfaction
- Embracing equal opportunity principles;
- Fostering a diverse and inclusive environment characterized by cultural sensitivity and respect for divergent employee backgrounds;
- Promptly and appropriately addressing allegations of harassment or discrimination;
- Overseeing the recruitment, selection, appraisal and recognition of employees based on individual performance;
- Supporting Agency efforts to train employees on equal opportunity principles;
- Aligning performance plans and awards with Agency goals;
- Identifying talent gaps and providing training and developmental opportunities, coaching and counseling to employees to strengthen performance or address concerns;
- Encouraging employees to develop new and better ways of performing tasks;
- Supporting a culture of transparency, communication and collaboration in the Patents Business area;
- 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.

Individual Projects (listed below):

- Works with managers and employees to identify performance gaps and provide necessary training;
- Develops and implements an integrated training approach for the patent examining corps to leverage resources and maximize the impact and retention of information;
- Conducts town-hall meetings with employees and managers to identify and address concerns;
- Uses results of the Federal Employee Viewpoint Survey (EVS) and other survey instruments to improve designated areas of opportunity within the Office of Patent Legal Administration, the Office of Petitions and the MPEP;
- Assesses resource needs and redefines requirements to maximize effectiveness;
- Encourages staff to develop creative ideas and solutions for providing improved applicant-oriented services; and

- Supports supervisor training programs designed to improve mentoring and coaching skills in order to assist OPLA support in reaching full potential

Rating Official Narrative: *(Optional)* see attached

Critical Element Rating – Leading People

(b)(6)

Critical Element 3. Business Acumen

(Minimum weight 5%)

Weight 10%

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

Agency-Specific Performance Requirements

- Assesses current and future staffing needs on a regular basis;
- Implements Business Unit's Human Capital Strategic Plans that include recruitment strategies that support organizational objectives;
- Demonstrates sound management of human, financial and technological resources in order to achieve established priorities, goals, and objectives. In doing so, manages program performance throughout the year to maximize operational efficiency and effectiveness within established budgetary resources; ensures overtime is effectively distributed and usage monitored; builds and manages an appropriately skilled and diverse workforce based on organizational goals, budget considerations, and staffing needs; and engages in succession planning as needed for long-term organizational effectiveness;
- Makes effective use of available information technology (IT) to achieve organizational goals; works collaboratively with IT professionals at the operating unit and Department levels, as appropriate, to safeguard IT equipment, software and data; ensures required property accountability processes are in place and ensures appropriate training of employees to avoid cyber-security threats;
- Fosters a work environment that is safe, secure and conducive to the retention of a skilled and effective workforce, which includes continuity of operations planning and emergency preparedness, addressing unsafe working conditions or environmental concerns, and facilitating employee awareness of the procedures to follow in the event of an emergency;
- Adheres to applicable administrative and programmatic laws, regulations, policies and procedures that provide the internal controls needed to safeguard resources, achieve organizational objectives, and protect the confidentiality of information provided to the agency, and respect individual privacy; and
- Strengthens the USPTO's telework program and improves controls to best manage employees and focuses on the implementation of any new actions and guidance as may be necessary.

Individual Projects (List Below):

- Improves and enhances recruitment strategies to attract highly skilled and diverse professionals through the expansion of telework programs and the implementation of a nation-wide workforce;
- Supports the IT development of search and information resources and capabilities for internal and external stakeholders;
- Assists in the identification of and addresses anomalies in examination trends pertinent to particular areas within patent operations; and
- Ensures that Patents budget is managed effectively within areas of oversight.

Rating Official Narrative: *(Optional)* see attached

Critical Element Rating – Business Acumen	(b)(6)	
Critical Element 4. Building Coalitions	(Minimum weight 5%)	Weight 10%
<p>Solicits and considers feedback from internal and external stakeholders or customers. Coordinates with appropriate parties to maximize input from the widest range of appropriate stakeholders to facilitate an open exchange of opinion from diverse groups and strengthen internal and external support. Explains, advocates, and expresses facts and ideas in a convincing manner and negotiates with individuals and groups internally and externally, as appropriate. Develops a professional network with other organizations and identifies the internal and external politics that affect the work of the organization.</p>		
<p>Agency-Specific Performance Requirements</p> <ul style="list-style-type: none"> • Assures that each business unit participates in the formulation of clear, concise, and effective communication strategies, including providing appropriate information and documentation to the Office of the Chief Communication Officer; • Demonstrates a high degree of responsiveness to the full range of clients, including end users of goods and services for which the executive is responsible, Departmental and operating unit leadership, members of Congress and their staffs, and the public in general; • Develops strategic alliances both within and across organizational lines to achieve common goals, meets evolving requirements, and shares knowledge, skills and experience needed for personal development and professional performance; • Builds consensus of opinion among stakeholders; • Seeks to identify client needs and expectations, responds to identified concerns promptly, professionally and fairly, and improves business and management processes based on customer and employee feedback; • Solicits employee feedback on direction received, opportunities provided, and recognition given, as inputs for improving how employees are led and motivated; • Collaborates with stakeholders on outreach and on specific Patent-related initiatives; • Works closely with internal and external stakeholders in the development and implementation of quality initiatives that support the Enhances Patent Quality Initiative; • Ensures appropriate investigation and resolution of labor issues raised with Patent management; • Develops and/or participates in formal cross-organizational boundary collaboration activities whenever appropriate to enhance service delivery and comprehensive mission coordination within the Department, among organizations with complimentary missions, and within the USPTO; • Supports a transparent and collaborative work environment; and • Encourages enhanced communication within and across Business Units. <p>Individual Projects (List Below):</p> <ul style="list-style-type: none"> • Develops and implements strategies to improve internal and external communications; • Establishes alliances to promote inter- and intra-agency collaboration and cooperation; • Establishes transparent operations and processes to disseminate data in a timely manner to the public through the USPTO website and other electronic media; • Executes outreach efforts with the Patent Public Advisory Committee (PPAC), Software Partnership, Biotechnology Customer Partnership, business groups, advocacy organizations, and the general public; • Provides education and outreach to internal stakeholders; • Represents the USPTO at inter-agency and non-Governmental meetings and events; • Conducts public presentations on a variety of issues relating to patent examination policy and patent law; and • Meets regularly with senior leadership of the Patent Trial and Appeal Board (PTAB), Office of the Solicitor and the Office of Governmental Affairs (OGA) to discuss legal priorities of the Agency. 		
<p>Rating Official Narrative: <i>(Optional)</i> <i>see attached</i></p>		
Critical Element Rating – Building Coalitions	(b)(6)	

Critical Element 5. Results Driven	(Minimum Weight 20%)	Weight 60%
<p>Agency Goals/Objectives for current FY: Must have at least 1 result (may have more than 4) This critical element includes specific performance requirements expected of the executive during the appraisal period, focusing on measurable outcomes from the strategic plan or other measurable outputs and outcomes clearly aligned to organizational goals and objectives. At a minimum, the performance plan will include performance requirements (including measures, targets, timelines, or quality descriptors, as appropriate) describing the range of performance at Level 3 for each result specified. It is recommended to also establish the threshold measures/targets for Levels 5 and 2.</p> <p>Individual and organizational performance requirements expected to support of USPTO strategic initiatives. The executive is accountable for up to four sub-elements aligned/linked to the USPTO's mission, strategic goals, program/policy objectives and/or annual performance plan, which contribute to the success of the agency effectively achieving goals in conformance with the Government Performance and Results Act. Performance meets or exceeds quality standards, is effective and efficient and produces significant benefits. Results reflect balanced consideration of public's and other stakeholders' concerns. Within his/her program area the executive provides leadership to ensure program objectives are met for quality, timeliness, efficiency, or other factors. The executive communicates USPTO objectives to employees; sets clear standards for their achievement and provide appropriate support for their achievement. Sub-elements may be weighed individually for a total of 60 percent and no sub-element should be weighted lower than 10 percent. Include specific measurable teaming/collaboration tasks designed to ensure collaboration and teamwork across business unit organization boundaries. <i>[Over the course of the appraisal cycle, it is acknowledged that certain performance commitments may be overtaken by events outside of the executive's control such as funding, additional initiatives, or changes in USPTO priorities.]</i></p> <p>Alignment--cite relevant goals/objectives, page numbers, from the Strategic Plan, Congressional Budget Justification/Annual Performance Plan, or other organizational planning document in the designated section for each performance requirement specified.</p>		
<p>Sub Element/Performance Requirement 1: Backlog, Pendency and Timeliness [Weight 20%]</p> <p>Develop an effective and efficient business planning strategy and performance measurement system to contribute to the achievement of goals, objectives and targets based on requirements in the President's FY 2017 Budget.</p> <p>As a fee-funded agency, the USPTO relies on user fee collections to fund operations. The USPTO considers a number of economic factors and relevant indicators when forecasting its workloads. While many of these defining indicators point toward renewed economic expansion, considerable uncertainty still remains regarding the current and near future prospects for growth. This uncertainty could affect anticipated USPTO workloads and fee collections which in turn could significantly impact the USPTO's long-term goals, objectives and targets, and therefore simultaneously affect any interim results.</p> <p>Success of these objectives will be determined by the specific performance measures laid out in the attached document and will be measured based on overall performance taking into account the totality of all the measures in the attached document. Meeting or exceeding the targets set forth in the attached document represents a level of outstanding performance.</p>	<p>Strategic Alignment: Strategic Goal 1 /Objective Alignments 1 and 2</p> <p>Goal 1, Objectives 1 and 2 of the <i>USPTO 2014-2018 Strategic Plan</i> will be accomplished when patent pendency is optimized, allowing a final action on the merits within one year of filing for any applicant who requests it, with overall patent pendency time reduced to 10 months for a first office action and 20 months total pendency. This is a long-term, multi-year goal to be achieved over the next several years.</p>	
<p>Sub Element/Performance Requirement 2: Patent Legal Administration, Examination Guidance and Rulemakings [Weight 35%]</p>	<p>Strategic Alignment: Strategic Goal 1 /Objective Alignments 1, 2, 4, and 6</p>	

