



**Vice Chief Administrative Patent Judge**

**ES-1222**

**Alexandria, Virginia**

**I. Introduction**

This position is located in the Patent Trial and Appeal Board (Board). The Vice Chief Administrative Patent Judge (Vice Chief Judge) is an executive-level administrative patent judge who serves under the administrative direction of the Chief Administrative Patent Judge (Chief Judge) and Deputy Chief Administrative Patent Judge (Deputy Chief Judge); is a full voting member of the Patent Trial and Appeal Board (Board) as provided by Title 35 U.S. Code, Section 6, and is the immediate supervisor of Lead Administrative Patent Judges (Lead Judges) and other assigned staff, as applicable, and the second-line supervisor for Administrative Patent Judges (Judges) assigned to the one of the Board's divisions of Judges and other assigned staff, as applicable.

The Director, the Deputy Director, the Commissioner for Patents, the Commissioner for Trademarks, and the administrative patent judges (including the Chief Judge, Deputy Chief Judge, Vice Chief Judges, and Lead Judges) constitute the membership of the Board, but any three or more of these individuals may constitute a legal panel of the Board to render a decision in a patent appeal, an inter partes review proceeding, a post-grant review proceeding, a derivation proceeding, or a covered business method review proceeding. The Board has the sole authority to hear and adjudicate patent appeals from decisions of Patent Examiners. The Board also holds oral hearings when requested, and has the authority to grant rehearings.

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

**II. Duties**

- The Vice Chief Judge is responsible for assisting the Chief Judge and Deputy Chief Judge in developing and implementing the USPTO rules associated with patent appeals, inter partes reviews, post-grant reviews, derivations, and covered business method reviews. These include Title 37 of the Code of Federal Regulations, Part 41 Practice Before the Patent Trial and Appeal Board and Title 37 of the Code of Federal Regulations, Part 42 Trial Practice Before the Patent Trial and Appeal Board.



- The Vice Chief Judge also is responsible for assisting the Chief Judge and Deputy Chief Judge in developing and implementing the Standard Operating Procedures and Internal Operating Procedures necessary for the internal operation of the Board. Furthermore, the Vice Chief Judge is responsible for assisting the Chief Judge and Deputy Chief Judge in adjudicating petitions for the Under Secretary of Commerce for Intellectual Property and Director of the USPTO.
- The Vice Chief Judge assists the Chief Judge and Deputy Chief Judge in the comprehensive executive management, strategic planning, and financial functions essential to effective Board operations; the assignment of panels of administrative patent judges to adjudicate all patent appeals, inter partes review proceedings, post-grant review proceedings, covered business method review proceedings, and derivation proceedings; and periodically serves on such panels. The Vice Chief Judge may serve as the Acting Deputy Chief Judge during the absence of the Deputy Chief Judge or Acting Chief Judge if both the Chief Judge and Deputy Chief Judge are absent. The Vice Chief Judge further assists the Chief Judge and Deputy Chief Judge in the development and implementation of quality, timeliness, and productivity performance standards for the Judges and Lead Judges.
- The Vice Chief Judge assists the Chief Judge and Deputy Chief Judge in interacting with the external legal community, including the Court of Appeals for the Federal Circuit, bar associations, and practitioners; actively participates in public conferences and meetings; and makes presentations to foreign dignitaries and others regarding the Board.
- The Vice Chief Judge performs other duties as assigned by the Chief Judge and Deputy Chief Judge.

### III. Educational Requirement

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

### IV. Professional Technical Qualifications

1. Expert knowledge of the legal principles and technical subject matter associated with patent appeals and AIA trial proceedings. Demonstrated ability to understand technical subject matter; apply relevant patent law legal principles involved in patent appeals and AIA trial proceedings; and effectively work in groups to resolve complex technical and legal issues.
2. Demonstrated executive level experience in directing, supervising, and evaluating the activities of a professional, technical and legal organizational unit. Demonstrated ability to develop and achieve organizational goals; prepare and execute organizational budgets;



delegate assignments; motivate subordinate groups and individuals; establish and execute programs to implement policies; and establish and maintain a positive working environment.

3. Executive level experience in effectively communicating orally and in writing regarding complex technical and legal issues; the ability to fully comprehend the complex technical and legal issues discussed in a work group; the ability to lead said working group(s); and the demonstrated experience to effectively interact with the legal community and other internal and external stakeholders.

#### **V. Executive Core Qualifications**

The incumbent possess the executive core qualifications. They are:

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

#### **VI. Supervision and Guidance Exercised**

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

#### **VII. Supervision and Guidance Received**

The incumbent reports to the Chief Administrative Patent Judge and Deputy Chief Administrative Patent Judge. Performance is judged in terms of accomplishment of objectives and overall effectiveness. The incumbent functions with extremely wide latitude and is expected to exercise independent judgment in deciding course of action, keeping the Chief Judge and Deputy Chief Judge informed of significant events.

#### **VIII. SES Designation**

This position is designated as SES Career reserved position. This position is classified as career-reserved in that it is necessary to restrict appointment to career employees in order to ensure impartiality or the public's confidence in the impartiality of the Government.

#### **IX. Security Designations**

The security designation for this position is listed as 6N, there is not a drug testing requirement for this position.

The Cyber Security Code is as follows: Primary: 000, 1<sup>st</sup>: 00, 2<sup>nd</sup>: 00



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**ES-1222**

**Alexandria, Virginia**

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The Cyber Security Code is as follows: Primary: 000, 1<sup>st</sup>: 00, 2<sup>nd</sup>: 00

**SES Performance Management System  
Executive Performance Plan**



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

Executive's Name (Last, First, MI): <b>Fink, William</b>	Appraisal Pd. <b>10/01/18 - 9/30/19</b>
Executive's Signature: (b)(6)	Date: <b>9/24/18</b>
Title: <b>Vice Chief Administrative Patent Judge, Patent Trial and Appeal Board, U.S. Patent and Trademark Office</b>	Organization: <b>PTAB</b>
Rating Official's Name (Last, First, MI): <b>BOALICK, SCOTT R., Deputy Chief Administrative Patent Judge</b>	CA <input type="checkbox"/> NC <input type="checkbox"/> LT/LE <input type="checkbox"/>
Rating Official's Signature: (b)(6)	Date: <b>9/28/18</b>

**Part 2. Progress Review**

Executive's Signature: (b)(6)	Date: <b>8/1/19</b>
Rating Official's Signature: (b)(6)	Date: <b>5/1/19</b>
Reviewing Official's Signature (Optional):	Date:

**Part 3. Summary Rating**

<b>Initial Summary Rating</b>	(b)(6)	
Rating Official's Name (Last, First, MI): <b>BOALICK, SCOTT R., Deputy Chief Administrative Patent Judge</b>		
Rating Official's Signature: (b)(6)	Date:	<b>11/6/2019</b>
Executive's Signature: (b)(6)	Date:	<b>11/6/2019</b>
Reviewing Official's Signature (Optional):	Date:	

**Higher Level Review (if applicable)**

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

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

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

Critical Element	Element Rating		Weight	Score		Summary Level Ranges
	Initial	Final (if changed)		Initial	Final (if changed)	
1. Leading Change	(b)(6)		10%	(b)(6)		475-500 = Level 5 400-474 = Level 4 300-399 = Level 3 200-299 = Level 2 Any CE rated Level 1 = Level 1
2. Leading People			10%			
3. Business Acumen			10%			
4. Building Coalitions			10%			
5. Results Driven			60%			
<b>Total</b>			<b>100%</b>			

**Part 5. Performance Standards and Critical Elements**

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

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

<b>Element Rating Level Points</b>	<p><b>Level 5 = 5 points</b>  <b>Level 4 = 4 points</b>  <b>Level 3 = 3 points</b>  <b>Level 2 = 2 points</b>  <b>Level 1 = 0 points</b></p>
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Critical Element 1. Leading Change	(Minimum weight 5 points)	Weight 10%
<p><b>Mandatory Performance Requirement:</b> Develops and implements an organizational vision that integrates key organizational and program goals, priorities, values, and other factors. Assesses and adjusts to changing situations, implementing innovative solutions to make organizational improvements, ranging from incremental improvements to major shifts in direction or approach, as appropriate. Balances change and continuity; continually strives to improve service and program performance; creates a work environment that encourages creative thinking, collaboration, and transparency; and maintains program focus, even under adversity.</p>		
<p>Agency-Specific Performance Requirements</p> <p><b>Lead PTAB through continuing appropriate development, enhancement, and optimization of organizational structure, policies, and proceedings. Make further appropriate adjustments in number of judges and other personnel. Lead PTAB through further phases of issuing America Invents Act Trial final decisions and appropriate enhancement of rules of practice, precedential opinions, and guidance to stakeholders.</b></p>		
<p>Rating Official Narrative: <i>(Optional)</i></p>		
Critical Element Rating – Leading Change	(b)(6)	
Critical Element 2. Leading People	(Minimum weight 5 points)	Weight 10%
<p><b>Mandatory Performance Requirement:</b> Designs and implements strategies that maximize employee potential, connects the organization horizontally and vertically, and fosters high ethical standards in meeting the organization's vision, mission, and goals. Provides an inclusive workplace that fosters the development of others to their full potential; allows for full participation by all employees; facilitates collaboration, cooperation, and teamwork, and supports constructive resolution of conflicts. Ensures employee performance plans are aligned with the organization's mission and goals, that employees receive constructive feedback, and that employees are realistically appraised against clearly defined and communicated performance standards. Holds employees accountable for appropriate levels of performance and conduct. Seeks and considers employee input. Recruits, retains, and develops the talent needed to achieve a high quality, diverse workforce that reflects the nation, with the skills needed to accomplish organizational performance objectives while supporting workforce diversity, workplace inclusion, and equal employment policies and programs.</p>		
<p>Agency-Specific Performance Requirements</p> <p><i>Lead, develop, and implement actions to improve employee engagement in your area based on employee feedback gathered from sources including the USPTO People Survey, Federal Employee Viewpoint Survey, focus groups and other initiatives.</i></p> <p><i>Promotes the protection of whistleblowers by: responding constructively when an employee makes disclosures described in subparagraph (A) or (B) of section 2302(b)(8); taking responsible actions to resolve disclosures; and fostering an environment in which employees of the agency feel comfortable making disclosures to supervisory employees or other appropriate authorities.</i></p> <p><b>Serve as Vice Chief Judge. Provide policy direction and guidance to the PTAB. Assist the Deputy Chief Judge and Chief Judge with Business Unit Head functions as appropriate. Lead continuing activities directed at PTAB execution of duties given to the PTAB under the America Invents Act. Ensure PTAB employees are efficiently working on mission-critical tasks.</b></p>		
<p>Rating Official Narrative: <i>(Optional)</i></p>		
Critical Element Rating – Leading People	(b)(6)	

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

Weight 10%

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

## Agency-Specific Performance Requirements

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

Rating Official Narrative: *(Optional)*

Critical Element Rating – Business Acumen

(b)(6)

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

Weight 10%

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

## Agency-Specific Performance Requirements

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

Rating Official Narrative: *(Optional)*

Critical Element Rating – Building Coalitions

(b)(6)

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

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

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

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

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

Performance Requirement 1: **25% Weight**

Strategic Alignment:

**America Invents Act Trial Timeliness:**

**USPTO Strategic Plan, Goal 1, Objective 7**

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

**Draft USPTO Strategic Plan, Goal 1, Objective 4**

Performance Requirement 2: **25% Weight**

Strategic Alignment:

**Ex Parte Inventory/ Pendency Reduction:**

**USPTO Strategic Plan, Goal 1, Objective 7**

**Achieve progress toward a reduction in the average time from jurisdiction passing to the Board to decision on regular ex parte appeals, or achieve progress toward a reduction of ex parte appeal inventory by issuing decisions in accordance with applicable legal requirements.**

**Draft USPTO Strategic Plan, Goal 1, Objective 4**

Performance Requirement 3: **25% Weight**

Strategic Alignment:

**PTAB Decision Consistency:**

**USPTO Strategic Plan, Goal 1, Objective 7**

**In accordance with the authority granted under Title 35 of the United States Code and Title 37 of the Code of Federal Regulations, binding case law precedent, and written guidance applicable to PTAB proceedings issued by the Director or the Director's delegate, ensure that PTAB judges render clear and consistent decisions for proceedings before the PTAB. Ensure review of 25% of final AIA decisions, excluding rehearing decisions, and 2% of regular ex parte appeals decisions.**

**Draft USPTO Strategic Plan, Goal 1, Objective 4**

<p>Performance Requirement 4: <b>25% Weight</b></p> <p><b>Federal Circuit Remand Decision Timeliness:</b></p> <p><b>Ensure completion of decisions on remand in compliance with applicable legal requirements from the Federal Circuit in 12 months from issuance of the Federal Circuit's mandate for 50% of all such remands.</b></p>	<p>Strategic Alignment:</p> <p><b>USPTO Strategic Plan, Goal 1, Objective 7</b></p> <p><b>Draft USPTO Strategic Plan, Goal 1, Objective 4</b></p>
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Rating Official Narrative: *(Optional)*

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

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

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

**Part 8: Agency Use**

## Deriving the Results Driven Rating Worksheet

Executive Name \_\_\_\_\_ Rating Period \_\_\_\_\_

Results Driven Performance Requirements (PR)	Performance Requirement Rating Level Score	Weight (multiply by)	Performance Requirement Points Score	Point Ranges to Rating Level Score	Results Driven Initial Element Score
Performance Requirement 1				Points 475 – 500 = Level 5 Rating Score Points 400 – 474 = Level 4 Rating Score Points 300 – 399 = Level 3 Rating Score Points 200 – 299 = Level 2 Rating Score Any PR rated Level 1 overall score must be = Level 1 Rating Score	
Performance Requirement 2					
Performance Requirement 3					
Performance Requirement 4					
		= 100%			
Performance Requirement Total Score				___ = Level ___	

### Example of Results Driven Element Being Rated Level 4

Results Driven Performance Requirements (PR)	Performance Requirement Rating Level Score	Weight (multiply by)	Performance Requirement Points Score	Point Ranges to Rating Level Score	Results Driven Initial Element Score
Performance Requirement 1	4	x 25	100	Points 475 – 500 = Level 5 Rating Score Points 400 – 474 = Level 4 Rating Score Points 300 – 399 = Level 3 Rating Score Points 200 – 299 = Level 2 Rating Score Any PR rated Level 1 overall score must be = Level 1 Rating Score	
Performance Requirement 2	5	x 30	150		
Performance Requirement 3	5	x 15	75		
Performance Requirement 4	3	x 30	90		
		= 100%			
Performance Requirement Total Score			415	415 = Level 4	4*

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

**SES Performance Management System  
Executive Performance Plan**



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

Executive's Name (Last, First, MI): <b>Fink, William</b>	Appraisal Pd. <b>12/10/17 - 9/30/18</b>
Executive's Signature: (b)(6)	Date: <b>1/5/2018</b>
Title: <b>Vice Chief Administrative Patent Judge, Patent Trial and Appeal Board, U.S. Patent and Trademark Office</b>	Organization: <b>PTAB</b>
Rating Official's Name (Last, First, MI): <b>BOALICK, SCOTT R., Deputy Chief Administrative Patent Judge</b>	CA <input type="checkbox"/> NC <input type="checkbox"/> LT/LE <input type="checkbox"/>
Rating Official's Signature: (b)(6)	Date: <b>1/5/2018</b>

**Part 2. Progress Review**

Executive's Signature: (b)(6)	Date: <b>4/30/18</b>
Rating Official's Signature: (b)(6)	Date: <b>4/30/18</b>
Reviewing Official's Signature (Optional):	Date:

**Part 3. Summary Rating**

<b>Initial Summary Rating</b>	(b)(6)
Rating Official's Name (Last, First, MI): <b>BOALICK, SCOTT R., Deputy Chief Administrative Patent Judge</b>	
Rating Official's Signature: (b)(6)	Date: <b>11/5/2018</b>
Executive's Signature: (b)(6)	Date: <b>11/6/2018</b>
Reviewing Official's Signature (Optional):	Date:

**Higher Level Review (if applicable)**

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

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

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

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5. Results Driven			60%			
<b>Total</b>			<b>100%</b>			

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

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

**Element Rating Level Points**

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



Critical Element 1. Leading Change	(Minimum weight 5 points)	Weight 10%
<p><b>Mandatory Performance Requirement:</b> Develops and implements an organizational vision that integrates key organizational and program goals, priorities, values, and other factors. Assesses and adjusts to changing situations, implementing innovative solutions to make organizational improvements, ranging from incremental improvements to major shifts in direction or approach, as appropriate. Balances change and continuity; continually strives to improve service and program performance; creates a work environment that encourages creative thinking, collaboration, and transparency; and maintains program focus, even under adversity.</p>		
<p>Agency-Specific Performance Requirements</p> <p><b>Lead PTAB through continuing appropriate development, enhancement, and optimization of organizational structure, policies, and proceedings. Make further appropriate adjustments in number of judges and other personnel. Lead PTAB through further phases of issuing America Invents Act Trial final decisions and appropriate enhancement of rules of practice, precedential opinions, and guidance to stakeholders.</b></p>		
<p>Rating Official Narrative: <i>(Optional)</i></p>		
Critical Element Rating – Leading Change	(b)(6)	
Critical Element 2. Leading People	(Minimum weight 5 points)	Weight 10%
<p><b>Mandatory Performance Requirement:</b> Designs and implements strategies that maximize employee potential, connects the organization horizontally and vertically, and fosters high ethical standards in meeting the organization's vision, mission, and goals. Provides an inclusive workplace that fosters the development of others to their full potential; allows for full participation by all employees; facilitates collaboration, cooperation, and teamwork, and supports constructive resolution of conflicts. Ensures employee performance plans are aligned with the organization's mission and goals, that employees receive constructive feedback, and that employees are realistically appraised against clearly defined and communicated performance standards. Holds employees accountable for appropriate levels of performance and conduct. Seeks and considers employee input. Recruits, retains, and develops the talent needed to achieve a high quality, diverse workforce that reflects the nation, with the skills needed to accomplish organizational performance objectives while supporting workforce diversity, workplace inclusion, and equal employment policies and programs.</p>		
<p>Agency-Specific Performance Requirements</p> <p><i>Lead, develop, and implement actions to improve employee engagement in your area based on employee feedback gathered from sources including the USPTO People Survey, Federal Employee Viewpoint Survey, focus groups and other initiatives.</i></p> <p><b>Serve as Vice Chief Judge. Provide policy direction and guidance to the PTAB. Assist the Deputy Chief Judge and Chief Judge with Business Unit Head functions as appropriate. Lead continuing activities directed at PTAB execution of duties given to the PTAB under the America Invents Act. Ensure PTAB employees are efficiently working on mission-critical tasks.</b></p>		
<p>Rating Official Narrative: <i>(Optional)</i></p>		
Critical Element Rating – Leading People	(b)(6)	

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

<b>Critical Element 5. Results Driven</b>	<b>(Minimum Weight 20 points) Weight 60%</b>
<p>This critical element must have at least 1 performance requirement (there is no maximum number of requirements, agency should specify if it sets a maximum number).</p>	
<p>This critical element includes specific performance requirements expected of the executive during the appraisal period, focusing on measurable results from the strategic plan or other measurable outputs and outcomes clearly aligned to organizational goals and objectives. At a minimum, the performance requirements must contain measurable results and their quality indicators describing the range of performance at Level 3 for each result specified. In addition to the quality indicators, applicable measures of quantity, timelines, and/or cost-effectiveness may be included as appropriate. It is recommended to also establish the threshold quality indicators and measures for Levels 5 and 2. Indicators must reflect the same level of performance as the respective performance standard contained in Part 5.</p>	
<p>Strategic Alignment—identify clear, transparent alignment to agency strategic planning initiatives (e.g., relevant agency or organizational goals/objectives with cited page numbers from the Strategic Plan, Congressional Budget Justification/Annual Performance Plan, or other organizational planning document) in the designated section for each performance requirement.</p>	
<p><b>Note:</b> Performance requirements must contain results and quality indicators that are clearly and differentially identified (e.g., highlighted, bold, underlined) so that it is readily evident on what the senior executive will be rated and what is expected for success.</p>	
<p>Performance Requirement 1: <b>25% Weight</b></p> <p><b>America Invents Act Trial Timeliness:</b></p> <p><b>Achieve AIA trial completion in compliance with applicable legal requirements in 12 months from institution, or in 18 months from institution in cases with extensions for good cause, for 95% of all AIA trials not subject to joinder. Achieve issuance of AIA petition decisions on institution in compliance with applicable legal requirements within statutory period of 3 months for 95% of all AIA petitions.</b></p>	<p>Strategic Alignment:</p> <p><b>USPTO Strategic Plan, Goal 1, Objective 7</b></p>
<p>Performance Requirement 2: <b>25% Weight</b></p> <p><b>Ex Parte Inventory / Pendency Reduction:</b></p> <p><b>Achieve progress toward a reduction in the average time from jurisdiction passing to the Board to decision on regular ex parte appeals, or achieve progress toward a reduction of ex parte appeal inventory by issuing decisions in accordance with applicable legal requirements.</b></p>	<p>Strategic Alignment:</p> <p><b>USPTO Strategic Plan, Goal 1, Objective 7</b></p>
<p>Performance Requirement 3: <b>25% Weight</b></p> <p><b>PTAB Decision Consistency:</b></p> <p><b>In accordance with the authority granted under Title 35 of the United States Code and Title 37 of the Code of Federal Regulations, binding case law precedent, and written guidance applicable to PTAB proceedings issued by the Director or the Director's delegate, ensure that PTAB judges render clear and consistent decisions for proceedings before the PTAB. Ensure review of 25% of final AIA decisions, excluding rehearing decisions, and 2% of regular ex parte appeals decisions.</b></p>	<p>Strategic Alignment:</p> <p><b>USPTO Strategic Plan, Goal 1, Objective 7</b></p>

<p>Performance Requirement 4: <b>25% Weight</b></p> <p><b>Federal Circuit Remand Decision Timeliness:</b></p> <p><b>Ensure completion of decisions on remand in compliance with applicable legal requirements from the Federal Circuit in 12 months from issuance of the Federal Circuit's mandate for 50% of all such remands.</b></p>	<p>Strategic Alignment:</p> <p><b>USPTO Strategic Plan, Goal 1, Objective 7</b></p>
<p>Rating Official Narrative: <i>(Optional)</i></p>	
<p><i>Critical Element Rating – Results Driven</i></p>	<p>(b)(6)</p>

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

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

**Part 8: Agency Use**

**Deriving the Results Driven Rating Worksheet**

Executive Name Fink Rating Period FY18

Results Driven Performance Requirements (PR)	Performance Requirement Rating Level Score	Weight (multiply by)	Performance Requirement Points Score	Point Ranges to Rating Level Score	Results Driven Initial Element Score
Performance Requirement 1	(b)(6)	25	(b)(6)	Points 475 – 500 = Level 5 Rating Score Points 400 – 474 = Level 4 Rating Score Points 300 – 399 = Level 3 Rating Score Points 200 – 299 = Level 2 Rating Score Any PR rated Level 1 overall score must be = Level 1 Rating Score	
Performance Requirement 2		25			
Performance Requirement 3		25			
Performance Requirement 4		25			
		= 100%			
Performance Requirement Total Score			(b)(6)		

**Example of Results Driven Element Being Rated Level 4**

Results Driven Performance Requirements (PR)	Performance Requirement Rating Level Score	Weight (multiply by)	Performance Requirement Points Score	Point Ranges to Rating Level Score	Results Driven Initial Element Score
Performance Requirement 1	4	x 25	100	Points 475 – 500 = Level 5 Rating Score Points 400 – 474 = Level 4 Rating Score Points 300 – 399 = Level 3 Rating Score Points 200 – 299 = Level 2 Rating Score Any PR rated Level 1 overall score must be = Level 1 Rating Score	
Performance Requirement 2	5	x 30	150		
Performance Requirement 3	5	x 15	75		
Performance Requirement 4	3	x 30	90		
		= 100%			
Performance Requirement Total Score			415	415 = Level 4	4*

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

MEMORANDUM

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

SUBJECT: Executive Performance Summary Narrative for Fiscal Year 2018,  
Tim Fink, *Vice Chief Judge*

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**Summary Rating Narrative:**

(b)(6)



(b)(6)



Vertical text along the right edge, likely a page number or margin indicator, appearing as a series of small, repeating characters.



(b)(6)



## SES Performance Management System Executive Performance Plan



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

Executive's Name (Last, First, MI): <b>Fink, William</b>	Appraisal Pd. <b>10/01/19 - 9/30/20</b>
Executive's Signature: (b)(6)	Date: <b>9/23/19</b>
Title: <b>Vice Chief Administrative Patent Judge, Patent Trial and Appeal Board, U.S. Patent and Trademark Office</b>	Organization: <b>PTAB</b>
Rating Official's Name (Last, First, MI): <b>Bonilla, Jacqueline, Deputy Chief Administrative Patent Judge</b>	CA <input type="checkbox"/> NC <input type="checkbox"/> LT/LE <input type="checkbox"/>
Rating Official's Signature: (b)(6)	Date: <b>9/23/19</b>

**Part 2. Progress Review**

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

**Part 3. Summary Rating**

<b>Initial Summary Rating</b>	<input type="checkbox"/> Level 5 Outstanding	<input type="checkbox"/> Level 4 Exceeds Fully Successful	<input type="checkbox"/> Level 3 Fully Successful	<input type="checkbox"/> Level 2 Minimally Satisfactory	<input type="checkbox"/> Level 1 Unsatisfactory
Rating Official's Name (Last, First, MI):					
Rating Official's Signature:			Date:		
Executive's Signature:			Date:		
Reviewing Official's Signature (Optional):			Date:		

**Higher Level Review (if applicable)**

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

**Performance Review Board Recommendation**

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

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

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

**Part 5. Performance Standards and Critical Elements**

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

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

**Element Rating Level Points**

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

**Critical Element 1. Leading Change****(Minimum weight 5 points)**

Weight 10%

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

**Agency-Specific Performance Requirements**

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

Rating Official Narrative: *(Optional)*

Critical Element Rating – Leading Change

 Level 5 Level 4 Level 3 Level 2 Level 1**Critical Element 2. Leading People****(Minimum weight 5 points)**

Weight 10%

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

**Agency-Specific Performance Requirements**

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

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

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

Rating Official Narrative: *(Optional)*

Critical Element Rating – Leading People

 Level 5 Level 4 Level 3 Level 2 Level 1

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

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

**Agency-Specific Performance Requirements**

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

Rating Official Narrative: *(Optional)*

Critical Element Rating – Business Acumen

 Level 5 Level 4 Level 3 Level 2 Level 1**Critical Element 4. Building Coalitions****(Minimum weight 5 points) Weight 10%**

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

**Agency-Specific Performance Requirements**

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

Rating Official Narrative: *(Optional)*

Critical Element Rating – Building Coalitions

 Level 5 Level 4 Level 3 Level 2 Level 1

Critical Element 5. Results Driven	(Minimum Weight 20 points)	Weight 60%
<p>This critical element must have at least 1 performance requirement (there is no maximum number of requirements, agency should specify if it sets a maximum number).</p> <p>This critical element includes specific performance requirements expected of the executive during the appraisal period, focusing on measurable results from the strategic plan or other measurable outputs and outcomes clearly aligned to organizational goals and objectives. At a minimum, the performance requirements must contain measurable results and their quality indicators describing the range of performance at Level 3 for each result specified. In addition to the quality indicators, applicable measures of quantity, timelines, and/or cost-effectiveness may be included as appropriate. It is recommended to also establish the threshold quality indicators and measures for Levels 5 and 2. Indicators must reflect the same level of performance as the respective performance standard contained in Part 5.</p> <p>Strategic Alignment—identify clear, transparent alignment to agency strategic planning initiatives (e.g., relevant agency or organizational goals/objectives with cited page numbers from the Strategic Plan, Congressional Budget Justification/Annual Performance Plan, or other organizational planning document) in the designated section for each performance requirement.</p> <p><b>Note:</b> Performance requirements must contain results and quality indicators that are clearly and differentially identified (e.g., highlighted, bold, underlined) so that it is readily evident on what the senior executive will be rated and what is expected for success.</p>		
<p>Performance Requirement 1: <b>25% Weight</b></p> <p><b>America Invents Act Trial Timeliness:</b></p> <p><b>Achieve AIA trial completion in compliance with applicable legal requirements in 12 months from institution, or in 18 months from institution in cases with extensions for good cause, for 95% of all AIA trials not subject to joinder. Achieve issuance of AIA petition decisions on institution in compliance with applicable legal requirements within statutory period of 3 months for 95% of all AIA petitions.</b></p>	<p>Strategic Alignment:</p> <p><b>FY 2018-2022 USPTO Strategic Plan, Goal 1, Objective 4</b></p>	
<p>Performance Requirement 2: <b>25% Weight</b></p> <p><b>Ex Parte Appeal Timeliness:</b></p> <p><b>Manage the average overall pendency for ex parte appeals, excluding appeals for reexam and reissue proceedings, to resolve ex parte appeals in a timely manner consistent with available resources, and implement programs to balance pendency across technologies.</b></p>	<p>Strategic Alignment:</p> <p><b>FY 2018-2022 USPTO Strategic Plan, Goal 1, Objective 4</b></p>	
<p>Performance Requirement 3: <b>25% Weight</b></p> <p><b>PTAB Decision Consistency:</b></p> <p><b>Ensure that PTAB judges render high quality, well-reasoned, and consistent written orders and opinions in accordance with the authority granted under Title 35 of the United States Code and Title 37 of the Code of Federal Regulations, binding case law precedent, and written guidance applicable to PTAB proceedings issued by the Director or the Director's delegate. Ensure review of 25% of final AIA decisions, excluding rehearing decisions and decisions in cases on remand from the U.S. Court of Appeals for the Federal Circuit, and 2% of ex parte appeals decisions.</b></p>	<p>Strategic Alignment:</p> <p><b>FY 2018-2022 USPTO Strategic Plan, Goal 1, Objective 4</b></p>	

