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 compliant 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<u>Legal Administration</u> 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:

- <u>PCT Legal Affairs</u> 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;
- <u>PCT Special Programs</u> 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 upto-date PCT forms through the PCT Help Desk and through the PCT Home Page found on the USPTO web site; and
- <u>Patent Assistance Center</u> (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 rulemaking 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

- 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. <u>Knowledge of management principles</u>, theories, and practices as applied to a professional <u>organization</u>. 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. 11	ave reviev	ved this plan	and have been	consulted	on its develo	pment				
Executive's Name (Last, I		Bahr, Robert				Ap	prais	sal Pd. 10	/01/	19 - 9/30/20
Executive's Signature:	(b)(6)					Da	Date: 9/2019			
							rganiz	ation: Pa	atent	s
Rating Official's Name (L	ast, First, I	MI): Hirshfeld	, Andrew H	11		CA		NC 🗌 L	T/LE	
Rating Official's Signature	e: (b)(6)					Da	ate:	9/2	.>/	19
Part 2. Progress Review										
Executive's Signature:						Da	ate:			
Rating Official's Signature	e:					Da	ate:			
Reviewing Official's Signa	ature (Opt	ional):				Da	ate:			
Part 3. Summary Rating										
Initial Summary Rating	Leve Outstand	ding E	Level 4 xceeds Fully uccessful		vel 3 uccessful	Min	Level imally sfacto	у		Level 1 satisfactory
Rating Official's Name (L	ast, First, I	MI): Hirshfeld	l, Andrew H.							
Rating Official's Signature	e:					Da	ate:			
Executive's Signature:						Dá	Date:			
Reviewing Official's Signa	ature (Opt	ional):				Da	ate:			
Higher Level Review (if a	applicable)									
I request a higher lev	el review.	Executive's	s Initials:			Da	ate:			
Higher Level Review Con	npleted					Da	ate:			
Higher Level Reviewer Si	gnature:									
Performance Review Bo	ard Recon	mendation	Level	5	Level 4	Leve	13	Leve	el 2	Level 1
PRB Chair Signature:								Date:		
Annual Summary Rating	,		Level	5	Level 4	Leve	13	Leve	12	Level 1
Appointing Authority Sig	nature:							Date:		
Part 4. Derivation Form	ula and Ca	lculation of	Annual Summa	ry Rating						
	Elem	ent Rating			Score					
Critical Element	Initial	Final (if changed	l) Weight	Initial	Final (if chang	ed)	S	ummarv	Leve	l Ranges
1. Leading Change	,,,,,,	(c.nanget	,		(5.1.8)					
2. Leading People								475-50 400-47		
Business Acumen Building Coalitions				-				300-39	9 = L	evel 3
5. Results Driven							Δην	200-29 CF rated		evel 2 el 1 = Level 1
Total			100%				rany	or rated	LCVC	. I - LCACI I

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
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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;

Critical Element Rating – Leading Change	Level 5	Level 4	Level 3	Level 2	Level 1
Rating Official Narrative: (Optional)					
(PLT), the Hague Agreement, recent c	,	,			
 to patent examination; and Monitors and supports timely revision 					l issues relating

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;

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

- 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)						Ī
		1-				
Critical Element Rating – Leading People	Level 5	Level 4	Level 3	Level 2	Level 1	

Executive Name and ID: Bahr, Robert

Appraisal Period: 10/1/19 – 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 <u>1</u>
/Objective Alignment <u>1-2</u>

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

growth. This uncertainty could affect anticipated USPTO workloads and fee collections which in turn could significantly impact the USPTO's long-term goals, objectives and targets, and therefore simultaneously affect any interim results.

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

Performance Requirement 2: Patent Legal Administration, Examination Guidance and Rulemakings [Weight 35%]

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 *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 growth. This uncertainty could affect anticipated USPTO workloads and fee collections which in turn could significantly impact the USPTO's long-term goals, objectives and targets, and therefore simultaneously affect any interim results.

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

Performance Requirement 3: 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 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 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

Strategic Alignment: Strategic Goal 1 /Objective Alignment 1, 2, and 3

Goal I, Objectives 1, 2 and 3 of the USPTO 2018-2022 Strategic Plan.

Strategic Alignment: Strategic Goal 1
/Objective Alignment 1, 2, and 3

Goal I, Objectives 1, 2 and 3 of the USPTO 2018-2022 Strategic Plan.

results.					
Success of these objectives will be determine measures laid out in the attached document overall performance taking into account the tattached document. Meeting or exceeding the attached document represents a level of outs	and will be measured bas totality of all the measure he targets set forth in the	sed on es in the			
Performance Requirement 4: Quality and Tra Develop an effective and efficient business planeasurement system to contribute to the act and targets based on requirements in the Pre 2022 Strategic Plan.	lanning strategy and perf hievement of goals, object	ctives	/Objective A	gnment: Strate Alignment 2 and ctives 2 and 3 strategic Plan.	nd 3
As a fee-funded agency, the USPTO relies on operations. The USPTO considers a number of indicators when forecasting its workloads. We indicators point toward renewed economic euncertainty still remains regarding the current growth. This uncertainty could affect anticipate collections which in turn could significantly in goals, objectives and targets, and therefore stresults.	of economic factors and in While many of these define expansion, considerable at and near future prospe ated USPTO workloads as anpact the USPTO's long-t	relevant ing ects for nd fee erm			
Success of these objectives will be determined measures laid out in the attached document overall performance taking into account the attached document. Meeting or exceeding the attached document represents a level of outside the succession of th	and will be measured ba totality of all the measure he targets set forth in the	sed on es in the			
Rating Official Narrative: (Optional)					

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
				Points 475 – 500 = Level 5 Rating Score	
Sub Element 1 (Backlog, Pendency and Timeliness)		20%		Points 400 – 474 = Level 4 Rating Score Points 300 – 399 = Level 3 Rating Score Points 200 – 299 = Level 2 Rating Score	
Sub Element 2 (Patent Legal Administration, Examination Guidance, and Rulemakings)		30%		Any SE rated Level 1 overall score must be = Level 1 Rating Score	
Sub Element 3 (Office of Petitions and Petitions Processing)		30%			
Sub element 4 (Quality and Training)		20%			
		= 100%			
Sub Element Total Score				= Level	

Example of Results Driven Element Being Rated Level 4

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

results. Faterit Feridency, backlog an					
Patent Pendency, Backlog and Timeliness Measures	-2% - 0% Filing Growth	0% - 2% Filing Growth	2% - 4% Filing Growth	4% - 6% Filing Growth	FY 2020 Results
	Pate	ent Corps Backle	og Metrics		L'Estate la Mariel
Unexamined Inventory*, **					
RCE Inventory**					
FA_ 1	Patent Corps	Pendency and	Timeliness Metr	rics	
First Action Pendency**					
Total Pendency**					
UPR Production Units (PUs)**					
T1 Pendency (snapshots ≤ 12 months)					
RCE Pendency (inventory ≤ 4 months)					
Pat	ent Term Adjus	stment (PTA) Ti	meframes (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⁾		

76 Of Timely FFH Fellion	12	
(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	1	
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. 1	ave reviev	ved this plan	and have been	consulted	on its develo	pment	t.			
Executive's Name (Last, I	First, MI): I	Bahr, Robert				A	pprais	sal Pd. 10	/01/	19 - 9/30/20
Executive's Signature:	(b)(6)					Da	Date: 9/20/2019			
Title: Deputy Commissio	ner for Pa	tent Examin	ation Policy			O	rganiz	zation: Pa	atent	s
Rating Official's Name (L	ast, First, I	MI): Hirshfeld	I, Andrew H	11		CA	A 🗌	NC 🗌 L	T/LE	
Rating Official's Signature	e: (b)(6)					Da	ate:	9/2	>/	19
Part 2. Progress Review			1							
Executive's Signature:						Da	ate:			
Rating Official's Signature	e:					Da	ate:			
Reviewing Official's Signa	ature (Opt	ional):				Da	ate:			
Part 3. Summary Rating										
Initial Summary Rating			Level 4 exceeds Fully successful		vel 3 uccessful	Min	Level imall sfacto	у		Level 1 satisfactory
Rating Official's Name (L	ast, First, I	MI): Hirshfeld	l, Andrew H.							
Rating Official's Signatur	e:					Da	ate:			
Executive's Signature:						Di	Date:			
Reviewing Official's Signa	ature (Opt	ional):				D	ate:			
Higher Level Review (if a	applicable)									
I request a higher lev	el review.	Executive'	s Initials:			D	ate:			
Higher Level Review Con	npleted					D	ate:			
Higher Level Reviewer Si	gnature:									
Performance Review Bo	ard Recon	mendation	Level	5 🗌	Level 4	Leve	el 3	Leve	el 2	Level 1
PRB Chair Signature:								Date:		
Annual Summary Rating	,		Level	5	Level 4	Leve	el 3	Leve	12	Level 1
Appointing Authority Sig	nature:							Date:		
Part 4. Derivation Form	ula and Ca	lculation of	Annual Summa	ry Rating						
	Elem	ent Rating			Score					
Critical Element	Initial	Final (if changed	d) Weight	Initial	Final (if chang	ed)	S	ummarv	Leve	l Ranges
1. Leading Change	inclui	(change	-, Troight	.,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,	(s.iaii)					
2. Leading People	4							475-50 400-47		
Business Acumen Building Coalitions								300-39		
5. Results Driven							Ans	200-29		
Total			100%				Any	CE rated	reve	l 1 = Level 1

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
	The state of the s

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;

Critical Element Rating – Leading Change	Level 5	Level 4	Level 3	Level 2	Level 1			
Rating Official Narrative: (Optional)								
(PLT), the Hague Agreement, recent c	,	,						
 Supports the patent examining corps, including the regional offices and hoteling examiners, on legal issues related patent examination; and Monitors and supports timely revisions to the MPEP to reflect changes resulting from the AIA, Patent Law Treat 								

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;

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

- 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)						Ī
		1-				
Critical Element Rating – Leading People	Level 5	Level 4	Level 3	Level 2	Level 1	

Executive Name and ID: Bahr, Robert

Appraisal Period: 10/1/19 – 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 <u>1</u>
/Objective Alignment <u>1-2</u>

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

growth. This uncertainty could affect anticipated USPTO workloads and fee collections which in turn could significantly impact the USPTO's long-term goals, objectives and targets, and therefore simultaneously affect any interim results.

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

Performance Requirement 2: Patent Legal Administration, Examination Guidance and Rulemakings [Weight 35%]

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 *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 growth. This uncertainty could affect anticipated USPTO workloads and fee collections which in turn could significantly impact the USPTO's long-term goals, objectives and targets, and therefore simultaneously affect any interim results.

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

Performance Requirement 3: 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 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 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

Strategic Alignment: Strategic Goal 1 /Objective Alignment 1, 2, and 3

Goal I, Objectives 1, 2 and 3 of the USPTO 2018-2022 Strategic Plan.