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

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

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

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

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

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

Sub Element/Performance Requirement 3: Office of Petitions and Petitions Processing [Weight 30%]

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

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

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

Strategic Alignment: Strategic Goal 1 /Objective Alignment 1, 2 and 4

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

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

Sub Element/Performance Requirement 4: Quality and Training [Weight 20%]

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

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

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

Strategic Alignment: Strategic Goal 1 /Objective Alignment 4

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

Rating Official Narrative: *(Optional) see attached*

Critical Element Rating – Results Driven

(b)(6)

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 Robert Bahr Rating Period 10/1/16 – 9/30/17

Results Driven Sub Elements (SE)	Sub Element Rating Level Score	Weight (multiply by)	Sub Element Points Score	Point Ranges to Rating Level Score	Results Driven Initial Element Score
Sub Element 1 <i>(Backlog, Pendency and Timeliness)</i>	(b)(6)			Points 475 – 500 = Level 5 Rating Score Points 400 – 474 = Level 4 Rating Score Points 300 – 399 = Level 3 Rating Score Points 200 – 299 = Level 2 Rating Score Any SE rated Level 1 overall score must be = Level 1 Rating Score	
Sub Element 2 <i>(Patent Legal Administration, Examination Guidance, and Rulemakings)</i>					
Sub Element 3 <i>(Office of Petitions and Petitions Processing)</i>					
Sub element 4 <i>(Quality and Training)</i>					
		= 100%			
Sub Element Total Score			(b)(6)		

Example of Results Driven Element Being Rated Level 4

Results Driven Sub Elements (SE)	Sub Element Rating Level Score	Weight (multiply by)	Sub Element Points Score	Point Ranges to Rating Level Score	Results Driven Initial Element Score
Sub Element 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 SE rated Level 1 overall score must be = Level 1 Rating Score	
Sub Element 2	5	x 30	150		
Sub Element 3	5	x 15	75		
Sub element 4	3	x 30	90		
		= 100%			
Sub Element 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.

Results Sub Element 1: Backlog, Pendency and Timeliness (Weight 20%)

Backlog, Pendency and Timeliness Measures	FY 2017 Targets				FY 2017 Results
	FY17: -1.0% Growth	FY17: 1.0% Growth	FY17: 3.0% Growth	FY17: 5.0% Growth	
Patent Corps Backlog Metrics					
Unexamined Backlog*	440,000 - 490,000	450,000 - 500,000	465,000 - 515,000	475,000 - 525,000	
RCE backlog	25,000 - 29,000				
Patent Corps Pendency and Timeliness Metrics					
First Action Pendency	14.5-16.0				
Total Pendency	24.1 - 26.7				
UPR PUs	608,000 - 672,000				
T1 Pendency (snapshots < 12 months)	97.1% - 97.7%				
RCE Pendency (inventory > 4 months)	30% - 36%				

*The Unexamined Backlog goal varies with overall filing growth rate (e.g. if the filing growth rate is 1.0% for the FY the backlog goal will be 450,000-500,000).

Results Sub Element 2: Patent Legal Administration, Examination Guidance, and Rulemakings (Weight: 30%)

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

Results Sub Element 3: Office of Petitions and Petitions Processing (Weight: 30%)

Office of Petitions Measures	FY 2017 Targets	FY 2017 Results
% of Timely Petition Decisions ¹	75%	
% of Timely Track 1 Petition Decisions ²	60%	
% of Timely Patent Prosecution Highway (PPH) Decisions ³	60%	

¹ Petitions processed in less than six months from the filing date:

a. Does not include PTA decisions

²Track 1 petitions processed in less than 60 days.

³PPH petitions processed in less than 120 days.

Results Sub Element 4: Quality and Training (Weight 20%)

Quality Programs Measures and Targets	FY 2017 Results
Support the implementation of the Correctness and Clarity Data Collection Form (CCDC) for reviews in the Office of Patent Quality Assurance (OPQA)	

Support the reevaluation of AFCP 2.0 and the Pre-Appeal Conference program and assist in the development of a follow-on after final program in response to the completed reevaluation as appropriate	
Provide assistance and guidance in the development of baseline Correctness and Clarity metrics utilizing the results of the FY 2016 CCDC reviews	
Assist in the development of Quality Metrics and Targets for FY 2017 in the 4 th Quarter of the FY utilizing the baselined Correctness and Clarity Metrics	
Provide support and legal assistance to the implementation of the Clarity of the Record Pilot Program in Patent Operations – provide support to develop best practices for enhancing the clarity of all aspects of the prosecution record and then study the impact of implementing these best practices during examination	
Support the development of a program/process for providing post-grant outcomes from sources, such as the Patent Trial and Appeal Board (PTAB), to the examiner of record and the examiners of related applications. (EPQI – Post Grant Outcome Initiative)	
Support the development of a program for reviewing the consistency of examination and programs to address any inconsistencies	
Provide leadership in the development of and provide support to the topic submission for case studies program	

<i>Training Measures and Targets</i>	FY 2017 Results
Ensure that Training is developed and delivered in a timely manner in accordance with established timelines.	
Assist with the development of Clarity of the Record Training modules for examiners on effective ways to improve all aspects of the clarity of the prosecution record.	
Support training within Patents so it can be delivered in a timely manner	

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

NOTE: Data (in red text) contained in FY 2017 Targets column is actually FY 2016 Targets data. At this time, the FY 2016 EOY results data is not yet available. Once the FY 2016 EOY results data is available, the FY 2017 Targets column will be updated.

FY 2017 PAP Addendum**Results Sub Element 1: Backlog, Pendency and Timeliness (Weight 20%)**

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

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

Sub Element 2: Patent Legal Administration, Examination Guidance, and Rulemakings (Weight: 30%)

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

Sub Element 3: Office of Petitions and Petitions Processing (Weight: 30%)

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

1) Petitions processed in less than six months from the filing date:

a. Does not include PTA petitions.

2) Track 1 petitions processed in less than 60 days.


3) PPH petitions processed in less than 120 days.

Results Sub Element 4: Quality and Training (Weight 20%)

<i>FY 2017 Quality Results, Measures and Targets</i>		
Management and Support - Clarity Data Collection Form (CCDC)	<i>FY 2017 Targets</i>	<i>FY 2017 Results</i>
Support the implementation of MRF 3.0	Implement MRF 3.0 by end of FY '17	
Management and Support – Quality Metrics for Correctness and Clarity	<i>FY 2017 Targets</i>	<i>FY 2017 Results</i>
<i>FY 2017 Statutory Compliance Rate Targets</i>		
FY '17 Corps Quality Metrics: 102 Correctness	90 - 95%	
FY '17 Corps Quality Metrics: 103 Correctness	88 - 93%	
FY '17 Corps Quality Metrics: 112 Correctness	87 - 92%	
FY '17 Corps Quality Metrics: 101 Correctness	93 - 98%	
FY '17 Corps Quality Metrics: Clarity	Establish baseline clarity metric(s) for FY '18 by end of Q4	
FY '18 Corps Quality Metrics: Correctness	Re-evaluate current targets	
Implement Phase 2 of Clarity of Record Pilot	Implement in FY '17	
Enhanced Search Program	Establish pilot in FY '17	
Topic Submissions for Case Studies	Support publication of reports (6) for studies implemented in FY '16	
Support the implementation of a uniform standard of review to be utilized in the Office of Patent Quality Assurance (OPQA) and the TCs	Implement a uniform standard of review within Patents	
<i>Training Measures and Targets</i>	<i>FY 2017 Targets</i>	<i>FY 2017 Results</i>
Ensure that Training is delivered in a timely manner in accordance with established timelines.	Training is delivered within established timelines	
Training Measures and Targets – Clarity of the Record	Develop and Deliver training related to Clarity of the Record	
Support the development and delivery of 112(f) training within Patents	Develop and Deliver training related to 112(f) by the end of FY '17	

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

I hereby acknowledge receipt of the above PAP addendum which replaces Results Sub Elements 1, 2, 3 and 4 of the FY 2017 PAP signed on September 21, 2016 in its entirety.

Signature  (b)(6)

Date: 7/13/2017

Robert Bahr
Deputy Commissioner for Patent Examination Policy
Office of the Commissioner for Patents
Fiscal Year 2017 Performance Review

(b)(6)



Critical Element 1: Leading Change (Weight 10%):

(b)(6)



(b)(6)



(b)(6)



(b)(6)



Critical Element 2: Leading People (Weight 10%):

(b)(6)



Robert Bahr
Deputy Commissioner for Patent Examination Policy
Office of the Commissioner for Patents
Fiscal Year 2017 Performance Review

(b)(6)

Critical Element 3: Business Acumen (Weight 10%):

(b)(6)

(b)(6)

Critical Element 4: Building Coalitions (Weight 10%):

(b)(6)

Robert Bahr

Deputy Commissioner for Patent Examination Policy

Office of the Commissioner for Patents

Fiscal Year 2017 Performance Review

(b)(6)

(b)(6)

Critical Element 5: Results Driven (60%):

In FY 2017, the following results were achieved:

Results Sub Element 1: Backlog, Pendency and Timeliness (Weight 20%)

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

(b)(6)

(b)(6)

(b)(6)

Sub Element 2: Patent Legal Administration, Examination Guidance, and Rulemakings (Weight: 30%)

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

(b)(6)

Sub Element 3: Office of Petitions and Petitions Processing (Weight: 30%)

<i>Office of Petitions Measures</i>		
	<i>FY 2017 Targets</i>	<i>FY 2017 Results</i>
% of Timely Petition Decisions ¹⁾	75-85%	(b)(6)
% of Timely Track 1 Petition Decisions ²⁾	75-85%	
% of Timely PPH Petitions ³⁾	75-85%	

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

(b)(6)

Results Sub Element 4: Quality and Training (Weight 20%)