<p><b>Performance Requirement 4: 25% Weight</b></p> <p><b>Effective Communications:</b></p> <p>Ensure clear, timely, and accurate communications concerning PTAB matters to PTAB judges and staff, other USPTO business units, and external stakeholders to decrease uncertainty and increase predictability, transparency, and reliability.</p>	<p><b>Strategic Alignment:</b></p> <p>FY 2018-2022 USPTO Strategic Plan, Goal 1, Objective 4</p>				
<p>Rating Official Narrative: <i>(Optional)</i></p>					
<p>Critical Element Rating – Results Driven</p>	<input type="checkbox"/> Level 5	<input type="checkbox"/> Level 4	<input type="checkbox"/> Level 3	<input type="checkbox"/> Level 2	<input type="checkbox"/> Level 1

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

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

**Part 8: Agency Use**



## Deriving the Results Driven Rating Worksheet

Executive Name Fink, William Rating Period FY2020

Results Driven Performance Requirements (PR)	Performance Requirement Rating Level Score	Weight (multiply by)	Performance Requirement Points Score	Point Ranges to Rating Level Score	Results Driven Initial Element Score
Performance Requirement 1		25		Points 475 – 500 = Level 5 Rating Score Points 400– 474 = Level 4 Rating Score Points 300– 399 = Level 3 Rating Score Points 200– 299 = Level 2 Rating Score Any PR rated Level 1 overall score must be = Level 1 Rating Score	
Performance Requirement 2		25			
Performance Requirement 3		25			
Performance Requirement 4		25			
		= 100%			
Performance Requirement Total Score				___ = Level ___	

### Example of Results Driven Element Being Rated Level 4

Results Driven Performance Requirements (PR)	Performance Requirement Rating Level Score	Weight (multiply by)	Performance Requirement Points Score	Point Ranges to Rating Level Score	Results Driven Initial Element Score
Performance Requirement 1	4	x 25	100	Points 475– 500 = Level 5 Rating Score Points 400 – 474 = Level 4 Rating Score Points 300– 399 = Level 3 Rating Score Points 200 – 299 = Level 2 Rating Score Any PR rated Level 1 overall score must be = Level 1 Rating Score	
Performance Requirement 2	5	x 30	150		
Performance Requirement 3	5	x 15	75		
Performance Requirement 4	3	x 30	90		
		= 100%			
Performance Requirement Total Score			415	415= Level 4	4*

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

**SES Performance Management System  
Executive Performance Plan**



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

Executive's Name (Last, First, MI): <b>Tierney, Michael P.</b>	Appraisal Pd. <b>10/01/18 - 9/30/19</b>
Executive's Signature: (b)(6)	Date: <b>10/2/18</b>
Title: <b>Vice Chief Administrative Patent Judge, Patent Trial and Appeal Board, U.S. Patent and Trademark Office</b>	Organization: <b>PTAB</b>
Rating Official's Name (Last, First, MI): <b>BOALICK, SCOTT R., Deputy Chief Administrative Patent Judge</b>	CA <input type="checkbox"/> NC <input type="checkbox"/> LT/LE <input type="checkbox"/>
Rating Official's Signature: (b)(6)	Date: <b>9/28/18</b>

**Part 2. Progress Review**

Executive's Signature: (b)(6)	Date: <b>5/2/19</b>
Rating Official's Signature: (b)(6)	Date: <b>5/1/19</b>
Reviewing Official's Signature (Optional):	Date:

**Part 3. Summary Rating**

<b>Initial Summary Rating</b>	(b)(6)
Rating Official's Name (Last, First, MI): <sup>bonita, Jacqueline</sup> <b>BOALICK, SCOTT R., Deputy Chief Administrative Patent Judge</b>	
Rating Official's Signature: (b)(6)	Date: <b>11/6/19</b>
Executive's Signature: (b)(6)	Date: <b>11/6/19</b>
Reviewing Official's Signature (Optional):	Date:

**Higher Level Review (if applicable)**

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

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

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

Critical Element	Element Rating		Weight	Score		Summary Level Ranges
	Initial	Final (if changed)		Initial	Final (if changed)	
1. Leading Change	(b)(6)		10%	(b)(6)		475-500 = Level 5 400-474 = Level 4 300-399 = Level 3 200-299 = Level 2 Any CE rated Level 1 = Level 1
2. Leading People			10%			
3. Business Acumen			10%			
4. Building Coalitions			10%			
5. Results Driven			60%			
<b>Total</b>			<b>100%</b>			

**Part 5. Performance Standards and Critical Elements**

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

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

**Element Rating Level Points**

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

Critical Element 1. Leading Change	(Minimum weight 5 points)	Weight 10%
<p><b>Mandatory Performance Requirement:</b> Develops and implements an organizational vision that integrates key organizational and program goals, priorities, values, and other factors. Assesses and adjusts to changing situations, implementing innovative solutions to make organizational improvements, ranging from incremental improvements to major shifts in direction or approach, as appropriate. Balances change and continuity; continually strives to improve service and program performance; creates a work environment that encourages creative thinking, collaboration, and transparency; and maintains program focus, even under adversity.</p>		
<p>Agency-Specific Performance Requirements</p> <p><b>Lead PTAB through continuing appropriate development, enhancement, and optimization of organizational structure, policies, and proceedings. Make further appropriate adjustments in number of judges and other personnel. Lead PTAB through further phases of issuing America Invents Act Trial final decisions and appropriate enhancement of rules of practice, precedential opinions, and guidance to stakeholders.</b></p>		
<p>Rating Official Narrative: <i>(Optional)</i></p>		
Critical Element Rating – Leading Change	(b)(6)	
Critical Element 2. Leading People	(Minimum weight 5 points)	Weight 10%
<p><b>Mandatory Performance Requirement:</b> Designs and implements strategies that maximize employee potential, connects the organization horizontally and vertically, and fosters high ethical standards in meeting the organization's vision, mission, and goals. Provides an inclusive workplace that fosters the development of others to their full potential; allows for full participation by all employees; facilitates collaboration, cooperation, and teamwork, and supports constructive resolution of conflicts. Ensures employee performance plans are aligned with the organization's mission and goals, that employees receive constructive feedback, and that employees are realistically appraised against clearly defined and communicated performance standards. Holds employees accountable for appropriate levels of performance and conduct. Seeks and considers employee input. Recruits, retains, and develops the talent needed to achieve a high quality, diverse workforce that reflects the nation, with the skills needed to accomplish organizational performance objectives while supporting workforce diversity, workplace inclusion, and equal employment policies and programs.</p>		
<p>Agency-Specific Performance Requirements</p> <p><i>Lead, develop, and implement actions to improve employee engagement in your area based on employee feedback gathered from sources including the USPTO People Survey, Federal Employee Viewpoint Survey, focus groups and other initiatives.</i></p> <p><i>Promotes the protection of whistleblowers by: responding constructively when an employee makes disclosures described in subparagraph (A) or (B) of section 2302(b)(8); taking responsible actions to resolve disclosures; and fostering an environment in which employees of the agency feel comfortable making disclosures to supervisory employees or other appropriate authorities.</i></p> <p><b>Serve as Vice Chief Judge. Provide policy direction and guidance to the PTAB. Assist the Deputy Chief Judge and Chief Judge with Business Unit Head functions as appropriate. Lead continuing activities directed at PTAB execution of duties given to the PTAB under the America Invents Act. Ensure PTAB employees are efficiently working on mission-critical tasks.</b></p>		
<p>Rating Official Narrative: <i>(Optional)</i></p>		
Critical Element Rating – Leading People	(b)(6)	

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

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

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

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

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

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

Performance Requirement 1: **25% Weight**

Strategic Alignment:

**America Invents Act Trial Timeliness:**

**USPTO Strategic Plan, Goal 1, Objective 7**

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

**Draft USPTO Strategic Plan, Goal 1, Objective 4**

Performance Requirement 2: **25% Weight**

Strategic Alignment:

**Ex Parte Inventory/ Pendency Reduction:**

**USPTO Strategic Plan, Goal 1, Objective 7**

**Achieve progress toward a reduction in the average time from jurisdiction passing to the Board to decision on regular ex parte appeals, or achieve progress toward a reduction of ex parte appeal inventory by issuing decisions in accordance with applicable legal requirements.**

**Draft USPTO Strategic Plan, Goal 1, Objective 4**

Performance Requirement 3: **25% Weight**

Strategic Alignment:

**PTAB Decision Consistency:**

**USPTO Strategic Plan, Goal 1, Objective 7**

**In accordance with the authority granted under Title 35 of the United States Code and Title 37 of the Code of Federal Regulations, binding case law precedent, and written guidance applicable to PTAB proceedings issued by the Director or the Director's delegate, ensure that PTAB judges render clear and consistent decisions for proceedings before the PTAB. Ensure review of 25% of final AIA decisions, excluding rehearing decisions, and 2% of regular ex parte appeals decisions.**

**Draft USPTO Strategic Plan, Goal 1, Objective 4**

Performance Requirement 4: 25% Weight

**Federal Circuit Remand Decision Timeliness:**

Ensure completion of decisions on remand in compliance with applicable legal requirements from the Federal Circuit in 12 months from issuance of the Federal Circuit's mandate for 50% of all such remands.

Strategic Alignment:

**USPTO Strategic Plan, Goal 1,  
Objective 7**

**Draft USPTO Strategic Plan, Goal 1,  
Objective 4**

Rating Official Narrative: *(Optional)*

*Critical Element Rating – Results Driven*

(b)(6)

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

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

**Part 8: Agency Use**



## Deriving the Results Driven Rating Worksheet

Executive Name \_\_\_\_\_ Rating Period \_\_\_\_\_

Results Driven Performance Requirements (PR)	Performance Requirement Rating Level Score	Weight (multiply by)	Performance Requirement Points Score	Point Ranges to Rating Level Score	Results Driven Initial Element Score
Performance Requirement 1				Points 475 – 500 = Level 5 Rating Score Points 400– 474 = Level 4 Rating Score Points 300– 399 = Level 3 Rating Score Points 200– 299 = Level 2 Rating Score Any PR rated Level 1 overall score must be = Level 1 Rating Score	
Performance Requirement 2					
Performance Requirement 3					
Performance Requirement 4					
		= 100%			
Performance Requirement Total Score				___ = Level ___	

### Example of Results Driven Element Being Rated Level 4

Results Driven Performance Requirements (PR)	Performance Requirement Rating Level Score	Weight (multiply by)	Performance Requirement Points Score	Point Ranges to Rating Level Score	Results Driven Initial Element Score
Performance Requirement 1	4	x 25	100	Points 475 – 500 = Level 5 Rating Score Points 400– 474 = Level 4 Rating Score Points 300 – 399 = Level 3 Rating Score Points 200– 299 = Level 2 Rating Score Any PR rated Level 1 overall score must be = Level 1 Rating Score	
Performance Requirement 2	5	x 30	150		
Performance Requirement 3	5	x 15	75		
Performance Requirement 4	3	x 30	90		
		= 100%			
Performance Requirement Total Score			415	415= Level 4	4*

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

**SES Performance Management System  
Executive Performance Plan**



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

Executive's Name (Last, First, MI): <b>Tierney, Michael P.</b>	Appraisal Pd. <b>10/01/18 - 9/30/19</b>
Executive's Signature: (b)(6)	Date: <b>10/2/18</b>
Title: <b>Vice Chief Administrative Patent Judge, Patent Trial and Appeal Board, U.S. Patent and Trademark Office</b>	Organization: <b>PTAB</b>
Rating Official's Name (Last, First, MI): <b>BOALICK, SCOTT R., Deputy Chief Administrative Patent Judge</b>	CA <input type="checkbox"/> NC <input type="checkbox"/> LT/LE <input type="checkbox"/>
Rating Official's Signature: (b)(6)	Date: <b>9/28/18</b>

**Part 2. Progress Review**

Executive's Signature: (b)(6)	Date: <b>5/2/19</b>
Rating Official's Signature: (b)(6)	Date: <b>5/1/19</b>
Reviewing Official's Signature (Optional):	Date:

**Part 3. Summary Rating**

<b>Initial Summary Rating</b>	(b)(6)
Rating Official's Name (Last, First, MI): <sup>bonita, jacqueline</sup> <b>BOALICK, SCOTT R., Deputy Chief Administrative Patent Judge</b>	
Rating Official's Signature: (b)(6)	Date: <b>11/6/19</b>
Executive's Signature: (b)(6)	Date: <b>11/6/19</b>
Reviewing Official's Signature (Optional):	Date:

**Higher Level Review (if applicable)**

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

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

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

Critical Element	Element Rating		Weight	Score		Summary Level Ranges
	Initial	Final (if changed)		Initial	Final (if changed)	
1. Leading Change	(b)(6)		10%	(b)(6)		475-500 = Level 5 400-474 = Level 4 300-399 = Level 3 200-299 = Level 2 Any CE rated Level 1 = Level 1
2. Leading People			10%			
3. Business Acumen			10%			
4. Building Coalitions			10%			
5. Results Driven			60%			
Total			100%			

**Part 5. Performance Standards and Critical Elements**

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

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

**Element Rating Level Points**

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

Critical Element 1. Leading Change	(Minimum weight 5 points)	Weight 10%
<p><b>Mandatory Performance Requirement:</b> Develops and implements an organizational vision that integrates key organizational and program goals, priorities, values, and other factors. Assesses and adjusts to changing situations, implementing innovative solutions to make organizational improvements, ranging from incremental improvements to major shifts in direction or approach, as appropriate. Balances change and continuity; continually strives to improve service and program performance; creates a work environment that encourages creative thinking, collaboration, and transparency; and maintains program focus, even under adversity.</p>		
<p>Agency-Specific Performance Requirements</p> <p><b>Lead PTAB through continuing appropriate development, enhancement, and optimization of organizational structure, policies, and proceedings. Make further appropriate adjustments in number of judges and other personnel. Lead PTAB through further phases of issuing America Invents Act Trial final decisions and appropriate enhancement of rules of practice, precedential opinions, and guidance to stakeholders.</b></p>		
<p>Rating Official Narrative: <i>(Optional)</i></p>		
Critical Element Rating – Leading Change	(b)(6)	
Critical Element 2. Leading People	(Minimum weight 5 points)	Weight 10%
<p><b>Mandatory Performance Requirement:</b> Designs and implements strategies that maximize employee potential, connects the organization horizontally and vertically, and fosters high ethical standards in meeting the organization's vision, mission, and goals. Provides an inclusive workplace that fosters the development of others to their full potential; allows for full participation by all employees; facilitates collaboration, cooperation, and teamwork, and supports constructive resolution of conflicts. Ensures employee performance plans are aligned with the organization's mission and goals, that employees receive constructive feedback, and that employees are realistically appraised against clearly defined and communicated performance standards. Holds employees accountable for appropriate levels of performance and conduct. Seeks and considers employee input. Recruits, retains, and develops the talent needed to achieve a high quality, diverse workforce that reflects the nation, with the skills needed to accomplish organizational performance objectives while supporting workforce diversity, workplace inclusion, and equal employment policies and programs.</p>		
<p>Agency-Specific Performance Requirements</p> <p><i>Lead, develop, and implement actions to improve employee engagement in your area based on employee feedback gathered from sources including the USPTO People Survey, Federal Employee Viewpoint Survey, focus groups and other initiatives.</i></p> <p><i>Promotes the protection of whistleblowers by: responding constructively when an employee makes disclosures described in subparagraph (A) or (B) of section 2302(b)(8); taking responsible actions to resolve disclosures; and fostering an environment in which employees of the agency feel comfortable making disclosures to supervisory employees or other appropriate authorities.</i></p> <p><b>Serve as Vice Chief Judge. Provide policy direction and guidance to the PTAB. Assist the Deputy Chief Judge and Chief Judge with Business Unit Head functions as appropriate. Lead continuing activities directed at PTAB execution of duties given to the PTAB under the America Invents Act. Ensure PTAB employees are efficiently working on mission-critical tasks.</b></p>		
<p>Rating Official Narrative: <i>(Optional)</i></p>		
Critical Element Rating – Leading People	(b)(6)	

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

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

## Agency-Specific Performance Requirements

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

Rating Official Narrative: *(Optional)*

Critical Element Rating – Business Acumen

(b)(6)

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

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

## Agency-Specific Performance Requirements

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

Rating Official Narrative: *(Optional)*

Critical Element Rating – Building Coalitions

(b)(6)

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

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

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

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

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

Performance Requirement 1: **25% Weight**

Strategic Alignment:

**America Invents Act Trial Timeliness:**

**USPTO Strategic Plan, Goal 1, Objective 7**

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

**Draft USPTO Strategic Plan, Goal 1, Objective 4**

Performance Requirement 2: **25% Weight**

Strategic Alignment:

**Ex Parte Inventory/ Pendency Reduction:**

**USPTO Strategic Plan, Goal 1, Objective 7**

**Achieve progress toward a reduction in the average time from jurisdiction passing to the Board to decision on regular ex parte appeals, or achieve progress toward a reduction of ex parte appeal inventory by issuing decisions in accordance with applicable legal requirements.**

**Draft USPTO Strategic Plan, Goal 1, Objective 4**

Performance Requirement 3: **25% Weight**

Strategic Alignment:

**PTAB Decision Consistency:**

**USPTO Strategic Plan, Goal 1, Objective 7**

**In accordance with the authority granted under Title 35 of the United States Code and Title 37 of the Code of Federal Regulations, binding case law precedent, and written guidance applicable to PTAB proceedings issued by the Director or the Director's delegate, ensure that PTAB judges render clear and consistent decisions for proceedings before the PTAB. Ensure review of 25% of final AIA decisions, excluding rehearing decisions, and 2% of regular ex parte appeals decisions.**

**Draft USPTO Strategic Plan, Goal 1, Objective 4**

<p>Performance Requirement 4: <b>25% Weight</b></p> <p><b>Federal Circuit Remand Decision Timeliness:</b></p> <p>Ensure completion of decisions on remand in compliance with applicable legal requirements from the Federal Circuit in 12 months from issuance of the Federal Circuit's mandate for 50% of all such remands.</p>	<p>Strategic Alignment:</p> <p><b>USPTO Strategic Plan, Goal 1, Objective 7</b></p> <p><b>Draft USPTO Strategic Plan, Goal 1, Objective 4</b></p>
<p>Rating Official Narrative: <i>(Optional)</i></p>	
<p><i>Critical Element Rating – Results Driven</i></p>	<p>(b)(6)</p>

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

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

**Part 8: Agency Use**



## Deriving the Results Driven Rating Worksheet

Executive Name \_\_\_\_\_ Rating Period \_\_\_\_\_

Results Driven Performance Requirements (PR)	Performance Requirement Rating Level Score	Weight (multiply by)	Performance Requirement Points Score	Point Ranges to Rating Level Score	Results Driven Initial Element Score
Performance Requirement 1				Points 475 – 500 = Level 5 Rating Score Points 400– 474 = Level 4 Rating Score Points 300– 399 = Level 3 Rating Score Points 200– 299 = Level 2 Rating Score Any PR rated Level 1 overall score must be = Level 1 Rating Score	
Performance Requirement 2					
Performance Requirement 3					
Performance Requirement 4					
		= 100%			
Performance Requirement Total Score				___ = Level ___	

### Example of Results Driven Element Being Rated Level 4

Results Driven Performance Requirements (PR)	Performance Requirement Rating Level Score	Weight (multiply by)	Performance Requirement Points Score	Point Ranges to Rating Level Score	Results Driven Initial Element Score
Performance Requirement 1	4	x 25	100	Points 475 – 500 = Level 5 Rating Score Points 400– 474 = Level 4 Rating Score Points 300 – 399 = Level 3 Rating Score Points 200– 299 = Level 2 Rating Score Any PR rated Level 1 overall score must be = Level 1 Rating Score	
Performance Requirement 2	5	x 30	150		
Performance Requirement 3	5	x 15	75		
Performance Requirement 4	3	x 30	90		
		= 100%			
Performance Requirement Total Score			415	415= Level 4	4*

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

**SES Performance Management System  
Executive Performance Plan**



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

Executive's Name (Last, First, MI): <b>TIERNEY, MICHAEL P.</b>	Appraisal Pd. <b>10/01/17 - 9/30/18</b>
Executive's Signature: (b)(6)	Date: <i>10/31/17</i>
Title: <b>Vice Chief Administrative Patent Judge, Patent Trial and Appeal Board, U.S. Patent and Trademark Office</b>	Organization: <b>PTAB</b>
Rating Official's Name (Last, First, MI): <b>BOALICK, SCOTT R., Deputy Chief Administrative Patent Judge</b>	CA <input type="checkbox"/> NC <input type="checkbox"/> LT/LE <input type="checkbox"/>
Rating Official's Signature: (b)(6)	Date: <i>10/30/17</i>

**Part 2. Progress Review**

Executive's Signature: (b)(6)	Date: <i>4/30/18</i>
Rating Official's Signature: (b)(6)	Date: <i>4/30/18</i>
Reviewing Official's Signature (Optional):	Date:

**Part 3. Summary Rating**

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

Rating Official's Name (Last, First, MI): **BOALICK, SCOTT R., Deputy Chief Administrative Patent Judge**

Rating Official's Signature: (b)(6)	Date: <i>11/5/2018</i>
Executive's Signature: (b)(6)	Date: <i>11/5/2018</i>
Reviewing Official's Signature (Optional):	Date:

**Higher Level Review (if applicable)**

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

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

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

**Performance Review Board Recommendation**     Level 5     Level 4     Level 3     Level 2     Level 1

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

**Annual Summary Rating**     Level 5     Level 4     Level 3     Level 2     Level 1

Appointing Authority Signature: \_\_\_\_\_ Date: \_\_\_\_\_

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

Critical Element	Element Rating		Weight	Score		Summary Level Ranges
	Initial	Final (if changed)		Initial	Final (if changed)	
1. Leading Change	(b)(6)		10%	(b)(6)		475-500 = Level 5 400-474 = Level 4 300-399 = Level 3 200-299 = Level 2 Any CE rated Level 1 = Level 1
2. Leading People			10%			
3. Business Acumen			10%			
4. Building Coalitions			10%			
5. Results Driven			60%			
<b>Total</b>			<b>100%</b>			

**Part 5. Performance Standards and Critical Elements**

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

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

**Element Rating Level Points**

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

Critical Element 1. Leading Change	(Minimum weight 5 points)	Weight 10%
<p><b>Mandatory Performance Requirement:</b> Develops and implements an organizational vision that integrates key organizational and program goals, priorities, values, and other factors. Assesses and adjusts to changing situations, implementing innovative solutions to make organizational improvements, ranging from incremental improvements to major shifts in direction or approach, as appropriate. Balances change and continuity; continually strives to improve service and program performance; creates a work environment that encourages creative thinking, collaboration, and transparency; and maintains program focus, even under adversity.</p>		
<p>Agency-Specific Performance Requirements</p> <p><b>Lead PTAB through continuing appropriate development, enhancement, and optimization of organizational structure, policies, and proceedings. Make further appropriate adjustments in number of judges and other personnel. Lead PTAB through further phases of issuing America Invents Act Trial final decisions and appropriate enhancement of rules of practice, precedential opinions, and guidance to stakeholders.</b></p>		
<p>Rating Official Narrative: <i>(Optional)</i></p>		
Critical Element Rating – Leading Change	(b)(6)	
Critical Element 2. Leading People	(Minimum weight 5 points)	Weight 10%
<p><b>Mandatory Performance Requirement:</b> Designs and implements strategies that maximize employee potential, connects the organization horizontally and vertically, and fosters high ethical standards in meeting the organization's vision, mission, and goals. Provides an inclusive workplace that fosters the development of others to their full potential; allows for full participation by all employees; facilitates collaboration, cooperation, and teamwork, and supports constructive resolution of conflicts. Ensures employee performance plans are aligned with the organization's mission and goals, that employees receive constructive feedback, and that employees are realistically appraised against clearly defined and communicated performance standards. Holds employees accountable for appropriate levels of performance and conduct. Seeks and considers employee input. Recruits, retains, and develops the talent needed to achieve a high quality, diverse workforce that reflects the nation, with the skills needed to accomplish organizational performance objectives while supporting workforce diversity, workplace inclusion, and equal employment policies and programs.</p>		
<p>Agency-Specific Performance Requirements</p> <p><i>Lead, develop, and implement actions to improve employee engagement in your area based on employee feedback gathered from sources including the USPTO People Survey, Federal Employee Viewpoint Survey, focus groups and other initiatives.</i></p> <p><b>Serve as Vice Chief Judge. Provide policy direction and guidance to the PTAB. Assist the Deputy Chief Judge and Chief Judge with Business Unit Head functions as appropriate. Lead continuing activities directed at PTAB execution of duties given to the PTAB under the America Invents Act. Ensure PTAB employees are efficiently working on mission-critical tasks.</b></p>		
<p>Rating Official Narrative: <i>(Optional)</i></p>		
Critical Element Rating – Leading People	(b)(6)	

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

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

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

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

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

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

Performance Requirement 1: **25% Weight**

Strategic Alignment:

**America Invents Act Trial Timeliness:****USPTO Strategic Plan, Goal 1,  
Objective 7**

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

Performance Requirement 2: **25% Weight**

Strategic Alignment:

**Ex Parte Inventory / Pendency Reduction:****USPTO Strategic Plan, Goal 1,  
Objective 7**

**Achieve progress toward a reduction in the average time from jurisdiction passing to the Board to decision on regular ex parte appeals, or achieve progress toward a reduction of ex parte appeal inventory by issuing decisions in accordance with applicable legal requirements.**

Performance Requirement 3: **25% Weight**

Strategic Alignment:

**PTAB Decision Consistency:****USPTO Strategic Plan, Goal 1,  
Objective 7**

**In accordance with the authority granted under Title 35 of the United States Code and Title 37 of the Code of Federal Regulations, binding case law precedent, and written guidance applicable to PTAB proceedings issued by the Director or the Director's delegate, ensure that PTAB judges render clear and consistent decisions for proceedings before the PTAB. Ensure review of 25% of final AIA decisions, excluding rehearing decisions, and 2% of regular ex parte appeals decisions.**

<p>Performance Requirement 4: <b>25% Weight</b></p> <p><b>Federal Circuit Remand Decision Timeliness:</b></p> <p><b>Ensure completion of decisions on remand in compliance with applicable legal requirements from the Federal Circuit in 12 months from issuance of the Federal Circuit's mandate for 50% of all such remands.</b></p>	<p>Strategic Alignment:</p> <p><b>USPTO Strategic Plan, Goal 1, Objective 7</b></p>
<p>Rating Official Narrative: <i>(Optional)</i></p>	
<p><i>Critical Element Rating – Results Driven</i></p>	<p>(b)(6)</p>

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

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

**Part 8: Agency Use**



**Deriving the Results Driven Rating Worksheet**

Executive Name Tierney Rating Period Fy18

Results Driven Performance Requirements (PR)	Performance Requirement Rating Level Score	Weight (multiply by)	Performance Requirement Points Score	Point Ranges to Rating Level Score	Results Driven Initial Element Score
Performance Requirement 1	(b)(6)	25	(b)(6)	Points 475 – 500 = Level 5 Rating Score Points 400 – 474 = Level 4 Rating Score Points 300 – 399 = Level 3 Rating Score Points 200 – 299 = Level 2 Rating Score Any PR rated Level 1 overall score must be = Level 1 Rating Score	
Performance Requirement 2		25			
Performance Requirement 3		25			
Performance Requirement 4		25			
		= 100%			
Performance Requirement Total Score	(b)(6)				

**Example of Results Driven Element Being Rated Level 4**

Results Driven Performance Requirements (PR)	Performance Requirement Rating Level Score	Weight (multiply by)	Performance Requirement Points Score	Point Ranges to Rating Level Score	Results Driven Initial Element Score
Performance Requirement 1	4	x 25	100	Points 475 – 500 = Level 5 Rating Score Points 400 – 474 = Level 4 Rating Score Points 300 – 399 = Level 3 Rating Score Points 200 – 299 = Level 2 Rating Score Any PR rated Level 1 overall score must be = Level 1 Rating Score	
Performance Requirement 2	5	x 30	150		
Performance Requirement 3	5	x 15	75		
Performance Requirement 4	3	x 30	90		
		= 100%			
Performance Requirement Total Score	415			415 = Level 4	4*

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

MEMORANDUM

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

SUBJECT: Executive Performance Summary Narrative for Fiscal Year 2018,  
Michael Tierney, *Vice Chief Judge*

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**Summary Rating Narrative:**

(b)(6)



(b)(6)

(b)(6)



**SES Performance Management System  
Executive Performance Plan**



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

Executive's Name (Last, First, MI): <b>Tierney, Michael P.</b>	Appraisal Pd. <b>10/01/19 - 9/30/20</b>
Executive's Signature: (b)(6)	Date: <b>9/24/19</b>
Title: <b>Vice Chief Administrative Patent Judge, Patent Trial and Appeal Board, U.S. Patent and Trademark Office</b>	Organization: <b>PTAB</b>
Rating Official's Name (Last, First, MI): <b>Bonilla, Jacqueline, Deputy Chief Administrative Patent Judge</b>	CA <input type="checkbox"/> NC <input type="checkbox"/> LT/LE <input type="checkbox"/>
Rating Official's Signature: (b)(6)	Date: <b>9/24/19</b>

**Part 2. Progress Review**

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

**Part 3. Summary Rating**

<b>Initial Summary Rating</b>	<input type="checkbox"/> Level 5 Outstanding	<input type="checkbox"/> Level 4 Exceeds Fully Successful	<input type="checkbox"/> Level 3 Fully Successful	<input type="checkbox"/> Level 2 Minimally Satisfactory	<input type="checkbox"/> Level 1 Unsatisfactory
Rating Official's Name (Last, First, MI):					
Rating Official's Signature:				Date:	
Executive's Signature:				Date:	
Reviewing Official's Signature (Optional):				Date:	

**Higher Level Review (if applicable)**

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

**Performance Review Board Recommendation**

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

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

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

**Part 5. Performance Standards and Critical Elements**

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

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

**Element Rating Level Points**

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

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

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

Agency-Specific Performance Requirements

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

Rating Official Narrative: *(Optional)*

<i>Critical Element Rating – Leading Change</i>	<input type="checkbox"/> Level 5	<input type="checkbox"/> Level 4	<input type="checkbox"/> Level 3	<input type="checkbox"/> Level 2	<input type="checkbox"/> Level 1
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**Critical Element 2. Leading People** **(Minimum weight 5 points)** Weight 10%