Strategic Alignment: Strategic Goal 1
/Objective Alignment 1, 2, and 3

Goal I, Objectives 1, 2 and 3 of the USPTO 2018-2022 Strategic Plan.

results.					
Success of these objectives will be determine measures laid out in the attached document overall performance taking into account the tattached document. Meeting or exceeding the attached document represents a level of outs	and will be measured bas totality of all the measure he targets set forth in the	sed on es in the			
Performance Requirement 4: Quality and Tra Develop an effective and efficient business planeasurement system to contribute to the act and targets based on requirements in the Pre 2022 Strategic Plan.	lanning strategy and perf hievement of goals, object	ctives	/Objective A	gnment: Strate Alignment 2 and ctives 2 and 3 strategic Plan.	nd 3
As a fee-funded agency, the USPTO relies on operations. The USPTO considers a number of indicators when forecasting its workloads. We indicators point toward renewed economic euncertainty still remains regarding the current growth. This uncertainty could affect anticipate collections which in turn could significantly in goals, objectives and targets, and therefore stresults.	of economic factors and in While many of these define expansion, considerable at and near future prospe ated USPTO workloads as anpact the USPTO's long-t	relevant ing ects for nd fee erm			
Success of these objectives will be determined measures laid out in the attached document overall performance taking into account the attached document. Meeting or exceeding the attached document represents a level of outside the succession of th	and will be measured ba totality of all the measure he targets set forth in the	sed on es in the			
Rating Official Narrative: (Optional)					

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
				Points 475 – 500 = Level 5 Rating Score	
Sub Element 1 (Backlog, Pendency and Timeliness)		20%		Points 400 – 474 = Level 4 Rating Score Points 300 – 399 = Level 3 Rating Score Points 200 – 299 = Level 2 Rating Score	
Sub Element 2 (Patent Legal Administration, Examination Guidance, and Rulemakings)		30%		Any SE rated Level 1 overall score must be = Level 1 Rating Score	
Sub Element 3 (Office of Petitions and Petitions Processing)		30%			
Sub element 4 (Quality and Training)		20%			
		= 100%			
Sub Element Total Score				= Level	

Example of Results Driven Element Being Rated Level 4

Results Driven	Sub	Weight	Sub	Point Ranges to Rating Level Score	Results Driven
Sub Elements (SE)	Element Rating Level Score	(multiply by)	Element Points Score		Initial Element Score
				Points 475 – 500 = Level 5 Rating Score	
Sub Element 1	4	x 25	100	Points 400 – 474 = Level 4 Rating Score	
Sub Element 2	5	x 30	150	Points 300 – 399 = Level 3 Rating Score	
Sub Element 3	5	x 15	75	Points 200 – 299 = Level 2 Rating Score	
Sub element 4	3	x 30	90	Any SE rated Level 1 overall score must be	
		= 100%		= Level 1 Rating Score	
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	-2% - 0% Filing Growth	0% - 2% Filing Growth	2% - 4% Filing Growth	4% - 6% Filing Growth	FY 2020 Results
	Pate	ent Corps Backle	og Metrics		L'amore de la company
Unexamined Inventory*, **					
RCE Inventory**					
19A - 1 - 40	Patent Corp	s Pendency and	Timeliness Metr	rics	
First Action Pendency**					
Total Pendency**					
UPR Production Units (PUs)**					
T1 Pendency (snapshots ≤ 12 months)					
RCE Pendency (inventory ≤ 4 months)					
Pat	ent Term Adjus	stment (PTA) Ti	meframes (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).
- 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	1	
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.	

^{*}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. 11	nave review	ed this plan an	nd have been	consulted o	n its developm	ent.		
Executive's Name (Last, I	Apprai	sal Pd. 10/01/18 - 9/30/19						
Executive's Signature: (b	Date:	9/24/2018						
Title: Deputy Commission	ner for Pat	ent Examinati	on Policy			Organi	zation: Patents	
Rating Official's Name (L	ast, First, N	11): Hirshfeld, A	Andrew H.	1.		СА	NC LT/LE	
Rating Official's Signatur	e: (b)(6)					Date:	10/12/18	
Part 2. Progress Review		,	/					
Executive's Signature:	(b)(6)		. /			Date:	5/3/2019	
Rating Official's Signatur	e: (b)(6)					Date:	5/3/19	
Reviewing Official's Signa	ature (Opti	onal):	/			Date:		
Part 3. Summary Rating								
Initial Summary Rating	(b)(6)							
Rating Official's Name (L		///): Hirshfeld, /	Andrew H	/				
Rating Official's Signatur	e: (b)(6)					Date:	11/6/19	
Executive's Signature:	(b)(6)					Date: 11/6/19 Date: 11/6/2019		
Reviewing Official's Signa	ature (Opti	onal):		_		Date:		
Higher Level Review (if a	applicable)							
☐ I request a higher lev	el review.	Executive's In	nitials:			Date:		
Higher Level Review Con	pleted					Date:		
Higher Level Reviewer Si	gnature:							
Performance Review Bo	ard Recom	mendation	Level :	5 🗆 L	evel 4 🔲 Le	evel 3	Level 2 Level 1	
PRB Chair Signature:							Date:	
Annual Summary Rating			Level !	5 🔲 L	evel 4 🔲 Le	evel 3	Level 2 Level 1	
Appointing Authority Sig	nature:		•	1	.,		Date:	
Part 4. Derivation Form	ula and Ca	culation of An	nual Summai	y Rating				
	Elem	ent Rating		9	Score			
Critical Element	Initial	Final (if changed)	Weight	Initial	Final (if changed)	,	Summary Level Ranges	
1. Leading Change	(b)(6)	(ii changeu)	(b)(6)	ilitiai	(ii changea)	<u> </u>		
2. Leading People							475-500 = Level 5	
3. Business Acumen 400-474 = Level 4							300-399 = Level 3	
Building Coalitions Results Driven							200-299 = Level 2	
Total			100%	(b)(6)		Any	CE rated Level 1 = Level 1	
TOTAL			100%	V-7V-7				

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)

Seeattached

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 affached

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%]

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.

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

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-

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.

term, multi-year goal to be achieved over the next several years.

Performance Requirement 2: Patent Legal Administration, Examination Guidance and Rulemakings [Weight 35%]

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.

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

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

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

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 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

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

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.

months total pendency. This is a longterm, 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.

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 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				and	
Critical Element Rating – Results Driven	Level 5	Level 4	Level 3	Level 2	Level 1	

Executive Name and ID. Dam, Robert	Appraisar renou. 10/1/16 - 3/30/13
Part 6: Summary Rating Narrative (Mandatory)	
See attached	ج1
art 7: Executive's Accomplishment Narrative (Optional)	
art 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 Drive Initial Eleme Score
1				Points 475 – 500 = Level 5 Rating Score	
Sub Element 1 (Backlog, Pendency and Timeliness)		20%		Points 400 – 474 = Level 4 Rating Score Points 300 – 399 = Level 3 Rating Score Points 200 – 299 = Level 2 Rating Score	
Sub Element 2 (Patent Legal Administration, Examination Guidance, and Rulemakings)		30%		Any SE rated Level 1 overall score must be	
Sub Element 3 (Office of Petitions and Petitions Processing)		30%		Elevel 1 Rating Score SRR NALLENGE RAT ANTACHEL RATE ANTACHEL	
Sub element 4 (Quality and Training)		20%] \ /\^	
TO LEGAL		= 100%			
Sub Element Total 8core	1000			= 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
	1	111		Points 475 – 500 = Level 5 Rating Score	
Sub Element 1	4	x 25	100	Points 400 – 474 = Level 4 Rating Score	
Sub Element 2	5	x 30	150	Points 300 – 399 = Level 3 Rating Score	
Sub Element 3	5	x 15	75	Points 200 – 299 = Level 2 Rating Score	
Sub element 4	3	x 30	90	Any SE rated Level 1 overall score must be	
		= 100%		= Level 1 Rating Score	
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%)

	FY 2019 Targets					
Patent Pendency, Backlog and Timeliness Measures	-2% - 0% Filing Growth	0% - 2% Filing Growth	2% - 4% Filing Growth	4% - 6% Filing Growth	FY 2019 Results	
	Pate	ent Corps Backlo	g Metrics	- 1º -	Dillocal - Little	
Unexamined Inventory*, **						
RCE Inventory**						
7 7 7 7 V	Patent Corps	Pendency and	Timeliness Metr	ics	1,2	
First Action Pendency**						
Total Pendency**						
UPR Production Units (PUs)**						
T1 Pendency (snapshots ≤ 12 months)						
RCE Pendency (inventory ≤ 4 months)						
Pat	ent Term Adjus	stment (PTA) Ti	meframes (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		_22				

^{*}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).
- 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.	

^{*}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: 8/5/249

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: **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.

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.

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

Goal I, Objective 1 of the USPTO's 2018-2022 Strategic Plan 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.

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

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.

This is a long-term, multi-year goal to be achieved over the next several years.

Performance Requirement 2: Patent Legal Administration, Examination Guidance and Rulemakings [Weight 25%]

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.

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.

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

Performance Requirement 3: Office of Petitions and Petitions Processing [Weight 25%]

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

Goal I, Objective 2 of the USPTO's 2018-2022 Strategic Plan 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.

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

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.

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.

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

Performance Requirement 4: Quality, Training and Search [Weight 25%]

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.

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.

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 1/2 /Objective Alignment 2

Goal I, Objective 2 of the *USPTO's* 2018-2022 Strategic Plan 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.

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

Executive Name and ID: Bahr, Robert	Appraisal Period: FY 2019
	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)	
Jer attac	Lhed
(b)(6) Critical Element Rating – Results Driven	

Deriving the Results Driven Rating Worksheet Executive Name Bahr, Robert Rating Period 10/1/18 - 9/30/19 Sub Results Driven Weight Sub Point Ranges to Rating Level Score Results Driven Sub Elements Element (multiply Element Rating **Points** Initial (SE) by) Score Flement Level Score Score Points 475 - 500 = Level 5 Rating Score Points 400 – 474 = Level 4 Rating Score Sub Element 1 (b)(6)Pendency and Points 300 – 399 = Level 3 Rating Score **Timeliness** Points 200 - 299 = Level 2 Rating Score Sub Element 2 Any SE rated Level 1 overall score must be Patent Legal = Level 1 Rating Score Administration, Examination Guidance and Rulemakings Sub Element 3 Office of Petitions and Petitions Processing Sub element 4 Quality, Training and Search = 100% Sub Element (b)(6)Total Score Example of Results Driven Element Being Rated Level 4 Results Driven Weight Sub Results Driven Sub Point Ranges to Rating Level Score Initial Element **Sub Elements** Element (multiply Element **Points** Score Rating by) (SE) Score Level Score Points 475 – 500 = Level 5 Rating Score 4 x 25 100 Points 400 - 474 = Level 4 Rating Score Sub Element 1 Points 300 – 399 = Level 3 Rating Score 5 Sub Element 2 x 30 150 Points 200 - 299 = Level 2 Rating Score Sub Element 3 5 75 x 15 Any SE rated Level 1 overall score must be Sub element 4 3 x 30 90 = Level 1 Rating Score = 100% Sub Element 4* 415 415= Level 4 Total Score *Results Driven Rating is 4 – to be transferred to Initial Element Score beside Results Driven Critical Element on the

bottom of page 1.

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 (14/4/4/4/36)	
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	
93% of amendment actions; Respond to a Reply under 35 95% of remaining amended inventory; 79% of RCE actions and 73% of remaining inventor applications < 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	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:

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	Develop and implement training	
Subject Matter Eligibility Guidance	in FY '19	
Develop and implement legal training for the patent	Provide training on each of these	
examining corp. on the following: 35 U.S.C. 112, Restriction,	topics to the patent examining	
Court Decisions, and prior art rejections.	corps. in FY '19	
Search	FY 2019 Targets	FY 2019 Results
	Support training courses that focus on search techniques and strategies, database searching, and NPL searching by technology to examiners in FY '19	FY 2019 Results
Continuing Education Classes focused on Examiner Search Leverage SPE Action Plans	Support training courses that focus on search techniques and strategies, database searching, and NPL searching by	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 Support the implementation of action	FY 2019 Results
Continuing Education Classes focused on Examiner Search Leverage SPE Action Plans Define and Improve Search Standards	Support training courses that focus on search techniques and strategies, database searching, and NPL searching by technology to examiners in FY '19 Support the implementation of action plans and evaluation of the initiative 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'	FY 2019 Results
Continuing Education Classes focused on Examiner Search Leverage SPE Action Plans Define and Improve Search Standards OPQA Feedback on Search	Support training courses that focus on search techniques and strategies, database searching, and NPL searching by technology to examiners in FY '19 Support the implementation of action plans and evaluation of the initiative 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 Support the piloting and evaluation of the pilot in FY '19 Support the development of this initiative in FY '19	FY 2019 Results
Continuing Education Classes focused on Examiner Search Leverage SPE Action Plans Define and Improve Search Standards OPQA Feedback on Search Examiner Training Certification	Support training courses that focus on search techniques and strategies, database searching, and NPL searching by technology to examiners in FY '19 Support the implementation of action plans and evaluation of the initiative 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 Support the piloting and evaluation of the pilot in FY '19 Support the development of this	FY 2019 Results
Continuing Education Classes focused on Examiner Search Leverage SPE Action Plans Define and Improve Search Standards OPQA Feedback on Search Examiner Training Certification Search and Classification Experts Position	Support training courses that focus on search techniques and strategies, database searching, and NPL searching by technology to examiners in FY '19 Support the implementation of action plans and evaluation of the initiative 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 Support the piloting and evaluation of the pilot in FY '19 Support the development of this initiative in FY '19 Provide support to the development and implementation of the pilot in FY	FY 2019 Results
Continuing Education Classes focused on Examiner Search Leverage SPE Action Plans	Support training courses that focus on search techniques and strategies, database searching, and NPL searching by technology to examiners in FY '19 Support the implementation of action plans and evaluation of the initiative 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 Support the piloting and evaluation of the pilot in FY '19 Support the development of this initiative in FY '19 Provide support to the development and implementation of the pilot in FY '19 Launch the IT tool to a limited area within the Technology Centers in FY	FY 2019 Results

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.