<i>FY 2017 Quality Results, Measures and Targets</i>		
<i>Management and Support - Clarity Data Collection Form (CCDC)</i>	<i>FY 2017 Targets</i>	<i>FY 2017 Results</i>
Support the implementation of MRF 3.0	Implement MRF 3.0 by end of FY '17	(b)(6)
Management and Support – Quality Metrics for Correctness and Clarity		
<i>FY 2017 Statutory Compliance Rate Targets</i>		
FY '17 Corps Quality Metrics: 102 Correctness	90 - 95%	(b)(6)
FY '17 Corps Quality Metrics: 103 Correctness	88 - 93%	
FY '17 Corps Quality Metrics: 112 Correctness	87 - 92%	
FY '17 Corps Quality Metrics: 101 Correctness	93 - 98%	

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Deputy Commissioner for Patent Examination Policy
 Office of the Commissioner for Patents
 Fiscal Year 2017 Performance Review

FY '17 Corps Quality Metrics: Clarity	Establish baseline clarity metric(s) for FY '18 by end of Q4	(b)(6)
FY '18 Corps Quality Metrics: Correctness	Re-evaluate current targets	
Implement Phase 2 of Clarity of Record Pilot	Implement in FY '17	
Enhanced Search Program	Establish pilot in FY '17	
Topic Submissions for Case Studies	Support publication of reports (6) for studies implemented in FY '16	
Support the implementation of a uniform standard of review to be utilized in the Office of Patent Quality Assurance (OPQA) and the TCs	Implement a uniform standard of review within Patents	
<i>Training Measures and Targets</i>	<i>FY 2017 Targets</i>	<i>FY 2017 Results</i>
Ensure that Training is delivered in a timely manner in accordance with established timelines.	Training is delivered within established timelines	(b)(6)
Training Measures and Targets – Clarity of the Record	Develop and Deliver training related to Clarity of the Record	
Support the development and delivery of 112(f) training within Patents	Develop and Deliver training related to 112(f) by the end of FY '17	
(b)(6)		

Robert Bahr

Deputy Commissioner for Patent Examination Policy

Office of the Commissioner for Patents

Fiscal Year 2017 Performance Review

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(b)(6)

Robert Bahr
Deputy Commissioner for Patent Examination Policy
Office of the Commissioner for Patents
Mid-Year Fiscal Year 2017

(b)(6)

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(b)(6)

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(b)(6)

A horizontal rectangular area at the bottom of the page is redacted with a solid light blue fill. The text "(b)(6)" is located at the top left corner of this redacted area.

Robert Bahr
Deputy Commissioner for Patent Examination Policy
Office of the Commissioner for Patents
Mid-Year Progress Review: Fiscal Year 2017

(b)(6)



Robert Bahr

Deputy Commissioner for Patent Examination Policy

Office of the Commissioner for Patents

Mid-Year Progress Review: Fiscal Year 2017

(b)(6)

(b)(6)

Sub Element 1: Backlog, Pendency and Timeliness:

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

(b)(6)

Sub Element 2: Patent Legal Administration, Examination Guidance, and Rulemaking

<i>Measures</i>	<i>FY15 - Level 3 targets</i>	<i>Mid-Year</i>
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Deputy Commissioner for Patent Examination Policy
 Office of the Commissioner for Patents
 Mid-Year Progress Review: Fiscal Year 2017

% of Clear and Timely Guidance and Memos Completed	75-85%	(b)(6)
% of Clear and Timely Rulemaking and Notices Published	75-85%	
% of Timely Implementation of Legislative Changes and Case Law Developments	75-85%	

Sub Element 3: Office of Petitions and Petitions Processing

<i>Measures</i>	<i>FY15 - Level 3 targets</i>	<i>Mid-Year</i>
% of Timely Petition Decisions ¹⁾	75-85%	(b)(6)
% of Timely Track 1 Petition Decisions ²⁾	75-85%	
% of Timely PPH Petitions ³⁾	75-85%	

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

Sub Element 4: Quality and Training

<i>FY 2017 Quality Results, Measures and Targets</i>		
<i>Management and Support - Clarity Data Collection Form (CCDC)</i>	<i>FY 2017 Targets</i>	<i>Mid-Year FY 2017 Results</i>
Implement MRF 3.0	Implement by end of FY '17 Q3	(b)(6)
<i>Management and Support – Quality Metrics for Correctness and Clarity</i>	<i>FY 2017 Targets</i>	<i>Mid-Year FY 2017 Results</i>
<i>FY 2017 Statutory Compliance Rate Targets</i>		(b)(6)
FY '17 Corps Quality Metrics: 102 Correctness	90 - 95%	
FY '17 Corps Quality Metrics: 103 Correctness	88 - 93%	
FY '17 Corps Quality Metrics: 112 Correctness	87 - 92%	
FY '17 Corps Quality Metrics: 101 Correctness	93 - 98%	
FY '17 Corps Quality Metrics: Clarity	Establish baseline clarity metric(s) for FY '18 by end of Q4	
FY '18 Corps Quality Metrics: Correctness	Re-evaluate current targets	
Implement Phase 2 of Clarity of Record Pilot Enhanced Search Program	Implement in FY '17	
Topic Submissions for Case Studies	Establish pilot in FY '17	
	Support publication of reports (6) for studies implemented in FY '16	

Robert Bahr

Deputy Commissioner for Patent Examination Policy

Office of the Commissioner for Patents

Mid-Year Progress Review: Fiscal Year 2017

Support the implementation of a uniform standard of review to be utilized in the Office of Patent Quality Assurance (OPQA) and the Technology Centers	Implement a uniform standard of review within Patents	In process
<i>Training Measures and Targets</i>	<i>FY 2017 Targets</i>	<i>Mid-Year FY 2017 Results</i>
Ensure that Training is delivered in a timely manner in accordance with established timelines.	Training is delivered within established timelines	(b)(6)
Training Measures and Targets – Clarity of the Record	Develop and deliver training related to Clarity of the Record	
Support the development and delivery of 112(f) training within Patents	Develop and deliver training related to 112(f) by the end of FY '17	

Areas of Focus:

(b)(6)

Summary:

(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): Bahr, Robert W.	Appraisal Pd. 3/6/16 to 9/30/16
Executive's Signature: (b)(6)	Date: 7/1/2016
Title: Deputy Commissioner for Patent Examination Policy	Organization: Patents
Rating Official's Name (Last, First, MI): Hirshfeld, Andrew H.	CA <input type="checkbox"/> NC <input type="checkbox"/> LT/LE <input type="checkbox"/>
Rating Official's Signature: (b)(6)	Date: 7/1/16

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): Hirshfeld, Andrew H.			
Rating Official's Signature: (b)(6)	Date: 10/25/16		
Executive's Signature: (b)(6)	Date: 10/25/2016		
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	(b)(6)		10%	(b)(6)		475-500 = Level 5 400-474 = Level 4 300-399 = Level 3 200-299 = Level 2 Any CE rated Level 1 = Level 1
2. Leading People			10%			
3. Business Acumen			10%			
4. Building Coalitions			10%			
5. Results Driven			60%			
Total			100%			

Part 5. Critical Elements

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

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

Element Rating Level Points

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

Critical Element 1. Leading Change**(Minimum weight 5%)****Weight 10%**

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

Agency-Specific Performance Requirements

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

- Establishes organizational goals that are consistent with priorities established by the Secretary and Deputy Secretary of Commerce, government-wide initiatives established by the Administration, and strategic goals of the Department; and ensures that they are appropriately reflected in performance plans throughout the organization with meaningful measures and clear priorities;
- Works collaboratively to foster economic growth and opportunity, to meet the needs of businesses and entrepreneurs, and to create jobs to benefit the American people;
- Exhibits vision and strategic thinking to address concerns that cross organizational boundaries and to meet the long-term interests of the Department;
- Uses creativity and innovation, and encourages new ideas and unconventional approaches in response to evolving conditions;
- Ensures success of the America Invents Act (AIA) by actively supporting internal and external training, devoting sufficient resources, increasing awareness of new initiatives, and collaborating with all necessary parties to ensure an innovative, effective, and efficient reformed patent system;
- Puts procedures in place to analyze examination processes and explore prosecution efficiencies;
- Continues to strengthen time and attendance controls for both teleworking and non-teleworking employees within the Executive's area of oversight;
- Supports the continued deployment of Patents-End-to-End (PE2E) tools within the Patents Business Unit;
- Supports the continued establishment of the office of the Deputy Commissioner for Patent Quality and related quality initiatives developed under the Enhanced Patent Quality Initiative (EPQI) in support of achieving excellence in: work products, customer service, and measuring patent quality; and,
- Ensure that workloads are monitored within the Executive's area of oversight and take steps to make sure that workloads are appropriate.

Individual Projects (List below):

- Set strategic direction within the Office of the Deputy Commissioner for Patent Examination Policy (D/C PEP) (eg. OPLA, Office of Petitions and MPEP) to address organizational goals and builds a collaborative, transparent culture with increased quality components;
- Oversee and provides executive leadership for the development and drafting of examination policy guidance and training;
- Oversee and provides executive leadership for rulemaking and drafting of Official Gazette and Federal Register notices;
- Establish legal and policy guidance for the Office of the Commissioner for Patents including developing examination policy guidance and training;
- Continue to provide oversight of the implementation of the First Inventor to File (FITF) provisions of the AIA;
- Support implementation of the Hague Agreement;
- Support the development and implementation of all quality initiatives developed under the Enhanced Patent Quality Initiative (EPQI) within Patents in support of achieving excellence in: work products, customer service, and measuring patent quality;
- Oversee and provides executive leadership for the Office of Petitions and oversees activities within the Office of Petitions;
- Support training within Patents so it can be delivered in a timely manner;

Executive Name and ID: **Bahr, Robert W.**

Appraisal Period: **3/6/16 to 9/30/16**

- Support the patent examining corps, including the regional offices and hoteling examiners, on legal issues relating to patent examination; and
- Monitor and support timely revisions to the MPEP to reflect changes resulting from the AIA, Patent Law Treaty (PLT), the Hague Agreement, recent case law, etc.