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

Agency-Specific Performance Requirements

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

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

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

Rating Official Narrative: *(Optional)*

<i>Critical Element Rating – Leading People</i>	<input type="checkbox"/> Level 5	<input type="checkbox"/> Level 4	<input type="checkbox"/> Level 3	<input type="checkbox"/> Level 2	<input type="checkbox"/> Level 1
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**Critical Element 3. Business Acumen**

**(Minimum weight 5 points) Weight 10%**

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

**Agency-Specific Performance Requirements**

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

Rating Official Narrative: *(Optional)*

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

**(Minimum weight 5 points) Weight 10%**

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

**Agency-Specific Performance Requirements**

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

Rating Official Narrative: *(Optional)*

<i>Critical Element Rating – Building Coalitions</i>	<input type="checkbox"/> Level 5	<input type="checkbox"/> Level 4	<input type="checkbox"/> Level 3	<input type="checkbox"/> Level 2	<input type="checkbox"/> Level 1
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<b>Critical Element 5. Results Driven</b>	<b>(Minimum Weight 20 points)</b>	<b>Weight 60%</b>
<p>This critical element must have at least 1 performance requirement (there is no maximum number of requirements, agency should specify if it sets a maximum number).</p>		
<p>This critical element includes specific performance requirements expected of the executive during the appraisal period, focusing on measurable results from the strategic plan or other measurable outputs and outcomes clearly aligned to organizational goals and objectives. At a minimum, the performance requirements must contain measurable results and their quality indicators describing the range of performance at Level 3 for each result specified. In addition to the quality indicators, applicable measures of quantity, timelines, and/or cost-effectiveness may be included as appropriate. It is recommended to also establish the threshold quality indicators and measures for Levels 5 and 2. Indicators must reflect the same level of performance as the respective performance standard contained in Part 5.</p>		
<p>Strategic Alignment—identify clear, transparent alignment to agency strategic planning initiatives (e.g., relevant agency or organizational goals/objectives with cited page numbers from the Strategic Plan, Congressional Budget Justification/Annual Performance Plan, or other organizational planning document) in the designated section for each performance requirement.</p>		
<p><b>Note:</b> Performance requirements must contain results and quality indicators that are clearly and differentially identified (e.g., highlighted, bold, underlined) so that it is readily evident on what the senior executive will be rated and what is expected for success.</p>		
<p>Performance Requirement 1: <b>25% Weight</b></p> <p><b>America Invents Act Trial Timeliness:</b></p> <p><b>Achieve AIA trial completion in compliance with applicable legal requirements in 12 months from institution, or in 18 months from institution in cases with extensions for good cause, for 95% of all AIA trials not subject to joinder. Achieve issuance of AIA petition decisions on institution in compliance with applicable legal requirements within statutory period of 3 months for 95% of all AIA petitions.</b></p>	<p>Strategic Alignment:</p> <p><b>FY 2018-2022 USPTO Strategic Plan, Goal 1, Objective 4</b></p>	
<p>Performance Requirement 2: <b>25% Weight</b></p> <p><b>Ex Parte Appeal Timeliness:</b></p> <p><b>Manage the average overall pendency for ex parte appeals, excluding appeals for reexam and reissue proceedings, to resolve ex parte appeals in a timely manner consistent with available resources, and implement programs to balance pendency across technologies.</b></p>	<p>Strategic Alignment:</p> <p><b>FY 2018-2022 USPTO Strategic Plan, Goal 1, Objective 4</b></p>	
<p>Performance Requirement 3: <b>25% Weight</b></p> <p><b>PTAB Decision Consistency:</b></p> <p><b>Ensure that PTAB judges render high quality, well-reasoned, and consistent written orders and opinions in accordance with the authority granted under Title 35 of the United States Code and Title 37 of the Code of Federal Regulations, binding case law precedent, and written guidance applicable to PTAB proceedings issued by the Director or the Director's delegate. Ensure review of 25% of final AIA decisions, excluding rehearing decisions and decisions in cases on remand from the U.S. Court of Appeals for the Federal Circuit, and 2% of ex parte appeals decisions.</b></p>	<p>Strategic Alignment:</p> <p><b>FY 2018-2022 USPTO Strategic Plan, Goal 1, Objective 4</b></p>	

<p>Performance Requirement 4: <b>25% Weight</b></p> <p><b>Effective Communications:</b></p> <p><b>Ensure clear, timely, and accurate communications concerning PTAB matters to PTAB judges and staff, other USPTO business units, and external stakeholders to decrease uncertainty and increase predictability, transparency, and reliability.</b></p>	<p>Strategic Alignment:</p> <p><b>FY 2018-2022 USPTO Strategic Plan, Goal 1, Objective 4</b></p>				
<p>Rating Official Narrative: <i>(Optional)</i></p>					
<p><i>Critical Element Rating – Results Driven</i></p>	<input type="checkbox"/> Level 5	<input type="checkbox"/> Level 4	<input type="checkbox"/> Level 3	<input type="checkbox"/> Level 2	<input type="checkbox"/> Level 1

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

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

**Part 8: Agency Use**

## Deriving the Results Driven Rating Worksheet

Executive Name Tierney, Michael P.

Rating Period FY2020

Results Driven Performance Requirements (PR)	Performance Requirement Rating Level Score	Weight (multiply by)	Performance Requirement Points Score	Point Ranges to Rating Level Score	Results Driven Initial Element Score
Performance Requirement 1		25		Points 475 – 500 = Level 5 Rating Score Points 400 – 474 = Level 4 Rating Score Points 300 – 399 = Level 3 Rating Score Points 200 – 299 = Level 2 Rating Score Any PR rated Level 1 overall score must be = Level 1 Rating Score	
Performance Requirement 2		25			
Performance Requirement 3		25			
Performance Requirement 4		25			
		= 100%			
Performance Requirement Total Score				___ = Level ___	

### Example of Results Driven Element Being Rated Level 4

Results Driven Performance Requirements (PR)	Performance Requirement Rating Level Score	Weight (multiply by)	Performance Requirement Points Score	Point Ranges to Rating Level Score	Results Driven Initial Element Score
Performance Requirement 1	4	x 25	100	Points 475 – 500 = Level 5 Rating Score Points 400 – 474 = Level 4 Rating Score Points 300 – 399 = Level 3 Rating Score Points 200 – 299 = Level 2 Rating Score Any PR rated Level 1 overall score must be = Level 1 Rating Score	
Performance Requirement 2	5	x 30	150		
Performance Requirement 3	5	x 15	75		
Performance Requirement 4	3	x 30	90		
		= 100%			
Performance Requirement Total Score			415	415= Level 4	4*

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

**SES Performance Management System  
Executive Performance Plan**



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

Executive's Name (Last, First, MI): <b>Weidenfeller, Scott</b>	Appraisal Pd. <b>10/01/18 - 9/30/19</b>
Executive's Signature: (b)(6)	Date: <b>9/20/18</b>
Title: <b>Vice Chief Administrative Patent Judge, Patent Trial and Appeal Board, U.S. Patent and Trademark Office</b>	Organization: <b>PTAB</b>
Rating Official's Name (Last, First, MI): <b>BOALICK, SCOTT R., Deputy Chief Administrative Patent Judge</b>	CA <input type="checkbox"/> NC <input type="checkbox"/> LT/LE <input type="checkbox"/>
Rating Official's Signature: (b)(6)	Date: <b>9/28/18</b>

**Part 2. Progress Review**

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

**Part 3. Summary Rating**

<b>Initial Summary Rating</b>	(b)(6)
Rating Official's Name (Last, First, MI): <b>BOALICK, SCOTT R., Deputy Chief Administrative Patent Judge</b>	
Rating Official's Signature: (b)(6)	Date: <b>11/6/19</b>
Executive's Signature: (b)(6)	Date: <b>11/6/19</b>
Reviewing Official's Signature (Optional):	Date:

**Higher Level Review (if applicable)**

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

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

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

Critical Element	Element Rating		Weight	Score		Summary Level Ranges
	Initial	Final (if changed)		Initial	Final (if changed)	
1. Leading Change	(b)(6)		10%	(b)(6)		475-500 = Level 5 400-474 = Level 4 300-399 = Level 3 200-299 = Level 2 Any CE rated Level 1 = Level 1
2. Leading People			10%			
3. Business Acumen			10%			
4. Building Coalitions			10%			
5. Results Driven			60%			
<b>Total</b>			<b>100%</b>			

**Part 5. Performance Standards and Critical Elements**

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

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

**Element Rating Level Points**

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

Critical Element 1. Leading Change	(Minimum weight 5 points)	Weight 10%
<p><b>Mandatory Performance Requirement:</b> Develops and implements an organizational vision that integrates key organizational and program goals, priorities, values, and other factors. Assesses and adjusts to changing situations, implementing innovative solutions to make organizational improvements, ranging from incremental improvements to major shifts in direction or approach, as appropriate. Balances change and continuity; continually strives to improve service and program performance; creates a work environment that encourages creative thinking, collaboration, and transparency; and maintains program focus, even under adversity.</p>		
<p>Agency-Specific Performance Requirements</p> <p><b>Lead PTAB through continuing appropriate development, enhancement, and optimization of organizational structure, policies, and proceedings. Make further appropriate adjustments in number of judges and other personnel. Lead PTAB through further phases of issuing America Invents Act Trial final decisions and appropriate enhancement of rules of practice, precedential opinions, and guidance to stakeholders.</b></p>		
<p>Rating Official Narrative: <i>(Optional)</i></p>		
Critical Element Rating – Leading Change	(b)(6)	
Critical Element 2. Leading People	(Minimum weight 5 points)	Weight 10%
<p><b>Mandatory Performance Requirement:</b> Designs and implements strategies that maximize employee potential, connects the organization horizontally and vertically, and fosters high ethical standards in meeting the organization's vision, mission, and goals. Provides an inclusive workplace that fosters the development of others to their full potential; allows for full participation by all employees; facilitates collaboration, cooperation, and teamwork, and supports constructive resolution of conflicts. Ensures employee performance plans are aligned with the organization's mission and goals, that employees receive constructive feedback, and that employees are realistically appraised against clearly defined and communicated performance standards. Holds employees accountable for appropriate levels of performance and conduct. Seeks and considers employee input. Recruits, retains, and develops the talent needed to achieve a high quality, diverse workforce that reflects the nation, with the skills needed to accomplish organizational performance objectives while supporting workforce diversity, workplace inclusion, and equal employment policies and programs.</p>		
<p>Agency-Specific Performance Requirements</p> <p><i>Lead, develop, and implement actions to improve employee engagement in your area based on employee feedback gathered from sources including the USPTO People Survey, Federal Employee Viewpoint Survey, focus groups and other initiatives.</i></p> <p><i>Promotes the protection of whistleblowers by: responding constructively when an employee makes disclosures described in subparagraph (A) or (B) of section 2302(b)(8); taking responsible actions to resolve disclosures; and fostering an environment in which employees of the agency feel comfortable making disclosures to supervisory employees or other appropriate authorities.</i></p> <p><b>Serve as Vice Chief Judge. Provide policy direction and guidance to the PTAB. Assist the Deputy Chief Judge and Chief Judge with Business Unit Head functions as appropriate. Lead continuing activities directed at PTAB execution of duties given to the PTAB under the America Invents Act. Ensure PTAB employees are efficiently working on mission-critical tasks.</b></p>		
<p>Rating Official Narrative: <i>(Optional)</i></p>		
Critical Element Rating – Leading People	(b)(6)	

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



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

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

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

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

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

Performance Requirement 1: **25% Weight**

Strategic Alignment:

**America Invents Act Trial Timeliness:**

**USPTO Strategic Plan, Goal 1,  
Objective 7**

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

**Draft USPTO Strategic Plan, Goal 1,  
Objective 4**

Performance Requirement 2: **25% Weight**

Strategic Alignment:

**Ex Parte Inventory / Pendency Reduction:**

**USPTO Strategic Plan, Goal 1,  
Objective 7**

**Achieve progress toward a reduction in the average time from jurisdiction passing to the Board to decision on regular ex parte appeals, or achieve progress toward a reduction of ex parte appeal inventory by issuing decisions in accordance with applicable legal requirements.**

**Draft USPTO Strategic Plan, Goal 1,  
Objective 4**

Performance Requirement 3: **25% Weight**

Strategic Alignment:

**PTAB Decision Consistency:**

**USPTO Strategic Plan, Goal 1,  
Objective 7**

**In accordance with the authority granted under Title 35 of the United States Code and Title 37 of the Code of Federal Regulations, binding case law precedent, and written guidance applicable to PTAB proceedings issued by the Director or the Director's delegate, ensure that PTAB judges render clear and consistent decisions for proceedings before the PTAB. Ensure review of 25% of final AIA decisions, excluding rehearing decisions, and 2% of regular ex parte appeals decisions.**

**Draft USPTO Strategic Plan, Goal 1,  
Objective 4**

<p>Performance Requirement 4: <b>25% Weight</b></p> <p><b>Federal Circuit Remand Decision Timeliness:</b></p> <p><b>Ensure completion of decisions on remand in compliance with applicable legal requirements from the Federal Circuit in 12 months from issuance of the Federal Circuit's mandate for 50% of all such remands.</b></p>	<p>Strategic Alignment:</p> <p><b>USPTO Strategic Plan, Goal 1, Objective 7</b></p> <p><b>Draft USPTO Strategic Plan, Goal 1, Objective 4</b></p>
<p>Rating Official Narrative: <i>(Optional)</i></p>	
<p>Critical Element Rating – Results Driven</p>	<p>(b)(6)</p>

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

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

**Part 8: Agency Use**

## Deriving the Results Driven Rating Worksheet

Executive Name \_\_\_\_\_

Rating Period \_\_\_\_\_

Results Driven Performance Requirements (PR)	Performance Requirement Rating Level Score	Weight (multiply by)	Performance Requirement Points Score	Point Ranges to Rating Level Score	Results Driven Initial Element Score
Performance Requirement 1				Points 475 – 500 = Level 5 Rating Score Points 400 – 474 = Level 4 Rating Score Points 300 – 399 = Level 3 Rating Score Points 200 – 299 = Level 2 Rating Score Any PR rated Level 1 overall score must be = Level 1 Rating Score	
Performance Requirement 2					
Performance Requirement 3					
Performance Requirement 4					
		= 100%			
Performance Requirement Total Score				___ = Level ___	

### Example of Results Driven Element Being Rated Level 4

Results Driven Performance Requirements (PR)	Performance Requirement Rating Level Score	Weight (multiply by)	Performance Requirement Points Score	Point Ranges to Rating Level Score	Results Driven Initial Element Score
Performance Requirement 1	4	x 25	100	Points 475 – 500 = Level 5 Rating Score Points 400 – 474 = Level 4 Rating Score Points 300 – 399 = Level 3 Rating Score Points 200 – 299 = Level 2 Rating Score Any PR rated Level 1 overall score must be = Level 1 Rating Score	
Performance Requirement 2	5	x 30	150		
Performance Requirement 3	5	x 15	75		
Performance Requirement 4	3	x 30	90		
		= 100%			
Performance Requirement Total Score			415	415 = Level 4	4*

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

**SES Performance Management System  
Executive Performance Plan**



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

Executive's Name (Last, First, MI): <b>Weidenfeller, Scott</b>	Appraisal Pd. <b>10/01/18 - 9/30/19</b>
Executive's Signature: (b)(6)	Date: <b>9/20/18</b>
Title: <b>Vice Chief Administrative Patent Judge, Patent Trial and Appeal Board, U.S. Patent and Trademark Office</b>	Organization: <b>PTAB</b>
Rating Official's Name (Last, First, MI): <b>BOALICK, SCOTT R., Deputy Chief Administrative Patent Judge</b>	CA <input type="checkbox"/> NC <input type="checkbox"/> LT/LE <input type="checkbox"/>
Rating Official's Signature: (b)(6)	Date: <b>9/28/18</b>

**Part 2. Progress Review**

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

**Part 3. Summary Rating**

<b>Initial Summary Rating</b>	(b)(6)
Rating Official's Name (Last, First, MI): <b>BOALICK, SCOTT R., Deputy Chief Administrative Patent Judge</b>	
Rating Official's Signature: (b)(6)	Date: <b>11/6/19</b>
Executive's Signature: (b)(6)	Date: <b>11/6/19</b>
Reviewing Official's Signature (Optional):	Date:

**Higher Level Review (if applicable)**

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

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

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

Critical Element	Element Rating		Weight	Score		Summary Level Ranges
	Initial	Final (if changed)		Initial	Final (if changed)	
1. Leading Change	(b)(6)		10%	(b)(6)		475-500 = Level 5 400-474 = Level 4 300-399 = Level 3 200-299 = Level 2 Any CE rated Level 1 = Level 1
2. Leading People			10%			
3. Business Acumen			10%			
4. Building Coalitions			10%			
5. Results Driven			60%			
<b>Total</b>			<b>100%</b>			

**Part 5. Performance Standards and Critical Elements**

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

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

**Element Rating Level Points**

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

Critical Element 1. Leading Change	(Minimum weight 5 points)	Weight 10%
<p><b>Mandatory Performance Requirement:</b> Develops and implements an organizational vision that integrates key organizational and program goals, priorities, values, and other factors. Assesses and adjusts to changing situations, implementing innovative solutions to make organizational improvements, ranging from incremental improvements to major shifts in direction or approach, as appropriate. Balances change and continuity; continually strives to improve service and program performance; creates a work environment that encourages creative thinking, collaboration, and transparency; and maintains program focus, even under adversity.</p>		
<p>Agency-Specific Performance Requirements</p> <p><b>Lead PTAB through continuing appropriate development, enhancement, and optimization of organizational structure, policies, and proceedings. Make further appropriate adjustments in number of judges and other personnel. Lead PTAB through further phases of issuing America Invents Act Trial final decisions and appropriate enhancement of rules of practice, precedential opinions, and guidance to stakeholders.</b></p>		
<p>Rating Official Narrative: <i>(Optional)</i></p>		
Critical Element Rating – Leading Change	(b)(6)	
Critical Element 2. Leading People	(Minimum weight 5 points)	Weight 10%
<p><b>Mandatory Performance Requirement:</b> Designs and implements strategies that maximize employee potential, connects the organization horizontally and vertically, and fosters high ethical standards in meeting the organization's vision, mission, and goals. Provides an inclusive workplace that fosters the development of others to their full potential; allows for full participation by all employees; facilitates collaboration, cooperation, and teamwork, and supports constructive resolution of conflicts. Ensures employee performance plans are aligned with the organization's mission and goals, that employees receive constructive feedback, and that employees are realistically appraised against clearly defined and communicated performance standards. Holds employees accountable for appropriate levels of performance and conduct. Seeks and considers employee input. Recruits, retains, and develops the talent needed to achieve a high quality, diverse workforce that reflects the nation, with the skills needed to accomplish organizational performance objectives while supporting workforce diversity, workplace inclusion, and equal employment policies and programs.</p>		
<p>Agency-Specific Performance Requirements</p>		
<p><i>Lead, develop, and implement actions to improve employee engagement in your area based on employee feedback gathered from sources including the USPTO People Survey, Federal Employee Viewpoint Survey, focus groups and other initiatives.</i></p>		
<p><i>Promotes the protection of whistleblowers by: responding constructively when an employee makes disclosures described in subparagraph (A) or (B) of section 2302(b)(8); taking responsible actions to resolve disclosures; and fostering an environment in which employees of the agency feel comfortable making disclosures to supervisory employees or other appropriate authorities.</i></p>		
<p><b>Serve as Vice Chief Judge. Provide policy direction and guidance to the PTAB. Assist the Deputy Chief Judge and Chief Judge with Business Unit Head functions as appropriate. Lead continuing activities directed at PTAB execution of duties given to the PTAB under the America Invents Act. Ensure PTAB employees are efficiently working on mission-critical tasks.</b></p>		
<p>Rating Official Narrative: <i>(Optional)</i></p>		
Critical Element Rating – Leading People	(b)(6)	

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



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

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

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

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

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

Performance Requirement 1: **25% Weight**

Strategic Alignment:

**America Invents Act Trial Timeliness:**

**USPTO Strategic Plan, Goal 1,  
Objective 7**

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

**Draft USPTO Strategic Plan, Goal 1,  
Objective 4**

Performance Requirement 2: **25% Weight**

Strategic Alignment:

**Ex Parte Inventory / Pendency Reduction:**

**USPTO Strategic Plan, Goal 1,  
Objective 7**

**Achieve progress toward a reduction in the average time from jurisdiction passing to the Board to decision on regular ex parte appeals, or achieve progress toward a reduction of ex parte appeal inventory by issuing decisions in accordance with applicable legal requirements.**

**Draft USPTO Strategic Plan, Goal 1,  
Objective 4**

Performance Requirement 3: **25% Weight**

Strategic Alignment:

**PTAB Decision Consistency:**

**USPTO Strategic Plan, Goal 1,  
Objective 7**

**In accordance with the authority granted under Title 35 of the United States Code and Title 37 of the Code of Federal Regulations, binding case law precedent, and written guidance applicable to PTAB proceedings issued by the Director or the Director's delegate, ensure that PTAB judges render clear and consistent decisions for proceedings before the PTAB. Ensure review of 25% of final AIA decisions, excluding rehearing decisions, and 2% of regular ex parte appeals decisions.**

**Draft USPTO Strategic Plan, Goal 1,  
Objective 4**

<p>Performance Requirement 4: <b>25% Weight</b></p> <p><b>Federal Circuit Remand Decision Timeliness:</b></p> <p><b>Ensure completion of decisions on remand in compliance with applicable legal requirements from the Federal Circuit in 12 months from issuance of the Federal Circuit's mandate for 50% of all such remands.</b></p>	<p>Strategic Alignment:</p> <p><b>USPTO Strategic Plan, Goal 1, Objective 7</b></p> <p><b>Draft USPTO Strategic Plan, Goal 1, Objective 4</b></p>
<p>Rating Official Narrative: <i>(Optional)</i></p>	
<p>Critical Element Rating – Results Driven</p>	<p>(b)(6)</p>

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

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

**Part 8: Agency Use**

## Deriving the Results Driven Rating Worksheet

Executive Name \_\_\_\_\_ Rating Period \_\_\_\_\_

Results Driven Performance Requirements (PR)	Performance Requirement Rating Level Score	Weight (multiply by)	Performance Requirement Points Score	Point Ranges to Rating Level Score	Results Driven Initial Element Score
Performance Requirement 1				Points 475 – 500 = Level 5 Rating Score Points 400 – 474 = Level 4 Rating Score Points 300 – 399 = Level 3 Rating Score Points 200 – 299 = Level 2 Rating Score Any PR rated Level 1 overall score must be = Level 1 Rating Score	
Performance Requirement 2					
Performance Requirement 3					
Performance Requirement 4					
		= 100%			
Performance Requirement Total Score				___ = Level ___	

### Example of Results Driven Element Being Rated Level 4

Results Driven Performance Requirements (PR)	Performance Requirement Rating Level Score	Weight (multiply by)	Performance Requirement Points Score	Point Ranges to Rating Level Score	Results Driven Initial Element Score
Performance Requirement 1	4	x 25	100	Points 475 – 500 = Level 5 Rating Score Points 400 – 474 = Level 4 Rating Score Points 300 – 399 = Level 3 Rating Score Points 200 – 299 = Level 2 Rating Score Any PR rated Level 1 overall score must be = Level 1 Rating Score	
Performance Requirement 2	5	x 30	150		
Performance Requirement 3	5	x 15	75		
Performance Requirement 4	3	x 30	90		
		= 100%			
Performance Requirement Total Score			415	415= Level 4	4*

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

**SES Performance Management System  
Executive Performance Plan**



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

Executive's Name (Last, First, MI): <b>WEIDENFELLER, SCOTT</b>	Appraisal Pd. <b>10/01/17 - 9/30/18</b>
Executive's Signature: (b)(6)	Date: <b>10/30/17</b>
Title: <b>Vice Chief Administrative Patent Judge, Patent Trial and Appeal Board, U.S. Patent and Trademark Office</b>	Organization: <b>PTAB</b>
Rating Official's Name (Last, First, MI): <b>BOALICK, SCOTT R., Deputy Chief Administrative Patent Judge</b>	CA <input type="checkbox"/> NC <input type="checkbox"/> LT/LE <input type="checkbox"/>
Rating Official's Signature: (b)(6)	Date: <b>10/30/17</b>

**Part 2. Progress Review**

Executive's Signature: (b)(6)	Date: <b>4/30/18</b>
Rating Official's Signature: (b)(6)	Date: <b>4/30/18</b>
Reviewing Official's Signature (Optional):	Date:

**Part 3. Summary Rating**

<b>Initial Summary Rating</b>	(b)(6)
Rating Official's Name (Last, First, MI): <b>BOALICK, SCOTT R., Deputy Chief Administrative Patent Judge</b>	
Rating Official's Signature: (b)(6)	Date: <b>11/5/2018</b>
Executive's Signature: (b)(6)	Date: <b>11/7/2018</b>
Reviewing Official's Signature (Optional):	Date:

**Higher Level Review (if applicable)**

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

**Performance Review Board Recommendation**

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

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

Critical Element	Element Rating		Weight	Score		Summary Level Ranges
	Initial	Final (if changed)		Initial	Final (if changed)	
1. Leading Change	(b)(6)		10%	(b)(6)		475-500 = Level 5 400-474 = Level 4 300-399 = Level 3 200-299 = Level 2 Any CE rated Level 1 = Level 1
2. Leading People			10%			
3. Business Acumen			10%			
4. Building Coalitions			10%			
5. Results Driven			60%			
<b>Total</b>			<b>100%</b>			

**Part 5. Performance Standards and Critical Elements**

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

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

**Element Rating Level Points**

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

Critical Element 1. Leading Change	(Minimum weight 5 points)	Weight 10%
<p><b>Mandatory Performance Requirement:</b> Develops and implements an organizational vision that integrates key organizational and program goals, priorities, values, and other factors. Assesses and adjusts to changing situations, implementing innovative solutions to make organizational improvements, ranging from incremental improvements to major shifts in direction or approach, as appropriate. Balances change and continuity; continually strives to improve service and program performance; creates a work environment that encourages creative thinking, collaboration, and transparency; and maintains program focus, even under adversity.</p>		
Agency-Specific Performance Requirements		
<p><b>Lead PTAB through continuing appropriate development, enhancement, and optimization of organizational structure, policies, and proceedings. Make further appropriate adjustments in number of judges and other personnel. Lead PTAB through further phases of issuing America Invents Act Trial final decisions and appropriate enhancement of rules of practice, precedential opinions, and guidance to stakeholders.</b></p>		
Rating Official Narrative: <i>(Optional)</i>		
Critical Element Rating – Leading Change	(b)(6)	
Critical Element 2. Leading People	(Minimum weight 5 points)	Weight 10%
<p><b>Mandatory Performance Requirement:</b> Designs and implements strategies that maximize employee potential, connects the organization horizontally and vertically, and fosters high ethical standards in meeting the organization's vision, mission, and goals. Provides an inclusive workplace that fosters the development of others to their full potential; allows for full participation by all employees; facilitates collaboration, cooperation, and teamwork, and supports constructive resolution of conflicts. Ensures employee performance plans are aligned with the organization's mission and goals, that employees receive constructive feedback, and that employees are realistically appraised against clearly defined and communicated performance standards. Holds employees accountable for appropriate levels of performance and conduct. Seeks and considers employee input. Recruits, retains, and develops the talent needed to achieve a high quality, diverse workforce that reflects the nation, with the skills needed to accomplish organizational performance objectives while supporting workforce diversity, workplace inclusion, and equal employment policies and programs.</p>		
Agency-Specific Performance Requirements		
<p><i>Lead, develop, and implement actions to improve employee engagement in your area based on employee feedback gathered from sources including the USPTO People Survey, Federal Employee Viewpoint Survey, focus groups and other initiatives.</i></p>		
<p><b>Serve as Vice Chief Judge. Provide policy direction and guidance to the PTAB. Assist the Deputy Chief Judge and Chief Judge with Business Unit Head functions as appropriate. Lead continuing activities directed at PTAB execution of duties given to the PTAB under the America Invents Act. Ensure PTAB employees are efficiently working on mission-critical tasks.</b></p>		
Rating Official Narrative: <i>(Optional)</i>		
Critical Element Rating – Leading People	(b)(6)	

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



Critical Element 5. Results Driven	(Minimum Weight 20 points)	Weight 60%
<p>This critical element must have at least 1 performance requirement (there is no maximum number of requirements, agency should specify if it sets a maximum number).</p>		
<p>This critical element includes specific performance requirements expected of the executive during the appraisal period, focusing on measurable results from the strategic plan or other measurable outputs and outcomes clearly aligned to organizational goals and objectives. At a minimum, the performance requirements must contain measurable results and their quality indicators describing the range of performance at Level 3 for each result specified. In addition to the quality indicators, applicable measures of quantity, timelines, and/or cost-effectiveness may be included as appropriate. It is recommended to also establish the threshold quality indicators and measures for Levels 5 and 2. Indicators must reflect the same level of performance as the respective performance standard contained in Part 5.</p>		
<p>Strategic Alignment—identify clear, transparent alignment to agency strategic planning initiatives (e.g., relevant agency or organizational goals/objectives with cited page numbers from the Strategic Plan, Congressional Budget Justification/Annual Performance Plan, or other organizational planning document) in the designated section for each performance requirement.</p>		
<p><b>Note:</b> Performance requirements must contain results and quality indicators that are clearly and differentially identified (e.g., highlighted, bold, underlined) so that it is readily evident on what the senior executive will be rated and what is expected for success.</p>		
<p>Performance Requirement 1: <b>25% Weight</b></p> <p><b>America Invents Act Trial Timeliness:</b></p> <p><b>Achieve AIA trial completion in compliance with applicable legal requirements in 12 months from institution, or in 18 months from institution in cases with extensions for good cause, for 95% of all AIA trials not subject to joinder. Achieve issuance of AIA petition decisions on institution in compliance with applicable legal requirements within statutory period of 3 months for 95% of all AIA petitions.</b></p>	<p>Strategic Alignment:</p> <p><b>USPTO Strategic Plan, Goal 1, Objective 7</b></p>	
<p>Performance Requirement 2: <b>25% Weight</b></p> <p><b>Ex Parte Inventory / Pendency Reduction:</b></p> <p><b>Achieve progress toward a reduction in the average time from jurisdiction passing to the Board to decision on regular ex parte appeals, or achieve progress toward a reduction of ex parte appeal inventory by issuing decisions in accordance with applicable legal requirements.</b></p>	<p>Strategic Alignment:</p> <p><b>USPTO Strategic Plan, Goal 1, Objective 7</b></p>	
<p>Performance Requirement 3: <b>25% Weight</b></p> <p><b>PTAB Decision Consistency:</b></p> <p><b>In accordance with the authority granted under Title 35 of the United States Code and Title 37 of the Code of Federal Regulations, binding case law precedent, and written guidance applicable to PTAB proceedings issued by the Director or the Director's delegate, ensure that PTAB judges render clear and consistent decisions for proceedings before the PTAB. Ensure review of 25% of final AIA decisions, excluding rehearing decisions, and 2% of regular ex parte appeals decisions.</b></p>	<p>Strategic Alignment:</p> <p><b>USPTO Strategic Plan, Goal 1, Objective 7</b></p>	