0(6)			
	Leading Change (V	Veight 10%):	 3.27
)(6)			

(b)(6)	
_	1

(b)(6)			
b)(6)			
Critical Ele	ment 2: Leading People	(Weight 10%):	
(2)(3)			

	 	 	 	 e 11	 	
(b)(6)						
(D)(U)						
a construction						
(b)(6)						
(2)(0)						
F 7-13 (1)						

Critical Element 3:	Business Acumen	(Weight 10%):
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Cittical Element 3. Business Acumen (Weight 10/0)	
(b)(6)	

Critical Element 4: Building Coali	ions (Weight 10%):
(b)(6)	

(b)(6)		

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	
Pa	tent Corps Pendency and Timeliness Metr	ics	
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 1	erm 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)			
1000			

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 <u>Level 5</u> 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%				

- 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 <u>Level 5</u> 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%	· A ·
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

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)			

^{*}Target not met

(b)(6)		

SES Performance Management System Executive Performance Plan



Part 1. Consultation. / h	ave review	ed this plan an	d have been	consulted o	on its developm	ent.	
Executive's Name (Last, I	First, MI): E	ahr, Robert				Appra	isal Pd. 10/01/18 - 9/30/19
Executive's Signature: (b)(6)							9/24/2018
Title: Deputy Commission	ner for Pat	ent Examination	on Policy			Organ	ization: Patents
Rating Official's Name (Lo	ast, First, N	11): Hirshfeld, A	Andrew H.	/		СА	NC LT/LE
Rating Official's Signature	e: (b)(6)					Date:	10/12/18
Part 2. Progress Review							
Executive's Signature:	(b)(6)					Date:	5/3/2019
Rating Official's Signature	e: (b)(6)					Date:	5/3/19
Reviewing Official's Signa	ature (Opti	onal):	/			Date:	. , .
Part 3. Summary Rating							
Initial Summary Rating	(b)(6)						
Rating Official's Name (Lo		///): Hirshfeld, A	Andrew H	1			
Rating Official's Signature	e: (b)(6)					Date:	11/6/19
Executive's Signature:	(b)(6)					Date: 11/6/19 Date: 11/6/2019	
Reviewing Official's Signa	ture (Opti	onal):				Date:	
Higher Level Review (if a	pplicable)						
☐ I request a higher lev	el review.	Executive's Ir	nitials:			Date:	
Higher Level Review Com	pleted					Date:	
Higher Level Reviewer Si	gnature:						
Performance Review Boo	ard Recom	mendation	Level	5 🔲	Level 4 L	evel 3	Level 2 Level 1
PRB Chair Signature:							Date:
Annual Summary Rating			Level !	5 🔲	Level 4 L	evel 3	Level 2 Level 1
Appointing Authority Sign	nature:			1			Date:
Part 4. Derivation Form	ula and Ca	culation of An	nual Summai	ry Rating			
	Elem	ent Rating			Score		
Critical Element	Initial	Final (if changed)	Weight	Initial	Final (if changed)		Summary Level Ranges
1. Leading Change	(b)(6)	(II Changeu)	10%	(b)(6)	(ii changeu)	1	Summary Level Kanges
2. Leading People			10%	सर्वासा विज			475-500 = Level 5
3. Business Acumen			10%				400-474 = Level 4
4. Building Coalitions			10%				300-399 = Level 3 200-299 = Level 2
5. Results Driven	1	-3	60%			Anv	CE rated Level 1 = Level 1
Total			100%			7,117	TE TOTAL EST

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)

Seeattached

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%]

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.

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

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-

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.

term, multi-year goal to be achieved over the next several years.

Performance Requirement 2: Patent Legal Administration, Examination Guidance and Rulemakings [Weight 35%]

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.

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

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

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

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 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

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

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.

months total pendency. This is a longterm, 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.

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 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				and	
Critical Element Rating – Results Driven	Level 5	Level 4	Level 3	Level 2	Level 1	

Executive Name and ID. Dam, Robert	Appraisar renou. 10/1/16 - 3/30/13
Part 6: Summary Rating Narrative (Mandatory)	
See attached	ج1
art 7: Executive's Accomplishment Narrative (Optional)	
art 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 Drive Initial Eleme Score
1				Points 475 – 500 = Level 5 Rating Score	
Sub Element 1 (Backlog, Pendency and Timeliness)		20%		Points 400 – 474 = Level 4 Rating Score Points 300 – 399 = Level 3 Rating Score Points 200 – 299 = Level 2 Rating Score	
Sub Element 2 (Patent Legal Administration, Examination Guidance, and Rulemakings)		30%		Any SE rated Level 1 overall score must be	
Sub Element 3 (Office of Petitions and Petitions Processing)		30%		Elevel 1 Rating Score SRR NALLENGE RAT ANTACHEL RATE ANTACHEL	
Sub element 4 (Quality and Training)		20%] \ /\^	
TO LEGAL		= 100%			
Sub Element Total 8core	1000			= 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
	1			Points 475 – 500 = Level 5 Rating Score	
Sub Element 1	4	x 25	100	Points 400 – 474 = Level 4 Rating Score	
Sub Element 2	5	x 30	150	Points 300 – 399 = Level 3 Rating Score	
Sub Element 3	5	x 15	75	Points 200 – 299 = Level 2 Rating Score	
Sub element 4	3	x 30	90	Any SE rated Level 1 overall score must be	
		= 100%		= Level 1 Rating Score	
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%)

YOU THE WORK THE THE	A 301 - 131				
Patent Pendency, Backlog and Timeliness Measures	-2% - 0% Filing Growth	0% - 2% Filing Growth	2% - 4% Filing Growth	4% - 6% Filing Growth	FY 2019 Results
	Pate	ent Corps Backlo	og Metrics	- 1,	Line J. L.
Unexamined Inventory*, **					
RCE Inventory**					
2.72.75.7	Patent Corps	Pendency and	Timeliness Metr	rics	+ 31
First Action Pendency**					
Total Pendency**					
UPR Production Units (PUs)**					
T1 Pendency (snapshots ≤ 12 months)					
RCE Pendency (inventory ≤ 4 months)					
Pat	ent Term Adjus	stment (PTA) Ti	meframes (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 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⁾		
A - (A) (A) (A)		

% of Timely PPH Petitions ³⁾	
(b)(6)	

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.		
(b)(6)		
(5)(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%

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

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

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

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

Performance Requirement 1: **Pendency 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.

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.

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

Goal I, Objective 1 of the USPTO's 2018-2022 Strategic Plan 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.

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

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.

This is a long-term, multi-year goal to be achieved over the next several years.

Performance Requirement 2: Patent Legal Administration, Examination Guidance and Rulemakings [Weight 25%]

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.

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.

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

Performance Requirement 3: Office of Petitions and Petitions Processing [Weight 25%]

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

Goal I, Objective 2 of the USPTO's 2018-2022 Strategic Plan 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.

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

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.

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.

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

Performance Requirement 4: Quality, Training and Search [Weight 25%]

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.

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.

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 1/2 /Objective Alignment 2

Goal I, Objective 2 of the *USPTO's* 2018-2022 Strategic Plan 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.

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

	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 a Has	
Critical Element Rating – Results Driven (b)(6)	

Executive Name and ID: Bahr, Robert

Appraisal Period: FY 2019

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
Elika Elika	ATT MEDICAL		May Comment	Points 475 – 500 = Level 5 Rating Score	No. 15
Sub Element 1 Pendency and Timeliness	(b)(6)	25%	(b)(6)	Points 400 – 474 = Level 4 Rating Score Points 300 – 399 = Level 3 Rating Score Points 200 – 299 = Level 2 Rating Score	
Sub Element 2 Patent Legal Administration, Examination Guidance and Rulemakings		25%		Any SE rated Level 1 overall score must be = Level 1 Rating Score	
Sub Element 3 Office of Petitions and Petitions Processing		25%			
Sub element 4 Quality, Training and Search		25%			
W. Sunday	Ton a read to	= 100%	The lates		
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
The base 1	THE LABORAGE	in a second	1	Points 475 – 500 = Level 5 Rating Score	THE STATE OF THE STATE OF
Sub Element 1	4	x 25	100	Points 400 – 474 = Level 4 Rating Score	
Sub Element 2	5	x 30	150	Points 300 – 399 = Level 3 Rating Score	Water Buy To and
Sub Element 3	5	x 15	75	Points 200 – 299 = Level 2 Rating Score	
Sub element 4	3	x 30	90	Any SE rated Level 1 overall score must be	TOP YEAR
	A TOTAL	= 100%	7	= Level 1 Rating Score	STAN TALE
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	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	
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	7,7
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	
ECTOTOBO SE E MOLIOIT FIGURE	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	
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'	
Define and Improve Search Standards OPQA Feedback on Search	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 Support the piloting and evaluation	
Define and Improve Search Standards OPQA Feedback on Search Examiner Training Certification	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 Support the piloting and evaluation of the pilot in FY '19 Support the development of this	
Define and Improve Search Standards OPQA Feedback on Search Examiner Training Certification Search and Classification Experts Position	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 Support the piloting and evaluation of the pilot in FY '19 Support the development of this initiative in FY '19 Provide support to the development and implementation of the pilot in FY	
	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 Support the piloting and evaluation of the pilot in FY '19 Support the development of this initiative in FY '19 Provide support to the development and implementation of the pilot in FY '19 Launch the IT tool to a limited area within the Technology Centers in FY	

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.

6)							
tical Eleme	nt 1: Leading (Change (Weigh	it 10%):				
6)							
. Bahr's ac	complishments	under this ele	ment during	fiscal year 2	019 include	d:	
Subject N	latter Eligibility	- 2019 Revise	d Patent Sub	ject Matter	Eligibility G	uidance:	
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David and		-NNI	(b)(6)		
2019.	e criteria for evalu	ation a rating leve	of (b)(c) is war	ranted in this el	ement for FY
Critical Flen	nent 2: Leading P	eople (Weight 10%	a)•		
(b)(6)	Terre ar accounting t	John (Weight 20)	<u> </u>		

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

(b)(6)		
b)(6)		

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

Critica	l Element 3: Bus	siness Acumen (Weight 10%):			
b)(6)						
Mr. Ba	hr's accomplish	ments under this	element duri	ng fiscal year 20	019 included:	
(b)(6)						

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

6

(b)(6)					
(b)(6)					
257.7.			-(4-)(0)		
Based on th 2019.	e criteria for evaluatio	on a rating level o	of (D)(b) is warrante	d in this element fo	or FY

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	
Pa	tent Corps Pendency and Timeliness Metri	ics	
First Action Pendency	<15 months	(b)(6)	
Total Pendency	<24 months	1000	
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 T	erm 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)			

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 Administr	ration Measures	70-
	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 Flement 3: Office of Petitions and Petitions Processing (Weight: 25%)

Office	of Petitions Measures	
	FY 2019 Targets	FY 2019 Results
% of Timely Petition Decisions1)	75-85%	(b)(6)
% of Timely Track 1 Petition Decisions ²⁾	75-85%	
% of Timely PPH Petitions ³⁾	75-85%	

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%	2 - 5 - 5 - 5
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	(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:	
(h)(6)	

(b)(6)			

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. //	nave reviev	ved this plan an	d have been	consulted o	on its developme	ent.	
Executive's Name (Last,	First, MI): I	Bahr, Robert				Apprai	sal Pd. 10/01/17 - 9/30/18
Executive's Signature: (b)(6)						Date:	9/13/2017
Title: Deputy Commission	ner for Pa	tent Examination	on Policy			Organi	zation: Patents
Rating Official's Name (L	ast, First, N	Al): Hirshfeld, A	Indrew H.	//		СА	NC LT/LE
Rating Official's Signatur	e: (b)(6)					Date:	9/29/17
Part 2. Progress Review			/				
Executive's Signature:	(b)(6)			1		Date:	6/1/18
Rating Official's Signatur	e: (b)(6)					Date:	6/1/18
Reviewing Official's Signa	ature (Opti	onal):	/			Date:	7 1
Part 3. Summary Rating							
Initial Summary Rating	(b)(6)						
Rating Official's Name (L	No. 20 Company	///): Hirshfeld, A	andrew H.	//			
Rating Official's Signatur	e: (b)(6)					Date:	11/9/18
Executive's Signature:	(b)(6)					Date:	11/9/18
Reviewing Official's Signa	ature (Opti	onal):				Date:	
Higher Level Review (if a	pplicable)						
I request a higher lev	el review.	Executive's Ir	nitials:			Date:	
Higher Level Review Com	pleted					Date:	
Higher Level Reviewer Si	gnature:				-+		
Performance Review Boo	ard Recom	mendation	Level !	5 1	Level 4 Le	vel 3	Level 2 Level 1
PRB Chair Signature:							Date:
Annual Summary Rating			Level !	5 🔲 1	evel 4 Le	vel 3	Level 2 Level 1
Appointing Authority Sig	nature:						Date:
Part 4. Derivation Form	ula and Ca	Iculation of An	nual Summai	ry Rating			
	Elem	ent Rating			Score		
Critical Element	Initial	Final (if changed)	Weight	Initial	Final (if changed)		Summary Level Ranges
1. Leading Change	(b)(6)	(ii changeu)	(b)(6)	Illitial	(ii changeu)	-	
2. Leading People			302,000				475-500 = Level 5 400-474 = Level 4
Business Acumen Building Coalitions							300-399 = Level 3
5. Results Driven							200-299 = Level 2
Total			100%	(b)(6)		Any	CE rated Level 1 = Level 1

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
Critical Element 2. Leading People (Minimum weight 5%) Weight 10% Mandatory Performance Requirement: Designs and implements strategies that maximize employee potential, connects

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) Level 4 Level 1 Level 5 Level 3 Level 2 Critical Element Rating – Business Acumen (Minimum weight 5%) Weight 10% Critical Element 4. Building Coalitions 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) Level 5 Level 4 Level 3 Level 2 Level 1 Critical Element Rating - Building Coalitions Appraisal Period: 10/1/17 - 9/30/18 Executive Name and ID: Bahr, Robert (Minimum Weight 20%) Weight 60% Critical Element 5. Results Driven 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 Goal I. Objectives 1 and 2 of the USPTO and targets based on requirements in the President's FY 2018 Budget. 2014-2018 Strategic Plan will be accomplished when patent pendency is optimized, allowing a final action on the As a fee-funded agency, the USPTO relies on user fee collections to fund

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.