Rating Official Narrative: *(Optional)*

Critical Element Rating – Leading Change

(b)(6)

Critical Element 2. Leading People	(Minimum weight 5%)	Weight 10%
<p>Designs and implements strategies that maximize employee potential, connects the organization horizontally and vertically, and fosters high ethical standards in meeting the organization's vision, mission, and goals. Provides an inclusive workplace that fosters the development of others to their full potential; allows for full participation by all employees; facilitates collaboration, cooperation, and teamwork, and supports constructive resolution of conflicts. Ensures employee performance plans are aligned with the organization's mission and goals, that employees receive constructive feedback, and that employees are realistically appraised against clearly defined and communicated performance standards. Holds employees accountable for appropriate levels of performance and conduct. Seeks and considers employee input. Recruits, retains, and develops the talent needed to achieve a high quality, diverse workforce that reflects the nation, with the skills needed to accomplish organizational performance objectives while supporting workforce diversity, workplace inclusion, and equal employment policies and programs.</p>		
<p>Agency-Specific Performance Requirements</p>		
<p>Builds and manages an appropriately skilled workforce by:</p> <ul style="list-style-type: none"> • Enhancing the Employee Relations (ER) liaison program; • Ensuring surveys (including Federal Employee Viewpoint Survey) and other instruments are in place to monitor and develop plans to provide a work environment that optimizes performance and increases job satisfaction • Embracing equal opportunity principles; • Fostering a diverse and inclusive environment characterized by cultural sensitivity and respect for divergent employee backgrounds; • Promptly and appropriately addressing allegations of harassment or discrimination; • Overseeing the recruitment, selection, appraisal and recognition of employees based on individual performance; • Supporting Agency efforts to train employees on equal opportunity principles; • Aligning performance plans and awards with Agency goals; • Identifying talent gaps and providing training and developmental opportunities, coaching and counseling employees to strengthen performance or address concerns; • Encouraging employees to develop new and better ways of performing tasks; and • Supporting a culture of transparency, communication and collaboration in the Patents Business area. • 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. 		
<p>Individual Projects (listed below):</p>		
<ul style="list-style-type: none"> • Works with managers and employees to identify performance gaps and provide necessary training; • Develops and implements an integrated training approach for the patent examining corps to leverage resources and maximize the impact and retention of information; • Conducts town-hall meetings with employees and managers to identify and address concerns; • Uses results of the Federal Employee Viewpoint Survey (EVS) and other survey instruments to improve designated areas of opportunity within the Office of Patent Legal Administration, the Office of Petitions and the MPEP; • Assesses resource needs and redefines requirements to maximize effectiveness; • Encourages staff to develop creative ideas and solutions for providing improved applicant-oriented services; and, • Supports supervisor training programs designed to improve mentoring and coaching skills in order to assist OPLA support in reaching full potential. 		
<p>Rating Official Narrative: <i>(Optional)</i></p>		
<p>Critical Element Rating – Leading People</p>	<p>(b)(6)</p>	

Critical Element 3. Business Acumen	(Minimum weight 5%)	Weight 10%
Assesses, analyzes, acquires, and administers human, financial, material, and information resources in a manner that instills public trust and accomplishes the organization's mission. Uses technology to enhance processes and decision making. Executes the operating budget; prepares budget requests with justifications; and manages resources.		
Agency-Specific Performance Requirements		
<ul style="list-style-type: none"> • Assesses current and future staffing needs on a regular basis; • Implements Business Unit's Human Capital Strategic Plans that include recruitment strategies that support organizational objectives; • Demonstrates sound management of human, financial, and technological resources in order to achieve established priorities, goals, and objectives. In doing so, manages program performance throughout the year to maximize operational efficiency and effectiveness within established budgetary resources; ensures overtime is effectively distributed and usage monitored; builds and manages an appropriately skilled and diverse workforce based on organizational goals, budget considerations, and staffing needs; and engages in succession planning as needed for long-term organizational effectiveness; • Makes effective use of available information technology (IT) to achieve organizational goals; works collaboratively with IT professionals at the operating unit and Department levels, as appropriate, to safeguard IT equipment, software and data; ensures required property accountability processes are in place and ensures appropriate training of employees to avoid cyber-security threats; • Fosters a work environment that is safe, secure, and conducive to the retention of a skilled and effective workforce, which includes continuity of operations planning and emergency preparedness, addressing unsafe working conditions or environmental concerns, and facilitating employee awareness of the procedures to follow in the event of an emergency; • Adheres to applicable administrative and programmatic laws, regulations, policies, and procedures that provide the internal controls needed to safeguard resources, achieve organizational objectives, and protect the confidentiality of information provided to the agency, and respect individual privacy; and, • Strengthens the USPTO's telework program and improves controls to best manage employees and focuses on the implementation of any new actions and guidance as may be necessary. 		
Individual Projects (List Below):		
<ul style="list-style-type: none"> • Improves and enhances recruitment strategies to attract highly skilled and diverse professionals through the expansion of telework programs and the implementation of a nationwide workforce; • Supports the IT development of search and information resources and capabilities for internal and external stakeholders; • Assists in the identification of and addresses anomalies in examination trends pertinent to particular areas within patent operations; and, • Ensures that Patents budget is managed effectively within areas of direct oversight. 		
Rating Official Narrative: <i>(Optional)</i>		
Critical Element Rating – Business Acumen	(b)(6)	

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

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

Agency-Specific Performance Requirements

- Assures that each business unit participates in the formulation of clear, concise, and effective communication strategies, including providing appropriate information and documentation to the Office of the Chief Communication Officer;
- Demonstrates a high degree of responsiveness to the full range of clients, including end users of goods and services for which the executive is responsible, Departmental and operating unit leadership, members of Congress and their staffs, and the public in general;
- Develops strategic alliances both within and across organizational lines to achieve common goals, meets evolving requirements, and shares knowledge, skills, and experience needed for personal development and professional performance;
- Builds consensus of opinion among stakeholders;
- Seeks to identify client needs and expectations, responds to identified concerns promptly, professionally, and fairly, and improves business and management processes based on customer and employee feedback;
- Solicits employee feedback on direction received, opportunities provided, and recognition given, as inputs for improving how employees are led and motivated;
- Collaborates with stakeholders on outreach and on specific Patent-related initiatives;
- Works closely with internal and external stakeholders in the development and implementation of quality initiatives that support the Enhanced Patent Quality Initiative;
- Ensures appropriate investigation and resolution of labor issues raised with Patents management;
- Develops and/or participates in formal cross-organizational boundary collaboration activities whenever appropriate to enhance service delivery and comprehensive mission coordination within the Department, among organizations with complementary missions, and within the USPTO;
- Supports a transparent and collaborative work environment; and,
- Encourages enhanced communication within and across Business Units.

Individual Projects (List Below):

- Develops and implements strategies to improve internal and external communications;
- Establishes alliances to promote inter- and intra-agency collaboration and cooperation;
- Establishes transparent operations and processes to disseminate data in a timely manner to the public through the USPTO website and other electronic media;
- Executes outreach efforts with the Patent Public Advisory Committee (PPAC), Software Partnership, Biotechnology Customer Partnership, business groups, advocacy organizations, and the general public;
- Provides education and outreach to internal stakeholders;
- Represents the USPTO at inter-agency and non-Governmental meetings and events;
- Conducts public presentations on a variety of issues relating to patent examination policy and patent law; and,
- Meets regularly with senior leadership of the Patent Trial and Appeal Board (PTAB), Office of the Solicitor and the Office of Governmental Affairs (OGA) to discuss legal priorities of the Agency.

Rating Official Narrative: *(Optional)*

Critical Element Rating – Building Coalitions

(b)(6)

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

Weight 60%

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

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

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

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

Sub Element/Performance Requirement 1: Backlog, Pendency and Timeliness [Weight 20%]

Develop an effective and efficient business planning strategy and performance measurement system to contribute to the achievement of goals, objectives and targets based on requirements in the President's FY 2016 Budget.

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

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

Strategic Alignment: Strategic Goal 1 /Objective Alignment 1 and 2

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

Executive Name and ID: **Bahr, Robert W.**

Appraisal Period: **3/6/16 to 9/30/16**

Sub Element/Performance Requirement 2: Patent Legal Administration, Examination Guidance and Rulemakings [Weight: 30%]

Develop an effective and efficient business planning strategy and performance measurement system for the Office of Patent Legal Administration to contribute to the achievement of goals, objectives and targets based on requirements in the President's FY 2016 Budget.

Develop an effective and efficient business planning strategy and performance measurement system for examiner guidance documents and rulemakings to contribute to the achievement of goals, objectives and targets based on requirements in the President's FY 2016 Budget.

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

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

Strategic Alignment: Strategic Goal 1 /Objective Alignment 1, 2, 4 and 6

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

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

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

Sub Element/Performance Requirement 3: Office of Petitions and Petitions Processing [Weight: 30%]

Develop an effective and efficient business planning strategy and performance measurement system to contribute to the achievement of goals, objectives and targets based on requirements in the President's FY 2016 Budget.