<p>Performance Requirement 4: <b>25% Weight</b></p> <p><b>Federal Circuit Remand Decision Timeliness:</b></p> <p><b>Ensure completion of decisions on remand in compliance with applicable legal requirements from the Federal Circuit in 12 months from issuance of the Federal Circuit's mandate for 50% of all such remands.</b></p>	<p>Strategic Alignment:</p> <p><b>USPTO Strategic Plan, Goal 1, Objective 7</b></p>
<p>Rating Official Narrative: <i>(Optional)</i></p>	
<p><i>Critical Element Rating – Results Driven</i></p>	<p>(b)(6)</p>

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

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

**Part 8: Agency Use**

**Deriving the Results Driven Rating Worksheet**

Executive Name Wendy Feller

Rating Period FY 18

Results Driven Performance Requirements (PR)	Performance Requirement Rating Level Score	Weight (multiply by)	Performance Requirement Points Score	Point Ranges to Rating Level Score	Results Driven Initial Element Score
Performance Requirement 1	(b)(6)	25	(b)(6)	Points 475 – 500 = Level 5 Rating Score Points 400 – 474 = Level 4 Rating Score Points 300 – 399 = Level 3 Rating Score Points 200 – 299 = Level 2 Rating Score Any PR rated Level 1 overall score must be = Level 1 Rating Score	
Performance Requirement 2		25			
Performance Requirement 3		25			
Performance Requirement 4		25			
		= 100%			
Performance Requirement Total Score	(b)(6)				

**Example of Results Driven Element Being Rated Level 4**

Results Driven Performance Requirements (PR)	Performance Requirement Rating Level Score	Weight (multiply by)	Performance Requirement Points Score	Point Ranges to Rating Level Score	Results Driven Initial Element Score
Performance Requirement 1	4	x 25	100	Points 475 – 500 = Level 5 Rating Score Points 400 – 474 = Level 4 Rating Score Points 300 – 399 = Level 3 Rating Score Points 200 – 299 = Level 2 Rating Score Any PR rated Level 1 overall score must be = Level 1 Rating Score	
Performance Requirement 2	5	x 30	150		
Performance Requirement 3	5	x 15	75		
Performance Requirement 4	3	x 30	90		
		= 100%			
Performance Requirement Total Score			415	415= Level 4	4*

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

MEMORANDUM

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

SUBJECT: Executive Performance Summary Narrative for Fiscal Year 2018,  
Scott Weidenfeller, *Vice Chief Judge*

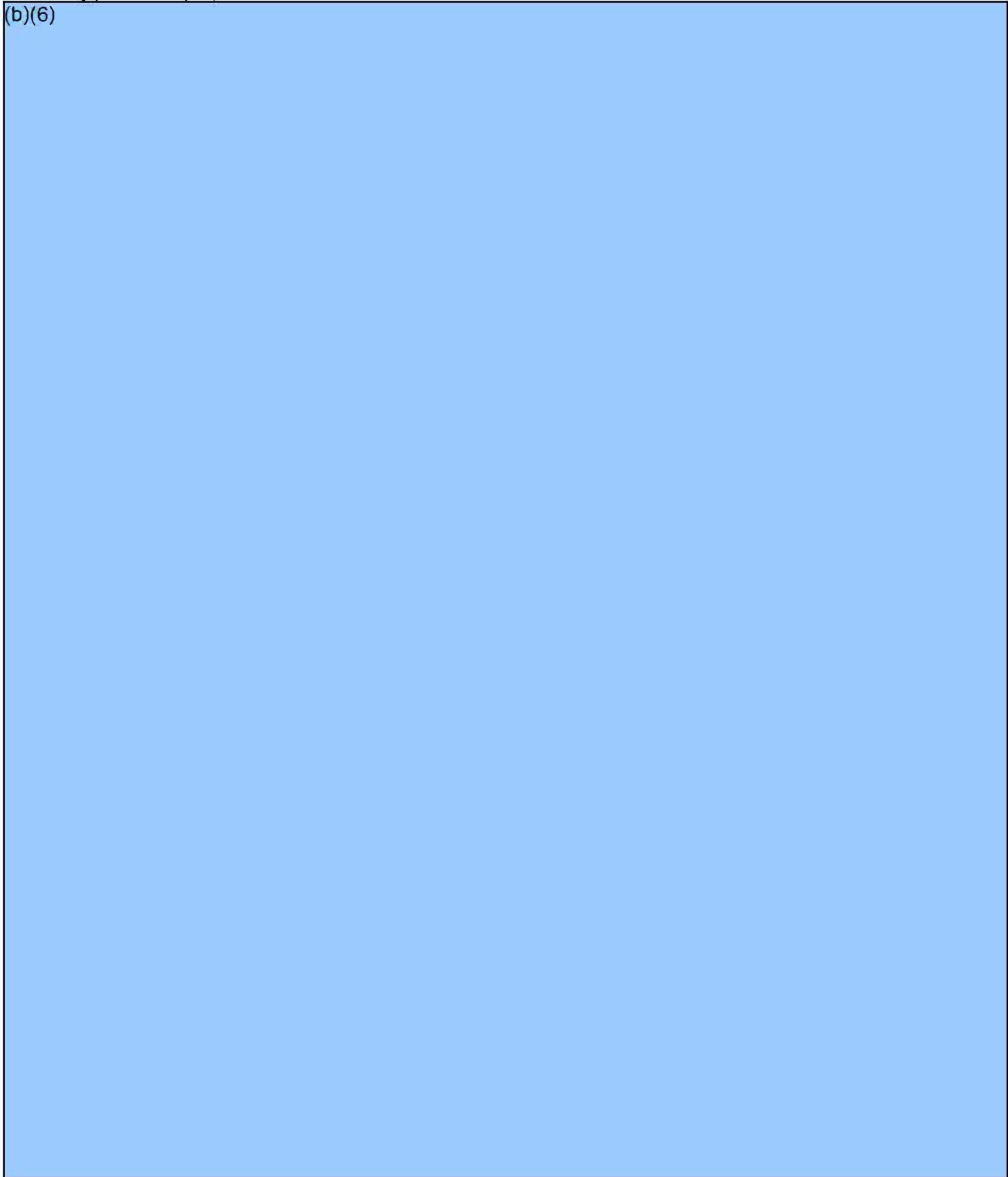
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**Summary Rating Narrative:**

(b)(6)



(b)(6)



(b)(6)



**SES Performance Management System  
Executive Performance Plan**



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

Executive's Name (Last, First, MI): <b>Weidenfeller, Scott</b>	Appraisal Pd. <b>10/01/19 - 9/30/20</b>
Executive's Signature: (b)(6)	Date: <b>9/23/19</b>
Title: <b>Vice Chief Administrative Patent Judge, Patent Trial and Appeal Board, U.S. Patent and Trademark Office</b>	Organization: <b>PTAB</b>
Rating Official's Name (Last, First, MI): <b>Bonilla, Jacqueline, Deputy Chief Administrative Patent Judge</b>	CA <input type="checkbox"/> NC <input type="checkbox"/> LT/LE <input type="checkbox"/>
Rating Official's Signature (b)(6)	Date: <b>9/23/19</b>

**Part 2. Progress Review**

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

**Part 3. Summary Rating**

<b>Initial Summary Rating</b>	<input type="checkbox"/> Level 5 Outstanding	<input type="checkbox"/> Level 4 Exceeds Fully Successful	<input type="checkbox"/> Level 3 Fully Successful	<input type="checkbox"/> Level 2 Minimally Satisfactory	<input type="checkbox"/> Level 1 Unsatisfactory
Rating Official's Name (Last, First, MI):					
Rating Official's Signature:			Date:		
Executive's Signature:			Date:		
Reviewing Official's Signature (Optional):			Date:		

**Higher Level Review (if applicable)**

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

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

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

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



**Part 5. Performance Standards and Critical Elements**

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

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

**Element Rating Level Points**

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

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

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

Agency-Specific Performance Requirements

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

Rating Official Narrative: *(Optional)*

Critical Element Rating – Leading Change

 Level 5

 Level 4

 Level 3

 Level 2

 Level 1
**Critical Element 2. Leading People****(Minimum weight 5 points) Weight 10%**

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

Agency-Specific Performance Requirements

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

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

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

Rating Official Narrative: *(Optional)*

Critical Element Rating – Leading People

 Level 5

 Level 4

 Level 3

 Level 2

 Level 1

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

Weight 10%

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

## Agency-Specific Performance Requirements

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

Rating Official Narrative: *(Optional)*

Critical Element Rating – Business Acumen

 Level 5 Level 4 Level 3 Level 2 Level 1**Critical Element 4. Building Coalitions****(Minimum weight 5 points)**

Weight 10%

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

## Agency-Specific Performance Requirements

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

Rating Official Narrative: *(Optional)*

Critical Element Rating – Building Coalitions

 Level 5 Level 4 Level 3 Level 2 Level 1

Critical Element 5. Results Driven	(Minimum Weight 20 points)	Weight 60%
<p>This critical element must have at least 1 performance requirement (there is no maximum number of requirements, agency should specify if it sets a maximum number).</p>		
<p>This critical element includes specific performance requirements expected of the executive during the appraisal period, focusing on measurable results from the strategic plan or other measurable outputs and outcomes clearly aligned to organizational goals and objectives. At a minimum, the performance requirements must contain measurable results and their quality indicators describing the range of performance at Level 3 for each result specified. In addition to the quality indicators, applicable measures of quantity, timelines, and/or cost-effectiveness may be included as appropriate. It is recommended to also establish the threshold quality indicators and measures for Levels 5 and 2. Indicators must reflect the same level of performance as the respective performance standard contained in Part 5.</p>		
<p>Strategic Alignment—identify clear, transparent alignment to agency strategic planning initiatives (e.g., relevant agency or organizational goals/objectives with cited page numbers from the Strategic Plan, Congressional Budget Justification/Annual Performance Plan, or other organizational planning document) in the designated section for each performance requirement.</p>		
<p><b>Note:</b> Performance requirements must contain results and quality indicators that are clearly and differentially identified (e.g., highlighted, bold, underlined) so that it is readily evident on what the senior executive will be rated and what is expected for success.</p>		
<p>Performance Requirement 1: <b>25% Weight</b></p> <p><b>America Invents Act Trial Timeliness:</b></p> <p><b>Achieve AIA trial completion in compliance with applicable legal requirements in 12 months from institution, or in 18 months from institution in cases with extensions for good cause, for 95% of all AIA trials not subject to joinder. Achieve issuance of AIA petition decisions on institution in compliance with applicable legal requirements within statutory period of 3 months for 95% of all AIA petitions.</b></p>	<p>Strategic Alignment:</p> <p><b>FY 2018-2022 USPTO Strategic Plan, Goal 1, Objective 4</b></p>	
<p>Performance Requirement 2: <b>25% Weight</b></p> <p><b>Ex Parte Appeal Timeliness:</b></p> <p><b>Manage the average overall pendency for ex parte appeals, excluding appeals for reexam and reissue proceedings, to resolve ex parte appeals in a timely manner consistent with available resources, and implement programs to balance pendency across technologies.</b></p>	<p>Strategic Alignment:</p> <p><b>FY 2018-2022 USPTO Strategic Plan, Goal 1, Objective 4</b></p>	
<p>Performance Requirement 3: <b>25% Weight</b></p> <p><b>PTAB Decision Consistency:</b></p> <p><b>Ensure that PTAB judges render high quality, well-reasoned, and consistent written orders and opinions in accordance with the authority granted under Title 35 of the United States Code and Title 37 of the Code of Federal Regulations, binding case law precedent, and written guidance applicable to PTAB proceedings issued by the Director or the Director’s delegate. Ensure review of 25% of final AIA decisions, excluding rehearing decisions and decisions in cases on remand from the U.S. Court of Appeals for the Federal Circuit, and 2% of ex parte appeals decisions.</b></p>	<p>Strategic Alignment:</p> <p><b>FY 2018-2022 USPTO Strategic Plan, Goal 1, Objective 4</b></p>	

<p><b>Performance Requirement 4: 25% Weight</b></p> <p><b>Federal Circuit Remand Decision Timeliness:</b></p> <p><b>Ensure clear, timely, and accurate communications concerning PTAB matters to PTAB judges and staff, other USPTO business units, and external stakeholders to decrease uncertainty and increase predictability, transparency, and reliability.</b></p>	<p><b>Strategic Alignment:</b></p> <p><b>FY 2018-2022 USPTO Strategic Plan, Goal 1, Objective 4</b></p>				
<p>Rating Official Narrative: <i>(Optional)</i></p>					
<p><i>Critical Element Rating – Results Driven</i></p>	<input type="checkbox"/> Level 5	<input type="checkbox"/> Level 4	<input type="checkbox"/> Level 3	<input type="checkbox"/> Level 2	<input type="checkbox"/> Level 1

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

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

**Part 8: Agency Use**

## Deriving the Results Driven Rating Worksheet

Executive Name Weidenfeller, Scott

Rating Period FY2020

Results Driven Performance Requirements (PR)	Performance Requirement Rating Level Score	Weight (multiply by)	Performance Requirement Points Score	Point Ranges to Rating Level Score	Results Driven Initial Element Score
Performance Requirement 1		25		Points 475 – 500 = Level 5 Rating Score Points 400 – 474 = Level 4 Rating Score Points 300 – 399 = Level 3 Rating Score Points 200 – 299 = Level 2 Rating Score Any PR rated Level 1 overall score must be = Level 1 Rating Score	
Performance Requirement 2		25			
Performance Requirement 3		25			
Performance Requirement 4		25			
		= 100%			
Performance Requirement Total Score				___ = Level ___	

### Example of Results Driven Element Being Rated Level 4

Results Driven Performance Requirements (PR)	Performance Requirement Rating Level Score	Weight (multiply by)	Performance Requirement Points Score	Point Ranges to Rating Level Score	Results Driven Initial Element Score
Performance Requirement 1	4	x 25	100	Points 475 – 500 = Level 5 Rating Score Points 400 – 474 = Level 4 Rating Score Points 300 – 399 = Level 3 Rating Score Points 200 – 299 = Level 2 Rating Score Any PR rated Level 1 overall score must be = Level 1 Rating Score	
Performance Requirement 2	5	x 30	150		
Performance Requirement 3	5	x 15	75		
Performance Requirement 4	3	x 30	90		
		= 100%			
Performance Requirement Total Score			415	415 = Level 4	4*

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

**SES Performance Management System  
Executive Performance Plan**



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

Executive's Name (Last, First, MI): <b>Fink, William</b>	Appraisal Pd. <b>10/01/18 - 9/30/19</b>
Executive's Signature: (b)(6)	Date: <b>9/24/18</b>
Title: <b>Vice Chief Administrative Patent Judge, Patent Trial and Appeal Board, U.S. Patent and Trademark Office</b>	Organization: <b>PTAB</b>
Rating Official's Name (Last, First, MI): <b>BOALICK, SCOTT R., Deputy Chief Administrative Patent Judge</b>	CA <input type="checkbox"/> NC <input type="checkbox"/> LT/LE <input type="checkbox"/>
Rating Official's Signature: (b)(6)	Date: <b>9/28/18</b>

**Part 2. Progress Review**

Executive's Signature: (b)(6)	Date: <b>8/1/19</b>
Rating Official's Signature: (b)(6)	Date: <b>5/1/19</b>
Reviewing Official's Signature (Optional):	Date:

**Part 3. Summary Rating**

<b>Initial Summary Rating</b>	(b)(6)
Rating Official's Name (Last, First, MI): <b>BOALICK, SCOTT R., Deputy Chief Administrative Patent Judge</b>	
Rating Official's Signature: (b)(6)	Date: <b>11/6/2019</b>
Executive's Signature: (b)(6)	Date: <b>11/6/2019</b>
Reviewing Official's Signature (Optional):	Date:

**Higher Level Review (if applicable)**

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

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

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

Critical Element	Element Rating		Weight	Score		Summary Level Ranges
	Initial	Final (if changed)		Initial	Final (if changed)	
1. Leading Change	(b)(6)		10%	(b)(6)		475-500 = Level 5 400-474 = Level 4 300-399 = Level 3 200-299 = Level 2 Any CE rated Level 1 = Level 1
2. Leading People			10%			
3. Business Acumen			10%			
4. Building Coalitions			10%			
5. Results Driven			60%			
<b>Total</b>			<b>100%</b>			



**Part 5. Performance Standards and Critical Elements**

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

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

**Element Rating Level Points**

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

Critical Element 1. Leading Change	(Minimum weight 5 points)	Weight 10%
<p><b>Mandatory Performance Requirement:</b> Develops and implements an organizational vision that integrates key organizational and program goals, priorities, values, and other factors. Assesses and adjusts to changing situations, implementing innovative solutions to make organizational improvements, ranging from incremental improvements to major shifts in direction or approach, as appropriate. Balances change and continuity; continually strives to improve service and program performance; creates a work environment that encourages creative thinking, collaboration, and transparency; and maintains program focus, even under adversity.</p>		
<p>Agency-Specific Performance Requirements</p> <p><b>Lead PTAB through continuing appropriate development, enhancement, and optimization of organizational structure, policies, and proceedings. Make further appropriate adjustments in number of judges and other personnel. Lead PTAB through further phases of issuing America Invents Act Trial final decisions and appropriate enhancement of rules of practice, precedential opinions, and guidance to stakeholders.</b></p>		
<p>Rating Official Narrative: <i>(Optional)</i></p>		
Critical Element Rating – Leading Change	(b)(6)	
Critical Element 2. Leading People	(Minimum weight 5 points)	Weight 10%
<p><b>Mandatory Performance Requirement:</b> Designs and implements strategies that maximize employee potential, connects the organization horizontally and vertically, and fosters high ethical standards in meeting the organization's vision, mission, and goals. Provides an inclusive workplace that fosters the development of others to their full potential; allows for full participation by all employees; facilitates collaboration, cooperation, and teamwork, and supports constructive resolution of conflicts. Ensures employee performance plans are aligned with the organization's mission and goals, that employees receive constructive feedback, and that employees are realistically appraised against clearly defined and communicated performance standards. Holds employees accountable for appropriate levels of performance and conduct. Seeks and considers employee input. Recruits, retains, and develops the talent needed to achieve a high quality, diverse workforce that reflects the nation, with the skills needed to accomplish organizational performance objectives while supporting workforce diversity, workplace inclusion, and equal employment policies and programs.</p>		
<p>Agency-Specific Performance Requirements</p> <p><i>Lead, develop, and implement actions to improve employee engagement in your area based on employee feedback gathered from sources including the USPTO People Survey, Federal Employee Viewpoint Survey, focus groups and other initiatives.</i></p> <p><i>Promotes the protection of whistleblowers by: responding constructively when an employee makes disclosures described in subparagraph (A) or (B) of section 2302(b)(8); taking responsible actions to resolve disclosures; and fostering an environment in which employees of the agency feel comfortable making disclosures to supervisory employees or other appropriate authorities.</i></p> <p><b>Serve as Vice Chief Judge. Provide policy direction and guidance to the PTAB. Assist the Deputy Chief Judge and Chief Judge with Business Unit Head functions as appropriate. Lead continuing activities directed at PTAB execution of duties given to the PTAB under the America Invents Act. Ensure PTAB employees are efficiently working on mission-critical tasks.</b></p> <p>Rating Official Narrative: <i>(Optional)</i></p>		
Critical Element Rating – Leading People	(b)(6)	

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

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

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

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

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

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

Performance Requirement 1: **25% Weight**

Strategic Alignment:

**America Invents Act Trial Timeliness:****USPTO Strategic Plan, Goal 1, Objective 7**

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

**Draft USPTO Strategic Plan, Goal 1, Objective 4**Performance Requirement 2: **25% Weight**

Strategic Alignment:

**Ex Parte Inventory/ Pendency Reduction:****USPTO Strategic Plan, Goal 1, Objective 7**

**Achieve progress toward a reduction in the average time from jurisdiction passing to the Board to decision on regular ex parte appeals, or achieve progress toward a reduction of ex parte appeal inventory by issuing decisions in accordance with applicable legal requirements.**

**Draft USPTO Strategic Plan, Goal 1, Objective 4**Performance Requirement 3: **25% Weight**

Strategic Alignment:

**PTAB Decision Consistency:****USPTO Strategic Plan, Goal 1, Objective 7**

**In accordance with the authority granted under Title 35 of the United States Code and Title 37 of the Code of Federal Regulations, binding case law precedent, and written guidance applicable to PTAB proceedings issued by the Director or the Director's delegate, ensure that PTAB judges render clear and consistent decisions for proceedings before the PTAB. Ensure review of 25% of final AIA decisions, excluding rehearing decisions, and 2% of regular ex parte appeals decisions.**

**Draft USPTO Strategic Plan, Goal 1, Objective 4**

<p><b>Performance Requirement 4: 25% Weight</b></p> <p><b>Federal Circuit Remand Decision Timeliness:</b></p> <p><b>Ensure completion of decisions on remand in compliance with applicable legal requirements from the Federal Circuit in 12 months from issuance of the Federal Circuit's mandate for 50% of all such remands.</b></p>	<p><b>Strategic Alignment:</b></p> <p><b>USPTO Strategic Plan, Goal 1, Objective 7</b></p> <p><b>Draft USPTO Strategic Plan, Goal 1, Objective 4</b></p>
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Rating Official Narrative: *(Optional)*

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

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

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

**Part 8: Agency Use**

## Deriving the Results Driven Rating Worksheet

Executive Name \_\_\_\_\_ Rating Period \_\_\_\_\_

Results Driven Performance Requirements (PR)	Performance Requirement Rating Level Score	Weight (multiply by)	Performance Requirement Points Score	Point Ranges to Rating Level Score	Results Driven Initial Element Score
Performance Requirement 1				Points 475 – 500 = Level 5 Rating Score Points 400– 474 = Level 4 Rating Score Points 300 – 399 = Level 3 Rating Score Points 200 – 299 = Level 2 Rating Score Any PR rated Level 1 overall score must be = Level 1 Rating Score	
Performance Requirement 2					
Performance Requirement 3					
Performance Requirement 4					
		= 100%			
Performance Requirement Total Score				___ = Level ___	

### Example of Results Driven Element Being Rated Level 4

Results Driven Performance Requirements (PR)	Performance Requirement Rating Level Score	Weight (multiply by)	Performance Requirement Points Score	Point Ranges to Rating Level Score	Results Driven Initial Element Score
Performance Requirement 1	4	x 25	100	Points 475 – 500 = Level 5 Rating Score Points 400– 474 = Level 4 Rating Score Points 300– 399 = Level 3 Rating Score Points 200– 299 = Level 2 Rating Score Any PR rated Level 1 overall score must be = Level 1 Rating Score	
Performance Requirement 2	5	x 30	150		
Performance Requirement 3	5	x 15	75		
Performance Requirement 4	3	x 30	90		
		= 100%			
Performance Requirement Total Score			415	415= Level 4	4*

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

**SES Performance Management System  
Executive Performance Plan**



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

Executive's Name (Last, First, MI): <b>Tierney, Michael P.</b>	Appraisal Pd. <b>10/01/18 - 9/30/19</b>
Executive's Signature: (b)(6)	Date: <b>10/2/18</b>
Title: <b>Vice Chief Administrative Patent Judge, Patent Trial and Appeal Board, U.S. Patent and Trademark Office</b>	Organization: <b>PTAB</b>
Rating Official's Name (Last, First, MI): <b>BOALICK, SCOTT R., Deputy Chief Administrative Patent Judge</b>	CA <input type="checkbox"/> NC <input type="checkbox"/> LT/LE <input type="checkbox"/>
Rating Official's Signature: (b)(6)	Date: <b>9/28/18</b>

**Part 2. Progress Review**

Executive's Signature: (b)(6)	Date: <b>5/2/19</b>
Rating Official's Signature: (b)(6)	Date: <b>5/1/19</b>
Reviewing Official's Signature (Optional):	Date:

**Part 3. Summary Rating**

<b>Initial Summary Rating</b>	(b)(6)
Rating Official's Name (Last, First, MI): <sup>bonita, Jacqueline</sup> <b>BOALICK, SCOTT R., Deputy Chief Administrative Patent Judge</b>	
Rating Official's Signature: (b)(6)	Date: <b>11/6/19</b>
Executive's Signature: (b)(6)	Date: <b>11/6/19</b>
Reviewing Official's Signature (Optional):	Date:

**Higher Level Review (if applicable)**

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

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

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

Critical Element	Element Rating		Weight	Score		Summary Level Ranges
	Initial	Final (if changed)		Initial	Final (if changed)	
1. Leading Change	(b)(6)		10%	(b)(6)		475-500 = Level S 400-474 = Level 4 300-399 = Level 3 200-299 = Level 2 Any CE rated Level 1 = Level 1
2. Leading People			10%			
3. Business Acumen			10%			
4. Building Coalitions			10%			
5. Results Driven			60%			
<b>Total</b>			<b>100%</b>			



**Part 5. Performance Standards and Critical Elements**

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

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

**Element Rating Level Points**

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

Critical Element 1. Leading Change	(Minimum weight 5 points)	Weight 10%
<p><b>Mandatory Performance Requirement:</b> Develops and implements an organizational vision that integrates key organizational and program goals, priorities, values, and other factors. Assesses and adjusts to changing situations, implementing innovative solutions to make organizational improvements, ranging from incremental improvements to major shifts in direction or approach, as appropriate. Balances change and continuity; continually strives to improve service and program performance; creates a work environment that encourages creative thinking, collaboration, and transparency; and maintains program focus, even under adversity.</p>		
<p>Agency-Specific Performance Requirements</p> <p><b>Lead PTAB through continuing appropriate development, enhancement, and optimization of organizational structure, policies, and proceedings. Make further appropriate adjustments in number of judges and other personnel. Lead PTAB through further phases of issuing America Invents Act Trial final decisions and appropriate enhancement of rules of practice, precedential opinions, and guidance to stakeholders.</b></p>		
<p>Rating Official Narrative: <i>(Optional)</i></p>		
Critical Element Rating– Leading Change	(b)(6)	
Critical Element 2. Leading People	(Minimum weight 5 points)	Weight 10%
<p><b>Mandatory Performance Requirement:</b> Designs and implements strategies that maximize employee potential, connects the organization horizontally and vertically, and fosters high ethical standards in meeting the organization's vision, mission, and goals. Provides an inclusive workplace that fosters the development of others to their full potential; allows for full participation by all employees; facilitates collaboration, cooperation, and teamwork, and supports constructive resolution of conflicts. Ensures employee performance plans are aligned with the organization's mission and goals, that employees receive constructive feedback, and that employees are realistically appraised against clearly defined and communicated performance standards. Holds employees accountable for appropriate levels of performance and conduct. Seeks and considers employee input. Recruits, retains, and develops the talent needed to achieve a high quality, diverse workforce that reflects the nation, with the skills needed to accomplish organizational performance objectives while supporting workforce diversity, workplace inclusion, and equal employment policies and programs.</p>		
<p>Agency-Specific Performance Requirements</p> <p><i>Lead, develop, and implement actions to improve employee engagement in your area based on employee feedback gathered from sources including the USPTO People Survey, Federal Employee Viewpoint Survey, focus groups and other initiatives.</i></p> <p><i>Promotes the protection of whistleblowers by: responding constructively when an employee makes disclosures described in subparagraph (A) or (B) of section 2302(b)(8); taking responsible actions to resolve disclosures; and fostering an environment in which employees of the agency feel comfortable making disclosures to supervisory employees or other appropriate authorities.</i></p> <p><b>Serve as Vice Chief Judge. Provide policy direction and guidance to the PTAB. Assist the Deputy Chief Judge and Chief Judge with Business Unit Head functions as appropriate. Lead continuing activities directed at PTAB execution of duties given to the PTAB under the America Invents Act. Ensure PTAB employees are efficiently working on mission-critical tasks.</b></p>		
<p>Rating Official Narrative: <i>(Optional)</i></p>		
Critical Element Rating – Leading People	(b)(6)	

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

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

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

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

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

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

Performance Requirement 1: **25% Weight**

Strategic Alignment:

**America Invents Act Trial Timeliness:**

**USPTO Strategic Plan, Goal 1, Objective 7**

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

**Draft USPTO Strategic Plan, Goal 1, Objective 4**

Performance Requirement 2: **25% Weight**

Strategic Alignment:

**Ex Parte Inventory/ Pendency Reduction:**

**USPTO Strategic Plan, Goal 1, Objective 7**

**Achieve progress toward a reduction in the average time from jurisdiction passing to the Board to decision on regular ex parte appeals, or achieve progress toward a reduction of ex parte appeal inventory by issuing decisions in accordance with applicable legal requirements.**

**Draft USPTO Strategic Plan, Goal 1, Objective 4**

Performance Requirement 3: **25% Weight**

Strategic Alignment:

**PTAB Decision Consistency:**

**USPTO Strategic Plan, Goal 1, Objective 7**

**In accordance with the authority granted under Title 35 of the United States Code and Title 37 of the Code of Federal Regulations, binding case law precedent, and written guidance applicable to PTAB proceedings issued by the Director or the Director's delegate, ensure that PTAB judges render clear and consistent decisions for proceedings before the PTAB. Ensure review of 25% of final AIA decisions, excluding rehearing decisions, and 2% of regular ex parte appeals decisions.**