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.

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

Performance Requirement 2: Patent Legal Administration, Examination Guidance and Rulemakings [Weight 35%]

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.

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

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

Performance Requirement 3: 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 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

Strategic Alignment: Strategic Goal 1 /Objective Alignments 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 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.

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.

goals, objectives and targets, and therefore simple results. Success of these objectives will be determined to measures laid out in the attached document and overall performance taking into account the total attached document. Meeting or exceeding the attached document represents a level of outstands.	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.				
Performance Requirement 4: Quality and Training Develop an effective and efficient business plan measurement system to contribute to the achie and targets based on requirements in the President As a fee-funded agency, the USPTO relies on use operations. The USPTO considers a number of eindicators when forecasting its workloads. While indicators point toward renewed economic explanation and the current agrowth. This uncertainty could affect anticipate collections which in turn could significantly impagoals, objectives and targets, and therefore simple goals, objectives and targets, and therefore simple goals. Success of these objectives will be determined and overall performance taking into account the tot attached document. Meeting or exceeding the attached document represents a level of outstand	objectives dget. to fund and relevant defining ble ospects for ds and fee ong-term t any interim formance d based on asures in the n the	Goal 1, Obje 2018 Strates when issued quality, clain stakeholder	ctive 4 of the pic Plan will be patents are on clarity is impo community hang of the mea	USPTO 2014- e accomplished f higher proved, and the as a clear	
Rating Official Narrative: (Optional)					

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 (Backlog, Pendency and Timeliness)		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	
Sub Element 2 (Patent Legal Administration, Examination Guidance, and Rulemakings)		30%		Any SE rated Level 1 overall score must be = Level 1 Rating Score	
Sub Element 3 (Office of Petitions and Petitions Processing)		30%			
Sub element 4 (Quality and Training)		20%			
		= 100%			1 3 4 15 1
Sub Element Total Score				= Level	

Example of Results Driven Element Being Rated Level 4

Results Driven	Sub	Weight	Sub	Point Ranges to Rating Level Score	Results Driven
Sub Elements	Element	(multiply	Element		Initial Element
(SE)	Rating	by)	Points		Score
	Level		Score		1 7 Y
	Score				
	A COMPANY			Points 475 – 500 = Level 5 Rating Score	10 - 10
Sub Element 1	4	x 25	100	Points 400 – 474 = Level 4 Rating Score	15-11
Sub Element 2	5	x 30	150	Points 300 – 399 = Level 3 Rating Score	
Sub Element 3	5	x 15	75	Points 200 – 299 = Level 2 Rating Score	
Sub element 4	3	x 30	90	Any SE rated Level 1 overall score must be	
		= 100%		= Level 1 Rating Score	
Sub Element		THE			
Total Score	0.1		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.

Executive Name and ID: Bahr, Robert Appraisal Period: 10/1/17 – 9/30/18

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

Parkley Bondonniand					
Backlog, Pendency and Timeliness Measures	FY18: -1.0% Growth	FY18: 1.0% Growth	FY18: 3.0% Growth	FY18: 5.0% Growth	FY 2018 Results
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:

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	

a. Does not include PTA decisions

²Track 1 petitions processed in less than 60 days.

³PPH petitions processed in less than 120 days.

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	

Training Measures and Targets	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/C/2018

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 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 2018 Budget.

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

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

Performance Requirement 2: Patent Legal Administration, Examination Guidance and Rulemakings [Weight 25%]

Strategic Alignment: Strategic Goal <u>1</u> /Objective Alignment <u>1-2</u>

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.

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

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.

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 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 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 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

Performance Requirement 3: Office of Petitions and Petitions Processing [Weight 25%]

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.

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 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.

Success of these objectives will be determined measures laid out in the attached document a overall performance taking into account the the attached document. Meeting or exceeding attached document represents a level of outstanding or exceeding attached document represents a level of outstanding or exceeding attached document represents a level of outstanding or exceeding attached document represents a level of outstanding or exceeding attached document represents a level of outstanding or exceeding attached document represents a level of outstanding or exceeding attached document represents a level of outstanding or exceeding attached document represents a level of outstanding or exceeding attached document represents a level of outstanding or exceeding attached document represents a level of outstanding or exceeding attached document represents a level of outstanding or exceeding attached document represents a level of outstanding or exceeding attached document represents a level of outstanding or exceeding attached document represents a level of outstanding or exceeding attached document represents a level of outstanding or exceeding attached document represents a level of outstanding or exceeding attached document represents a level of outstanding or exceeding or exce	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.				
Performance Requirement 4: Quality and Train Develop an effective and efficient planning str			Strategic Alig	gnment: Strate	egic Goal <u>1</u>
measurement system to contribute to the ach and targets based on requirements in the Presence As a fee-funded agency, the USPTO relies on a operations. The USPTO considers a number of relevant indicators when forecasting its workly defining indicators point toward renewed economicertainty still remains regarding the current growth. This uncertainty could affect anticipal collections which in turn could significantly imgoals, objectives and targets, and therefore significantly interim results. Success of these objectives will be determined measures laid out in the attached document a overall performance taking into account the tothe attached document. Meeting or exceeding	2014-2018 S accomplished are of highed improved, and community	tive 4 of the Utrategic Plans d when issued quality, claim nd the stakeho nas a clear und ing of a "quali	will be d patents n clarity is older derstanding		
Rating Official Narrative: (Optional)	tanding pertormal	nce.		11-11-	
Critical Element Rating – Results Driven	Level 5	Level 4	Level 3	Level 2	Level 1

Deriving the Results Driven Rating Worksheet Executive Name Bahr, Robert Rating Period 10/1/17 - 9/30/18 Results Driven Sub Results Weight Sub Point Ranges to Rating Level Score Sub Elements Element (multiply Element Driven Rating **Points** Initial (SE) by) Score Element Level Score Score Points 475 – 500 = Level 5 Rating Score Points 400 – 474 = Level 4 Rating Score Sub Element 1 (b)(6)Backlog, Pendency Points 300 - 399 = Level 3 Rating Score and Timeliness Points 200 – 299 = Level 2 Rating Score Sub Element 2 Any SE rated Level 1 overall score must be Patent Legal = Level 1 Rating Score Administration. Examination Guidance and Rulemakings Sub Element 3 Office of Petitions and Petitions Processing Sub element 4 Quality and Training = 100% Sub Element (b)(6)**Total Score Example of Results Driven Element Being Rated Level 4** Results Driven Weight Results Driven Sub Sub Point Ranges to Rating Level Score **Sub Elements** Element (multiply Element Initial Element Score (SE) Rating by) **Points** Level Score Score Points 475 – 500 = Level 5 Rating Score Points 400 - 474 = Level 4 Rating Score Sub Element 1 4 x 25 100 Sub Element 2 5 x 30 150 Points 300 - 399 = Level 3 Rating Score Points 200 - 299 = Level 2 Rating Score 5 Sub Element 3 x 15 75 Any SE rated Level 1 overall score must be Sub element 4 90 3 x 30 = Level 1 Rating Score = 100% Sub Element

415= Level 4

415

Total Score

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

		FY 2018	8 Targets		
Patent Pendency, Backlog and Timeliness Measures	-2% - 0% Filing Growth	0% - 2% Filing Growth	2% - 4% Filing Growth	4% - 6% Filing Growth	FY 2018 Results
		Patent Corps Bo	icklog Metrics		
Unexamined Inventory* **	493,500	505,000	516,000	528,000	
RCE Inventory**		23	,000		
	Patent C	orps Pendency	and Timeliness I	Aetrics	
First Action Pendency**		1	5.4		
Total Pendency**		2	5.0		
UPR Production Units (PUs)**		620	0,000		
T1 Pendency (snapshots ≤ 12 months)		98	3.0%		
RCE Pendency (inventory ≤ 4 months)		72	2.0%		
	Patent Term A	djustment (PTA	N) Timeframes (1	4/4/4/36)	. 1
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 action:	mo	inventory of 129 onths	5,000 apps > 14	
Respond to a Reply under 35 U.S.C. 132 within 4 months		% of remaining	dment actions; amended invent lining inventory of onths		
Act on an application within 4 months after the date of a decision by PTAB	96% of		% of remaining in	iventory	
Issue a patent within 4 months from payment of the issue fee	98% o	f issues and 989	6 of remaining in	ventory	
No more than 36 month application pendency		80% of iss	ued 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	
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	
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	
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.

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

	FY 2018 Targets				
Patent Pendency, Backlog and Timeliness Measures	-2% - 0% Filing Growth	0% - 2% Filing Growth	2% - 4% Filing Growth	4% - 6% Filing Growth	MY 2018 Results
WHEN DE	Pate	ent Corps Backle	og Metrics	1	
Unexamined Inventory*, **	493,500	505,000	516,000	528,000	(b)(6)
RCE Inventory**		23	,000		
36. 3	Patent Corps	s Pendency and	Timeliness Met	rics	
First Action Pendency**		1	5.4		(b)(6)
Total Pendency**		25.0			
UPR Production Units (PUs)**		620	0,000		
T1 Pendency (snapshots ≤ 12 months)	98.0%				
RCE Pendency (inventory ≤ 4 months)		72	2.0%		
Pa	tent Term Adjus	stment (PTA) Ti	meframes (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	1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1	inventory of 12 onths	5,000 apps > 14	(b)(6)
Respond to a Reply under 35 U.S.C. 132 within 4 months		% of remaining ctions and rema	dment actions; amended invent lining inventory o lonths		
Act on an application within 4 months after the date of a decision by PTAB	96% of	actions and 96	% of remaining in	nventory	
Issue a patent within 4 months from payment of the issue fee	98% o	f issues and 98%	6 of remaining in	ventory	

Deputy Commissioner for Patent Examination Policy 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)
(b)(6)		

Results: Patent Legal Administration, Examination Guidance, and Rulemaking

Measures	FY 2018 targets	Mid-Year 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%	

Results: Office of Petitions and Petitions Processing

Measures	FY 2018 targets	Mid-Year 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.

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

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.