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

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

Strategic Alignment: Strategic Goal 1 /Objective Alignment 1, 2, and 4

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

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

Executive Name and ID: **Bahr, Robert W.**

Appraisal Period: **3/6/16 to 9/30/16**

	understanding of the meaning of a "quality" patent.
<p>Sub Element/Performance Requirement 4: Quality and Training [Weight: 20%] Develop an effective and efficient business planning strategy and performance measurement system to contribute to the achievement of goals, objectives and targets based on requirements in the President's FY 2016 Budget.</p> <p>As a fee-funded agency, the USPTO relies on user fee collections to fund operations. The USPTO considers a number of economic factors and relevant indicators when forecasting its workloads. While many of these defining indicators point toward renewed economic expansion, considerable uncertainty still remains regarding the current and near future prospects for growth. This uncertainty could affect anticipated USPTO workloads and fee collections which in turn could significantly impact the USPTO's long-term goals, objectives and targets, and therefore simultaneously affect any interim results.</p> <p>Success of these objectives will be determined by the specific performance measures laid out in the attached document and will be measured based on overall performance taking into account the totality of all the measures in the attached document. Meeting or exceeding the targets set forth in the attached document represents a level of outstanding performance.</p>	<p>Strategic Alignment: Strategic Goal 1 /Objective Alignment 6</p> <p>Goal I, Objective 4 of the <i>USPTO 2014-2018 Strategic Plan</i> will be accomplished when issued patents are of higher quality, claim clarity is improved, and the stakeholder community has a clear understanding of the meaning of a "quality" patent.</p>
Rating Official Narrative: <i>(Optional)</i>	
Critical Element Rating – Results Driven	(b)(6)

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 **Bahr, Robert W.** Rating Period **FY 2016**

Results Driven Sub Elements (SE)	Sub Element Rating Level Score	Weight (multiply by)	Sub Element Points Score	Point Ranges to Rating Level Score	Results Driven Initial Element Score
Sub Element 1 <i>(Backlog, Pendency and Timeliness)</i>	(b)(6)	20%	(b)(6)	Points 475 – 500 = Level 5 Rating Score Points 400 – 474 = Level 4 Rating Score Points 300 – 399 = Level 3 Rating Score Points 200 – 299 = Level 2 Rating Score Any SE rated Level 1 overall score must be = Level 1 Rating Score	
Sub Element 2 <i>(Patent Legal Administration, Examination Guidance, and Rulemakings)</i>		30%			
Sub Element 3 <i>(Office of Petitions and Petitions Processing)</i>		30%			
Sub element 4 <i>(Quality and Training)</i>		20%			
		= 100%			
Sub Element Total Score	(b)(6)				

Example of Results Driven Element Being Rated Level 4

Results Driven Sub Elements (SE)	Sub Element Rating Level Score	Weight (multiply by)	Sub Element Points Score	Point Ranges to Rating Level Score	Results Driven Initial Element Score
Sub Element 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 SE rated Level 1 overall score must be = Level 1 Rating Score	
Sub Element 2	5	x 30	150		
Sub Element 3	5	x 15	75		
Sub element 4	3	x 30	90		
		= 100%			
Sub Element 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.**

Results Sub Element 1: Backlog, Pendency and Timeliness (Weight 20%)

Backlog, Pendency and Timeliness Measures	FY 2016 Targets				FY 2016 Results
	FY16: -1.0% Growth	FY16: 1.0% Growth	FY16: 3.0% Growth	FY16: 5.0% Growth	
Patent Corps Backlog Metrics					
Unexamined Backlog*	440,000 - 490,000	450,000 - 500,000	465,000 - 515,000	475,000 - 525,000	
RCE backlog	25,000 - 29,000				
Patent Corps Pendency and Timeliness Metrics					
First Action Pendency	14.5-16.0				
Total Pendency	24.1 - 26.7				
UPR PUs	608,000 - 672,000				
T1 Pendency (snapshots < 12 months)	97.1% - 97.7%				
RCE Pendency (inventory > 4 months)	30% - 36%				

*The Unexamined Backlog goal varies with overall filing growth rate (e.g. if the filing growth rate is 1.0% for the FY the backlog goal will be 450,000-500,000).

Results Sub Element 2: Patent Legal Administration, Examination Guidance, and Rulemakings (Weight: 30%)

Patent Legal Administration Measures	FY 2016 Targets	FY 2016 Results
% of Clear and Timely Guidance and Memos Completed	75-85%	
% of Clear and Timely Rulemaking and Notices Published	75-85%	
% of Timely Implementation of Legislative Changes and Case Law Developments	75-85%	

Results Sub Element 3: Office of Petitions and Petitions Processing (Weight: 30%)

Office of Petitions Measures	FY 2016 Targets	FY 2016 Results
% of Timely Petition Decisions ¹⁾	75%	
% of Timely Track 1 Petition Decisions ²⁾	60%	
% of Timely Patent Prosecution Highway (PPH) Decisions ³⁾	60%	

1) Petitions processed in less than six months from the filing date:

a. Does not include PTA petitions.

2) Track 1 petitions processed in less than 60 days.

3) PPH petitions processed in less than 120 days.

Results Sub Element 4: Quality and Training (Weight 20%)

Quality Programs Measures and Targets	FY 2016 Results
Support the implementation of the Correctness and Clarity Data Collection Form (CCDC) for reviews in the Office of Patent Quality Assurance (OPQA)	

Support the reevaluation of AFCP 2.0 and the Pre-Appeal Conference program and assist in the development of a follow-on after final program in response to the completed reevaluation as appropriate	
Provide assistance and guidance in the development of baseline Correctness and Clarity metrics utilizing the results of the FY 2016 CCDC reviews	
Assist in the development of Quality Metrics and Targets for FY 2017 in the 4 th Quarter of the FY utilizing the baselined Correctness and Clarity Metrics	
Provide support and legal assistance to the implementation of the Clarity of the Record Pilot Program in Patent Operations – provide support to develop best practices for enhancing the clarity of all aspects of the prosecution record and then study the impact of implementing these best practices during examination	
Support the development of a program/process for providing post-grant outcomes from sources, such as the Patent Trial and Appeal Board (PTAB), to the examiner of record and the examiners of related applications. (EPQI – Post Grant Outcome Initiative)	
Support the development of a program for reviewing the consistency of examination and programs to address any inconsistencies	
Provide leadership in the development of and provide support to the topic submission for case studies program	

<i>Training Measures and Targets</i>	<i>FY 2016 Results</i>
Ensure that Training is developed and delivered in a timely manner in accordance with established timelines.	
Assist with the development of Clarity of the Record Training modules for examiners on effective ways to improve all aspects of the clarity of the prosecution record.	
Support training within Patents so it can be delivered in a timely manner	

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

Robert Bahr
Deputy Commissioner for Patent Examination Policy
Office of the Commissioner for Patents
Fiscal Year 2016 Performance Review

(b)(6)

Critical Element 1: Leading Change (Weight 10%):

(b)(6)

Robert Bahr

Deputy Commissioner for Patent Examination Policy

Office of the Commissioner for Patents

Fiscal Year 2016 Performance Review

- ❖ Providing executive leadership in the implementation of new initiatives in the -

(b)(6)



- ❖ Providing executive leadership in supporting the USPTO's quality initiatives (enhanced patent quality initiatives or EPQI) in the -

(b)(6)



- ❖ Providing executive leadership in collaborating with Patent Operations and Office of Patent Training to provide additional examiner training in the -

(b)(6)



Robert Bahr
Deputy Commissioner for Patent Examination Policy
Office of the Commissioner for Patents
Fiscal Year 2016 Performance Review

(b)(6)

- ❖ Providing executive leadership in the development of Federal register and Official Gazette notices in the -

(b)(6)

- ❖ Providing executive leadership for the Office of Petitions and overseeing the Office of Petitions in setting priorities and directing the realignment of petition types, working with POPA, NTEU-243, OGL, and LR, to reduce pendency of all petitions types, most notably PPH and Track I petitions.

(b)(6)

Based on the criteria for evaluation a rating level of (b)(6) is warranted in this element for FY 2016.

Critical Element 2: Leading People (Weight 10%):

(b)(6)

Robert Bahr

Deputy Commissioner for Patent Examination Policy
Office of the Commissioner for Patents
Fiscal Year 2016 Performance Review

(b)(6)



Based on the criteria for evaluation a rating level of (b)(6) is warranted in this element for FY 2016.

Critical Element 3: Business Acumen (Weight 10%):

(b)(6)



Robert Bahr

Deputy Commissioner for Patent Examination Policy

Office of the Commissioner for Patents

Fiscal Year 2016 Performance Review

(b)(6)

Based on the criteria for evaluation a rating level of (b)(6) is warranted in this element for FY 2016.

Critical Element 4: Building Coalitions (Weight 10%):

(b)(6)

Mr. Bahr's accomplishments under this element during fiscal year 2016 included:

(b)(6)

(b)(6)

Robert Bahr
 Deputy Commissioner for Patent Examination Policy
 Office of the Commissioner for Patents
 Fiscal Year 2016 Performance Review

Based on the criteria for evaluation a rating level of (b)(6) is warranted in this element for FY 2016.

Critical Element 5: Results Driven (60%):

In FY 2016, the following results were achieved:

Results Sub Element 1: Backlog, Pendency and Timeliness (Weight 20%)

<i>Backlog, Pendency and Timeliness Measures</i>	<i>FY 2016 Targets</i>				<i>FY 2016 Results</i>	
	<i>FY16: -1.0% Growth</i>	<i>FY16: 1.0% Growth</i>	<i>FY16: 3.0% Growth</i>	<i>FY16: 5.0% Growth</i>		
<i>Patent Corps Backlog Metrics</i>						
Unexamined Backlog*	440,000 - 490,000	450,000 - 500,000	465,000 - 515,000	475,000 - 525,000	(b)(6)	
RCE backlog	25,000 - 29,000					
<i>Patent Corps Pendency and Timeliness Metrics</i>						
First Action Pendency	14.5-16.0					
Total Pendency	24.1 - 26.7					
UPR PUs	608,000 - 672,000					
T1 Pendency (snapshots < 12 months)	97.1% - 97.7%					
RCE Pendency (inventory > 4 months)	30% - 36%					

(b)(6)

Based on the criteria for evaluation a rating level of (b)(6) is warranted in this sub-element for FY 2016.

Results Sub Element 2: Patent Legal Administration, Examination Guidance, and Rulemakings (Weight: 30%)

<i>Patent Legal Administration Measures</i>	<i>FY 2016 Targets</i>	<i>FY 2016 Results</i>
% of Clear and Timely Guidance and Memos Completed	75-85%	(b)(6)
% of Clear and Timely Rulemaking and Notices Published	75-85%	

Robert Bahr

Deputy Commissioner for Patent Examination Policy
Office of the Commissioner for Patents
Fiscal Year 2016 Performance Review

% of Timely Implementation of Legislative Changes and Case Law Developments	75-85%	(b)(6)
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Based on the criteria for evaluation a rating level of (b)(6) is warranted in this sub-element for FY 2016.