**Draft USPTO Strategic Plan, Goal 1, Objective 4**

<p><b>Performance Requirement 4: 25% Weight</b></p> <p><b>Federal Circuit Remand Decision Timeliness:</b></p> <p><b>Ensure completion of decisions on remand in compliance with applicable legal requirements from the Federal Circuit in 12 months from issuance of the Federal Circuit's mandate for 50% of all such remands.</b></p>	<p><b>Strategic Alignment:</b></p> <p><b>USPTO Strategic Plan, Goal 1, Objective 7</b></p> <p><b>Draft USPTO Strategic Plan, Goal 1, Objective 4</b></p>
<p>Rating Official Narrative: <i>(Optional)</i></p>	
<p><i>Critical Element Rating – Results Driven</i></p>	<p>(b)(6)</p>

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

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

**Part 8: Agency Use**

## Deriving the Results Driven Rating Worksheet

Executive Name \_\_\_\_\_ Rating Period \_\_\_\_\_

Results Driven Performance Requirements (PR)	Performance Requirement Rating Level Score	Weight (multiply by)	Performance Requirement Points Score	Point Ranges to Rating Level Score	Results Driven Initial Element Score
Performance Requirement 1				Points 475 – 500 = Level 5 Rating Score Points 400– 474 = Level 4 Rating Score Points 300– 399 = Level 3 Rating Score Points 200– 299 = Level 2 Rating Score Any PR rated Level 1 overall score must be = Level 1 Rating Score	
Performance Requirement 2					
Performance Requirement 3					
Performance Requirement 4					
		= 100%			
Performance Requirement Total Score				___ = Level ___	

### Example of Results Driven Element Being Rated Level 4

Results Driven Performance Requirements (PR)	Performance Requirement Rating Level Score	Weight (multiply by)	Performance Requirement Points Score	Point Ranges to Rating Level Score	Results Driven Initial Element Score
Performance Requirement 1	4	x 25	100	Points 475 – 500 = Level 5 Rating Score Points 400– 474 = Level 4 Rating Score Points 300 – 399 = Level 3 Rating Score Points 200– 299 = Level 2 Rating Score Any PR rated Level 1 overall score must be = Level 1 Rating Score	
Performance Requirement 2	5	x 30	150		
Performance Requirement 3	5	x 15	75		
Performance Requirement 4	3	x 30	90		
		= 100%			
Performance Requirement Total Score			415	415= Level 4	4*

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

**SES Performance Management System  
Executive Performance Plan**



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

Executive's Name (Last, First, MI): <b>Weidenfeller, Scott</b>	Appraisal Pd. <b>10/01/18 - 9/30/19</b>
Executive's Signature: (b)(6)	Date: <b>9/20/18</b>
Title: <b>Vice Chief Administrative Patent Judge, Patent Trial and Appeal Board, U.S. Patent and Trademark Office</b>	Organization: <b>PTAB</b>
Rating Official's Name (Last, First, MI): <b>BOALICK, SCOTT R., Deputy Chief Administrative Patent Judge</b>	CA <input type="checkbox"/> NC <input type="checkbox"/> LT/LE <input type="checkbox"/>
Rating Official's Signature: (b)(6)	Date: <b>9/28/18</b>

**Part 2. Progress Review**

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

**Part 3. Summary Rating**

<b>Initial Summary Rating</b>	(b)(6)
Rating Official's Name (Last, First, MI): <sup>SCOTT R. BOALICK, JACQUELINE W.</sup> <b>BOALICK, SCOTT R., Deputy Chief Administrative Patent Judge</b>	
Rating Official's Signature: (b)(6)	Date: <b>11/6/19</b>
Executive's Signature: (b)(6)	Date: <b>11/6/19</b>
Reviewing Official's Signature (Optional):	Date:

**Higher Level Review (if applicable)**

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

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

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

Critical Element	Element Rating		Weight	Score		Summary Level Ranges
	Initial	Final (if changed)		Initial	Final (if changed)	
1. Leading Change	(b)(6)		10%	(b)(6)		475-500 = Level 5 400-474 = Level 4 300-399 = Level 3 200-299 = Level 2 Any CE rated Level 1 = Level 1
2. Leading People	(b)(6)		10%	(b)(6)		
3. Business Acumen	(b)(6)		10%	(b)(6)		
4. Building Coalitions	(b)(6)		10%	(b)(6)		
5. Results Driven	(b)(6)		60%	(b)(6)		
<b>Total</b>			<b>100%</b>			



**Part 5. Performance Standards and Critical Elements**

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

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

**Element Rating Level Points**

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

Critical Element 1. Leading Change	(Minimum weight 5 points)	Weight 10%
<p><b>Mandatory Performance Requirement:</b> Develops and implements an organizational vision that integrates key organizational and program goals, priorities, values, and other factors. Assesses and adjusts to changing situations, implementing innovative solutions to make organizational improvements, ranging from incremental improvements to major shifts in direction or approach, as appropriate. Balances change and continuity; continually strives to improve service and program performance; creates a work environment that encourages creative thinking, collaboration, and transparency; and maintains program focus, even under adversity.</p>		
<p>Agency-Specific Performance Requirements</p> <p><b>Lead PTAB through continuing appropriate development, enhancement, and optimization of organizational structure, policies, and proceedings. Make further appropriate adjustments in number of judges and other personnel. Lead PTAB through further phases of issuing America Invents Act Trial final decisions and appropriate enhancement of rules of practice, precedential opinions, and guidance to stakeholders.</b></p>		
<p>Rating Official Narrative: <i>(Optional)</i></p>		
Critical Element Rating – Leading Change	(b)(6)	
Critical Element 2. Leading People	(Minimum weight 5 points)	Weight 10%
<p><b>Mandatory Performance Requirement:</b> Designs and implements strategies that maximize employee potential, connects the organization horizontally and vertically, and fosters high ethical standards in meeting the organization's vision, mission, and goals. Provides an inclusive workplace that fosters the development of others to their full potential; allows for full participation by all employees; facilitates collaboration, cooperation, and teamwork, and supports constructive resolution of conflicts. Ensures employee performance plans are aligned with the organization's mission and goals, that employees receive constructive feedback, and that employees are realistically appraised against clearly defined and communicated performance standards. Holds employees accountable for appropriate levels of performance and conduct. Seeks and considers employee input. Recruits, retains, and develops the talent needed to achieve a high quality, diverse workforce that reflects the nation, with the skills needed to accomplish organizational performance objectives while supporting workforce diversity, workplace inclusion, and equal employment policies and programs.</p>		
<p>Agency-Specific Performance Requirements</p> <p><i>Lead, develop, and implement actions to improve employee engagement in your area based on employee feedback gathered from sources including the USPTO People Survey, Federal Employee Viewpoint Survey, focus groups and other initiatives.</i></p> <p><i>Promotes the protection of whistleblowers by: responding constructively when an employee makes disclosures described in subparagraph (A) or (B) of section 2302(b)(8); taking responsible actions to resolve disclosures; and fostering an environment in which employees of the agency feel comfortable making disclosures to supervisory employees or other appropriate authorities.</i></p> <p><b>Serve as Vice Chief Judge. Provide policy direction and guidance to the PTAB. Assist the Deputy Chief Judge and Chief Judge with Business Unit Head functions as appropriate. Lead continuing activities directed at PTAB execution of duties given to the PTAB under the America Invents Act. Ensure PTAB employees are efficiently working on mission-critical tasks.</b></p>		
<p>Rating Official Narrative: <i>(Optional)</i></p>		
Critical Element Rating – Leading People	(b)(6)	

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

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

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

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

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

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

Performance Requirement 1: **25% Weight**

Strategic Alignment:

**America Invents Act Trial Timeliness:****USPTO Strategic Plan, Goal 1,  
Objective 7**

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

**Draft USPTO Strategic Plan, Goal 1,  
Objective 4**Performance Requirement 2: **25% Weight**

Strategic Alignment:

**Ex Parte Inventory / Pendency Reduction:****USPTO Strategic Plan, Goal 1,  
Objective 7**

**Achieve progress toward a reduction in the average time from jurisdiction passing to the Board to decision on regular ex parte appeals, or achieve progress toward a reduction of ex parte appeal inventory by issuing decisions in accordance with applicable legal requirements.**

**Draft USPTO Strategic Plan, Goal 1,  
Objective 4**Performance Requirement 3: **25% Weight**

Strategic Alignment:

**PTAB Decision Consistency:****USPTO Strategic Plan, Goal 1,  
Objective 7**

**In accordance with the authority granted under Title 35 of the United States Code and Title 37 of the Code of Federal Regulations, binding case law precedent, and written guidance applicable to PTAB proceedings issued by the Director or the Director's delegate, ensure that PTAB judges render clear and consistent decisions for proceedings before the PTAB. Ensure review of 25% of final AIA decisions, excluding rehearing decisions, and 2% of regular ex parte appeals decisions.**

**Draft USPTO Strategic Plan, Goal 1,  
Objective 4**

<p>Performance Requirement 4: <b>25% Weight</b></p> <p><b>Federal Circuit Remand Decision Timeliness:</b></p> <p><b>Ensure completion of decisions on remand in compliance with applicable legal requirements from the Federal Circuit in 12 months from issuance of the Federal Circuit's mandate for 50% of all such remands.</b></p>	<p>Strategic Alignment:</p> <p><b>USPTO Strategic Plan, Goal 1, Objective 7</b></p> <p><b>Draft USPTO Strategic Plan, Goal 1, Objective 4</b></p>
<p>Rating Official Narrative: <i>(Optional)</i></p>	
<p><i>Critical Element Rating – Results Driven</i></p>	<p>(b)(6)</p>

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

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

**Part 8: Agency Use**

## Deriving the Results Driven Rating Worksheet

Executive Name \_\_\_\_\_ Rating Period \_\_\_\_\_

Results Driven Performance Requirements (PR)	Performance Requirement Rating Level Score	Weight (multiply by)	Performance Requirement Points Score	Point Ranges to Rating Level Score	Results Driven Initial Element Score
Performance Requirement 1				Points 475 – 500 = Level 5 Rating Score Points 400 – 474 = Level 4 Rating Score Points 300 – 399 = Level 3 Rating Score Points 200 – 299 = Level 2 Rating Score Any PR rated Level 1 overall score must be = Level 1 Rating Score	
Performance Requirement 2					
Performance Requirement 3					
Performance Requirement 4					
		= 100%			
Performance Requirement Total Score				___ = Level ___	

### Example of Results Driven Element Being Rated Level 4

Results Driven Performance Requirements (PR)	Performance Requirement Rating Level Score	Weight (multiply by)	Performance Requirement Points Score	Point Ranges to Rating Level Score	Results Driven Initial Element Score
Performance Requirement 1	4	x 25	100	Points 475 – 500 = Level 5 Rating Score Points 400 – 474 = Level 4 Rating Score Points 300 – 399 = Level 3 Rating Score Points 200 – 299 = Level 2 Rating Score Any PR rated Level 1 overall score must be = Level 1 Rating Score	
Performance Requirement 2	5	x 30	150		
Performance Requirement 3	5	x 15	75		
Performance Requirement 4	3	x 30	90		
		= 100%			
Performance Requirement Total Score			415	415 = Level 4	4*

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

## SES Performance Management System Executive Performance Plan



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

Executive's Name (Last, First, MI): <b>Fink, William</b>	Appraisal Pd. <b>10/01/19 - 9/30/20</b>
Executive's Signature: (b)(6)	Date: <b>9/23/19</b>
Title: <b>Vice Chief Administrative Patent Judge, Patent Trial and Appeal Board, U.S. Patent and Trademark Office</b>	Organization: <b>PTAB</b>
Rating Official's Name (Last, First, MI): <b>Bonilla, Jacqueline, Deputy Chief Administrative Patent Judge</b>	CA <input type="checkbox"/> NC <input type="checkbox"/> LT/LE <input type="checkbox"/>
Rating Official's Signature: (b)(6)	Date: <b>9/23/19</b>

### Part 2. Progress Review

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

### Part 3. Summary Rating

<b>Initial Summary Rating</b>	<input type="checkbox"/> Level 5 Outstanding	<input type="checkbox"/> Level 4 Exceeds Fully Successful	<input type="checkbox"/> Level 3 Fully Successful	<input type="checkbox"/> Level 2 Minimally Satisfactory	<input type="checkbox"/> Level 1 Unsatisfactory
Rating Official's Name (Last, First, MI):					
Rating Official's Signature:			Date:		
Executive's Signature:			Date:		
Reviewing Official's Signature (Optional):			Date:		

### Higher Level Review (if applicable)

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

### Performance Review Board Recommendation

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

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

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



**Part 5. Performance Standards and Critical Elements**

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

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

**Element Rating Level Points**

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

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

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

**Agency-Specific Performance Requirements**

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

Rating Official Narrative: *(Optional)*

Critical Element Rating – Leading Change

 Level 5 Level 4 Level 3 Level 2 Level 1**Critical Element 2. Leading People****(Minimum weight 5 points)****Weight 10%**

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

**Agency-Specific Performance Requirements**

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

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

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

Rating Official Narrative: *(Optional)*

Critical Element Rating – Leading People

 Level 5 Level 4 Level 3 Level 2 Level 1

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

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

**Agency-Specific Performance Requirements**

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

Rating Official Narrative: *(Optional)*

Critical Element Rating – Business Acumen

 Level 5 Level 4 Level 3 Level 2 Level 1**Critical Element 4. Building Coalitions****(Minimum weight 5 points) Weight 10%**

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

**Agency-Specific Performance Requirements**

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

Rating Official Narrative: *(Optional)*

Critical Element Rating – Building Coalitions

 Level 5 Level 4 Level 3 Level 2 Level 1

Critical Element 5. Results Driven	(Minimum Weight 20 points)	Weight 60%
<p>This critical element must have at least 1 performance requirement (there is no maximum number of requirements, agency should specify if it sets a maximum number).</p>		
<p>This critical element includes specific performance requirements expected of the executive during the appraisal period, focusing on measurable results from the strategic plan or other measurable outputs and outcomes clearly aligned to organizational goals and objectives. At a minimum, the performance requirements must contain measurable results and their quality indicators describing the range of performance at Level 3 for each result specified. In addition to the quality indicators, applicable measures of quantity, timelines, and/or cost-effectiveness may be included as appropriate. It is recommended to also establish the threshold quality indicators and measures for Levels 5 and 2. Indicators must reflect the same level of performance as the respective performance standard contained in Part 5.</p>		
<p>Strategic Alignment—identify clear, transparent alignment to agency strategic planning initiatives (e.g., relevant agency or organizational goals/objectives with cited page numbers from the Strategic Plan, Congressional Budget Justification/Annual Performance Plan, or other organizational planning document) in the designated section for each performance requirement.</p>		
<p><b>Note:</b> Performance requirements must contain results and quality indicators that are clearly and differentially identified (e.g., highlighted, bold, underlined) so that it is readily evident on what the senior executive will be rated and what is expected for success.</p>		
<p>Performance Requirement 1: <b>25% Weight</b></p> <p><b>America Invents Act Trial Timeliness:</b></p> <p><b>Achieve AIA trial completion in compliance with applicable legal requirements in 12 months from institution, or in 18 months from institution in cases with extensions for good cause, for 95% of all AIA trials not subject to joinder. Achieve issuance of AIA petition decisions on institution in compliance with applicable legal requirements within statutory period of 3 months for 95% of all AIA petitions.</b></p>	<p>Strategic Alignment:</p> <p><b>FY 2018-2022 USPTO Strategic Plan, Goal 1, Objective 4</b></p>	
<p>Performance Requirement 2: <b>25% Weight</b></p> <p><b>Ex Parte Appeal Timeliness:</b></p> <p><b>Manage the average overall pendency for ex parte appeals, excluding appeals for reexam and reissue proceedings, to resolve ex parte appeals in a timely manner consistent with available resources, and implement programs to balance pendency across technologies.</b></p>	<p>Strategic Alignment:</p> <p><b>FY 2018-2022 USPTO Strategic Plan, Goal 1, Objective 4</b></p>	
<p>Performance Requirement 3: <b>25% Weight</b></p> <p><b>PTAB Decision Consistency:</b></p> <p><b>Ensure that PTAB judges render high quality, well-reasoned, and consistent written orders and opinions in accordance with the authority granted under Title 35 of the United States Code and Title 37 of the Code of Federal Regulations, binding case law precedent, and written guidance applicable to PTAB proceedings issued by the Director or the Director's delegate. Ensure review of 25% of final AIA decisions, excluding rehearing decisions and decisions in cases on remand from the U.S. Court of Appeals for the Federal Circuit, and 2% of ex parte appeals decisions.</b></p>	<p>Strategic Alignment:</p> <p><b>FY 2018-2022 USPTO Strategic Plan, Goal 1, Objective 4</b></p>	

<p><b>Performance Requirement 4: 25% Weight</b></p> <p><b>Effective Communications:</b></p> <p>Ensure clear, timely, and accurate communications concerning PTAB matters to PTAB judges and staff, other USPTO business units, and external stakeholders to decrease uncertainty and increase predictability, transparency, and reliability.</p>	<p><b>Strategic Alignment:</b></p> <p>FY 2018-2022 USPTO Strategic Plan, Goal1, Objective 4</p>				
<p>Rating Official Narrative: <i>(Optional)</i></p>					
<p><i>Critical Element Rating – Results Driven</i></p>	<input type="checkbox"/> Level 5	<input type="checkbox"/> Level 4	<input type="checkbox"/> Level 3	<input type="checkbox"/> Level 2	<input type="checkbox"/> Level 1

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

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

**Part 8: Agency Use**

## Deriving the Results Driven Rating Worksheet

Executive Name Fink, William Rating Period FY2020

Results Driven Performance Requirements (PR)	Performance Requirement Rating Level Score	Weight (multiply by)	Performance Requirement Points Score	Point Ranges to Rating Level Score	Results Driven Initial Element Score
Performance Requirement 1		25		Points 475 – 500 = Level 5 Rating Score Points 400– 474 = Level 4 Rating Score Points 300– 399 = Level 3 Rating Score Points 200– 299 = Level 2 Rating Score Any PR rated Level 1 overall score must be = Level 1 Rating Score	
Performance Requirement 2		25			
Performance Requirement 3		25			
Performance Requirement 4		25			
		= 100%			
Performance Requirement Total Score				___ = Level ___	

### Example of Results Driven Element Being Rated Level 4

Results Driven Performance Requirements (PR)	Performance Requirement Rating Level Score	Weight (multiply by)	Performance Requirement Points Score	Point Ranges to Rating Level Score	Results Driven Initial Element Score
Performance Requirement 1	4	x 25	100	Points 475– 500 = Level 5 Rating Score Points 400 – 474 = Level 4 Rating Score Points 300– 399 = Level 3 Rating Score Points 200 – 299 = Level 2 Rating Score Any PR rated Level 1 overall score must be = Level 1 Rating Score	
Performance Requirement 2	5	x 30	150		
Performance Requirement 3	5	x 15	75		
Performance Requirement 4	3	x 30	90		
		= 100%			
Performance Requirement Total Score			415	415= Level 4	4*

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

**SES Performance Management System  
Executive Performance Plan**



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

Executive's Name (Last, First, MI): <b>Tierney, Michael P.</b>	Appraisal Pd. <b>10/01/19 - 9/30/20</b>
Executive's Signature: (b)(6)	Date: <b>9/24/19</b>
Title: <b>Vice Chief Administrative Patent Judge, Patent Trial and Appeal Board, U.S. Patent and Trademark Office</b>	Organization: <b>PTAB</b>
Rating Official's Name (Last, First, MI): <b>Bonilla, Jacqueline, Deputy Chief Administrative Patent Judge</b>	CA <input type="checkbox"/> NC <input type="checkbox"/> LT/LE <input type="checkbox"/>
Rating Official's Signature: (b)(6)	Date: <b>9/24/19</b>

**Part 2. Progress Review**

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

**Part 3. Summary Rating**

<b>Initial Summary Rating</b>	<input type="checkbox"/> Level 5 Outstanding	<input type="checkbox"/> Level 4 Exceeds Fully Successful	<input type="checkbox"/> Level 3 Fully Successful	<input type="checkbox"/> Level 2 Minimally Satisfactory	<input type="checkbox"/> Level 1 Unsatisfactory
Rating Official's Name (Last, First, MI):					
Rating Official's Signature:				Date:	
Executive's Signature:				Date:	
Reviewing Official's Signature (Optional):				Date:	

**Higher Level Review (if applicable)**

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

**Performance Review Board Recommendation**

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

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

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



**Part 5. Performance Standards and Critical Elements**

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

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

**Element Rating Level Points**

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

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

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

**Agency-Specific Performance Requirements**

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

Rating Official Narrative: *(Optional)*

Critical Element Rating – Leading Change

 Level 5 Level 4 Level 3 Level 2 Level 1**Critical Element 2. Leading People****(Minimum weight 5 points) Weight 10%**

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

**Agency-Specific Performance Requirements**

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

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

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

Rating Official Narrative: *(Optional)*

Critical Element Rating – Leading People

 Level 5 Level 4 Level 3 Level 2 Level 1

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

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

## Agency-Specific Performance Requirements

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

Rating Official Narrative: *(Optional)*

Critical Element Rating – Business Acumen

 Level 5 Level 4 Level 3 Level 2 Level 1**Critical Element 4. Building Coalitions****(Minimum weight 5 points)** Weight 10%

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

## Agency-Specific Performance Requirements

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

Rating Official Narrative: *(Optional)*

Critical Element Rating – Building Coalitions

 Level 5 Level 4 Level 3 Level 2 Level 1

<b>Critical Element 5. Results Driven</b>	<b>(Minimum Weight 20 points)</b>	<b>Weight 60%</b>
<p>This critical element must have at least 1 performance requirement (there is no maximum number of requirements, agency should specify if it sets a maximum number).</p>		
<p>This critical element includes specific performance requirements expected of the executive during the appraisal period, focusing on measurable results from the strategic plan or other measurable outputs and outcomes clearly aligned to organizational goals and objectives. At a minimum, the performance requirements must contain measurable results and their quality indicators describing the range of performance at Level 3 for each result specified. In addition to the quality indicators, applicable measures of quantity, timelines, and/or cost-effectiveness may be included as appropriate. It is recommended to also establish the threshold quality indicators and measures for Levels 5 and 2. Indicators must reflect the same level of performance as the respective performance standard contained in Part 5.</p>		
<p>Strategic Alignment—identify clear, transparent alignment to agency strategic planning initiatives (e.g., relevant agency or organizational goals/objectives with cited page numbers from the Strategic Plan, Congressional Budget Justification/Annual Performance Plan, or other organizational planning document) in the designated section for each performance requirement.</p>		
<p><b>Note:</b> Performance requirements must contain results and quality indicators that are clearly and differentially identified (e.g., highlighted, bold, underlined) so that it is readily evident on what the senior executive will be rated and what is expected for success.</p>		
<p>Performance Requirement 1: <b>25% Weight</b></p> <p><b>America Invents Act Trial Timeliness:</b></p> <p><b>Achieve AIA trial completion in compliance with applicable legal requirements in 12 months from institution, or in 18 months from institution in cases with extensions for good cause, for 95% of all AIA trials not subject to joinder. Achieve issuance of AIA petition decisions on institution in compliance with applicable legal requirements within statutory period of 3 months for 95% of all AIA petitions.</b></p>	<p>Strategic Alignment:</p> <p><b>FY 2018-2022 USPTO Strategic Plan, Goal 1, Objective 4</b></p>	
<p>Performance Requirement 2: <b>25% Weight</b></p> <p><b>Ex Parte Appeal Timeliness:</b></p> <p><b>Manage the average overall pendency for ex parte appeals, excluding appeals for reexam and reissue proceedings, to resolve ex parte appeals in a timely manner consistent with available resources, and implement programs to balance pendency across technologies.</b></p>	<p>Strategic Alignment:</p> <p><b>FY 2018-2022 USPTO Strategic Plan, Goal 1, Objective 4</b></p>	
<p>Performance Requirement 3: <b>25% Weight</b></p> <p><b>PTAB Decision Consistency:</b></p> <p><b>Ensure that PTAB judges render high quality, well-reasoned, and consistent written orders and opinions in accordance with the authority granted under Title 35 of the United States Code and Title 37 of the Code of Federal Regulations, binding case law precedent, and written guidance applicable to PTAB proceedings issued by the Director or the Director's delegate. Ensure review of 25% of final AIA decisions, excluding rehearing decisions and decisions in cases on remand from the U.S. Court of Appeals for the Federal Circuit, and 2% of ex parte appeals decisions.</b></p>	<p>Strategic Alignment:</p> <p><b>FY 2018-2022 USPTO Strategic Plan, Goal 1, Objective 4</b></p>	

<p>Performance Requirement 4: <b>25% Weight</b></p> <p><b>Effective Communications:</b></p> <p><b>Ensure clear, timely, and accurate communications concerning PTAB matters to PTAB judges and staff, other USPTO business units, and external stakeholders to decrease uncertainty and increase predictability, transparency, and reliability.</b></p>	<p>Strategic Alignment:</p> <p><b>FY 2018-2022 USPTO Strategic Plan, Goal 1, Objective 4</b></p>				
<p>Rating Official Narrative: <i>(Optional)</i></p>					
<p><i>Critical Element Rating – Results Driven</i></p>	<input type="checkbox"/> Level 5	<input type="checkbox"/> Level 4	<input type="checkbox"/> Level 3	<input type="checkbox"/> Level 2	<input type="checkbox"/> Level 1

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

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

**Part 8: Agency Use**

## Deriving the Results Driven Rating Worksheet

Executive Name Tierney, Michael P.

Rating Period FY2020

Results Driven Performance Requirements (PR)	Performance Requirement Rating Level Score	Weight (multiply by)	Performance Requirement Points Score	Point Ranges to Rating Level Score	Results Driven Initial Element Score
Performance Requirement 1		25		Points 475 – 500 = Level 5 Rating Score Points 400 – 474 = Level 4 Rating Score Points 300 – 399 = Level 3 Rating Score Points 200 – 299 = Level 2 Rating Score Any PR rated Level 1 overall score must be = Level 1 Rating Score	
Performance Requirement 2		25			
Performance Requirement 3		25			
Performance Requirement 4		25			
		= 100%			
Performance Requirement Total Score				___ = Level ___	

### Example of Results Driven Element Being Rated Level 4

Results Driven Performance Requirements (PR)	Performance Requirement Rating Level Score	Weight (multiply by)	Performance Requirement Points Score	Point Ranges to Rating Level Score	Results Driven Initial Element Score
Performance Requirement 1	4	x 25	100	Points 475 – 500 = Level 5 Rating Score Points 400 – 474 = Level 4 Rating Score Points 300 – 399 = Level 3 Rating Score Points 200 – 299 = Level 2 Rating Score Any PR rated Level 1 overall score must be = Level 1 Rating Score	
Performance Requirement 2	5	x 30	150		
Performance Requirement 3	5	x 15	75		
Performance Requirement 4	3	x 30	90		
		= 100%			
Performance Requirement Total Score			415	415 = Level 4	4*

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

**SES Performance Management System  
Executive Performance Plan**



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

Executive's Name (Last, First, MI): <b>Weidenfeller, Scott</b>	Appraisal Pd. <b>10/01/19 - 9/30/20</b>
Executive's Signature: (b)(6)	Date: <b>9/23/19</b>
Title: <b>Vice Chief Administrative Patent Judge, Patent Trial and Appeal Board, U.S. Patent and Trademark Office</b>	Organization: <b>PTAB</b>
Rating Official's Name (Last, First, MI): <b>Bonilla, Jacqueline, Deputy Chief Administrative Patent Judge</b>	CA <input type="checkbox"/> NC <input type="checkbox"/> LT/LE <input type="checkbox"/>
Rating Official's Signature: (b)(6)	Date: <b>9/23/19</b>

**Part 2. Progress Review**

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

**Part 3. Summary Rating**

<b>Initial Summary Rating</b>	<input type="checkbox"/> Level 5 Outstanding	<input type="checkbox"/> Level 4 Exceeds Fully Successful	<input type="checkbox"/> Level 3 Fully Successful	<input type="checkbox"/> Level 2 Minimally Satisfactory	<input type="checkbox"/> Level 1 Unsatisfactory
Rating Official's Name (Last, First, MI):					
Rating Official's Signature:				Date:	
Executive's Signature:				Date:	
Reviewing Official's Signature (Optional):				Date:	

**Higher Level Review (if applicable)**

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

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

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

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



**Part 5. Performance Standards and Critical Elements**

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

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

**Element Rating Level Points**

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

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

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

Agency-Specific Performance Requirements

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

Rating Official Narrative: *(Optional)*

Critical Element Rating – Leading Change

 Level 5 Level 4 Level 3 Level 2 Level 1**Critical Element 2. Leading People****(Minimum weight 5 points) Weight 10%**

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

Agency-Specific Performance Requirements

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

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

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

Rating Official Narrative: *(Optional)*

Critical Element Rating – Leading People

 Level 5 Level 4 Level 3 Level 2 Level 1

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

Weight 10%

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

## Agency-Specific Performance Requirements

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

Rating Official Narrative: *(Optional)*

Critical Element Rating – Business Acumen

 Level 5 Level 4 Level 3 Level 2 Level 1**Critical Element 4. Building Coalitions****(Minimum weight 5 points)**