Discussion:

(b)(6)

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

FY '18, Q1	Completed
FY '18 Q2/Q3/Q4	(b)(6)
Complete Phase 1 implementation by the end of FY '18	
FY 2018 Targets	MY 2018 Results
FY '18, Q1	(b)(6)
FY 2018 Targets	MY 2018 Results
Training is delivered within established timelines	(b)(6)
	FY '18 Q2/Q3/Q4 Complete Phase 1 implementation by the end of FY '18 FY 2018 Targets FY '18, Q1 FY 2018 Targets Training is delivered within established

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

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

(b)(6)	
(b)(6)	
(b)(6)	

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

(b)(6)	

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

(b)(6)		

9)(6)				
Critical Eleme	ent 1: Leading Chan	nge (Weight 10%	<u>):</u>	
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Critical Element 2: Lea	ing People (Weight 10	<u>%):</u>	
(b)(6)			
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Critical Element 3: Business Acumen (Weight 10%):	
(b)(6)	
(b)(6)	

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Cataland Florence As Building Continue (Mariabe 400/)	
Critical Element 4: Building Coalitions (Weight 10%):	
(b)(6)	

(b)(6)			
(b)(6)			

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

(b)(6)		

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%)

		FY 2018	8 Targets		
Patent Pendency, Backlog and Timeliness Measures	-2% - 0% Filing Growth	0% - 2% Filing Growth	2% - 4% Filing Growth	4% - 6% Filing Growth	FY 2018 Results
M. S. C. S. WE.	Pa	tent Corps Back	log Metrics	A 10	
Unexamined Inventory*, **	493,500	505,000	516,000	528,000	(b)(6)
RCE Inventory**		23,000			
丁一种 医二种	Patent Cor	ps Pendency an	d Timeliness Me	trics	T INTER
First Action Pendency**		1	5.4		(b)(6)
Total Pendency**		2	5.0		
UPR Production Units (PUs)**		620	0,000		
T1 Pendency (snapshots ≤ 12 months)		98.0%			
RCE Pendency (inventory ≤ 4 months)		72	2.0%		

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

F	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).

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)

(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	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)			

(b)(6)				

SES Performance Management System Executive Performance Plan



Part 1. Consultation. /	have reviev	ved this plan an	d have been d	consulted or	n its deve	lopme	nt.		
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 NC LT/LE		
Rating Official's Signature: (b)(6)							Date: 9/29/17		
Part 2. Progress Review	,		/						
Executive's Signature:	(b)(6)		. /	1		C	Date:	6/1/18	
Rating Official's Signature: (b)(6)								6/1/18	
Reviewing Official's Signature (Optional):							Date:		
Part 3. Summary Rating	3								
Initial Summary Rating	(b)(6)								
Rating Official's Name (L	ast, First, N	///): Hirshfeld, A	ndrew H.						
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 lev	el review.	Executive's In	nitials:			[Date:		
Higher Level Review Completed							Date:		
Higher Level Reviewer Si	ignature:								
Performance Review Bo	ard Recom	mendation	Level 5	Le	evel 4	Lev	rel 3	Level 2 Level 1	
PRB Chair Signature:				1				Date:	
Annual Summary Rating	7		Level 5	Le	evel 4	Lev	el 3	Level 2 Level 1	
Appointing Authority Sig	nature:		1					Date:	
Part 4. Derivation Form	ula and Ca	Iculation of An	nual Summar	y Rating					
	Elem	ent Rating		S	core				
Cuitinal Flament	Initial	Final	Maiaht	Initial	Fina				
Critical Element 1. Leading Change	Initial (b)(6)	(if changed)	Weight	Initial (b)(6)	(if chan	ged)	5	ummary Level Ranges	
2. Leading People			10%	(-/(-/				475-500 = Level 5	
3. Business Acumen			10%					400-474 = Level 4	
4. Building Coalitions			10%					300-399 = Level 3	
5. Results Driven			60%				Anv	200-299 = Level 2 CE rated Level 1 = Level 1	
Total	45 6		100%				Ally	CL lated Level 1 - Level 1	

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, i to patent examination; and Monitors and supports timely revisions (PLT), the Hague Agreement, recent care 	to the MPEP to re		-		
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: Design the organization horizontally and vertically, and and goals. Provides an inclusive workplace that participation by all employees; facilitates collaised conflicts. Ensures employee performance performance constructive feedback, and that employeerformance standards. Holds employees accordidates employee input. Recruits, retains, and that reflects the nation, with the skills needed workforce diversity, workplace inclusion, and experiences.	d fosters high ethic t fosters the develonation, cooperation, cooperations are aligned with yees are realisticall buntable for approphd develops the talk to accomplish orga	al standards in opment of other on, and teamwork the organizary y appraised agoriate levels of ent needed to nizational performance.	meeting the overs to their fullyork, and supption's mission ainst clearly dependence achieve a high ormance obje	organization's I potential; allo orts construct and goals, that efined and cor and conduct. I quality, diver	vision, mission, ows for full tive resolution at employees mmunicated Seeks and re workforce
Agency-Specific Performance Requirements	uldanaa h				
 Builds and manages an appropriately skilled wo Enhancing the Employee Relations (ER) 					
 Enhancing the Employee Relations (ER) Ensuring surveys (including Federal Em 		Survey) and oth	ner instrumen	ts are in place	to monitor and
develop plans to provide a work enviro					
Embracing equal opportunity principle.				17.77.77	
 Fostering a diverse and inclusive environments. 	nment characteriz	ed by cultural	sensitivity and	respect for d	ivergent

- 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)						
			T.	1		
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) Level 5 Level 4 Level 3 Level 2 Level 1 Critical Element Rating – Business Acumen (Minimum weight 5%) Weight 10% Critical Element 4. Building Coalitions 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 (Minimum Weight 20%) Critical Element 5. Results Driven 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 Goal I, Objectives 1 and 2 of the USPTO and targets based on requirements in the President's FY 2018 Budget. 2014-2018 Strategic Plan will be accomplished when patent pendency is As a fee-funded agency, the USPTO relies on user fee collections to fund optimized, allowing a final action on the operations. The USPTO considers a number of economic factors and relevant merits within one year of filing for any indicators when forecasting its workloads. While many of these defining applicant who requests it, with overall patent pendency time reduced to 10 indicators point toward renewed economic expansion, considerable uncertainty still remains regarding the current and near future prospects for months for a first office action and 20 growth. This uncertainty could affect anticipated USPTO workloads and fee months total pendency. This is a longcollections which in turn could significantly impact the USPTO's long-term term, multi-year goal to be achieved over goals, objectives and targets, and therefore simultaneously affect any interim the next several years.

results.

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

Performance Requirement 2: Patent Legal Administration, Examination Guidance and Rulemakings [Weight 35%]

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.

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

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

Performance Requirement 3: 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 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

Strategic Alignment: Strategic Goal 1 /Objective Alignments 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 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.

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.

goals, objectives and targets, and therefore seresults. Success of these objectives will be determined measures laid out in the attached document overall performance taking into account the attached document. Meeting or exceeding to attached document represents a level of out	ed by the specific per and will be measure totality of all the mea he targets set forth i	formance d based on asures in the n the	2018 Strateg when issued quality, clain stakeholder	patents are of n clarity is imp community ha ng of the mear	accomplished f higher roved, and the is a clear
Performance Requirement 4: Quality and Transport Develop an effective and efficient business promeasurement system to contribute to the act and targets based on requirements in the Proposition of the USPTO relies on operations. The USPTO considers a number indicators when forecasting its workloads. Windicators point toward renewed economic euncertainty still remains regarding the current growth. This uncertainty could affect anticipate collections which in turn could significantly it goals, objectives and targets, and therefore stresults. Success of these objectives will be determined measures laid out in the attached document overall performance taking into account the attached document. Meeting or exceeding the attached document represents a level of out.	lanning strategy and chievement of goals, esident's FY 2018 But user fee collections to feconomic factors at While many of these of expansion, consideral and near future protected USPTO workloampact the USPTO's losimultaneously affected by the specific per and will be measure totality of all the measure the targets set forth in	objectives dget. to fund and relevant defining ble ospects for ds and fee ong-term t any interim formance d based on asures in the n the	Goal 1, Obje 2018 Strates when issued quality, clain stakeholder	ctive 4 of the land of the land of the land of the mean of the mea	USPTO 2014- accomplished f higher roved, and the is a clear
Rating Official Narrative: (Optional)					
		4			

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 (Backlog, Pendency and Timeliness)		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	
Sub Element 2 (Patent Legal Administration, Examination Guidance, and Rulemakings)		30%		Any SE rated Level 1 overall score must be = Level 1 Rating Score	
Sub Element 3 (Office of Petitions and Petitions Processing)		30%			
Sub element 4 (Quality and Training)		20%			-
To the state of		= 100%			13476
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
THE WALL WITH	1.56-170	ANY		Points 475 – 500 = Level 5 Rating Score	The state of the state of
Sub Element 1	4	x 25	100	Points 400 – 474 = Level 4 Rating Score	
Sub Element 2	5	x 30	150	Points 300 – 399 = Level 3 Rating Score	7.1
Sub Element 3	5	x 15	75	Points 200 – 299 = Level 2 Rating Score	
Sub element 4	3	x 30	90	Any SE rated Level 1 overall score must be	
W Phy Line St.	Extra h	= 100%		= Level 1 Rating Score	
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%)

Parklas Bondoney and					
Backlog, Pendency and Timeliness Measures	FY18: -1.0% Growth	FY18: 1.0% Growth	FY18: 3.0% Growth	FY18: 5.0% Growth	FY 2018 Results
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)					

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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		

_	% OT	Timely	Paten	t Prose	cution	Highw	ay (P	PH)	Deci	SIO
11	0)(6)									
1,)(0)									

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 4th	
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	

Training Measures and Targets	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/R/2018

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 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 2018 Budget.

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

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

Performance Requirement 2: Patent Legal Administration, Examination Guidance and Rulemakings [Weight 25%]

Strategic Alignment: Strategic Goal <u>1</u> /Objective Alignment <u>1-2</u>

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.

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

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.

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 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 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 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

Performance Requirement 3: Office of Petitions and Petitions Processing [Weight 25%]

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.

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 <u>1</u> / 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 1, Objective 4 of the USPTO Success of these objectives will be determined by the specific performance 2014-2018 Strategic Plan will be measures laid out in the attached document and will be measured based on accomplished when issued patents overall performance taking into account the totality of all the measures in are of higher quality, claim clarity is the attached document. Meeting or exceeding the targets set forth in the improved, and the stakeholder attached document represents a level of outstanding performance. community has a clear understanding of the meaning of a "quality" patent. Performance Requirement 4: Quality and Training [Weight 25%] Strategic Alignment: Strategic Goal 1 /Objective Alignment 4 Develop an effective and efficient planning strategy and performance measurement system to contribute to the achievement of goals, objectives Goal I, Objective 4 of the USPTO and targets based on requirements in the President's FY 2018 Budget. 2014-2018 Strategic Plan will be accomplished when issued patents As a fee-funded agency, the USPTO relies on user fee collections to fund are of higher quality, claim clarity is operations. The USPTO considers a number of economic factors and improved, and the stakeholder relevant indicators when forecasting its workloads. While many of these community has a clear understanding defining indicators point toward renewed economic expansion, considerable of the meaning of a "quality" patent. 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. Rating Official Narrative: (Optional) Level 5 Level 4 Level 2 Level 1 Level 3 Critical Element Rating – Results Driven

Deriving the Results Driven Rating Worksheet Executive Name Bahr, Robert Rating Period 10/1/17 - 9/30/18 Results Driven Sub Weight Sub Point Ranges to Rating Level Score Results Driven **Sub Elements** Element (multiply Element Initial **Points** by) (SE) Rating Score Element Level Score Score Points 475 – 500 = Level 5 Rating Score Points 400 – 474 = Level 4 Rating Score 25% Sub Element 1 (b)(6)(b)(6)Backlog, Pendency Points 300 - 399 = Level 3 Rating Score and Timeliness Points 200 - 299 = Level 2 Rating Score Sub Element 2 25% Any SE rated Level 1 overall score must be Patent Legal = Level 1 Rating Score Administration, Examination Guidance and Rulemakings 25% Sub Element 3 Office of Petitions and Petitions Processing Sub element 4 25% Quality and Training = 100% Sub Element (b)(6)**Total Score** 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
1. 18 1. 18 1.				Points 475 – 500 = Level 5 Rating Score	
Sub Element 1	4	x 25	100	Points 400 – 474 = Level 4 Rating Score	1000
Sub Element 2	5	x 30	150	Points 300 – 399 = Level 3 Rating Score	
Sub Element 3	5	x 15	75	Points 200 – 299 = Level 2 Rating Score	
Sub element 4	3	x 30	90	Any SE rated Level 1 overall score must be	
		= 100%		= Level 1 Rating Score	Charles and the
Sub Element	1				
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%)