Results Sub Element 3: Office of Petitions and Petitions Processing (Weight: 30%)

<i>Office of Petitions Measures</i>	<i>FY 2016 Targets</i>	<i>FY 2016 Results</i>
% of Timely Petition Decisions ¹	75-85%	(b)(6)
% of Timely Track 1 Petition Decisions ²	75-85%	
% of Timely Patent Prosecution Highway (PPH) Decisions ³	75-85%	

(b)(6)

(b)(6)

Based on the criteria for evaluation a rating level of (b)(6) is warranted in this sub-element for FY 2016.

Results Sub Element 4: Quality and Training (Weight 20%)

<i>Quality Programs Measures and Targets</i>	<i>FY 2016 Results</i>
Support the implementation of the Correctness and Clarity Data Collection Form (CCDC) for reviews in the Office of Patent Quality Assurance (OPQA)	(b)(6)
Support the reevaluation of AFCP 2.0 and the Pre-Appeal Conference program and assist in the development of a follow-on after final program	(b)(6)

Robert Bahr

Deputy Commissioner for Patent Examination Policy

Office of the Commissioner for Patents

Fiscal Year 2016 Performance Review

in response to the completed reevaluation as appropriate	
Provide assistance and guidance in the development of baseline Correctness and Clarity metrics utilizing the results of the FY 2016 CCDC reviews	(b)(6)
Assist in the development of Quality Metrics and Targets for FY 2017 in the 4 th Quarter of the FY utilizing the baselined Correctness and Clarity Metrics	(b)(6)
Provide support and legal assistance to the implementation of the Clarity of the Record Pilot Program in Patent Operations – provide support to develop best practices for enhancing the clarity of all aspects of the prosecution record and then study the impact of implementing these best practices during examination	(b)(6)
Support the development of a program/process for providing post-grant outcomes from sources, such as the Patent Trial and Appeal Board (PTAB), to the examiner of record and the examiners of related applications. (EPQI – Post Grant Outcome Initiative)	(b)(6)
Support the development of a program for reviewing the consistency of examination and programs to address any inconsistencies	(b)(6)

Robert Bahr

Deputy Commissioner for Patent Examination Policy

Office of the Commissioner for Patents

Fiscal Year 2016 Performance Review

	(b)(6)
Provide leadership in the development of and provide support to the topic submission for case studies program	(b)(6)

Training Measures and Targets	FY 2016 Results
Ensure that Training is developed and delivered in a timely manner in accordance with established timelines.	(b)(6)
Assist with the development of Clarity of the Record Training modules for examiners on effective ways to improve all aspects of the clarity of the prosecution record.	(b)(6)
Support training within Patents so it can be delivered in a timely manner	(b)(6)

Based on the criteria for evaluation a rating level of (b)(6) is warranted in this sub-element for FY 2016.

Based on the criteria for evaluation an overall rating level of (b)(6) is warranted in this element for FY 2016.



SES Performance Management System Executive Performance Agreement



Part 1. Consultation. <i>I have reviewed this plan and have been consulted on its development.</i>						
Executive's Name (Last, First, MI): Bahr, Robert W.				Appraisal Pd. 3/6/16 to 9/30/16		
Executive's Signature: (b)(6)				Date: <i>7/1/2016</i>		
Title: Deputy Commissioner for Patent Examination Policy				Organization: Patents		
Rating Official's Name (Last, First, MI): Hirshfeld, Andrew H.				CA <input type="checkbox"/> NC <input type="checkbox"/> LT/LE <input type="checkbox"/>		
Rating Official's Signature: (b)(6)				Date: <i>7/1/16</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): Hirshfeld, Andrew H.						
Rating Official's Signature: (b)(6)				Date: <i>10/25/16</i>		
Executive's Signature: (b)(6)				Date: <i>10/25/2016</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:						
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	(b)(6)	(b)(6)	(b)(6)	(b)(6)	(b)(6)	475-500 = Level 5 400-474 = Level 4 300-399 = Level 3 200-299 = Level 2 Any CE rated Level 1 = Level 1
2. Leading People	(b)(6)	(b)(6)		(b)(6)	(b)(6)	
3. Business Acumen	(b)(6)	(b)(6)		(b)(6)	(b)(6)	
4. Building Coalitions	(b)(6)	(b)(6)		(b)(6)	(b)(6)	
5. Results Driven	(b)(6)	(b)(6)		(b)(6)	(b)(6)	
Total			100%	(b)(6)	(b)(6)	

Part 5. Critical Elements

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

- **Level 5:** The executive demonstrates exceptional performance, fostering a climate that sustains excellence and optimizes results in the executive’s organization, agency, department or government-wide. This represents the highest level of executive performance, as evidenced by the extraordinary impact on the achievement of the organization’s mission. The executive is an inspirational leader and is considered a role model by agency leadership, peers, and employees. The executive continually contributes materially to or spearheads agency efforts that address or accomplish important agency goals, consistently achieves expectations at the highest level of quality possible, and consistently handles challenges, exceeds targets, and completes assignments ahead of schedule at every step along the way.

- **Level 4:** The executive demonstrates a very high level of performance beyond that required for successful performance in the executive’s position and scope of responsibilities. The executive is a proven, highly effective leader who builds trust and instills confidence in agency leadership, peers, and employees. The executive consistently exceeds established performance expectations, timelines, or targets, as applicable.

- **Level 3:** The executive demonstrates the high level of performance expected and the executive’s actions and leadership contribute positively toward the achievement of strategic goals and meaningful results. The executive is an effective, solid, and dependable leader who delivers high-quality results based on measures of quality, quantity, efficiency, and/or effectiveness within agreed upon timelines. The executive meets and often exceeds challenging performance expectations established for the position.

- **Level 2:** The executive’s contributions to the organization are acceptable in the short term but do not appreciably advance the organization towards achievement of its goals and objectives. While the executive generally meets established performance expectations, timelines and targets, there are occasional lapses that impair operations and/or cause concern from management. While showing basic ability to accomplish work through others, the executive may demonstrate limited ability to inspire subordinates to give their best efforts or to marshal those efforts effectively to address problems characteristic of the organization and its work.

- **Level 1:** In repeated instances, the executive demonstrates performance deficiencies that detract from mission goals and objectives. The executive generally is viewed as ineffectual by agency leadership, peers, or employees. The executive does not meet established performance expectations/timelines/targets and fails to produce – or produces unacceptable – work products, services, or outcomes.

Element Rating Level Points

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

Critical Element 1. Leading Change**(Minimum weight 5%)****Weight 10%**

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

Agency-Specific Performance Requirements

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

- Establishes organizational goals that are consistent with priorities established by the Secretary and Deputy Secretary of Commerce, government-wide initiatives established by the Administration, and strategic goals of the Department; and ensures that they are appropriately reflected in performance plans throughout the organization with meaningful measures and clear priorities;
- Works collaboratively to foster economic growth and opportunity, to meet the needs of businesses and entrepreneurs, and to create jobs to benefit the American people;
- Exhibits vision and strategic thinking to address concerns that cross organizational boundaries and to meet the long-term interests of the Department;
- Uses creativity and innovation, and encourages new ideas and unconventional approaches in response to evolving conditions;
- Ensures success of the America Invents Act (AIA) by actively supporting internal and external training, devoting sufficient resources, increasing awareness of new initiatives, and collaborating with all necessary parties to ensure an innovative, effective, and efficient reformed patent system;
- Puts procedures in place to analyze examination processes and explore prosecution efficiencies;
- Continues to strengthen time and attendance controls for both teleworking and non-teleworking employees within the Executive's area of oversight;
- Supports the continued deployment of Patents-End-to-End (PE2E) tools within the Patents Business Unit;
- Supports the continued establishment of the office of the Deputy Commissioner for Patent Quality and related quality initiatives developed under the Enhanced Patent Quality Initiative (EPQI) in support of achieving excellence in: work products, customer service, and measuring patent quality; and,
- Ensure that workloads are monitored within the Executive's area of oversight and take steps to make sure that workloads are appropriate.

Individual Projects (List below):

- Set strategic direction within the Office of the Deputy Commissioner for Patent Examination Policy (D/C PEP) (eg. OPLA, Office of Petitions and MPEP) to address organizational goals and builds a collaborative, transparent culture with increased quality components;
- Oversee and provides executive leadership for the development and drafting of examination policy guidance and training;
- Oversee and provides executive leadership for rulemaking and drafting of Official Gazette and Federal Register notices;
- Establish legal and policy guidance for the Office of the Commissioner for Patents including developing examination policy guidance and training;
- Continue to provide oversight of the implementation of the First Inventor to File (FITF) provisions of the AIA;
- Support implementation of the Hague Agreement;
- Support the development and implementation of all quality initiatives developed under the Enhanced Patent Quality Initiative (EPQI) within Patents in support of achieving excellence in: work products, customer service, and measuring patent quality;
- Oversee and provides executive leadership for the Office of Petitions and oversees activities within the Office of Petitions;
- Support training within Patents so it can be delivered in a timely manner;

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- Support the patent examining corps, including the regional offices and hoteling examiners, on legal issues relating to patent examination; and
- Monitor and support timely revisions to the MPEP to reflect changes resulting from the AIA, Patent Law Treaty (PLT), the Hague Agreement, recent case law, etc.