Weight 10%

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

## Agency-Specific Performance Requirements

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

Rating Official Narrative: *(Optional)*

Critical Element Rating – Building Coalitions

 Level 5 Level 4 Level 3 Level 2 Level 1

Critical Element 5. Results Driven	(Minimum Weight 20 points)	Weight 60%
<p>This critical element must have at least 1 performance requirement (there is no maximum number of requirements, agency should specify if it sets a maximum number).</p>		
<p>This critical element includes specific performance requirements expected of the executive during the appraisal period, focusing on measurable results from the strategic plan or other measurable outputs and outcomes clearly aligned to organizational goals and objectives. At a minimum, the performance requirements must contain measurable results and their quality indicators describing the range of performance at Level 3 for each result specified. In addition to the quality indicators, applicable measures of quantity, timelines, and/or cost-effectiveness may be included as appropriate. It is recommended to also establish the threshold quality indicators and measures for Levels 5 and 2. Indicators must reflect the same level of performance as the respective performance standard contained in Part 5.</p>		
<p>Strategic Alignment—identify clear, transparent alignment to agency strategic planning initiatives (e.g., relevant agency or organizational goals/objectives with cited page numbers from the Strategic Plan, Congressional Budget Justification/Annual Performance Plan, or other organizational planning document) in the designated section for each performance requirement.</p>		
<p><b>Note:</b> Performance requirements must contain results and quality indicators that are clearly and differentially identified (e.g., highlighted, bold, underlined) so that it is readily evident on what the senior executive will be rated and what is expected for success.</p>		
<p>Performance Requirement 1: <b>25% Weight</b></p> <p><b>America Invents Act Trial Timeliness:</b></p> <p><b>Achieve AIA trial completion in compliance with applicable legal requirements in 12 months from institution, or in 18 months from institution in cases with extensions for good cause, for 95% of all AIA trials not subject to joinder. Achieve issuance of AIA petition decisions on institution in compliance with applicable legal requirements within statutory period of 3 months for 95% of all AIA petitions.</b></p>	<p>Strategic Alignment:</p> <p><b>FY 2018-2022 USPTO Strategic Plan, Goal 1, Objective 4</b></p>	
<p>Performance Requirement 2: <b>25% Weight</b></p> <p><b>Ex Parte Appeal Timeliness:</b></p> <p><b>Manage the average overall pendency for ex parte appeals, excluding appeals for reexam and reissue proceedings, to resolve ex parte appeals in a timely manner consistent with available resources, and implement programs to balance pendency across technologies.</b></p>	<p>Strategic Alignment:</p> <p><b>FY 2018-2022 USPTO Strategic Plan, Goal 1, Objective 4</b></p>	
<p>Performance Requirement 3: <b>25% Weight</b></p> <p><b>PTAB Decision Consistency:</b></p> <p><b>Ensure that PTAB judges render high quality, well-reasoned, and consistent written orders and opinions in accordance with the authority granted under Title 35 of the United States Code and Title 37 of the Code of Federal Regulations, binding case law precedent, and written guidance applicable to PTAB proceedings issued by the Director or the Director’s delegate. Ensure review of 25% of final AIA decisions, excluding rehearing decisions and decisions in cases on remand from the U.S. Court of Appeals for the Federal Circuit, and 2% of ex parte appeals decisions.</b></p>	<p>Strategic Alignment:</p> <p><b>FY 2018-2022 USPTO Strategic Plan, Goal 1, Objective 4</b></p>	

<p><b>Performance Requirement 4: 25% Weight</b></p> <p><b>Federal Circuit Remand Decision Timeliness:</b></p> <p><b>Ensure clear, timely, and accurate communications concerning PTAB matters to PTAB judges and staff, other USPTO business units, and external stakeholders to decrease uncertainty and increase predictability, transparency, and reliability.</b></p>	<p><b>Strategic Alignment:</b></p> <p><b>FY 2018-2022 USPTO Strategic Plan, Goal 1, Objective 4</b></p>				
<p>Rating Official Narrative: <i>(Optional)</i></p>					
<p><i>Critical Element Rating – Results Driven</i></p>	<input type="checkbox"/> Level 5	<input type="checkbox"/> Level 4	<input type="checkbox"/> Level 3	<input type="checkbox"/> Level 2	<input type="checkbox"/> Level 1

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

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

**Part 8: Agency Use**

## Deriving the Results Driven Rating Worksheet

Executive Name Weidenfeller, Scott

Rating Period FY2020

Results Driven Performance Requirements (PR)	Performance Requirement Rating Level Score	Weight (multiply by)	Performance Requirement Points Score	Point Ranges to Rating Level Score	Results Driven Initial Element Score
Performance Requirement 1		25		Points 475 – 500 = Level 5 Rating Score Points 400 – 474 = Level 4 Rating Score Points 300 – 399 = Level 3 Rating Score Points 200 – 299 = Level 2 Rating Score Any PR rated Level 1 overall score must be = Level 1 Rating Score	
Performance Requirement 2		25			
Performance Requirement 3		25			
Performance Requirement 4		25			
		= 100%			
Performance Requirement Total Score				___ = Level ___	

### Example of Results Driven Element Being Rated Level 4

Results Driven Performance Requirements (PR)	Performance Requirement Rating Level Score	Weight (multiply by)	Performance Requirement Points Score	Point Ranges to Rating Level Score	Results Driven Initial Element Score
Performance Requirement 1	4	x 25	100	Points 475 – 500 = Level 5 Rating Score Points 400 – 474 = Level 4 Rating Score Points 300 – 399 = Level 3 Rating Score Points 200 – 299 = Level 2 Rating Score Any PR rated Level 1 overall score must be = Level 1 Rating Score	
Performance Requirement 2	5	x 30	150		
Performance Requirement 3	5	x 15	75		
Performance Requirement 4	3	x 30	90		
		= 100%			
Performance Requirement Total Score			415	415 = Level 4	4*

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

**SES Performance Management System  
Executive Performance Plan**



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

Executive's Name (Last, First, MI): <b>BONILLA, JACQUELINE</b>	Appraisal Pd. <b>10/01/17 - 9/30/18</b>
Executive's Signature: (b)(6)	Date: <b>10/31/17</b>
Title: <b>Vice Chief Administrative Patent Judge, Patent Trial and Appeal Board, U.S. Patent and Trademark Office</b>	Organization: <b>PTAB</b>
Rating Official's Name (Last, First, MI): <b>BOALICK, SCOTT R., Deputy Chief Administrative Patent Judge</b>	CA <input type="checkbox"/> NC <input type="checkbox"/> LT/LE <input type="checkbox"/>
Rating Official's Signature: (b)(6)	Date: <b>10/30/17</b>

**Part 2. Progress Review**

Executive's Signature: (b)(6)	Date: <b>4/30/18</b>
Rating Official's Signature: (b)(6)	Date: <b>4/30/18</b>
Reviewing Official's Signature (Optional):	Date:

**Part 3. Summary Rating**

Initial Summary Rating	(b)(6)
Rating Official's Name (Last, First, MI): <b>BOALICK, SCOTT R., Deputy Chief Administrative Patent Judge</b>	
Rating Official's Signature: (b)(6)	Date: <b>11/5/2018</b>
Executive's Signature: (b)(6)	Date: <b>11/6/2018</b>
Reviewing Official's Signature (Optional):	Date:

**Higher Level Review (if applicable)**

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

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

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

Critical Element	Element Rating		Weight	Score		Summary Level Ranges
	Initial	Final (if changed)		Initial	Final (if changed)	
1. Leading Change	(b)(6)		10%	(b)(6)		475-500 = Level 5 400-474 = Level 4 300-399 = Level 3 200-299 = Level 2 Any CE rated Level 1 = Level 1
2. Leading People	(b)(6)		10%	(b)(6)		
3. Business Acumen	(b)(6)		10%	(b)(6)		
4. Building Coalitions	(b)(6)		10%	(b)(6)		
5. Results Driven	(b)(6)		60%	(b)(6)		
<b>Total</b>			<b>100%</b>			



**Part 5. Performance Standards and Critical Elements**

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

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

**Element Rating Level Points**

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

<b>Critical Element 1. Leading Change</b>	<b>(Minimum weight 5 points)</b>	Weight 10%
<p><b>Mandatory Performance Requirement:</b> Develops and implements an organizational vision that integrates key organizational and program goals, priorities, values, and other factors. Assesses and adjusts to changing situations, implementing innovative solutions to make organizational improvements, ranging from incremental improvements to major shifts in direction or approach, as appropriate. Balances change and continuity; continually strives to improve service and program performance; creates a work environment that encourages creative thinking, collaboration, and transparency; and maintains program focus, even under adversity.</p>		
Agency-Specific Performance Requirements		
<p><b>Lead PTAB through continuing appropriate development, enhancement, and optimization of organizational structure, policies, and proceedings. Make further appropriate adjustments in number of judges and other personnel. Lead PTAB through further phases of issuing America Invents Act Trial final decisions and appropriate enhancement of rules of practice, precedential opinions, and guidance to stakeholders.</b></p>		
Rating Official Narrative: <i>(Optional)</i>		
Critical Element Rating – Leading Change	(b)(6)	
<b>Critical Element 2. Leading People</b>	<b>(Minimum weight 5 points)</b>	Weight 10%
<p><b>Mandatory Performance Requirement:</b> Designs and implements strategies that maximize employee potential, connects the organization horizontally and vertically, and fosters high ethical standards in meeting the organization's vision, mission, and goals. Provides an inclusive workplace that fosters the development of others to their full potential; allows for full participation by all employees; facilitates collaboration, cooperation, and teamwork, and supports constructive resolution of conflicts. Ensures employee performance plans are aligned with the organization's mission and goals, that employees receive constructive feedback, and that employees are realistically appraised against clearly defined and communicated performance standards. Holds employees accountable for appropriate levels of performance and conduct. Seeks and considers employee input. Recruits, retains, and develops the talent needed to achieve a high quality, diverse workforce that reflects the nation, with the skills needed to accomplish organizational performance objectives while supporting workforce diversity, workplace inclusion, and equal employment policies and programs.</p>		
Agency-Specific Performance Requirements		
<p><i>Lead, develop, and implement actions to improve employee engagement in your area based on employee feedback gathered from sources including the USPTO People Survey, Federal Employee Viewpoint Survey, focus groups and other initiatives.</i></p>		
<p><b>Serve as Vice Chief Judge. Provide policy direction and guidance to the PTAB. Assist the Deputy Chief Judge and Chief Judge with Business Unit Head functions as appropriate. Lead continuing activities directed at PTAB execution of duties given to the PTAB under the America Invents Act. Ensure PTAB employees are efficiently working on mission-critical tasks.</b></p>		
Rating Official Narrative: <i>(Optional)</i>		
Critical Element Rating – Leading People	(b)(6)	

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

<b>Critical Element 5. Results Driven</b>	<b>(Minimum Weight 20 points) Weight 60%</b>
<p>This critical element must have at least 1 performance requirement (there is no maximum number of requirements, agency should specify if it sets a maximum number).</p> <p>This critical element includes specific performance requirements expected of the executive during the appraisal period, focusing on measurable results from the strategic plan or other measurable outputs and outcomes clearly aligned to organizational goals and objectives. At a minimum, the performance requirements must contain measurable results and their quality indicators describing the range of performance at Level 3 for each result specified. In addition to the quality indicators, applicable measures of quantity, timelines, and/or cost-effectiveness may be included as appropriate. It is recommended to also establish the threshold quality indicators and measures for Levels 5 and 2. Indicators must reflect the same level of performance as the respective performance standard contained in Part 5.</p> <p>Strategic Alignment—identify clear, transparent alignment to agency strategic planning initiatives (e.g., relevant agency or organizational goals/objectives with cited page numbers from the Strategic Plan, Congressional Budget Justification/Annual Performance Plan, or other organizational planning document) in the designated section for each performance requirement.</p> <p><b>Note:</b> Performance requirements must contain results and quality indicators that are clearly and differentially identified (e.g., highlighted, bold, underlined) so that it is readily evident on what the senior executive will be rated and what is expected for success.</p>	
<p>Performance Requirement 1: <b>25% Weight</b></p> <p><b>America Invents Act Trial Timeliness:</b></p> <p><b>Achieve AIA trial completion in compliance with applicable legal requirements in 12 months from institution, or in 18 months from institution in cases with extensions for good cause, for 95% of all AIA trials not subject to joinder. Achieve issuance of AIA petition decisions on institution in compliance with applicable legal requirements within statutory period of 3 months for 95% of all AIA petitions.</b></p>	<p>Strategic Alignment:</p> <p><b>USPTO Strategic Plan, Goal 1, Objective 7</b></p>
<p>Performance Requirement 2: <b>25% Weight</b></p> <p><b>Ex Parte Inventory / Pendency Reduction:</b></p> <p><b>Achieve progress toward a reduction in the average time from jurisdiction passing to the Board to decision on regular ex parte appeals, or achieve progress toward a reduction of ex parte appeal inventory by issuing decisions in accordance with applicable legal requirements.</b></p>	<p>Strategic Alignment:</p> <p><b>USPTO Strategic Plan, Goal 1, Objective 7</b></p>
<p>Performance Requirement 3: <b>25% Weight</b></p> <p><b>PTAB Decision Consistency:</b></p> <p><b>In accordance with the authority granted under Title 35 of the United States Code and Title 37 of the Code of Federal Regulations, binding case law precedent, and written guidance applicable to PTAB proceedings issued by the Director or the Director's delegate, ensure that PTAB judges render clear and consistent decisions for proceedings before the PTAB. Ensure review of 25% of final AIA decisions, excluding rehearing decisions, and 2% of regular ex parte appeals decisions.</b></p>	<p>Strategic Alignment:</p> <p><b>USPTO Strategic Plan, Goal 1, Objective 7</b></p>

<p>Performance Requirement 4: <b>25% Weight</b></p> <p><b>Federal Circuit Remand Decision Timeliness:</b></p> <p><b>Ensure completion of decisions on remand in compliance with applicable legal requirements from the Federal Circuit in 12 months from issuance of the Federal Circuit's mandate for 50% of all such remands.</b></p>	<p>Strategic Alignment:</p> <p><b>USPTO Strategic Plan, Goal 1, Objective 7</b></p>
<p>Rating Official Narrative: <i>(Optional)</i></p>	
<p><i>Critical Element Rating – Results Driven</i></p>	<p>(b)(6)</p>

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

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

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**Part 8: Agency Use**

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**Deriving the Results Driven Rating Worksheet**

Executive Name Bonilla Rating Period FY18

Results Driven Performance Requirements (PR)	Performance Requirement Rating Level Score	Weight (multiply by)	Performance Requirement Points Score	Point Ranges to Rating Level Score	Results Driven Initial Element Score
Performance Requirement 1	(b)(6)	25	(b)(6)	Points 475 – 500 = Level 5 Rating Score Points 400 – 474 = Level 4 Rating Score Points 300 – 399 = Level 3 Rating Score Points 200 – 299 = Level 2 Rating Score Any PR rated Level 1 overall score must be = Level 1 Rating Score	
Performance Requirement 2		25			
Performance Requirement 3		25			
Performance Requirement 4		25			
		= 100%			
Performance Requirement Total Score	(b)(6)				

**Example of Results Driven Element Being Rated Level 4**

Results Driven Performance Requirements (PR)	Performance Requirement Rating Level Score	Weight (multiply by)	Performance Requirement Points Score	Point Ranges to Rating Level Score	Results Driven Initial Element Score
Performance Requirement 1	4	x 25	100	Points 475 – 500 = Level 5 Rating Score Points 400 – 474 = Level 4 Rating Score Points 300 – 399 = Level 3 Rating Score Points 200 – 299 = Level 2 Rating Score Any PR rated Level 1 overall score must be = Level 1 Rating Score	
Performance Requirement 2	5	x 30	150		
Performance Requirement 3	5	x 15	75		
Performance Requirement 4	3	x 30	90		
		= 100%			
Performance Requirement Total Score	415			415= Level 4	4*

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

**SES Performance Management System  
Executive Performance Plan**



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

Executive's Name (Last, First, MI): <b>Fink, William</b>	Appraisal Pd. <b>12/10/17 - 9/30/18</b>
Executive's Signature: (b)(6)	Date: <i>1/5/2018</i>
Title: <b>Vice Chief Administrative Patent Judge, Patent Trial and Appeal Board, U.S. Patent and Trademark Office</b>	Organization: <b>PTAB</b>
Rating Official's Name (Last, First, MI): <b>BOALICK, SCOTT R., Deputy Chief Administrative Patent Judge</b>	CA <input type="checkbox"/> NC <input type="checkbox"/> LT/LE <input type="checkbox"/>
Rating Official's Signature: (b)(6)	Date: <i>1/5/2018</i>

**Part 2. Progress Review**

Executive's Signature: (b)(6)	Date: <i>4/30/18</i>
Rating Official's Signature: (b)(6)	Date: <i>4/30/18</i>
Reviewing Official's Signature (Optional):	Date:

**Part 3. Summary Rating**

<b>Initial Summary Rating</b>	(b)(6)
Rating Official's Name (Last, First, MI): <b>BOALICK, SCOTT R., Deputy Chief Administrative Patent Judge</b>	
Rating Official's Signature: (b)(6)	Date: <i>11/5/2018</i>
Executive's Signature: (b)(6)	Date: <i>11/6/2018</i>
Reviewing Official's Signature (Optional):	Date:

**Higher Level Review (if applicable)**

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

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

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

Critical Element	Element Rating		Weight	Score		Summary Level Ranges
	Initial	Final (if changed)		Initial	Final (if changed)	
1. Leading Change	(b)(6)		10%	(b)(6)		475-500 = Level 5 400-474 = Level 4 300-399 = Level 3 200-299 = Level 2 Any CE rated Level 1 = Level 1
2. Leading People			10%			
3. Business Acumen			10%			
4. Building Coalitions			10%			
5. Results Driven			60%			
<b>Total</b>			<b>100%</b>			



**Part 5. Performance Standards and Critical Elements**

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

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

**Element Rating Level Points**

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

Critical Element 1. Leading Change	(Minimum weight 5 points)	Weight 10%
<p><b>Mandatory Performance Requirement:</b> Develops and implements an organizational vision that integrates key organizational and program goals, priorities, values, and other factors. Assesses and adjusts to changing situations, implementing innovative solutions to make organizational improvements, ranging from incremental improvements to major shifts in direction or approach, as appropriate. Balances change and continuity; continually strives to improve service and program performance; creates a work environment that encourages creative thinking, collaboration, and transparency; and maintains program focus, even under adversity.</p>		
<p>Agency-Specific Performance Requirements</p> <p><b>Lead PTAB through continuing appropriate development, enhancement, and optimization of organizational structure, policies, and proceedings. Make further appropriate adjustments in number of judges and other personnel. Lead PTAB through further phases of issuing America Invents Act Trial final decisions and appropriate enhancement of rules of practice, precedential opinions, and guidance to stakeholders.</b></p>		
<p>Rating Official Narrative: <i>(Optional)</i></p>		
Critical Element Rating – Leading Change	(b)(6)	
Critical Element 2. Leading People	(Minimum weight 5 points)	Weight 10%
<p><b>Mandatory Performance Requirement:</b> Designs and implements strategies that maximize employee potential, connects the organization horizontally and vertically, and fosters high ethical standards in meeting the organization's vision, mission, and goals. Provides an inclusive workplace that fosters the development of others to their full potential; allows for full participation by all employees; facilitates collaboration, cooperation, and teamwork, and supports constructive resolution of conflicts. Ensures employee performance plans are aligned with the organization's mission and goals, that employees receive constructive feedback, and that employees are realistically appraised against clearly defined and communicated performance standards. Holds employees accountable for appropriate levels of performance and conduct. Seeks and considers employee input. Recruits, retains, and develops the talent needed to achieve a high quality, diverse workforce that reflects the nation, with the skills needed to accomplish organizational performance objectives while supporting workforce diversity, workplace inclusion, and equal employment policies and programs.</p>		
<p>Agency-Specific Performance Requirements</p> <p><i>Lead, develop, and implement actions to improve employee engagement in your area based on employee feedback gathered from sources including the USPTO People Survey, Federal Employee Viewpoint Survey, focus groups and other initiatives.</i></p> <p><b>Serve as Vice Chief Judge. Provide policy direction and guidance to the PTAB. Assist the Deputy Chief Judge and Chief Judge with Business Unit Head functions as appropriate. Lead continuing activities directed at PTAB execution of duties given to the PTAB under the America Invents Act. Ensure PTAB employees are efficiently working on mission-critical tasks.</b></p>		
<p>Rating Official Narrative: <i>(Optional)</i></p>		
Critical Element Rating – Leading People	(b)(6)	

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

<b>Critical Element 5. Results Driven</b>	<b>(Minimum Weight 20 points) Weight 60%</b>
<p>This critical element must have at least 1 performance requirement (there is no maximum number of requirements, agency should specify if it sets a maximum number).</p>	
<p>This critical element includes specific performance requirements expected of the executive during the appraisal period, focusing on measurable results from the strategic plan or other measurable outputs and outcomes clearly aligned to organizational goals and objectives. At a minimum, the performance requirements must contain measurable results and their quality indicators describing the range of performance at Level 3 for each result specified. In addition to the quality indicators, applicable measures of quantity, timelines, and/or cost-effectiveness may be included as appropriate. It is recommended to also establish the threshold quality indicators and measures for Levels 5 and 2. Indicators must reflect the same level of performance as the respective performance standard contained in Part 5.</p>	
<p>Strategic Alignment—identify clear, transparent alignment to agency strategic planning initiatives (e.g., relevant agency or organizational goals/objectives with cited page numbers from the Strategic Plan, Congressional Budget Justification/Annual Performance Plan, or other organizational planning document) in the designated section for each performance requirement.</p>	
<p><b>Note:</b> Performance requirements must contain results and quality indicators that are clearly and differentially identified (e.g., highlighted, bold, underlined) so that it is readily evident on what the senior executive will be rated and what is expected for success.</p>	
<p>Performance Requirement 1: <b>25% Weight</b></p> <p><b>America Invents Act Trial Timeliness:</b></p> <p><b>Achieve AIA trial completion in compliance with applicable legal requirements in 12 months from institution, or in 18 months from institution in cases with extensions for good cause, for 95% of all AIA trials not subject to joinder. Achieve issuance of AIA petition decisions on institution in compliance with applicable legal requirements within statutory period of 3 months for 95% of all AIA petitions.</b></p>	<p>Strategic Alignment:</p> <p><b>USPTO Strategic Plan, Goal 1, Objective 7</b></p>
<p>Performance Requirement 2: <b>25% Weight</b></p> <p><b>Ex Parte Inventory / Pendency Reduction:</b></p> <p><b>Achieve progress toward a reduction in the average time from jurisdiction passing to the Board to decision on regular ex parte appeals, or achieve progress toward a reduction of ex parte appeal inventory by issuing decisions in accordance with applicable legal requirements.</b></p>	<p>Strategic Alignment:</p> <p><b>USPTO Strategic Plan, Goal 1, Objective 7</b></p>
<p>Performance Requirement 3: <b>25% Weight</b></p> <p><b>PTAB Decision Consistency:</b></p> <p><b>In accordance with the authority granted under Title 35 of the United States Code and Title 37 of the Code of Federal Regulations, binding case law precedent, and written guidance applicable to PTAB proceedings issued by the Director or the Director's delegate, ensure that PTAB judges render clear and consistent decisions for proceedings before the PTAB. Ensure review of 25% of final AIA decisions, excluding rehearing decisions, and 2% of regular ex parte appeals decisions.</b></p>	<p>Strategic Alignment:</p> <p><b>USPTO Strategic Plan, Goal 1, Objective 7</b></p>

<p>Performance Requirement 4: <b>25% Weight</b></p> <p><b>Federal Circuit Remand Decision Timeliness:</b></p> <p><b>Ensure completion of decisions on remand in compliance with applicable legal requirements from the Federal Circuit in 12 months from issuance of the Federal Circuit's mandate for 50% of all such remands.</b></p>	<p>Strategic Alignment:</p> <p><b>USPTO Strategic Plan, Goal 1, Objective 7</b></p>
<p>Rating Official Narrative: <i>(Optional)</i></p>	
<p><i>Critical Element Rating – Results Driven</i></p>	<p>(b)(6)</p>

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

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

**Part 8: Agency Use**

**Deriving the Results Driven Rating Worksheet**

Executive Name Fink Rating Period FY18

Results Driven Performance Requirements (PR)	Performance Requirement Rating Level Score	Weight (multiply by)	Performance Requirement Points Score	Point Ranges to Rating Level Score	Results Driven Initial Element Score
Performance Requirement 1	(b)(6)	25	(b)(6)	Points 475 – 500 = Level 5 Rating Score Points 400 – 474 = Level 4 Rating Score Points 300 – 399 = Level 3 Rating Score Points 200 – 299 = Level 2 Rating Score Any PR rated Level 1 overall score must be = Level 1 Rating Score	
Performance Requirement 2		25			
Performance Requirement 3		25			
Performance Requirement 4		25			
		= 100%			
Performance Requirement Total Score			(b)(6)		

**Example of Results Driven Element Being Rated Level 4**

Results Driven Performance Requirements (PR)	Performance Requirement Rating Level Score	Weight (multiply by)	Performance Requirement Points Score	Point Ranges to Rating Level Score	Results Driven Initial Element Score
Performance Requirement 1	4	x 25	100	Points 475 – 500 = Level 5 Rating Score Points 400 – 474 = Level 4 Rating Score Points 300 – 399 = Level 3 Rating Score Points 200 – 299 = Level 2 Rating Score Any PR rated Level 1 overall score must be = Level 1 Rating Score	
Performance Requirement 2	5	x 30	150		
Performance Requirement 3	5	x 15	75		
Performance Requirement 4	3	x 30	90		
		= 100%			
Performance Requirement Total Score			415	415= Level 4	4*

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

MEMORANDUM

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

SUBJECT: Executive Performance Summary Narrative for Fiscal Year 2018,  
Tim Fink, *Vice Chief Judge*

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**Summary Rating Narrative:**

(b)(6)





(b)(6)

(b)(6)



**SES Performance Management System  
Executive Performance Plan**



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

Executive's Name (Last, First, MI): <b>TIERNEY, MICHAEL P.</b>	Appraisal Pd. <b>10/01/17 - 9/30/18</b>
Executive's Signature: (b)(6)	Date: <i>10/31/17</i>
Title: <b>Vice Chief Administrative Patent Judge, Patent Trial and Appeal Board, U.S. Patent and Trademark Office</b>	Organization: <b>PTAB</b>
Rating Official's Name (Last, First, MI): <b>BOALICK, SCOTT R., Deputy Chief Administrative Patent Judge</b>	CA <input type="checkbox"/> NC <input type="checkbox"/> LT/LE <input type="checkbox"/>
Rating Official's Signature: (b)(6)	Date: <i>10/30/17</i>

**Part 2. Progress Review**

Executive's Signature: (b)(6)	Date: <i>4/30/18</i>
Rating Official's Signature: (b)(6)	Date: <i>4/30/18</i>
Reviewing Official's Signature (Optional):	Date:

**Part 3. Summary Rating**

<b>Initial Summary Rating</b>	(b)(6)
Rating Official's Name (Last, First, MI): <b>BOALICK, SCOTT R., Deputy Chief Administrative Patent Judge</b>	
Rating Official's Signature: (b)(6)	Date: <i>11/5/2018</i>
Executive's Signature: (b)(6)	Date: <i>11/5/2018</i>
Reviewing Official's Signature (Optional):	Date:

**Higher Level Review (if applicable)**

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

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

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

Critical Element	Element Rating		Weight	Score		Summary Level Ranges
	Initial	Final (if changed)		Initial	Final (if changed)	
1. Leading Change	(b)(6)		10%	(b)(6)		475-500 = Level 5 400-474 = Level 4 300-399 = Level 3 200-299 = Level 2 Any CE rated Level 1 = Level 1
2. Leading People			10%			
3. Business Acumen			10%			
4. Building Coalitions			10%			
5. Results Driven			60%			
<b>Total</b>			<b>100%</b>			

**Part 5. Performance Standards and Critical Elements**

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

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

**Element Rating Level Points**

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

Critical Element 1. Leading Change	(Minimum weight 5 points)	Weight 10%
<p><b>Mandatory Performance Requirement:</b> Develops and implements an organizational vision that integrates key organizational and program goals, priorities, values, and other factors. Assesses and adjusts to changing situations, implementing innovative solutions to make organizational improvements, ranging from incremental improvements to major shifts in direction or approach, as appropriate. Balances change and continuity; continually strives to improve service and program performance; creates a work environment that encourages creative thinking, collaboration, and transparency; and maintains program focus, even under adversity.</p>		
<p>Agency-Specific Performance Requirements</p> <p><b>Lead PTAB through continuing appropriate development, enhancement, and optimization of organizational structure, policies, and proceedings. Make further appropriate adjustments in number of judges and other personnel. Lead PTAB through further phases of issuing America Invents Act Trial final decisions and appropriate enhancement of rules of practice, precedential opinions, and guidance to stakeholders.</b></p>		
<p>Rating Official Narrative: <i>(Optional)</i></p>		
Critical Element Rating – Leading Change	(b)(6)	
Critical Element 2. Leading People	(Minimum weight 5 points)	Weight 10%
<p><b>Mandatory Performance Requirement:</b> Designs and implements strategies that maximize employee potential, connects the organization horizontally and vertically, and fosters high ethical standards in meeting the organization's vision, mission, and goals. Provides an inclusive workplace that fosters the development of others to their full potential; allows for full participation by all employees; facilitates collaboration, cooperation, and teamwork, and supports constructive resolution of conflicts. Ensures employee performance plans are aligned with the organization's mission and goals, that employees receive constructive feedback, and that employees are realistically appraised against clearly defined and communicated performance standards. Holds employees accountable for appropriate levels of performance and conduct. Seeks and considers employee input. Recruits, retains, and develops the talent needed to achieve a high quality, diverse workforce that reflects the nation, with the skills needed to accomplish organizational performance objectives while supporting workforce diversity, workplace inclusion, and equal employment policies and programs.</p>		
<p>Agency-Specific Performance Requirements</p> <p><i>Lead, develop, and implement actions to improve employee engagement in your area based on employee feedback gathered from sources including the USPTO People Survey, Federal Employee Viewpoint Survey, focus groups and other initiatives.</i></p> <p><b>Serve as Vice Chief Judge. Provide policy direction and guidance to the PTAB. Assist the Deputy Chief Judge and Chief Judge with Business Unit Head functions as appropriate. Lead continuing activities directed at PTAB execution of duties given to the PTAB under the America Invents Act. Ensure PTAB employees are efficiently working on mission-critical tasks.</b></p>		
<p>Rating Official Narrative: <i>(Optional)</i></p>		
Critical Element Rating – Leading People	(b)(6)	

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

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

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

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

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

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

Performance Requirement 1: **25% Weight**

Strategic Alignment:

**America Invents Act Trial Timeliness:**

**USPTO Strategic Plan, Goal 1,  
Objective 7**

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

Performance Requirement 2: **25% Weight**

Strategic Alignment:

**Ex Parte Inventory / Pendency Reduction:**

**USPTO Strategic Plan, Goal 1,  
Objective 7**

**Achieve progress toward a reduction in the average time from jurisdiction passing to the Board to decision on regular ex parte appeals, or achieve progress toward a reduction of ex parte appeal inventory by issuing decisions in accordance with applicable legal requirements.**

Performance Requirement 3: **25% Weight**

Strategic Alignment:

**PTAB Decision Consistency:**

**USPTO Strategic Plan, Goal 1,  
Objective 7**

**In accordance with the authority granted under Title 35 of the United States Code and Title 37 of the Code of Federal Regulations, binding case law precedent, and written guidance applicable to PTAB proceedings issued by the Director or the Director's delegate, ensure that PTAB judges render clear and consistent decisions for proceedings before the PTAB. Ensure review of 25% of final AIA decisions, excluding rehearing decisions, and 2% of regular ex parte appeals decisions.**

<p>Performance Requirement 4: <b>25% Weight</b></p> <p><b>Federal Circuit Remand Decision Timeliness:</b></p> <p><b>Ensure completion of decisions on remand in compliance with applicable legal requirements from the Federal Circuit in 12 months from issuance of the Federal Circuit's mandate for 50% of all such remands.</b></p>	<p>Strategic Alignment:</p> <p><b>USPTO Strategic Plan, Goal 1, Objective 7</b></p>
<p>Rating Official Narrative: <i>(Optional)</i></p>	
<p><i>Critical Element Rating – Results Driven</i></p>	<p>(b)(6)</p>



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

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

**Part 8: Agency Use**

### Deriving the Results Driven Rating Worksheet

Executive Name Tierney Rating Period Fy18

Results Driven Performance Requirements (PR)	Performance Requirement Rating Level Score	Weight (multiply by)	Performance Requirement Points Score	Point Ranges to Rating Level Score	Results Driven Initial Element Score
Performance Requirement 1	(b)(6)	25	(b)(6)	Points 475 – 500 = Level 5 Rating Score Points 400 – 474 = Level 4 Rating Score Points 300 – 399 = Level 3 Rating Score Points 200 – 299 = Level 2 Rating Score Any PR rated Level 1 overall score must be = Level 1 Rating Score	
Performance Requirement 2		25			
Performance Requirement 3		25			
Performance Requirement 4		25			
		= 100%			
Performance Requirement Total Score	(b)(6)				

#### Example of Results Driven Element Being Rated Level 4

Results Driven Performance Requirements (PR)	Performance Requirement Rating Level Score	Weight (multiply by)	Performance Requirement Points Score	Point Ranges to Rating Level Score	Results Driven Initial Element Score
Performance Requirement 1	4	x 25	100	Points 475 – 500 = Level 5 Rating Score Points 400 – 474 = Level 4 Rating Score Points 300 – 399 = Level 3 Rating Score Points 200 – 299 = Level 2 Rating Score Any PR rated Level 1 overall score must be = Level 1 Rating Score	
Performance Requirement 2	5	x 30	150		
Performance Requirement 3	5	x 15	75		
Performance Requirement 4	3	x 30	90		
		= 100%			
Performance Requirement Total Score			415	415 = Level 4	4*

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

MEMORANDUM

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

SUBJECT: Executive Performance Summary Narrative for Fiscal Year 2018,  
Michael Tierney, *Vice Chief Judge*

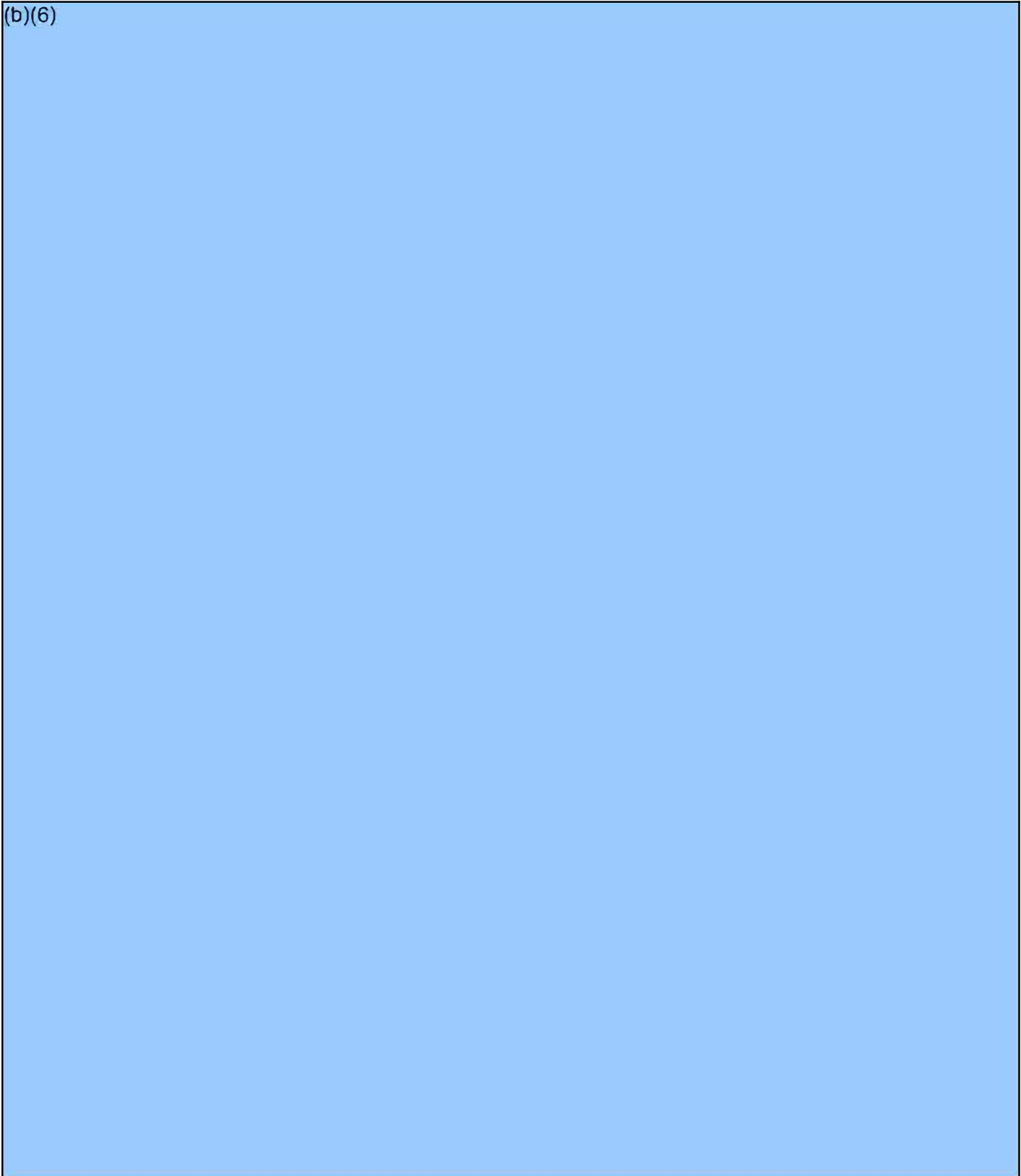
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**Summary Rating Narrative:**

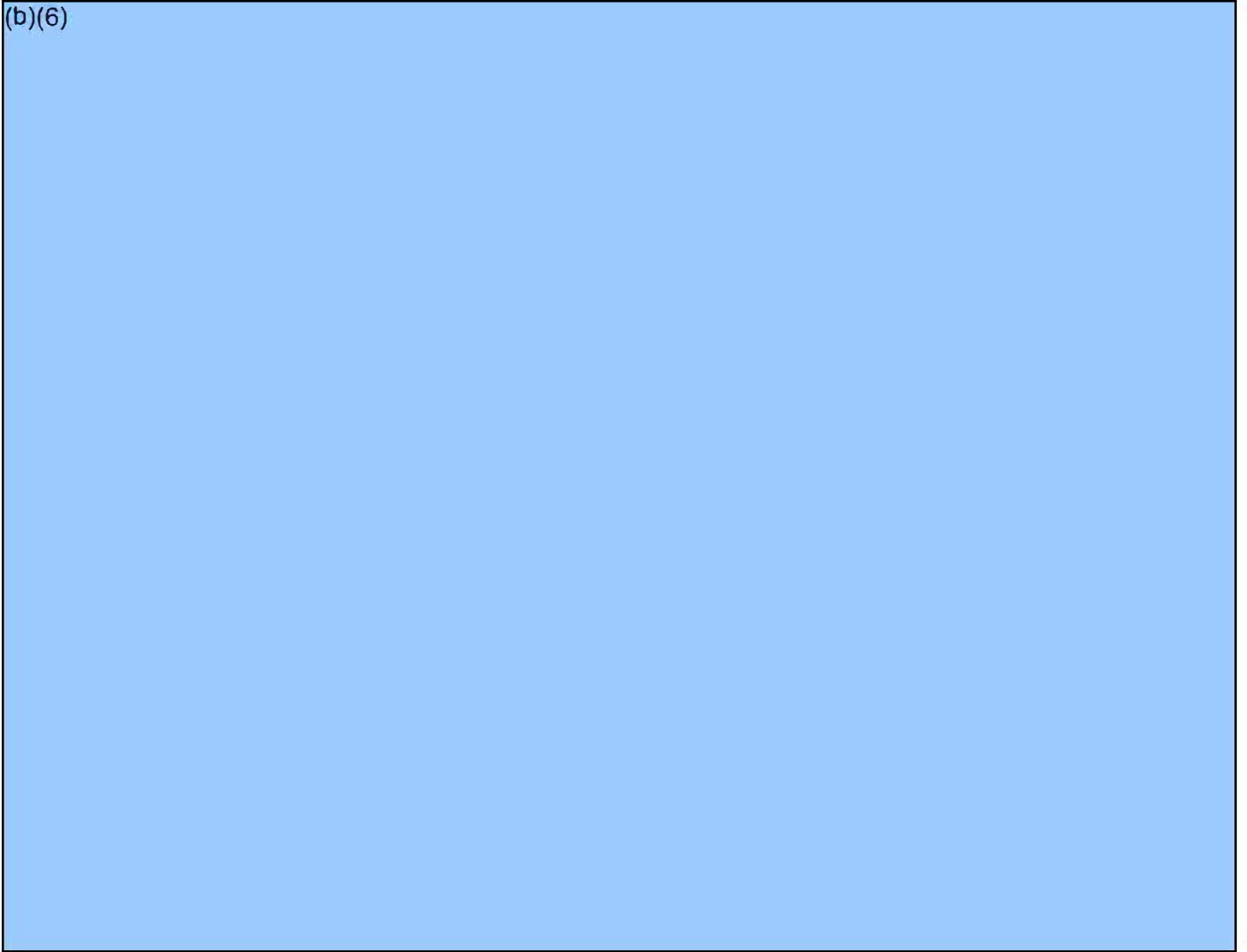
(b)(6)



(b)(6)



(b)(6)



**SES Performance Management System  
Executive Performance Plan**



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

Executive's Name (Last, First, MI): <b>WEIDENFELLER, SCOTT</b>	Appraisal Pd. <b>10/01/17 - 9/30/18</b>
Executive's Signature: (b)(6)	Date: <b>10/30/17</b>
Title: <b>Vice Chief Administrative Patent Judge, Patent Trial and Appeal Board, U.S. Patent and Trademark Office</b>	Organization: <b>PTAB</b>
Rating Official's Name (Last, First, MI): <b>BOALICK, SCOTT R., Deputy Chief Administrative Patent Judge</b>	CA <input type="checkbox"/> NC <input type="checkbox"/> LT/LE <input type="checkbox"/>
Rating Official's Signature: (b)(6)	Date: <b>10/30/17</b>

**Part 2. Progress Review**

Executive's Signature: (b)(6)	Date: <b>4/30/18</b>
Rating Official's Signature: (b)(6)	Date: <b>4/30/18</b>
Reviewing Official's Signature (Optional):	Date:

**Part 3. Summary Rating**

<b>Initial Summary Rating</b>	(b)(6)
Rating Official's Name (Last, First, MI): <b>BOALICK, SCOTT R., Deputy Chief Administrative Patent Judge</b>	
Rating Official's Signature: (b)(6)	Date: <b>11/5/2018</b>
Executive's Signature: (b)(6)	Date: <b>11/7/2018</b>
Reviewing Official's Signature (Optional):	Date:

**Higher Level Review (if applicable)**

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

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

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

Critical Element	Element Rating		Weight	Score		Summary Level Ranges
	Initial	Final (if changed)		Initial	Final (if changed)	
1. Leading Change	(b)(6)		10%	(b)(6)		475-500 = Level 5 400-474 = Level 4 300-399 = Level 3 200-299 = Level 2 Any CE rated Level 1 = Level 1
2. Leading People			10%			
3. Business Acumen			10%			
4. Building Coalitions			10%			
5. Results Driven			60%			
<b>Total</b>			<b>100%</b>			

**Part 5. Performance Standards and Critical Elements**

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

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

**Element Rating Level Points**

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

Critical Element 1. Leading Change	(Minimum weight 5 points)	Weight 10%
<p><b>Mandatory Performance Requirement:</b> Develops and implements an organizational vision that integrates key organizational and program goals, priorities, values, and other factors. Assesses and adjusts to changing situations, implementing innovative solutions to make organizational improvements, ranging from incremental improvements to major shifts in direction or approach, as appropriate. Balances change and continuity; continually strives to improve service and program performance; creates a work environment that encourages creative thinking, collaboration, and transparency; and maintains program focus, even under adversity.</p>		
Agency-Specific Performance Requirements		
<p><b>Lead PTAB through continuing appropriate development, enhancement, and optimization of organizational structure, policies, and proceedings. Make further appropriate adjustments in number of judges and other personnel. Lead PTAB through further phases of issuing America Invents Act Trial final decisions and appropriate enhancement of rules of practice, precedential opinions, and guidance to stakeholders.</b></p>		
Rating Official Narrative: <i>(Optional)</i>		
Critical Element Rating – Leading Change	(b)(6)	
Critical Element 2. Leading People	(Minimum weight 5 points)	Weight 10%
<p><b>Mandatory Performance Requirement:</b> Designs and implements strategies that maximize employee potential, connects the organization horizontally and vertically, and fosters high ethical standards in meeting the organization's vision, mission, and goals. Provides an inclusive workplace that fosters the development of others to their full potential; allows for full participation by all employees; facilitates collaboration, cooperation, and teamwork, and supports constructive resolution of conflicts. Ensures employee performance plans are aligned with the organization's mission and goals, that employees receive constructive feedback, and that employees are realistically appraised against clearly defined and communicated performance standards. Holds employees accountable for appropriate levels of performance and conduct. Seeks and considers employee input. Recruits, retains, and develops the talent needed to achieve a high quality, diverse workforce that reflects the nation, with the skills needed to accomplish organizational performance objectives while supporting workforce diversity, workplace inclusion, and equal employment policies and programs.</p>		
Agency-Specific Performance Requirements		
<p><i>Lead, develop, and implement actions to improve employee engagement in your area based on employee feedback gathered from sources including the USPTO People Survey, Federal Employee Viewpoint Survey, focus groups and other initiatives.</i></p>		
<p><b>Serve as Vice Chief Judge. Provide policy direction and guidance to the PTAB. Assist the Deputy Chief Judge and Chief Judge with Business Unit Head functions as appropriate. Lead continuing activities directed at PTAB execution of duties given to the PTAB under the America Invents Act. Ensure PTAB employees are efficiently working on mission-critical tasks.</b></p>		
Rating Official Narrative: <i>(Optional)</i>		
Critical Element Rating – Leading People	(b)(6)	



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

Critical Element 5. Results Driven	(Minimum Weight 20 points)	Weight 60%
<p>This critical element must have at least 1 performance requirement (there is no maximum number of requirements, agency should specify if it sets a maximum number).</p>		
<p>This critical element includes specific performance requirements expected of the executive during the appraisal period, focusing on measurable results from the strategic plan or other measurable outputs and outcomes clearly aligned to organizational goals and objectives. At a minimum, the performance requirements must contain measurable results and their quality indicators describing the range of performance at Level 3 for each result specified. In addition to the quality indicators, applicable measures of quantity, timelines, and/or cost-effectiveness may be included as appropriate. It is recommended to also establish the threshold quality indicators and measures for Levels 5 and 2. Indicators must reflect the same level of performance as the respective performance standard contained in Part 5.</p>		
<p>Strategic Alignment—identify clear, transparent alignment to agency strategic planning initiatives (e.g., relevant agency or organizational goals/objectives with cited page numbers from the Strategic Plan, Congressional Budget Justification/Annual Performance Plan, or other organizational planning document) in the designated section for each performance requirement.</p>		
<p><b>Note:</b> Performance requirements must contain results and quality indicators that are clearly and differentially identified (e.g., highlighted, bold, underlined) so that it is readily evident on what the senior executive will be rated and what is expected for success.</p>		
<p>Performance Requirement 1: <b>25% Weight</b></p> <p><b>America Invents Act Trial Timeliness:</b></p> <p><b>Achieve AIA trial completion in compliance with applicable legal requirements in 12 months from institution, or in 18 months from institution in cases with extensions for good cause, for 95% of all AIA trials not subject to joinder. Achieve issuance of AIA petition decisions on institution in compliance with applicable legal requirements within statutory period of 3 months for 95% of all AIA petitions.</b></p>	<p>Strategic Alignment:</p> <p><b>USPTO Strategic Plan, Goal 1, Objective 7</b></p>	
<p>Performance Requirement 2: <b>25% Weight</b></p> <p><b>Ex Parte Inventory / Pendency Reduction:</b></p> <p><b>Achieve progress toward a reduction in the average time from jurisdiction passing to the Board to decision on regular ex parte appeals, or achieve progress toward a reduction of ex parte appeal inventory by issuing decisions in accordance with applicable legal requirements.</b></p>	<p>Strategic Alignment:</p> <p><b>USPTO Strategic Plan, Goal 1, Objective 7</b></p>	
<p>Performance Requirement 3: <b>25% Weight</b></p> <p><b>PTAB Decision Consistency:</b></p> <p><b>In accordance with the authority granted under Title 35 of the United States Code and Title 37 of the Code of Federal Regulations, binding case law precedent, and written guidance applicable to PTAB proceedings issued by the Director or the Director's delegate, ensure that PTAB judges render clear and consistent decisions for proceedings before the PTAB. Ensure review of 25% of final AIA decisions, excluding rehearing decisions, and 2% of regular ex parte appeals decisions.</b></p>	<p>Strategic Alignment:</p> <p><b>USPTO Strategic Plan, Goal 1, Objective 7</b></p>	

<p>Performance Requirement 4: <b>25% Weight</b></p> <p><b>Federal Circuit Remand Decision Timeliness:</b></p> <p><b>Ensure completion of decisions on remand in compliance with applicable legal requirements from the Federal Circuit in 12 months from issuance of the Federal Circuit's mandate for 50% of all such remands.</b></p>	<p>Strategic Alignment:</p> <p><b>USPTO Strategic Plan, Goal 1, Objective 7</b></p>
<p>Rating Official Narrative: <i>(Optional)</i></p>	
<p><i>Critical Element Rating – Results Driven</i></p>	<p>(b)(6)</p>

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

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

**Part 8: Agency Use**

**Deriving the Results Driven Rating Worksheet**

Executive Name Wendy Feller

Rating Period FY 18

Results Driven Performance Requirements (PR)	Performance Requirement Rating Level Score	Weight (multiply by)	Performance Requirement Points Score	Point Ranges to Rating Level Score	Results Driven Initial Element Score
Performance Requirement 1	(b)(6)	25	(b)(6)	Points 475 – 500 = Level 5 Rating Score Points 400 – 474 = Level 4 Rating Score Points 300 – 399 = Level 3 Rating Score Points 200 – 299 = Level 2 Rating Score Any PR rated Level 1 overall score must be = Level 1 Rating Score	
Performance Requirement 2		25			
Performance Requirement 3		25			
Performance Requirement 4		25			
		= 100%			
Performance Requirement Total Score	(b)(6)				

**Example of Results Driven Element Being Rated Level 4**

Results Driven Performance Requirements (PR)	Performance Requirement Rating Level Score	Weight (multiply by)	Performance Requirement Points Score	Point Ranges to Rating Level Score	Results Driven Initial Element Score
Performance Requirement 1	4	x 25	100	Points 475 – 500 = Level 5 Rating Score Points 400 – 474 = Level 4 Rating Score Points 300 – 399 = Level 3 Rating Score Points 200 – 299 = Level 2 Rating Score Any PR rated Level 1 overall score must be = Level 1 Rating Score	
Performance Requirement 2	5	x 30	150		
Performance Requirement 3	5	x 15	75		
Performance Requirement 4	3	x 30	90		
		= 100%			
Performance Requirement Total Score			415	415 = Level 4	4*

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

MEMORANDUM

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

SUBJECT: Executive Performance Summary Narrative for Fiscal Year 2018,  
Scott Weidenfeller, *Vice Chief Judge*

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**Summary Rating Narrative:**

(b)(6)



(b)(6)

(b)(6)





**SES Performance Management System  
Executive Performance Plan**



<b>Part 1. Consultation.</b> <i>I have reviewed this plan and have been consulted on its development.</i>						
Executive's Name (Last, First, MI): <b>TIERNEY, MICHAEL P.</b>				Appraisal Pd. <b>10/01/16 - 9/30/17</b>		
Executive's Signature: (b)(6)				Date: <b>2/16/17</b>		
Title: <b>Vice Chief Administrative Patent Judge, Patent Trial and Appeal Board, U.S. Patent and Trademark Office</b>				Organization: <b>PTAB</b>		
Rating Official's Name (Last, First, MI): <b>BOALICK, SCOTT R., Deputy Chief Administrative Patent Judge</b>				CA <input type="checkbox"/> NC <input type="checkbox"/> LT/LE <input type="checkbox"/>		
Rating Official's Signature: (b)(6)				Date: <b>2/16/17</b>		
<b>Part 2. Progress Review</b>						
Executive's Signature: (b)(6)				Date: <b>4/21/2017</b>		
Rating Official's Signature: (b)(6)				Date: <b>4/21/2017</b>		
Reviewing Official's Signature (Optional):				Date:		
<b>Part 3. Summary Rating</b>						
<b>Initial Summary Rating</b> (b)(6)						
Rating Official's Name (Last, First, MI): <b>BOALICK, SCOTT R., Deputy Chief Administrative Patent Judge</b>						
Rating Official's Signature: (b)(6)				Date: <b>10/30/17</b>		
Executive's Signature: (b)(6)				Date: <b>10/31/17</b>		
Reviewing Official's Signature (Optional):				Date:		
<b>Higher Level Review (if applicable)</b>						
<input type="checkbox"/> I request a higher level review. Executive's Initials:				Date:		
Higher Level Review Completed <input type="checkbox"/>				Date:		
Higher Level Reviewer Signature:						
<b>Performance Review Board Recommendation</b> (b)(6)						
PRB Chair Signature: (b)(6)				Date:		
<b>Annual Summary Rating</b> (b)(6)						
Appointing Authority Signature: (b)(6)				Date:		
<b>Part 4. Derivation Formula and Calculation of Annual Summary Rating</b>						
Critical Element	Element Rating		Weight	Score		Summary Level Ranges
	Initial	Final (if changed)		Initial	Final (if changed)	
1. Leading Change	(b)(6)		10%	(b)(6)		475-500 = Level 5 400-474 = Level 4 300-399 = Level 3 200-299 = Level 2 Any CE rated Level 1 = Level 1
2. Leading People			10%			
3. Business Acumen			10%			
4. Building Coalitions			10%			
5. Results Driven			60%			
Total			100%			

**Part 5. Performance Standards and Critical Elements**

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

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

<p><b>Element Rating Level Points</b></p>	<p><b>Level 5 = 5 points</b>  <b>Level 4 = 4 points</b>  <b>Level 3 = 3 points</b>  <b>Level 2 = 2 points</b>  <b>Level 1 = 0 points</b></p>
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Critical Element 1. Leading Change	(Minimum weight 5%)	Weight 10%
<p><b>Mandatory Performance Requirement:</b> Develops and implements an organizational vision that integrates key organizational and program goals, priorities, values, and other factors. Assesses and adjusts to changing situations, implementing innovative solutions to make organizational improvements, ranging from incremental improvements to major shifts in direction or approach, as appropriate. Balances change and continuity; continually strives to improve service and program performance; creates a work environment that encourages creative thinking, collaboration, and transparency; and maintains program focus, even under adversity.</p>		
<p>Agency-Specific Performance Requirements</p> <p>Lead PTAB through continuing development, enhancement, and optimization of organizational structure, policies, and proceedings. Lead PTAB with further appropriate adjustments in number of judges and other personnel. Lead PTAB through further phases of issuing America Invents Act Trial final decisions and enhancement of rules of practice, precedential opinion process, and guidance to stakeholders.</p>		
<p>Rating Official Narrative: <i>(Optional)</i></p>		
Critical Element Rating – Leading Change	(b)(6)	
Critical Element 2. Leading People	(Minimum weight 5%)	Weight 10%
<p><b>Mandatory Performance Requirement:</b> Designs and implements strategies that maximize employee potential, connects the organization horizontally and vertically, and fosters high ethical standards in meeting the organization's vision, mission, and goals. Provides an inclusive workplace that fosters the development of others to their full potential; allows for full participation by all employees; facilitates collaboration, cooperation, and teamwork, and supports constructive resolution of conflicts. Ensures employee performance plans are aligned with the organization's mission and goals, that employees receive constructive feedback, and that employees are realistically appraised against clearly defined and communicated performance standards. Holds employees accountable for appropriate levels of performance and conduct. Seeks and considers employee input. Recruits, retains, and develops the talent needed to achieve a high quality, diverse workforce that reflects the nation, with the skills needed to accomplish organizational performance objectives while supporting workforce diversity, workplace inclusion, and equal employment policies and programs.</p>		
<p>Agency-Specific Performance Requirements</p> <p><i>Lead, develop, and implement actions to improve employee engagement in your area based on employee feedback gathered from sources including the USPTO People Survey, Federal Employee Viewpoint Survey, focus groups and other initiatives.</i></p> <p>Serve as Vice Chief Judge. Provide policy direction and guidance to the PTAB. Assist the Deputy Chief Judge and Chief Judge with Business Unit Head functions on the Executive Committee and Management Council of the Agency, and otherwise, as appropriate. Lead continuing activities directed at PTAB execution of duties given to the PTAB under the America Invents Act. Ensure PTAB employees are efficiently working on mission-critical tasks. Ensure the most valuable PTAB employees are rewarded.</p>		
<p>Rating Official Narrative: <i>(Optional)</i></p>		
Critical Element Rating – Leading People	(b)(6)	

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

Critical Element 5. Results Driven	(Minimum Weight 20%)	Weight 60%
<p>This critical element must have at least 1 performance requirement (there is no maximum number of requirements, agency should specify if it sets a maximum number).</p>		
<p>This critical element includes specific performance requirements expected of the executive during the appraisal period, focusing on measurable results from the strategic plan or other measurable outputs and outcomes clearly aligned to organizational goals and objectives. At a minimum, the performance requirements must contain measurable results and their quality indicators describing the range of performance at Level 3 for each result specified. In addition to the quality indicators, applicable measures of quantity, timelines, and/or cost-effectiveness may be included as appropriate. It is recommended to also establish the threshold quality indicators and measures for Levels 5 and 2. Indicators must reflect the same level of performance as the respective performance standard contained in Part 5.</p>		
<p>Strategic Alignment—identify clear, transparent alignment to agency strategic planning initiatives (e.g., relevant agency or organizational goals/objectives with cited page numbers from the Strategic Plan, Congressional Budget Justification/Annual Performance Plan, or other organizational planning document) in the designated section for each performance requirement.</p>		
<p>Note: Performance requirements must contain results and quality indicators that are clearly and differentially identified (e.g., highlighted, bold, underlined) so that it is readily evident on what the senior executive will be rated and what is expected for success.</p>		
<p>Performance Requirement 1: 35% Weight</p>	<p>(b)(6)</p>	<p>Strategic Alignment:  USPTO Strategic Plan, Goal 1, Objective 7-A</p>
<p><b>America Invents Act Trial Timeliness:</b> Maintain AIA trial completion in 12 months, or in 18 months in cases with extensions for good cause. Maintain issuance of AIA trial decisions on institution within statutory period of 3 months.</p>		
<p>Performance Requirement 2: 30% Weight</p>	<p>(b)(6)</p>	<p>Strategic Alignment:  USPTO Strategic Plan, Goal 1, Objective 7-B</p>
<p><b>Ex Parte Inventory / Pendency Reduction:</b> Achieve a reduction of ex parte appeal inventory and achieve substantial progress toward an appeal pendency of 12 months.</p>		
<p>Performance Requirement 3: 35% Weight</p>	<p>(b)(6)</p>	<p>Strategic Alignment:  USPTO Strategic Plan, Goal 1, Objective 7-D</p>
<p><b>PTAB Decision Consistency:</b> Facilitate and enhance regular extra-panel review of final AIA decisions, excluding rehearing decisions, and management review of ex parte appeals decisions. Ensure clear and consistent legal and procedural positions are taken on behalf of USPTO by PTAB judges and attorneys.</p>		
<p>Rating Official Narrative: <i>(Optional)</i></p>		
<p>Critical Element Rating – Results Driven</p>		<p>(b)(6)</p>

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

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

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**Part 8: Agency Use**

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**SES Performance Management System  
Executive Performance Plan**