The same of the sa							
Patent Pendency, Backlog and Timeliness Measures	-2% - 0% Filing Growth	0% - 2% Filing Growth	2% - 4% Filing Growth	4% - 6% Filing Growth	FY 2018 Results		
		Patent Corps Bo	icklog Metrics				
Unexamined Inventory*, **	493,500	505,000	516,000	528,000			
RCE Inventory**		23	,000				
	Patent C	orps Pendency	and Timeliness I	Metrics			
First Action Pendency**		1	5.4				
Total Pendency**		2	5.0				
UPR Production Units (PUs)**		620	0,000				
T1 Pendency (snapshots ≤ 12 months)		98.0%					
RCE Pendency (inventory ≤ 4 months)		72	2.0%				
	Patent Term A	djustment (PTA) Timeframes (1	4/4/4/4/36)			
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		s and remaining mo	inventory of 12sonths				
Respond to a Reply under 35 U.S.C. 132 within 4 months		% of remaining ctions and rema	dment actions; amended invent lining inventory o lonths				
Act on an application within 4 months after the date of a decision by PTAB	96% of						
Issue a patent within 4 months from payment of the issue fee	98% o						
No more than 36 month application pendency							

(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	
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	
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	
Training Measures and Targets	FY 2018 Targets	FY 2018 Results

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

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

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

		FY 2018 Targets				
Patent Pendency, Backlog and Timeliness Measures	-2% - 0% Filing Growth	0% - 2% Filing Growth	2% - 4% Filing Growth	4% - 6% Filing Growth	MY 2018 Results	
	Pate	ent Corps Backle	og Metrics			
Unexamined Inventory*, **	493,500	505,000	516,000	528,000	(b)(6)	
RCE Inventory**		23	,000			
THE SECOND	Patent Corps	Pendency and	Timeliness Meti	rics	18.170.15	
First Action Pendency**		1	5.4		(b)(6)	
Total Pendency**		2	5.0			
UPR Production Units (PUs)**		620,000				
T1 Pendency (snapshots ≤ 12 months)	98.0%					
RCE Pendency (inventory ≤ 4 months)	72.0%					
Pa	tent Term Adjus	stment (PTA) Ti	meframes (14/4)	/4/4/36)	Autorit in a	
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 action		; inventory of 12 onths	5,000 apps > 14	(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)

Results: Patent Legal Administration, Examination Guidance, and Rulemaking

Measures	FY 2018 targets	Mid-Year 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%	

Results: Office of Petitions and Petitions Processing

Measures	FY 2018 targets	Mid-Year 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.

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	MY 2018 Results

^{*}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.

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.

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

FY '18, Q1	Completed
FY '18 Q2/Q3/Q4	(b)(6)
Complete Phase 1 implementation by the end of FY '18	
FY 2018 Targets	MY 2018 Results
FY '18, Q1	(b)(6)
FY 2018 Targets	MY 2018 Results
Training is delivered within established timelines	(b)(6)
	FY '18 Q2/Q3/Q4 Complete Phase 1 implementation by the end of FY '18 FY 2018 Targets FY '18, Q1 FY 2018 Targets Training is delivered within established

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

Discussion:			
0)(6)			
Summary:			
(b)(6)			
(0)(0)			

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

At mid-vear	Mr. Rahr's nrogre	ess under <u>critical e</u>	lements 1 2 3 au	nd 4 has included	
	m. bum s progre	os unaci <u>eritical c</u>	Terricines 2, 2, 3, di	id 4 mas included	
6)					
/II. \ / (0)					
(b)(6)					

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

(b)(6)	

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

(b)(6)		

(b)(6)	
Critical Element 1: Leading Change (Wei	ght 10%):
(b)(6)	

(b)(6)	

i)							
6)							
	and an also sale			al af(b)(G) is u	arranted in this	alamont for F	v
		eria for evaluati	ion a rating lev	el of (b)(6) is w	arranted in this	element for r	1
202	10.						
Cul	tical Flamout	2. Loading Doc	nlo //Moight 10	0/1-			
Cri		2: Leading Peo	his Innsikut 10	70].			
(b)(6)	No.						

(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)	Y

5)					
Based on th	ne criteria for evalu	uation a rating lev	el of (b)(6) is wa	rranted in this ele	ment for FY
2018.					
Critical Flor	ment 4: Building (Coalitions (Meigh	+ 10%)-		
(b)(6)	nent 4: Building C	Coantions (weigh	<u>t 10%].</u>		

(b)(6)		

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0)(6)			

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	-2% - 0% Filing Growth	Filing Filing Filing		FY 2018 Results	
Andrew Street	Pa	tent Corps Back	log Metrics	7,37,2046	
Unexamined Inventory*, **	493,500	505,000	516,000	528,000	(b)(6)
RCE Inventory**	23,000				
	Patent Cor	ps Pendency an	d Timeliness Me	trics	
First Action Pendency**		15.4			
Total Pendency**		25.0			
UPR Production Units (PUs)**		620,000			
T1 Pendency (snapshots ≤ 12 months)	98.0%				
	72.0%				

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Same and the same	atent 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)			
(5)(0)			
10.			

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

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

Patent Legal Administr	ration 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 Pe	etitions 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%	

% of Timely PPH Petitions ³⁷	/5-85%	
(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 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:

		the manufacture of the
(b)(6)		

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

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 h	ave review	ved this plan an	d have been	consulted	on its developm	ent.	
Executive's Name (Last, First, MI): Bahr, Robert					Appraisal Pd. 10/1/16 - 9/30/1		
Executive's Signature: (b)(6)						Date: 1/21/28/6	
Title: Deputy Commissio	ner for Pa	tent Examination	on Policy			Organization: Patents	
Rating Official's Name (Lo	ast, First, N	///): Hirshfeld, A	Andrew H.	//		CA NC LT/LE	
Rating Official's Signature	e: (b)(6)					Date: 9/20/16	
Part 2. Progress Review	-0.17						
Executive's Signature:	(b)(6)			11		Date: 4/22/17	
Rating Official's Signature	e: (b)(6)					Date: 4/28/17 Date: 4/26/17	
Reviewing Official's Signa	ture (Opti	onal):	0			Date:	
Part 3. Summary Rating	WE TO	Mary 1			1	1 30	
Initial Summary Rating	(b)(6)						
Rating Official's Name (Lo	ast, First, N	///): Hirshfeld, A	Indrew H.	1//			
Rating Official's Signature						Date: 10/25/17 Date: 16/25/17	
Executive's Signature:	(b)(6)					Date: 10/25/17	
Reviewing Official's Signature (Optional):						Date:	
Higher Level Review (if a	pplicable)						
☐ I request a higher leve	el review.	Executive's Ir	itials:			Date:	
Higher Level Review Completed						Date:	
Higher Level Reviewer Sig	gnature:		đ		•		
Performance Review Boo		mendation /	(b)(6)				
PRB Chair Signature	(6)					Date:	
Annual Summary Rating	W	1 1 /	(b)(6)			1	
Appointing Authority Sign	nature: (b)	(6)				Date:	
Part 4. Derivation Form			nual Summa	ry Rating			
	Elem	ent Rating			Score		
0.111 1.51	betate I	Final)4/-:-b+	Initial	Final	Common Lovel Banasa	
Critical Element 1. Leading Change	Initial (b)(6)	(if changed)	Weight 10%	Initial (b)(6)	(if changed)	Summary Level Ranges	
2. Leading People	(~)(~)		10%	(-)(-)		475-500 = Level 5	
3. Business Acumen			10%			400-474 = Level 4	
4. Building Coalitions			10%			300-399 = Level 3	
5. Results Driven			60%			200-299 = Level 2	
Total	The same	N. State	100%			Any CE rated Level 1 = Level 1	

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 Folias	
	Level 5 = 5 points
	Level 4 = 4 points
	Level 3 = 3 points
	Level 2 = 2 points

Level 1 = 0 points

Flement Rating Level Points

Critical Element 1. Leading Change

(Minimum weight 5%)

Neight 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 Narra	ative: (Optional)	500	attac	401
m ent. O	A THE STREET	200	7 664 6	100

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 pr support in reaching full potenti 	ograms designed to improve mente al	oring and coaching skills in orde	r to assist OPLA
Rating Official Narrative: (Optional)	see attached	*	
Critical Element Rating – Leading Peopl	(b)(6)		
Cuiting Claymont 2 Desciones Agreem		(Minimum weight E9/)	Moight 109/

Critical Element 3. Business Acumen

| Weight 10%

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

Agency-Specific Performance Requirements

- 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 (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 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)

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 2017 Budget.

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

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

Strategic Alignment: Strategic Goal 1
/Objective Alignments 1 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.

Sub Element/Performance Requirement 2: Patent Legal Administration, Examination Guidance and Rulemakings [Weight 35%]

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

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 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 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 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 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)

Executive Name and ID: Bahr, Robert	Appraisal Period: 10/1/16 – 9/30/17
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 Driver Initial Elemen Score
Sub Element 1 (Backlog, Pendency and Timeliness)	(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	
Sub Element 2 (Patent Legal Administration, Examination Guidance, and Rulemakings)		30%		Any SE rated Level 1 overall score must be = Level 1 Rating Score	
Sub Element 3 (Office of Petitions and Petitions Processing)		30%			
Sub element 4 (Quality and Training)		20%			
Sub Element Total Score		= 100%	(b)(6)		

Example of Results Driven Element Being Rated Level 4

Results Driven	Sub	Weight	Sub	Point Ranges to Rating Level Score	Results Driven
Sub Elements	Element	(multiply	Element		Initial Element
(SE)	Rating	by)	Points		Score
	Level		Score		
	Score				
				Points 475 – 500 = Level 5 Rating Score	The American
Sub Element 1	4	x 25	100	Points 400 – 474 = Level 4 Rating Score	
Sub Element 2	5	x 30	150	Points 300 – 399 = Level 3 Rating Score	
Sub Element 3	5	x 15	75	Points 200 – 299 = Level 2 Rating Score	
Sub element 4	3	x 30	90	Any SE rated Level 1 overall score must be	
ALL LE LE		= 100%		= Level 1 Rating Score	
Sub Element	ATT TES	THE STATE OF			
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.

Executive Name and ID: Bahr, Robert Appraisal Period: 10/1/16 – 9/30/17

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

Backlog, Pendency and Timeliness Measures					
	FY17: -1.0% Growth	FY17: 1.0% Growth	FY17: 3.0% Growth	FY17: 5.0% Growth	FY 2017 Results
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:

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)	

a. Does not include PTA decisions

²Track 1 petitions processed in less than 60 days.

³PPH petitions processed in less than 120 days.

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 4th	
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	N. C.
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	

Training Measures and Targets	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)			

Executive Name and ID: Bahr, Robert Appraisal Period: FY 2017

FY 2017 PAP Addendum

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

	FY 2017 Targets				
Patent Pendency, Backlog and Timeliness Measures	-2% - 0% Filing Growth	0% - 2% Filing Growth	2% - 4% Filing Growth	4% - 6% Filing Growth	FY 2017 Results
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		1	5.5		
Total Pendency		2.	5.5		
UPR PUs		620	,000		
T1 Pendency (snapshots ≤ 12 months)		97	.5%		
RCE Pendency (inventory ≤ 4 months)		6	7%		

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

Patent Legal Administr	ration 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%	- 10
% of Timely Track 1 Petition Decisions ²⁾	75-85%	
% of Timely PPH Petitions ³⁾	75-85%	

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(b)(6)				
C. C. C. C. C.				

Executive Name and ID: Bahr, Robert Appraisal Period: FY 2017

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

	Results, Measures and Targets	
Management and Support - Clarity Data Collection Form (CCDC)	FY 2017 Targets	FY 2017 Results
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	FY 2017 Targets	FY 2017 Results
FY 2017 Statutory Compliance Rate Targets		
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	
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	
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	

<u>Note:</u> 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

5)(6)	
Critical Flement 1: Leading Change (Weight 10%):	
Critical Element 1: Leading Change (Weight 10%): (b)(6)	

(b)(6)		
(5)(6)		
)(6)		

Based on the ci 2017.	iteria for evaluation a ratin	g level of (b)(6) s warrant	ed in this element for FY
Critical Elemen	t 2: Leading People (Weig	ht 10%):	
)(6)			
(6)			
(0)			

itical Eleme 6)	nt 3: Business	Acumen (Weigh	t 10%):		
			ent during fiscal year 2	2017 included:	
• Provid (b)(6)	ing executive le	adership to -			

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) s warranted in this element for FY 2017.
Critical Element 4: Building Coalitions (Weight 10%):
0)(6)
Mr. Bahr's accomplishments under this element during fiscal year 2017 included:
(b)(6)

(b)(6)

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

		1	
5)			

Based on the criteria for evaluation a rating level of (b)(6) s 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%)

		FY 201	7 Targets			
Patent Pendency, Backlog and Timeliness Measures	-2% - 0% Filing Growth	0% - 2% Filing Growth	2% - 4% Filing Growth	4% - 6% Filing Growth	FY 2017 Results	
Patent Corps Backlog Metrics						
Unexamined Backlog*	469,000 – 477,000	477,000 - 485,000	485,000 - 493,000	493,000 - 502,000	(b)(6)	
RCE backlog		28	,000			
Patent Corps Pendency and Timeliness Metrics						
First Action Pendency		1	5.5	- i		
Total Pendency		2	5.5			
UPR PUs		620	0,000	+		
T1 Pendency (snapshots ≤ 12 months)	97.5%					
RCE Pendency (inventory ≤ 4 months)		6	7%			

(b)(6)

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%)

Patent Legal Administr	ration Measures	
	FY 2017 Targets	FY 2017 Results
% of Clear and Timely Guidance and Memos Completed	75-85%	(b)(6)
% of Clear and Timely Rulemaking and Notices Published	75-85%	1 -f (1) - f
% 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%)

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

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%)

FY 2017 Quality	Results, Measures and Targets	
Management and Support - Clarity Data Collection Form (CCDC)	FY 2017 Targets	FY 2017 Results
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	FY 2017 Targets	FY 2017 Results
FY 2017 Statutory Compliance Rate Targets		
FY '17 Corps Quality Metrics: 102 Correctness	90 - 95%	(b)(6)
FY '17 Corps Quality Metrics: 103 Correctness	88 - 93%	
FY '17 Corps Quality Metrics: 112 Correctness	87 - 92%	
FY '17 Corps Quality Metrics: 101 Correctness	93 - 98%	

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 (b)(6)		arter of FY 2017: The
 Implement Phase 2 of Clarity of Record F 	Pilot in FY 2017: (b)(6)	
(b)(6)		
• Establish an Enhanced Search Program p	pilot program in FY 2017: (b)(6)	
(b)(6)		

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.