Rating Official Narrative: *(Optional)*

Critical Element Rating – Leading Change

(b)(6)

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

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

Agency-Specific Performance Requirements

Builds and manages an appropriately skilled workforce by:

- Enhancing the Employee Relations (ER) liaison program;
- Ensuring surveys (including Federal Employee Viewpoint Survey) and other instruments are in place to monitor and develop plans to provide a work environment that optimizes performance and increases job satisfaction
- Embracing equal opportunity principles;
- Fostering a diverse and inclusive environment characterized by cultural sensitivity and respect for divergent employee backgrounds;
- Promptly and appropriately addressing allegations of harassment or discrimination;
- Overseeing the recruitment, selection, appraisal and recognition of employees based on individual performance;
- Supporting Agency efforts to train employees on equal opportunity principles;
- Aligning performance plans and awards with Agency goals;
- Identifying talent gaps and providing training and developmental opportunities, coaching and counseling employees to strengthen performance or address concerns;
- Encouraging employees to develop new and better ways of performing tasks; and
- Supporting a culture of transparency, communication and collaboration in the Patents Business area.
- 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.

Individual Projects (listed below):

- Works with managers and employees to identify performance gaps and provide necessary training;
- Develops and implements an integrated training approach for the patent examining corps to leverage resources and maximize the impact and retention of information;
- Conducts town-hall meetings with employees and managers to identify and address concerns;
- Uses results of the Federal Employee Viewpoint Survey (EVS) and other survey instruments to improve designated areas of opportunity within the Office of Patent Legal Administration, the Office of Petitions and the MPEP;
- Assesses resource needs and redefines requirements to maximize effectiveness;
- Encourages staff to develop creative ideas and solutions for providing improved applicant-oriented services; and,
- Supports supervisor training programs designed to improve mentoring and coaching skills in order to assist OPLA support in reaching full potential.

Rating Official Narrative: *(Optional)*

Critical Element Rating – Leading People

(b)(6)

Critical Element 3. Business Acumen	(Minimum weight 5%)	Weight 10%
Assesses, analyzes, acquires, and administers human, financial, material, and information resources in a manner that instills public trust and accomplishes the organization's mission. Uses technology to enhance processes and decision making. Executes the operating budget; prepares budget requests with justifications; and manages resources.		
Agency-Specific Performance Requirements		
<ul style="list-style-type: none"> • Assesses current and future staffing needs on a regular basis; • Implements Business Unit's Human Capital Strategic Plans that include recruitment strategies that support organizational objectives; • Demonstrates sound management of human, financial, and technological resources in order to achieve established priorities, goals, and objectives. In doing so, manages program performance throughout the year to maximize operational efficiency and effectiveness within established budgetary resources; ensures overtime is effectively distributed and usage monitored; builds and manages an appropriately skilled and diverse workforce based on organizational goals, budget considerations, and staffing needs; and engages in succession planning as needed for long-term organizational effectiveness; • Makes effective use of available information technology (IT) to achieve organizational goals; works collaboratively with IT professionals at the operating unit and Department levels, as appropriate, to safeguard IT equipment, software and data; ensures required property accountability processes are in place and ensures appropriate training of employees to avoid cyber-security threats; • Fosters a work environment that is safe, secure, and conducive to the retention of a skilled and effective workforce, which includes continuity of operations planning and emergency preparedness, addressing unsafe working conditions or environmental concerns, and facilitating employee awareness of the procedures to follow in the event of an emergency; • Adheres to applicable administrative and programmatic laws, regulations, policies, and procedures that provide the internal controls needed to safeguard resources, achieve organizational objectives, and protect the confidentiality of information provided to the agency, and respect individual privacy; and, • Strengthens the USPTO's telework program and improves controls to best manage employees and focuses on the implementation of any new actions and guidance as may be necessary. 		
Individual Projects (List Below):		
<ul style="list-style-type: none"> • Improves and enhances recruitment strategies to attract highly skilled and diverse professionals through the expansion of telework programs and the implementation of a nationwide workforce; • Supports the IT development of search and information resources and capabilities for internal and external stakeholders; • Assists in the identification of and addresses anomalies in examination trends pertinent to particular areas within patent operations; and, • Ensures that Patents budget is managed effectively within areas of direct oversight. 		
Rating Official Narrative: <i>(Optional)</i>		
Critical Element Rating – Business Acumen	(b)(6)	

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

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

Agency-Specific Performance Requirements

- Assures that each business unit participates in the formulation of clear, concise, and effective communication strategies, including providing appropriate information and documentation to the Office of the Chief Communication Officer;
- Demonstrates a high degree of responsiveness to the full range of clients, including end users of goods and services for which the executive is responsible, Departmental and operating unit leadership, members of Congress and their staffs, and the public in general;
- Develops strategic alliances both within and across organizational lines to achieve common goals, meets evolving requirements, and shares knowledge, skills, and experience needed for personal development and professional performance;
- Builds consensus of opinion among stakeholders;
- Seeks to identify client needs and expectations, responds to identified concerns promptly, professionally, and fairly, and improves business and management processes based on customer and employee feedback;
- Solicits employee feedback on direction received, opportunities provided, and recognition given, as inputs for improving how employees are led and motivated;
- Collaborates with stakeholders on outreach and on specific Patent-related initiatives;
- Works closely with internal and external stakeholders in the development and implementation of quality initiatives that support the Enhanced Patent Quality Initiative;
- Ensures appropriate investigation and resolution of labor issues raised with Patents management;
- Develops and/or participates in formal cross-organizational boundary collaboration activities whenever appropriate to enhance service delivery and comprehensive mission coordination within the Department, among organizations with complementary missions, and within the USPTO;
- Supports a transparent and collaborative work environment; and,
- Encourages enhanced communication within and across Business Units.

Individual Projects (List Below):

- Develops and implements strategies to improve internal and external communications;
- Establishes alliances to promote inter- and intra-agency collaboration and cooperation;
- Establishes transparent operations and processes to disseminate data in a timely manner to the public through the USPTO website and other electronic media;
- Executes outreach efforts with the Patent Public Advisory Committee (PPAC), Software Partnership, Biotechnology Customer Partnership, business groups, advocacy organizations, and the general public;
- Provides education and outreach to internal stakeholders;
- Represents the USPTO at inter-agency and non-Governmental meetings and events;
- Conducts public presentations on a variety of issues relating to patent examination policy and patent law; and,
- Meets regularly with senior leadership of the Patent Trial and Appeal Board (PTAB), Office of the Solicitor and the Office of Governmental Affairs (OGA) to discuss legal priorities of the Agency.

Rating Official Narrative: *(Optional)*

Critical Element Rating – Building Coalitions

(b)(6)

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

Weight 60%

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

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

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

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

Sub Element/Performance Requirement 1: Backlog, Pendency and Timeliness [Weight 20%]

Develop an effective and efficient business planning strategy and performance measurement system to contribute to the achievement of goals, objectives and targets based on requirements in the President's FY 2016 Budget.

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

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

Strategic Alignment: Strategic Goal 1 /Objective Alignment 1 and 2

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

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Appraisal Period: **3/6/16 to 9/30/16**

Sub Element/Performance Requirement 2: Patent Legal Administration, Examination Guidance and Rulemakings [Weight: 30%]

Develop an effective and efficient business planning strategy and performance measurement system for the Office of Patent Legal Administration to contribute to the achievement of goals, objectives and targets based on requirements in the President's FY 2016 Budget.

Develop an effective and efficient business planning strategy and performance measurement system for examiner guidance documents and rulemakings to contribute to the achievement of goals, objectives and targets based on requirements in the President's FY 2016 Budget.

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

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

Strategic Alignment: Strategic Goal 1 /Objective Alignment 1, 2, 4 and 6

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

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

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

Sub Element/Performance Requirement 3: Office of Petitions and Petitions Processing [Weight: 30%]

Develop an effective and efficient business planning strategy and performance measurement system to contribute to the achievement of goals, objectives and targets based on requirements in the President's FY 2016 Budget.

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

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

Strategic Alignment: Strategic Goal 1 /Objective Alignment 1, 2, and 4

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

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

Executive Name and ID: **Bahr, Robert W.**

Appraisal Period: **3/6/16 to 9/30/16**

	understanding of the meaning of a "quality" patent.
<p>Sub Element/Performance Requirement 4: Quality and Training [Weight: 20%] Develop an effective and efficient business planning strategy and performance measurement system to contribute to the achievement of goals, objectives and targets based on requirements in the President's FY 2016 Budget.</p> <p>As a fee-funded agency, the USPTO relies on user fee collections to fund operations. The USPTO considers a number of economic factors and relevant indicators when forecasting its workloads. While many of these defining indicators point toward renewed economic expansion, considerable uncertainty still remains regarding the current and near future prospects for growth. This uncertainty could affect anticipated USPTO workloads and fee collections which in turn could significantly impact the USPTO's long-term goals, objectives and targets, and therefore simultaneously affect any interim results.</p> <p>Success of these objectives will be determined by the specific performance measures laid out in the attached document and will be measured based on overall performance taking into account the totality of all the measures in the attached document. Meeting or exceeding the targets set forth in the attached document represents a level of outstanding performance.</p>	<p>Strategic Alignment: Strategic Goal 1 /Objective Alignment 6</p> <p>Goal I, Objective 4 of the <i>USPTO 2014-2018 Strategic Plan</i> will be accomplished when issued patents are of higher quality, claim clarity is improved, and the stakeholder community has a clear understanding of the meaning of a "quality" patent.</p>
Rating Official Narrative: <i>(Optional)</i>	
Critical Element Rating – Results Driven	(b)(6)

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 **Bahr, Robert W.** Rating Period **FY 2016**

Results Driven Sub Elements (SE)	Sub Element Rating Level Score	Weight (multiply by)	Sub Element Points Score	Point Ranges to Rating Level Score	Results Driven Initial Element Score
Sub Element 1 <i>(Backlog, Pendency and Timeliness)</i>	(b)(6)			Points 475 – 500 = Level 5 Rating Score Points 400 – 474 = Level 4 Rating Score Points 300 – 399 = Level 3 Rating Score Points 200 – 299 = Level 2 Rating Score Any SE rated Level 1 overall score must be = Level 1 Rating Score	
Sub Element 2 <i>(Patent Legal Administration, Examination Guidance, and Rulemakings)</i>					
Sub Element 3 <i>(Office of Petitions and Petitions Processing)</i>					
Sub element 4 <i>(Quality and Training)</i>					
		= 100%			
Sub Element Total Score			(b)(6)		