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

(b)(6)		
(b)(6)		
(b)(6)		

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

(b)(6)	

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 <u>critical element 5</u> has included:

Sub Element 1: Backlog, Pendency and Timeliness:

		FY 201	7 Targets		
Patent Pendency, Backlog and Timeliness Measures	-2% - 0% Filing Growth	0% - 2% Filing Growth	2% - 4% Filing Growth	4% - 6% Filing Growth	Mid-Year FY 2017 Results
Patent Corps Backlog Metrics					
Unexamined Backlog*	469,000 – 477,000	477,000 - 485,000	485,000 - 493,000	493,000 - 502,000	(b)(6)
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)		6	7%		

(b)(6)	

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

Measures	FY15 - Level 3 targets	Mid-Year

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

Measures	FY15 - Level 3 targets	Mid-Year
% 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%	4

(b)(6)			

Sub Element 4: Quality and Training

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

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)
Training Measures and Targets	FY 2017 Targets	Mid-Year 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	

Areas of Focus:

(b)(6)		
Summary:		
(b)(6)		



SES Performance Management System Executive Performance Agreement



Part 1. Consultation. /	have review	ed this plan ar	nd have beer	consulted o	on its developm	ent.		
Executive's Name (Last,	First, MI): B	ahr, Robert				Apprai	sal Pd. 10/1/16 - 9/30/17	
Executive's Signature:)(6)					Date:	1/21/2016	
Title: Deputy Commission	ner for Pat	ent Examinati	on Policy			Organi	zation: Patents	
Rating Official's Name (L	ast, First, N	///): Hirshfeld, /	Andrew H.	//		CA 🗌	NC LT/LE	
Rating Official's Signatur	e: (b)(6)					Date:	9/20/16	
Part 2. Progress Review	1		/					
Executive's Signature:	(b)(6)			0.		Date:	4/20/17	
Rating Official's Signatur	e: (b)(6)					Date:	4/20/17	
Reviewing Official's Sign	ature (Optio	onal):	V			Date:		
Part 3. Summary Rating							44	
Initial Summary Rating	(b)(6)							
Rating Official's Name (L		//)։ Hirshfeld, /	Andrew H.	111			, ,	
Rating Official's Signatur	e: (b)(6)					Date:	10/25/17	
Executive's Signature:	(b)(6)					Date:	Date: 10/25/17	
Reviewing Official's Sign	ature (Optio	onal):				Date:		
Higher Level Review (if	applicable)							
☐ I request a higher lev	el review.	Executive's I	nitials:			Date:		
Higher Level Review Cor	npleted					Date:		
Higher Level Reviewer S	ignature:		1					
Performance Review Bo		mendation /	(b)(6)					
PRB Chair Signatur (b)(6))		2				Date:	
Annual Summary Rating	7	1 4	(b)(6)					
Appointing Authority Sig	nature: (b)	(6)					Date:	
Part 4. Derivation Form			nual Summa	ary Rating		7		
	Eleme	ent Rating			Score			
Critical Element	Initial	Final (if changed)	Weight	Initial	Final (if changed)		Summary Level Ranges	
Leading Change Leading People Business Acumen Building Coalitions Results Driven	(b)(6)	(in changed)	(b)(6)	(b)(6)	i (ii chungeu)		475-500 = Level 5 400-474 = Level 4 300-399 = Level 3 200-299 = Level 2 CE rated Level 1 = Level 1	
Total		A Shirth	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 Folias	
	Level 5 = 5 points
	Level 4 = 4 points
	Level 3 = 3 points
	Level 2 = 2 points

Level 1 = 0 points

Flement Rating Level Points

Critical Element 1. Leading Change

(Minimum weight 5%)

Veight 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	attac	med
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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

가는 그는 사람들은 이 사람들이 다른 이 가게 하는 사람들이 되었다면 하게 되었다면 하셨다면 하다 나를 하는데 하다.	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)	5ee	attached	

(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 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)

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 2017 Budget.

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

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

Strategic Alignment: Strategic Goal 1
/Objective Alignments 1 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.

Sub Element/Performance Requirement 2: Patent Legal Administration, Examination Guidance and Rulemakings [Weight 35%]

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

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 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 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 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 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)

Executive Name and ID: Bahr, Robert	Appraisal Period: 10/1/16 – 9/30/17
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 (Backlog, Pendency and Timeliness) Sub Element 2 (Patent Legal Administration, Examination Guidance, and Rulemakings) Sub Element 3 (Office of Petitions and Petitions Processing) Sub element 4	(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	
(Quality and Training)		= 100%			
Sub Element Total Score		= 100%	(b)(6)		

Example of Results Driven Flement Reing Rated Level 4

Results Driven	Sub	Weight	Sub	Point Ranges to Rating Level Score	Results Driven
Sub Elements	Element	(multiply	Element		Initial Element
(SE)	Rating	by)	Points		Score
	Level		Score		
	Score				
				Points 475 – 500 = Level 5 Rating Score	The America
Sub Element 1	4	x 25	100	Points 400 – 474 = Level 4 Rating Score	
Sub Element 2	5	x 30	150	Points 300 – 399 = Level 3 Rating Score	
Sub Element 3	5	x 15	75	Points 200 – 299 = Level 2 Rating Score	The state of the state of
Sub element 4	3	x 30	90	Any SE rated Level 1 overall score must be	
ALL LE LE		= 100%		= Level 1 Rating Score	
Sub Element	ATT TEST	J. W. St. II			
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.

Executive Name and ID: Bahr, Robert Appraisal Period: 10/1/16 – 9/30/17

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

Budden Bendenes and		FY 2017	Targets		
Backlog, Pendency and Timeliness Measures	FY17: -1.0% Growth	FY17: 1.0% Growth	FY17: 3.0% Growth	FY17: 5.0% Growth	FY 2017 Results
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:

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)	

a. Does not include PTA decisions

²Track 1 petitions processed in less than 60 days.

³PPH petitions processed in less than 120 days.

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	

Training Measures and Targets	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.

Executive Name and ID: Bahr, Robert Appraisal Period: FY 2017

FY 2017 PAP Addendum

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

		FY 201			
Patent Pendency, Backlog and Timeliness Measures	-2% - 0% Filing Growth	0% - 2% Filing Growth	2% - 4% Filing Growth	4% - 6% Filing Growth	FY 2017 Results
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		2			
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 Resul				
% 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 Results				
% of Timely Petition Decisions ¹⁾	75-85%				
% of Timely Track 1 Petition Decisions ²⁾	75-85%				
% of Timely PPH Petitions ³⁾	75-85%				

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

Executive Name and ID: Bahr, Robert Appraisal Period: FY 2017

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

	Results, Measures and Targets	
Management and Support - Clarity Data Collection Form (CCDC)	FY 2017 Targets	FY 2017 Results
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	FY 2017 Targets	FY 2017 Results
FY 2017 Statutory Compliance Rate Targets		
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	
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	
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	

<u>Note:</u> 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.

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Signatur

Date: 7/13/2017

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	ent 1: Leading Chan	nge (Weight 10%):		
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Critical Element 2: Leadin	ng Paonla (Weight 10%):	
(b)(6)	ig reopie (weight 1070).	

(b)(6)	
Critical Element 3: Business Acumen (Weight 10%):	
(b)(6)	

(b)(6)				
Critical Elemen	t 4; Building Coalitio	ons (Weight 10%):		
Critical Elemen (b)(6)	t 4; Building Coalitic	ons (Weight 10%):		

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

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Critical Element 5: Results Driven (60%):

In FY 2017, the following results were achieved:

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

Patent Pendency, Backlog and Timeliness Measures	FY 2017 Targets				
	-2% - 0% Filing Growth	0% - 2% Filing Growth	2% - 4% Filing Growth	4% - 6% Filing Growth	FY 2017 Results
Patent Corps Backlog Metrics					
Unexamined Backlog*	469,000 – 477,000	477,000 - 485,000	485,000 - 493,000	493,000 - 502,000	(b)(6)
RCE backlog		28	,000		
Patent Corps Pendency and Timeliness Metrics					
First Action Pendency		15.5			
Total Pendency		2	5.5		
UPR PUs		620	0,000		
T1 Pendency (snapshots ≤ 12 months)		97	7.5%		
RCE Pendency (inventory ≤ 4 months)		6	7%		

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

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

Patent Legal Administr	ation Measures	
	FY 2017 Targets	FY 2017 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: 30%)

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

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

(b)(6)

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

FY 2017 Quality	Results, Measures and Targets	
Management and Support - Clarity Data Collection Form (CCDC)	FY 2017 Targets	FY 2017 Results
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	FY 2017 Targets	FY 2017 Results
FY 2017 Statutory Compliance Rate Targets		
FY '17 Corps Quality Metrics: 102 Correctness	90 - 95%	(b)(6)
FY '17 Corps Quality Metrics: 103 Correctness	88 - 93%	
FY '17 Corps Quality Metrics: 112 Correctness	87 - 92%	
FY '17 Corps Quality Metrics: 101 Correctness	93 - 98%	

FY '17 Corps Quality Metrics: Clarity	Establish baseline clarity metric(s) for FY '18 by end of Q4	(b)(6)
FY '18 Corps Quality Metrics: Correctness	Re-evaluate current targets	
Implement Phase 2 of Clarity of Record Pilot	Implement in FY '17	
Enhanced Search Program	Establish pilot in FY '17	
Topic Submissions for Case Studies	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	

112(f) training within Patents	FY '17	
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Deputy Commissioner for Patent Examination Policy Office of the Commissioner for Patents Mid-Year Fiscal Year 2017

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

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

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Sub Element 1: Backlog, Pendency and Timeliness:

		FY 201	7 Targets		
Patent Pendency, Backlog and Timeliness Measures	-2% - 0% Filing Growth	0% - 2% Filing Growth	2% - 4% Filing Growth	4% - 6% Filing Growth	Mid-Year FY 2017 Results
Patent Corps Backlog Metrics					
Unexamined Backlog*	469,000 – 477,000	477,000 - 485,000	485,000 - 493,000	493,000 - 502,000	(b)(6)
RCE backlog		28	,000		
Patent Corps Pendency and Timeliness Metrics					
First Action Pendency		1	5.5		
Total Pendency		2	5.5		
UPR PUs		620	0,000		
T1 Pendency (snapshots ≤ 12 months)		97	7.5%		
RCE Pendency (inventory ≤ 4 months)		6	7%		

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

Measures	FY15 - Level 3 targets	Mid-Year
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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

Measures	FY15 - Level 3 targets	Mid-Year	
% 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

FY 2017 Quality Res	ults, Measures and Targets	
Management and Support - Clarity Data Collection Form (CCDC)	FY 2017 Targets	Mid-Year FY 2017 Results
Implement MRF 3.0	Implement by end of FY '17 Q3	(b)(6)
Management and Support – Quality Metrics for Correctness and Clarity	FY 2017 Targets	Mid-Year FY 2017 Results
FY 2017 Statutory Compliance Rate Targets		(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	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	

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	
Training Measures and Targets	FY 2017 Targets	Mid-Year 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		

training within Patents	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	nent.					
Executive's Name (Last, First, MI): Bahr, Robert W.	Appraisal Pd. 3/6/16 to 9/30/16					
Executive's Signature: (b)(6) Date: 1/1/2016						
Title: Deputy Commissioner for Patent Examination Policy Organization: Patents						
Rating Official's Name (Last, First, MI): Hirshfeld, Andrew H.	CA NC LT/LE					
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: 10/25/16 Date: 10/25/2016					
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						
Element Rating Score						
Final Final Final Final (if shanged) Weight Initial (if shanged)	Summanul aval Danasa					
Critical Element Initial (if changed) Weight Initial (if changed) 1. Leading Change (b)(6) 10% (b)(6)	Summary Level Ranges					
2. Leading People 10%	475-500 = Level 5					
3. Business Acumen 10% 400-474 = Level 4						
4. Building Coalitions 10%	300-399 = Level 3					
5. Results Driven 60%	200-299 = Level 2					
Total 100%	Any CE rated Level 1 = Level 1					

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;

xecutive Name and ID: Bahr, Robert W.	Appraisal Period: 3/6/16 to 9/30/16
 Support the patent examining corps, including the region to patent examination; and 	nal offices and hoteling examiners, on legal issues relating
 Monitor and support timely revisions to the MPEP to re (PLT), the Hague Agreement, recent case law, etc. 	flect changes resulting from the AIA, Patent Law Treaty
Rating Official Narrative: (Optional)	
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Critical Element Rating – Leading Change (b)(6)	

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

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)

Executive Name and ID: Bahr, Robert W.