Example of Results Driven Element Being Rated Level 4

Results Driven Sub Elements (SE)	Sub Element Rating Level Score	Weight (multiply by)	Sub Element Points Score	Point Ranges to Rating Level Score	Results Driven Initial Element Score
Sub Element 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 SE rated Level 1 overall score must be = Level 1 Rating Score	
Sub Element 2	5	x 30	150		
Sub Element 3	5	x 15	75		
Sub element 4	3	x 30	90		
		= 100%			
Sub Element 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.**

Results Sub Element 1: Backlog, Pendency and Timeliness (Weight 20%)

Backlog, Pendency and Timeliness Measures	FY 2016 Targets				FY 2016 Results
	FY16: -1.0% Growth	FY16: 1.0% Growth	FY16: 3.0% Growth	FY16: 5.0% Growth	
Patent Corps Backlog Metrics					
Unexamined Backlog*	440,000 - 490,000	450,000 - 500,000	465,000 - 515,000	475,000 - 525,000	
RCE backlog	25,000 - 29,000				
Patent Corps Pendency and Timeliness Metrics					
First Action Pendency	14.5-16.0				
Total Pendency	24.1 - 26.7				
UPR PUs	608,000 - 672,000				
T1 Pendency (snapshots < 12 months)	97.1% - 97.7%				
RCE Pendency (inventory > 4 months)	30% - 36%				

*The Unexamined Backlog goal varies with overall filing growth rate (e.g. if the filing growth rate is 1.0% for the FY the backlog goal will be 450,000-500,000).

Results Sub Element 2: Patent Legal Administration, Examination Guidance, and Rulemakings (Weight: 30%)

Patent Legal Administration Measures	FY 2016 Targets	FY 2016 Results
% of Clear and Timely Guidance and Memos Completed	75-85%	
% of Clear and Timely Rulemaking and Notices Published	75-85%	
% of Timely Implementation of Legislative Changes and Case Law Developments	75-85%	

Results Sub Element 3: Office of Petitions and Petitions Processing (Weight: 30%)

Office of Petitions Measures	FY 2016 Targets	FY 2016 Results
% of Timely Petition Decisions ¹⁾	75%	
% of Timely Track 1 Petition Decisions ²⁾	60%	
% of Timely Patent Prosecution Highway (PPH) Decisions ³⁾	60%	

1) Petitions processed in less than six months from the filing date:

a. Does not include PTA petitions.

2) Track 1 petitions processed in less than 60 days.

3) PPH petitions processed in less than 120 days.

Results Sub Element 4: Quality and Training (Weight 20%)

Quality Programs Measures and Targets	FY 2016 Results
Support the implementation of the Correctness and Clarity Data Collection Form (CCDC) for reviews in the Office of Patent Quality Assurance (OPQA)	

Support the reevaluation of AFCP 2.0 and the Pre-Appeal Conference program and assist in the development of a follow-on after final program in response to the completed reevaluation as appropriate	
Provide assistance and guidance in the development of baseline Correctness and Clarity metrics utilizing the results of the FY 2016 CCDC reviews	
Assist in the development of Quality Metrics and Targets for FY 2017 in the 4 th Quarter of the FY utilizing the baselined Correctness and Clarity Metrics	
Provide support and legal assistance to the implementation of the Clarity of the Record Pilot Program in Patent Operations – provide support to develop best practices for enhancing the clarity of all aspects of the prosecution record and then study the impact of implementing these best practices during examination	
Support the development of a program/process for providing post-grant outcomes from sources, such as the Patent Trial and Appeal Board (PTAB), to the examiner of record and the examiners of related applications. (EPQI – Post Grant Outcome Initiative)	
Support the development of a program for reviewing the consistency of examination and programs to address any inconsistencies	
Provide leadership in the development of and provide support to the topic submission for case studies program	

<i>Training Measures and Targets</i>	FY 2016 Results
Ensure that Training is developed and delivered in a timely manner in accordance with established timelines.	
Assist with the development of Clarity of the Record Training modules for examiners on effective ways to improve all aspects of the clarity of the prosecution record.	
Support training within Patents so it can be delivered in a timely manner	

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

Robert Bahr

Deputy Commissioner for Patent Examination Policy
Office of the Commissioner for Patents
Fiscal Year 2016 Performance Review

As Deputy Commissioner for Patent Examination Policy (D/C PEP), Mr. Bahr provides executive leadership and oversight to: 1) the Office of Patent Legal Administration (OPLA); (2) the Manual of Patent Examination (MPEP); and (3) the Office of Petitions. In addition to providing leadership to the offices within D/C PEP, Mr. Bahr has led the formulation of patent examination policy for all offices under the Commissioner for Patents and is the main patent examination policy advisor to the Commissioner for Patents.

Critical Element 1: Leading Change (Weight 10%):

(b)(6)

Mr. Bahr's accomplishments under this element during fiscal year 2016 included:

(b)(6)

Robert Bahr
Deputy Commissioner for Patent Examination Policy
Office of the Commissioner for Patents
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(b)(6)



Robert Bahr

Deputy Commissioner for Patent Examination Policy

Office of the Commissioner for Patents

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(b)(6)



Critical Element 2: Leading People (Weight 10%):

(b)(6)



Robert Bahr

Deputy Commissioner for Patent Examination Policy
Office of the Commissioner for Patents
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(b)(6)



Critical Element 3: Business Acumen (Weight 10%):

(b)(6)



Robert Bahr

Deputy Commissioner for Patent Examination Policy

Office of the Commissioner for Patents

Fiscal Year 2016 Performance Review

(b)(6)

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Critical Element 4: Building Coalitions (Weight 10%):

(b)(6)

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Robert Bahr

Deputy Commissioner for Patent Examination Policy

Office of the Commissioner for Patents

Fiscal Year 2016 Performance Review

(b)(6)

Critical Element 5: Results Driven (60%):

In FY 2016, the following results were achieved:

Results Sub Element 1: Backlog, Pendency and Timeliness (Weight 20%)

<i>Backlog, Pendency and Timeliness Measures</i>	<i>FY 2016 Targets</i>				<i>FY 2016 Results</i>	
	<i>FY16: -1.0% Growth</i>	<i>FY16: 1.0% Growth</i>	<i>FY16: 3.0% Growth</i>	<i>FY16: 5.0% Growth</i>		
<i>Patent Corps Backlog Metrics</i>						
Unexamined Backlog*	440,000 - 490,000	450,000 - 500,000	465,000 - 515,000	475,000 - 525,000	(b)(6)	
RCE backlog	25,000 - 29,000					
<i>Patent Corps Pendency and Timeliness Metrics</i>						
First Action Pendency	14.5-16.0					
Total Pendency	24.1 - 26.7					
UPR PUs	608,000 - 672,000					
T1 Pendency (snapshots < 12 months)	97.1% - 97.7%					
RCE Pendency (inventory > 4 months)	30% - 36%					

(b)(6)

(b)(6)

Results Sub Element 2: Patent Legal Administration, Examination Guidance, and Rulemakings (Weight: 30%)

<i>Patent Legal Administration Measures</i>	<i>FY 2016 Targets</i>	<i>FY 2016 Results</i>
% of Clear and Timely Guidance and Memos Completed	75-85%	(b)(6)
% of Clear and Timely Rulemaking and Notices Published	75-85%	

Robert Bahr

Deputy Commissioner for Patent Examination Policy

Office of the Commissioner for Patents

Fiscal Year 2016 Performance Review

(b)(6)

(b)(6)

Results Sub Element 3: Office of Petitions and Petitions Processing (Weight: 30%)

<i>Office of Petitions Measures</i>	<i>FY 2016 Targets</i>	<i>FY 2016 Results</i>
% of Timely Petition Decisions ¹	75-85%	(b)(6)
% of Timely Track 1 Petition Decisions ²	75-85%	
% of Timely Patent Prosecution Highway (PPH) Decisions ³	75-85%	

(b)(6)

(b)(6)

Results Sub Element 4: Quality and Training (Weight 20%)

<i>Quality Programs Measures and Targets</i>	<i>FY 2016 Results</i>
Support the implementation of the Correctness and Clarity Data Collection Form (CCDC) for reviews in the Office of Patent Quality Assurance (OPQA)	(b)(6)
Support the reevaluation of AFCP 2.0 and the Pre-Appeal Conference program and assist in the development of a follow-on after final program	

Robert Bahr

Deputy Commissioner for Patent Examination Policy

Office of the Commissioner for Patents

Fiscal Year 2016 Performance Review

in response to the completed reevaluation as appropriate	
Provide assistance and guidance in the development of baseline Correctness and Clarity metrics utilizing the results of the FY 2016 CCDC reviews	(b)(6)
Assist in the development of Quality Metrics and Targets for FY 2017 in the 4 th Quarter of the FY utilizing the baselined Correctness and Clarity Metrics	
Provide support and legal assistance to the implementation of the Clarity of the Record Pilot Program in Patent Operations – provide support to develop best practices for enhancing the clarity of all aspects of the prosecution record and then study the impact of implementing these best practices during examination	
Support the development of a program/process for providing post-grant outcomes from sources, such as the Patent Trial and Appeal Board (PTAB), to the examiner of record and the examiners of related applications. (EPQI – Post Grant Outcome Initiative)	
Support the development of a program for reviewing the consistency of examination and programs to address any inconsistencies	

Robert Bahr

Deputy Commissioner for Patent Examination Policy

Office of the Commissioner for Patents

Fiscal Year 2016 Performance Review

	(b)(6)
Provide leadership in the development of and provide support to the topic submission for case studies program	

<i>Training Measures and Targets</i>	FY 2016 Results
Ensure that Training is developed and delivered in a timely manner in accordance with established timelines.	(b)(6)
Assist with the development of Clarity of the Record Training modules for examiners on effective ways to improve all aspects of the clarity of the prosecution record.	
Support training within Patents so it can be delivered in a timely manner	

(b)(6)

(b)(6)