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

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 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: (Optional)	
Critical Element Rating — Business Acumen	(b)(6)

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

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)	And the second	
deling official Natratives (Optional)		

Critical Element Rating - Building Coalitions

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 <u>1</u> /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.

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.

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.

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

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.

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

recutive Name and ID: Bahr, Robert W.	Appraisal Period: 3/6/16 to 9/30/16 understanding of the meaning of a "quality" patent.
Sub Element/Performance Requirement 4: Quality and Training [Weight: 20%]	Strategic Alignment: Strategic Goal 1 /Objective Alignment 6
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.	Goal I, Objective 4 of the USPTO 2014- 2018 Strategic Plan will be accomplished when issued patents are of higher
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.	quality, claim clarity is improved, and the stakeholder community has a clear understanding of the meaning of a "quality" patent.
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.	

(b)(6)

Critical Element Rating - Results Driven

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

Part 6: Summary Rating N	arrative (Mandatory)			
	-li-b	:D		
Part 7: Executive's Accom	plishment Narrative (Opt	ionai)		
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
				Points 475 – 500 = Level 5 Rating Score	
Sub Element 1 (Backlog, Pendency and Timeliness)	(b)(6)	20%	(b)(6)	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	
Sub Element 2 (Patent Legal Administration, Examination Guidance, and Rulemakings)		30%		= Level 1 Rating Score	
Sub Element 3 (Office of Petitions and Petitions Processing)		30%			
Sub element 4 (Quality and Training)		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
United the	*		SIGN	Points 475 – 500 = Level 5 Rating Score	
Sub Element 1	4	x 25	100	Points 400 – 474 = Level 4 Rating Score	
Sub Element 2	5	x 30	150	Points 300 – 399 = Level 3 Rating Score	
Sub Element 3	5	x 15	75	Points 200 – 299 = Level 2 Rating Score	
Sub element 4	3	x 30	90	Any SE rated Level 1 overall score must be	
AGE A PERSON		= 100%		= Level 1 Rating Score	
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.

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

Executive Name and ID: Bahr, Robert W.

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

Davidson Davidson and					
Backlog, Pendency and Timeliness Measures	FY16: -1.0% Growth	FY16: 1.0% Growth	FY16: 3.0% Growth	FY16: 5.0% Growth	FY 2016 Results
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)	

Executive Name and ID: Bahr, Robert W. Appraisal Period: 3/6/16 to 9/30/16

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	

Training Measures and Targets	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.

(b)(6)	(1)
Critical Element 1: Leading Change (Weight 10%):	
(b)(6)	

Providing exe	cutive leadership in	the implementation	n of new initiatives i	n the -	
Providing exe	cutive leadership in	the implementation	J OJ new illificatives i	n the -	
	ecutive leadership in EPQI) in the -	supporting the USF	PTO's quality initiation	ves (enhanced patent q	quality
(b)(6)					
	ecutive leadership in dditional examiner tr		Patent Operations a	and Office of Patent Tra	aining

Providing exec	utive leadership in the development of	Federal register and Official Gazette notices in
the - 6)		
setting prioriti	es and directing the realignment of peti	ns and overseeing the Office of Petitions in tion types, working with POPA, NTEU-243, , most notably PPH and Track I petitions.
	ria for evaluation a rating level of (b)(6) : Leading People (Weight 10%):	is warranted in this element for FY 2016.
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)		

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%)

Backlog, Pendency and Timeliness Measures	FY16: -1.0% Growth	FY16: 1.0% Growth	FY16: 3.0% Growth	FY16: 5.0% Growth	FY 2016 Results
Patent Corps Backlog Metrics					
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				
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%		

(h)(6)			
(D)(D)			

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%)

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

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%)(6)
ased on the criteria for evaluation esults Sub Element 3: Office of Pe		
Office of Petitions Measures	FY 2016 Targets	FY 2016 Results
% 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%	
0)(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%)

Quality Programs Measures and Targets	FY 2016 Results		
Support the implementation	(b)(6)		
of the Correctness and Clarity			
Data Collection Form (CCDC)			
for reviews in the Office of			
Patent Quality Assurance			
(OPQA)			
Support the reevaluation of	(b)(6)		
AFCP 2.0 and the Pre-Appeal	1 11		
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	(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)

	(b)(6)
Provide leadership in the development of and provide support to the topic submission for case studies	(b)(6)
program	
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 evalu	nation a rating level of (b)(6) is warranted in this sub-element for FY 2016.
Based on the criteria for evaluation 2016.	nation an overall rating level of (b)(6) is warranted in this element for FY



SES Performance Management System Executive Performance Agreement



Part 1. Consultation. I he	ave reviewe	d this plan and	d have been c	onsulted or	n its developm	ent.	
Executive's Name (Last, F	irst, MI): Ba	hr, Robert W.				Apprais	sal Pd. 3/6/16 to 9/30/16
Executive's Signature:	0)(6)					Date:	1/1/2016
Title: Deputy Commission	er for Pate	nt Éxaminatio	n Policy	•		Organi	zation: Patents
Rating Official's Name (La	st, First, Mi): Hirshfeld, /	Andrew H.	//		CA	NC LT/LE
Rating Official's Signature	(b)(6)					Date:	7/1/16
Part 2. Progress Review			1				
Executive's Signature:						Date:	
Rating Official's Signature	:					Date:	
Reviewing Official's Signa	ture (Optio	nal):				Date:	
Part 3. Summary Rating							
Initial Summary Rating	(b)(6)						
Rating Official's Name (Lo	ist, First, M): Hirshfeld, A	Andrew H.	11	_		1
Rating Official's Signature	(b)(6)					Date:	10/25/2016
Executive's Signature:	(b)(6)					Date:	10/25/2016
Reviewing Official's Signa	ture (Optio	nal):				Date:	,
Higher Level Review (if a	pplicable)						
☐ I request a higher leve	el review.	Executive's In	itials:			Date:	
Higher Level Review Com	pleted					Date:	
Higher Level Reviewer Sig	gnature:						
Performance Review Boo	ard Recomn	nendation	Level 5	5 <u></u> L	evel 4 L	evel 3	Level 2 Level 1
PRB Chair Signature:							Date:
Annual Summary Rating			Level 5	5 <u>L</u>	evel 4 L	evel 3	Level 2 Level 1
Appointing Authority Sign	nature:			1			Date:
Part 4. Derivation Form	ula and Cal	culation of An	nual Summar	y Rating			
	Eleme	nt Rating		9	Score		
Califord Florence	Imiaial	Final	Waight	Initial	Final		Summary Loyal Bangas
Critical Element 1. Leading Change	Initial (b)(6)	(if changed)	Weight (b)(6)	Initial	(if changed)		Summary Level Ranges
2. Leading People	(=)(=)		X-/X-/				475-500 = Level 5
3. Business Acumen							400-474 = Level 4
4. Building Coalitions							300-399 = Level 3 200-299 = Level 2
5. Results Driven				[4] \ (a)		Anv	CE rated Level 1 = Level 1
Total	9		100%	(b)(6)		7 (17)	

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;

xecut	ive Name and ID:	Bahr, Robert W.	Appraisal Period: 3/6/16 to 9/30/16
•	Support the pate to patent examin	그렇게 되는 것 같아요. 그런 어느 아이들은 얼마나 아이를 하는 것이 없었다. 그는 그를 모르는 것이 없는 것이 없는 것이 없는 것이다. 그런 것이다.	l offices and hoteling examiners, on legal issues relating
•		port timely revisions to the MPEP to refle Agreement, recent case law, etc.	ct changes resulting from the AIA, Patent Law Treaty
Rating	Official Narrative:	(Optional)	
- · · ·		Leading Change (b)(6)	
Critica	al Element Rating -	Leaaina Chanae	

recommendation of the transfer to the property of the property

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

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)

Executive Name and ID: Bahr, Robert W.

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

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 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: (Optional)	·····	**************************************
Critical Element Rating — Business Acumen	(b)(6)	·

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

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

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 <u>1</u> /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.

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.

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.

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

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.

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

	understanding of the meaning of a "quality" patent.
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.	Strategic Alignment: Strategic Goal 1 /Objective Alignment 6 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.
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.	
Rating Official Narrative: (Optional)	1

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

Part 6: Summary Ratio	ng Narrative (Mandatory)			
		-4:I)		
Part 7: Executive's Acc	complishment Narrative (O	ptional)		
Part 8: Agency Use				

-	Bahr, Rober	t W. Rat	ing 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 (Backlog, Pendency and Timeliness) Sub Element 2 (Patent Legal Administration, Examination Guidance, and Rulemakings) Sub Element 3 (Office of Petitions and Petitions Processing) Sub element 4 (Quality and Training)	(b)(6)	= 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 Total Score		TI.	(b)(6)		
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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
				Points 475 – 500 = Level 5 Rating Score	
Levense	-	_			
Sub Element 1	4	x 25	100	Points 400 – 474 = Level 4 Rating Score	
Sub Element 1 Sub Element 2 Sub Element 3	4 5 5	x 25 x 30 x 15	100 150 75		

415= Level 4

Any SE rated Level 1 overall score must be

4*

= Level 1 Rating Score

Sub element 4

Sub Element

Total Score

3

x 30

= 100%

90

415

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

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

Executive Name and ID: Bahr, Robert W.

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

Davidson Davidson and					
Backlog, Pendency and Timeliness Measures	FY16: -1.0% Growth	FY16: 1.0% Growth	FY16: 3.0% Growth	FY16: 5.0% Growth	FY 2016 Results
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)	

Executive Name and ID: Bahr, Robert W. Appraisal Period: 3/6/16 to 9/30/16

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	

Training Measures and Targets	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.

(b)(6)

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

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

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.

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

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

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Subleal Floward 2: Landing Pagels (Misight 100/)	
Critical Element 2: Leading People (Weight 10%): (b)(6)	
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	Critical Element 3: Business Acumen (Weight 10%):
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Critical Element 4: Building Coalitions (Weight 10%): (b)(6)	
(b)(6)	

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

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Critical Element 5: Results Driven (60%):

In FY 2016, the following results were achieved:

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

Backlog, Pendency and Timeliness Measures	FY16: -1.0% Growth	FY16: 1.0% Growth	FY16: 3.0% Growth	FY16: 5.0% Growth	FY 2016 Results
Patent Corps Backlog Metrics					
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				
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%		

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	(b)(6)	

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%	(b)(6)
% of Clear and Timely Rulemaking and Notices Published	75-85%	

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

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(b)(6)	

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⁾	75-85%	(b)(6)
% of Timely Track 1 Petition Decisions ²⁾	75-85%	
% of Timely Patent Prosecution Highway (PPH) Decisions ³⁾	75-85%	

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

Quality Programs Measures and Targets	FY 2016 Results		
Support the implementation	(b)(6)		
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			

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

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in response to the completed	
reevaluation as appropriate	
Provide assistance and	(b)(6)
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 4th 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	

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

Training Measures and Targets		FY 2016 Results	
Ensure that Training is developed and delivered in a timely manner in accordance with established timelines. Assist with the development	(b)(6)		
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)			