<b>Part 1. Consultation.</b> <i>I have reviewed this plan and have been consulted on its development.</i>						
Executive's Name (Last, First, MI): <b>TIERNEY, MICHAEL P.</b>				Appraisal Pd. <b>10/01/16 - 9/30/17</b>		
Executive's Signature: (b)(6)				Date: <b>2/16/17</b>		
Title: <b>Vice Chief Administrative Patent Judge, Patent Trial and Appeal Board, U.S. Patent and Trademark Office</b>				Organization: <b>PTAB</b>		
Rating Official's Name (Last, First, MI): <b>BOALICK, SCOTT R., Deputy Chief Administrative Patent Judge</b>				CA <input type="checkbox"/> NC <input type="checkbox"/> LT/LE <input type="checkbox"/>		
Rating Official's Signature: (b)(6)				Date: <b>2/16/17</b>		
<b>Part 2. Progress Review</b>						
Executive's Signature: (b)(6)				Date: <b>4/21/2017</b>		
Rating Official's Signature: (b)(6)				Date: <b>4/21/2017</b>		
Reviewing Official's Signature (Optional):				Date:		
<b>Part 3. Summary Rating</b>						
Initial Summary Rating: (b)(6)						
Rating Official's Name (Last, First, MI): <b>BOALICK, SCOTT R., Deputy Chief Administrative Patent Judge</b>						
Rating Official's Signature: (b)(6)				Date: <b>10/30/17</b>		
Executive's Signature: (b)(6)				Date: <b>10/31/17</b>		
Reviewing Official's Signature (Optional):				Date:		
<b>Higher Level Review (if applicable)</b>						
<input type="checkbox"/> I request a higher level review. Executive's Initials:				Date:		
Higher Level Review Completed <input type="checkbox"/>				Date:		
Higher Level Reviewer Signature:						
<b>Performance Review Board Recommendation</b> (b)(6)						
PRB Chair Signature: (b)(6)				Date:		
<b>Annual Summary Rating</b> (b)(6)						
Appointing Authority Signature: (b)(6)				Date:		
<b>Part 4. Derivation Formula and Calculation of Annual Summary Rating</b>						
Critical Element	Element Rating		Weight	Score		Summary Level Ranges
	Initial	Final (if changed)		Initial	Final (if changed)	
1. Leading Change	(b)(6)		10%	(b)(6)		475-500 = Level 5 400-474 = Level 4 300-399 = Level 3 200-299 = Level 2 Any CE rated Level 1 = Level 1
2. Leading People			10%			
3. Business Acumen			10%			
4. Building Coalitions			10%			
5. Results Driven			60%			
Total			100%			

**Part 5. Performance Standards and Critical Elements**

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

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

<p><b>Element Rating Level Points</b></p>	<p><b>Level 5 = 5 points</b>  <b>Level 4 = 4 points</b>  <b>Level 3 = 3 points</b>  <b>Level 2 = 2 points</b>  <b>Level 1 = 0 points</b></p>
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Critical Element 1. Leading Change	(Minimum weight 5%)	Weight 10%
<p><b>Mandatory Performance Requirement:</b> Develops and implements an organizational vision that integrates key organizational and program goals, priorities, values, and other factors. Assesses and adjusts to changing situations, implementing innovative solutions to make organizational improvements, ranging from incremental improvements to major shifts in direction or approach, as appropriate. Balances change and continuity; continually strives to improve service and program performance; creates a work environment that encourages creative thinking, collaboration, and transparency; and maintains program focus, even under adversity.</p>		
<p>Agency-Specific Performance Requirements</p> <p>Lead PTAB through continuing development, enhancement, and optimization of organizational structure, policies, and proceedings. Lead PTAB with further appropriate adjustments in number of judges and other personnel. Lead PTAB through further phases of issuing America Invents Act Trial final decisions and enhancement of rules of practice, precedential opinion process, and guidance to stakeholders.</p>		
<p>Rating Official Narrative: <i>(Optional)</i></p>		
Critical Element Rating – Leading Change	(b)(6)	
Critical Element 2. Leading People	(Minimum weight 5%)	Weight 10%
<p><b>Mandatory Performance Requirement:</b> Designs and implements strategies that maximize employee potential, connects the organization horizontally and vertically, and fosters high ethical standards in meeting the organization's vision, mission, and goals. Provides an inclusive workplace that fosters the development of others to their full potential; allows for full participation by all employees; facilitates collaboration, cooperation, and teamwork, and supports constructive resolution of conflicts. Ensures employee performance plans are aligned with the organization's mission and goals, that employees receive constructive feedback, and that employees are realistically appraised against clearly defined and communicated performance standards. Holds employees accountable for appropriate levels of performance and conduct. Seeks and considers employee input. Recruits, retains, and develops the talent needed to achieve a high quality, diverse workforce that reflects the nation, with the skills needed to accomplish organizational performance objectives while supporting workforce diversity, workplace inclusion, and equal employment policies and programs.</p>		
<p>Agency-Specific Performance Requirements</p> <p><i>Lead, develop, and implement actions to improve employee engagement in your area based on employee feedback gathered from sources including the USPTO People Survey, Federal Employee Viewpoint Survey, focus groups and other initiatives.</i></p> <p>Serve as Vice Chief Judge. Provide policy direction and guidance to the PTAB. Assist the Deputy Chief Judge and Chief Judge with Business Unit Head functions on the Executive Committee and Management Council of the Agency, and otherwise, as appropriate. Lead continuing activities directed at PTAB execution of duties given to the PTAB under the America Invents Act. Ensure PTAB employees are efficiently working on mission-critical tasks. Ensure the most valuable PTAB employees are rewarded.</p>		
<p>Rating Official Narrative: <i>(Optional)</i></p>		
Critical Element Rating – Leading People	(b)(6)	

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

Critical Element 5. Results Driven	(Minimum Weight 20%)	Weight 60%
<p>This critical element must have at least 1 performance requirement (there is no maximum number of requirements, agency should specify if it sets a maximum number).</p>		
<p>This critical element includes specific performance requirements expected of the executive during the appraisal period, focusing on measurable results from the strategic plan or other measurable outputs and outcomes clearly aligned to organizational goals and objectives. At a minimum, the performance requirements must contain measurable results and their quality indicators describing the range of performance at Level 3 for each result specified. In addition to the quality indicators, applicable measures of quantity, timelines, and/or cost-effectiveness may be included as appropriate. It is recommended to also establish the threshold quality indicators and measures for Levels 5 and 2. Indicators must reflect the same level of performance as the respective performance standard contained in Part 5.</p>		
<p>Strategic Alignment—identify clear, transparent alignment to agency strategic planning initiatives (e.g., relevant agency or organizational goals/objectives with cited page numbers from the Strategic Plan, Congressional Budget Justification/Annual Performance Plan, or other organizational planning document) in the designated section for each performance requirement.</p>		
<p>Note: Performance requirements must contain results and quality indicators that are clearly and differentially identified (e.g., highlighted, bold, underlined) so that it is readily evident on what the senior executive will be rated and what is expected for success.</p>		
<p>Performance Requirement 1: 35% Weight</p>	<p>(b)(6)</p>	<p>Strategic Alignment:</p>
<p><b>America Invents Act Trial Timeliness:</b>  <b>Maintain AIA trial completion in 12 months, or in 18 months in cases with extensions for good cause. Maintain issuance of AIA trial decisions on institution within statutory period of 3 months.</b></p>		<p>USPTO Strategic Plan, Goal 1, Objective 7-A</p>
<p>Performance Requirement 2: 30% Weight</p>	<p>(b)(6)</p>	<p>Strategic Alignment:</p>
<p><b>Ex Parte Inventory / Pendency Reduction:</b>  <b>Achieve a reduction of ex parte appeal inventory and achieve substantial progress toward an appeal pendency of 12 months.</b></p>		<p>USPTO Strategic Plan, Goal 1, Objective 7-B</p>
<p>Performance Requirement 3: 35% Weight</p>	<p>(b)(6)</p>	<p>Strategic Alignment:</p>
<p><b>PTAB Decision Consistency:</b>  <b>Facilitate and enhance regular extra-panel review of final AIA decisions, excluding rehearing decisions, and management review of ex parte appeals decisions. Ensure clear and consistent legal and procedural positions are taken on behalf of USPTO by PTAB judges and attorneys.</b></p>		<p>USPTO Strategic Plan, Goal 1, Objective 7-D</p>
<p>Rating Official Narrative: <i>(Optional)</i></p>		
<p>Critical Element Rating – Results Driven</p>		<p>(b)(6)</p>

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

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

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**Part 8: Agency Use**

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**SES Performance Management System  
Executive Performance Plan**



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

Executive's Name (Last, First, MI): <b>BONILLA, JACQUELINE</b>	Appraisal Pd. <b>10/01/17 - 9/30/18</b>
Executive's Signature: (b)(6)	Date: <b>10/31/17</b>
Title: <b>Vice Chief Administrative Patent Judge, Patent Trial and Appeal Board, U.S. Patent and Trademark Office</b>	Organization: <b>PTAB</b>
Rating Official's Name (Last, First, MI): <b>BOALICK, SCOTT R., Deputy Chief Administrative Patent Judge</b>	CA <input type="checkbox"/> NC <input type="checkbox"/> LT/LE <input type="checkbox"/>
Rating Official's Signature: (b)(6)	Date: <b>10/30/17</b>

**Part 2. Progress Review**

Executive's Signature: (b)(6)	Date: <b>4/30/18</b>
Rating Official's Signature: (b)(6)	Date: <b>4/30/18</b>
Reviewing Official's Signature (Optional):	Date:

**Part 3. Summary Rating**

Initial Summary Rating	(b)(6)
Rating Official's Name (Last, First, MI): <b>BOALICK, SCOTT R., Deputy Chief Administrative Patent Judge</b>	
Rating Official's Signature: (b)(6)	Date: <b>11/5/2018</b>
Executive's Signature: (b)(6)	Date: <b>11/6/2018</b>
Reviewing Official's Signature (Optional):	Date:

**Higher Level Review (if applicable)**

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

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

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

Critical Element	Element Rating		Weight	Score		Summary Level Ranges
	Initial	Final (if changed)		Initial	Final (if changed)	
1. Leading Change	(b)(6)		10%	(b)(6)		475-500 = Level 5 400-474 = Level 4 300-399 = Level 3 200-299 = Level 2 Any CE rated Level 1 = Level 1
2. Leading People	(b)(6)		10%	(b)(6)		
3. Business Acumen	(b)(6)		10%	(b)(6)		
4. Building Coalitions	(b)(6)		10%	(b)(6)		
5. Results Driven	(b)(6)		60%	(b)(6)		
<b>Total</b>			<b>100%</b>			

**Part 5. Performance Standards and Critical Elements**

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

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

**Element Rating Level Points**

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

<b>Critical Element 1. Leading Change</b>	<b>(Minimum weight 5 points)</b>	Weight 10%
<p><b>Mandatory Performance Requirement:</b> Develops and implements an organizational vision that integrates key organizational and program goals, priorities, values, and other factors. Assesses and adjusts to changing situations, implementing innovative solutions to make organizational improvements, ranging from incremental improvements to major shifts in direction or approach, as appropriate. Balances change and continuity; continually strives to improve service and program performance; creates a work environment that encourages creative thinking, collaboration, and transparency; and maintains program focus, even under adversity.</p>		
Agency-Specific Performance Requirements		
<p><b>Lead PTAB through continuing appropriate development, enhancement, and optimization of organizational structure, policies, and proceedings. Make further appropriate adjustments in number of judges and other personnel. Lead PTAB through further phases of issuing America Invents Act Trial final decisions and appropriate enhancement of rules of practice, precedential opinions, and guidance to stakeholders.</b></p>		
Rating Official Narrative: <i>(Optional)</i>		
<i>Critical Element Rating – Leading Change</i>	(b)(6)	
<b>Critical Element 2. Leading People</b>	<b>(Minimum weight 5 points)</b>	Weight 10%
<p><b>Mandatory Performance Requirement:</b> Designs and implements strategies that maximize employee potential, connects the organization horizontally and vertically, and fosters high ethical standards in meeting the organization's vision, mission, and goals. Provides an inclusive workplace that fosters the development of others to their full potential; allows for full participation by all employees; facilitates collaboration, cooperation, and teamwork, and supports constructive resolution of conflicts. Ensures employee performance plans are aligned with the organization's mission and goals, that employees receive constructive feedback, and that employees are realistically appraised against clearly defined and communicated performance standards. Holds employees accountable for appropriate levels of performance and conduct. Seeks and considers employee input. Recruits, retains, and develops the talent needed to achieve a high quality, diverse workforce that reflects the nation, with the skills needed to accomplish organizational performance objectives while supporting workforce diversity, workplace inclusion, and equal employment policies and programs.</p>		
Agency-Specific Performance Requirements		
<p><i>Lead, develop, and implement actions to improve employee engagement in your area based on employee feedback gathered from sources including the USPTO People Survey, Federal Employee Viewpoint Survey, focus groups and other initiatives.</i></p>		
<p><b>Serve as Vice Chief Judge. Provide policy direction and guidance to the PTAB. Assist the Deputy Chief Judge and Chief Judge with Business Unit Head functions as appropriate. Lead continuing activities directed at PTAB execution of duties given to the PTAB under the America Invents Act. Ensure PTAB employees are efficiently working on mission-critical tasks.</b></p>		
Rating Official Narrative: <i>(Optional)</i>		
<i>Critical Element Rating – Leading People</i>	(b)(6)	

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



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

Weight 60%

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

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

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

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

Performance Requirement 1: **25% Weight****America Invents Act Trial Timeliness:**

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

Strategic Alignment:

**USPTO Strategic Plan, Goal 1, Objective 7**Performance Requirement 2: **25% Weight****Ex Parte Inventory / Pendency Reduction:**

**Achieve progress toward a reduction in the average time from jurisdiction passing to the Board to decision on regular ex parte appeals, or achieve progress toward a reduction of ex parte appeal inventory by issuing decisions in accordance with applicable legal requirements.**

Strategic Alignment:

**USPTO Strategic Plan, Goal 1, Objective 7**Performance Requirement 3: **25% Weight****PTAB Decision Consistency:**

**In accordance with the authority granted under Title 35 of the United States Code and Title 37 of the Code of Federal Regulations, binding case law precedent, and written guidance applicable to PTAB proceedings issued by the Director or the Director's delegate, ensure that PTAB judges render clear and consistent decisions for proceedings before the PTAB. Ensure review of 25% of final AIA decisions, excluding rehearing decisions, and 2% of regular ex parte appeals decisions.**

Strategic Alignment:

**USPTO Strategic Plan, Goal 1, Objective 7**

<p>Performance Requirement 4: <b>25% Weight</b></p> <p><b>Federal Circuit Remand Decision Timeliness:</b></p> <p><b>Ensure completion of decisions on remand in compliance with applicable legal requirements from the Federal Circuit in 12 months from issuance of the Federal Circuit's mandate for 50% of all such remands.</b></p>	<p>Strategic Alignment:</p> <p><b>USPTO Strategic Plan, Goal 1, Objective 7</b></p>
<p>Rating Official Narrative: <i>(Optional)</i></p>	
<p><i>Critical Element Rating – Results Driven</i></p>	<p>(b)(6)</p>

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

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

**Part 8: Agency Use**

**Deriving the Results Driven Rating Worksheet**

Executive Name Bonilla Rating Period FY18

Results Driven Performance Requirements (PR)	Performance Requirement Rating Level Score	Weight (multiply by)	Performance Requirement Points Score	Point Ranges to Rating Level Score	Results Driven Initial Element Score
Performance Requirement 1	(b)(6)	25	(b)(6)	Points 475 – 500 = Level 5 Rating Score Points 400 – 474 = Level 4 Rating Score Points 300 – 399 = Level 3 Rating Score Points 200 – 299 = Level 2 Rating Score Any PR rated Level 1 overall score must be = Level 1 Rating Score	
Performance Requirement 2		25			
Performance Requirement 3		25			
Performance Requirement 4		25			
		= 100%			
Performance Requirement Total Score	(b)(6)				

**Example of Results Driven Element Being Rated Level 4**

Results Driven Performance Requirements (PR)	Performance Requirement Rating Level Score	Weight (multiply by)	Performance Requirement Points Score	Point Ranges to Rating Level Score	Results Driven Initial Element Score
Performance Requirement 1	4	x 25	100	Points 475 – 500 = Level 5 Rating Score Points 400 – 474 = Level 4 Rating Score Points 300 – 399 = Level 3 Rating Score Points 200 – 299 = Level 2 Rating Score Any PR rated Level 1 overall score must be = Level 1 Rating Score	
Performance Requirement 2	5	x 30	150		
Performance Requirement 3	5	x 15	75		
Performance Requirement 4	3	x 30	90		
		= 100%			
Performance Requirement Total Score			415	415= Level 4	4*

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

**SES Performance Management System  
Executive Performance Plan**



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

Executive's Name (Last, First, MI): <b>WEIDENFELLER, SCOTT</b>	Appraisal Pd. <b>10/01/16 - 9/30/17</b>
Executive's Signature: (b)(6)	Date: <b>3/31/2017</b>
Title: <b>Vice Chief Administrative Patent Judge, Patent Trial and Appeal Board, U.S. Patent and Trademark Office</b>	Organization: <b>PTAB</b>
Rating Official's Name (Last, First, MI): <b>BOALICK, SCOTT R., Deputy Chief Administrative Patent Judge</b>	CA <input type="checkbox"/> NC <input type="checkbox"/> LT/LE <input type="checkbox"/>
Rating Official's Signature: (b)(6)	Date: <b>3/30/2017</b>

**Part 2. Progress Review**

Executive's Signature: (b)(6)	Date: <b>4/13/2017</b>
Rating Official's Signature: (b)(6)	Date: <b>4/13/2017</b>
Reviewing Official's Signature (Optional):	Date:

**Part 3. Summary Rating**

Initial Summary Rating	(b)(6)	
Rating Official's Name (Last, First, MI): <b>BOALICK, SCOTT R., Deputy Chief Administrative Patent Judge</b>		
Rating Official's Signature: (b)(6)	Date: <b>10/30/2017</b>	
Executive's Signature: (b)(6)	Date: <b>10/30/2017</b>	
Reviewing Official's Signature (Optional):	Date:	

**Higher Level Review (if applicable)**

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

**Performance Review Board Recommendation** (b)(6)

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

Appointing Authority Signature: (b)(6)	Date:
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**Part 4. Derivation Formula and Calculation of Annual Summary Rating**

Critical Element	Element Rating		Weight	Score		Summary Level Ranges
	Initial	Final (if changed)		Initial	Final (if changed)	
1. Leading Change	(b)(6)		10%	(b)(6)		475-500 = Level 5 400-474 = Level 4 300-399 = Level 3 200-299 = Level 2 Any CE rated Level 1 = Level 1
2. Leading People			10%			
3. Business Acumen			10%			
4. Building Coalitions			10%			
5. Results Driven			60%			
Total			100%			

**Part 5. Performance Standards and Critical Elements**

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

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

**Element Rating Level Points**

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

Critical Element 1. Leading Change	(Minimum weight 5%)	Weight 10%
<p><b>Mandatory Performance Requirement:</b> Develops and implements an organizational vision that integrates key organizational and program goals, priorities, values, and other factors. Assesses and adjusts to changing situations, implementing innovative solutions to make organizational improvements, ranging from incremental improvements to major shifts in direction or approach, as appropriate. Balances change and continuity; continually strives to improve service and program performance; creates a work environment that encourages creative thinking, collaboration, and transparency; and maintains program focus, even under adversity.</p>		
Agency-Specific Performance Requirements		
<p>Lead PTAB through continuing development, enhancement, and optimization of organizational structure, policies, and proceedings. Lead PTAB with further appropriate adjustments in number of judges and other personnel. Lead PTAB through further phases of issuing America Invents Act Trial final decisions and enhancement of rules of practice, precedential opinion process, and guidance to stakeholders.</p>		
Rating Official Narrative: <i>(Optional)</i>		
Critical Element Rating -- Leading Change	(b)(6)	
Critical Element 2. Leading People	(Minimum weight 5%)	Weight 10%
<p><b>Mandatory Performance Requirement:</b> Designs and implements strategies that maximize employee potential, connects the organization horizontally and vertically, and fosters high ethical standards in meeting the organization's vision, mission, and goals. Provides an inclusive workplace that fosters the development of others to their full potential; allows for full participation by all employees; facilitates collaboration, cooperation, and teamwork, and supports constructive resolution of conflicts. Ensures employee performance plans are aligned with the organization's mission and goals, that employees receive constructive feedback, and that employees are realistically appraised against clearly defined and communicated performance standards. Holds employees accountable for appropriate levels of performance and conduct. Seeks and considers employee input. Recruits, retains, and develops the talent needed to achieve a high quality, diverse workforce that reflects the nation, with the skills needed to accomplish organizational performance objectives while supporting workforce diversity, workplace inclusion, and equal employment policies and programs.</p>		
Agency-Specific Performance Requirements		
<p><i>Lead, develop, and implement actions to improve employee engagement in your area based on employee feedback gathered from sources including the USPTO People Survey, Federal Employee Viewpoint Survey, focus groups and other initiatives.</i></p>		
<p>Serve as Vice Chief Judge. Provide policy direction and guidance to the PTAB. Assist the Deputy Chief Judge and Chief Judge with Business Unit Head functions on the Executive Committee and Management Council of the Agency, and otherwise, as appropriate. Lead continuing activities directed at PTAB execution of duties given to the PTAB under the America Invents Act. Ensure PTAB employees are efficiently working on mission-critical tasks. Ensure the most valuable PTAB employees are rewarded.</p>		
Rating Official Narrative: <i>(Optional)</i>		
Critical Element Rating -- Leading People	(b)(6)	

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



Critical Element 5. Results Driven	(Minimum Weight 20%)	Weight 60%
<p>This critical element must have at least 1 performance requirement (there is no maximum number of requirements, agency should specify if it sets a maximum number).</p>		
<p>This critical element includes specific performance requirements expected of the executive during the appraisal period, focusing on measurable results from the strategic plan or other measurable outputs and outcomes clearly aligned to organizational goals and objectives. At a minimum, the performance requirements must contain measurable results and their quality indicators describing the range of performance at Level 3 for each result specified. In addition to the quality indicators, applicable measures of quantity, timelines, and/or cost-effectiveness may be included as appropriate. It is recommended to also establish the threshold quality indicators and measures for Levels 5 and 2. Indicators must reflect the same level of performance as the respective performance standard contained in Part 5.</p>		
<p>Strategic Alignment—identify clear, transparent alignment to agency strategic planning initiatives (e.g., relevant agency or organizational goals/objectives with cited page numbers from the Strategic Plan, Congressional Budget Justification/Annual Performance Plan, or other organizational planning document) in the designated section for each performance requirement.</p>		
<p>Note: Performance requirements must contain results and quality indicators that are clearly and differentially identified (e.g., highlighted, bold, underlined) so that it is readily evident on what the senior executive will be rated and what is expected for success.</p>		
<p>Performance Requirement 1: 35% Weight (b)(6)</p> <p><b>America Invents Act Trial Timeliness:</b>  <b>Maintain AIA trial completion in 12 months, or in 18 months in cases with extensions for good cause. Maintain issuance of AIA trial decisions on institution within statutory period of 3 months.</b></p>	<p>Strategic Alignment:</p> <p><b>USPTO Strategic Plan, Goal 1, Objective 7-A</b></p>	
<p>Performance Requirement 2: 30% Weight (b)(6)</p> <p><b>Ex Parte Inventory / Pendency Reduction:</b>  <b>Achieve a reduction of ex parte appeal inventory and achieve substantial progress toward an appeal pendency of 12 months.</b></p>	<p>Strategic Alignment:</p> <p><b>USPTO Strategic Plan, Goal 1, Objective 7-B</b></p>	
<p>Performance Requirement 3: 35% Weight (b)(6)</p> <p><b>PTAB Decision Consistency:</b>  <b>Facilitate and enhance regular extra-panel review of final AIA decisions, excluding rehearing decisions, and management review of ex parte appeals decisions. Ensure clear and consistent legal and procedural positions are taken on behalf of USPTO by PTAB judges and attorneys.</b></p>	<p>Strategic Alignment:</p> <p><b>USPTO Strategic Plan, Goal 1, Objective 7-D</b></p>	
<p>Rating Official Narrative: <i>(Optional)</i></p>		
<p>Critical Element Rating – Results Driven</p>		<p>(b)(6)</p>

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

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

**Part 8: Agency Use**

NEW

IA: \_\_\_\_\_

MR#: \_\_\_\_\_

IP#: \_\_\_\_\_

# CLASSIFICATION AND PERFORMANCE MANAGEMENT RECORD

- Performance Plan
- Performance Appraisal
- Performance Recognition
- Progress Review
- Position Description

Employee's Name: WEIDENFELLER, SCOTT C. Social Security No. (b)(6)

Position Title: Senior Counsel for Patent Law and Litigation

Pay Plan, Series, Grade/Step: SL-1222

- Organization:
- |                                     |          |
|-------------------------------------|----------|
| 1. <u>OFFICE OF GENERAL COUNSEL</u> | 4. _____ |
| 2. <u>OFFICE OF THE SOLICITOR</u>   | 5. _____ |
| 3. _____                            | 6. _____ |

Rating Period: OCTOBER 1, 2015 - SEPTEMBER 30, 2016

Covered By:  Senior Executive Service  Other SL

General Workforce

## PART A—POSITION DESCRIPTION

**POSITION CERTIFICATION**—I certify that this is an accurate statement of the major duties and responsibilities of the position and its organization relationships and that the position is necessary to carry out Government functions for which I am responsible. This certification is made with the knowledge that this information is to be used for statutory purposes relating to appointment and payment of public funds and that false or misleading statements may constitute violation of such statute or their implementing regulations.

SUPERVISOR'S SIGNATURE	DATE	SECOND LEVEL SUPERVISOR	DATE

<b>CLASSIFICATION CERTIFICATION</b>	OFFICIAL TITLE:				
	PP:	SERIES:	FUNC:	GRADE:	IA: <input type="checkbox"/> YES <input type="checkbox"/> NO

I certify that this position has been classified as required by Title 5, US Code, in conformance with standards published by the OPM or, if no published standard applies directly, consistently with the most applicable published standards.

NAME AND TITLE OF CLASSIFIER	SIGNATURE	DATE

## PART B—PERFORMANCE PLAN

This plan is an accurate statement of the work that will be the basis of the employee's performance appraisal.

NAME AND TITLE OF FIRST LINE SUPERVISOR/RATING OFFICIAL	SIGNATURE	DATE
<u>THOMAS W. KRAUSE, ACTING DEPUTY GENERAL COUNSEL FOR IP LAW AND SOLICITOR</u>	<span style="background-color: #ADD8E6; padding: 2px;">(b)(6)</span>	

**APPROVAL**—I agree with the certification of the position description and approve the performance plan.

NAME AND TITLE OF APPROVING OFFICIAL OR SES APPOINTING AUTHORITY	SIGNATURE	DATE
<u>SARAH T. HARRIS, GENERAL COUNSEL</u>	<span style="background-color: #ADD8E6; padding: 2px;">(b)(6)</span>	

EMPLOYEE ACKNOWLEDGEMENT—My signature acknowledges discussion of the position description and receipt of the plan, and does not necessarily signify agreement.	SIGNATURE	DATE
	<span style="background-color: #ADD8E6; padding: 2px;">(b)(6)</span>	<u>10/27/15</u>

**PRIVACY ACT STATEMENT**—Disclosure of your social security number on this form is voluntary. The number is linked with your name in the official personnel records system to ensure unique identification of your records. The social security number will be used solely to ensure accurate entry of your performance rating into the automated record system.

# APPENDIX A GENERIC PERFORMANCE STANDARDS

## INSTRUCTIONS

The generic performance standards (GPS) are the primary basis for assigning element ratings in the Department of Commerce. The GPS are to be applied to each critical (and non-critical) element in the performance plan. (Summary ratings are assigned by using a point scale after each element has been rated.)

When evaluating an element, the rater should:

1. Read carefully each performance standard level beginning with the fully successful one. (It is considered the base level standard.)
2. Determine which level best describes the employee's performance on the element. (Each and every criterion in the standards does not have to be met by the employee in absolute terms for the rater to assign a particular rating level. The sum of the employee's performance of the element must, in the rater's judgment, meet the assigned level's criteria.)
3. Provide in writing, on the appraisal form, specific examples of accomplishments which support the assigned rating level.

Element ratings of fully successful do not require fully written documentation unless the employee requests it. To assign a fully successful element rating, the rating official need only document in writing that: (1) the fully successful standards were met, and (2) that the rating was discussed in detail with the employee.

Occasionally, when rating some elements, a rating official may determine that an employee's performance on an element was not consistent. For example, the employee may have performed at the commendable level on several major activities within a critical element and at the marginal level on several others. In such a case, the rating official must consider the overall effort of the employee's work on the element and make a judgement as to the appropriate rating level he/she will assign. The rationale for the decision must be documented on the rating form, citing specific accomplishments which support the decision.

Any additional standards that are included in the performance plan must also be considered by the rating official. Such standards are included in performance plans to supplement the GPS, not supplant them. Rating officials should consider such standards within the context of the GPS and rate elements accordingly.

## OUTSTANDING

### SES

This is a level of rare, high-quality performance. The employee has performed so well that organizational goals have been achieved that would not have been otherwise. The employee's mastery of technical skills and thorough understanding of the mission have been fundamental to the completion of program objectives.

The employee has exerted a major positive influence on management practices, operating procedures, and program implementation, which has contributed substantially to organizational growth and recognition. Preparing for the unexpected, the employee has planned and used alternate ways of reaching goals. Difficult assignments have been handled intelligently and effectively. The employee has produced an exceptional quantity of work, often ahead of established schedules and with little supervision.

In writing and speaking, the employee presents complex ideas clearly in a wide range of difficult communications situations. Desired results are attained.

## GENERAL WORK FORCE

This is a level of rare, high-quality performance. The quality and quantity of the employee's work substantially exceed fully successful standards and rarely leave room for improvement. The impact of the employee's work is of such significance that organizational objectives were accomplished that otherwise would not have been. The accuracy and thoroughness of the employee's work on this element are exceptionally reliable. Application of technical knowledge and skills goes beyond that expected for the position. The employee significantly improves the work processes and products for which he or she is responsible. Thoughtful adherence to procedures and formats, as well as suggestions for improvement in these areas, increase the employee's usefulness.

This person plans so that work follows the most logical and practical sequence; inefficient backtracking is avoided. He or she develops contingency plans to handle potential problems and adapts quickly to new priorities and changes in procedures and programs without losing sight of the longer-term purposes of the work. These strengths in planning and adaptability result in early or timely completion of work under all but the most extraordinary circumstances. Exceptions occur only when delays could not have been anticipated. The employee's planning skills result in cost-savings to the government.

In meeting element objectives, the employee handles interpersonal relationships with exceptional skill, anticipating and avoiding potential causes of conflict and actively promoting cooperation with clients, co-workers, and his or her supervisor.

The employee seeks additional work or special assignments related to this element at increasing levels of difficulty. The quality of such work is high and is done on time without disrupting regular work. Appropriate problems are brought to the supervisor's attention; most problems are dealt with routinely and with exceptional skill.

The employee's oral and written expression are exceptionally clear and effective. They improve cooperation among participants in the work and prevent misunderstandings. Complicated or controversial subjects are presented or explained effectively to a variety of audiences so that desired outcomes are achieved.

## SUPERVISORY\*

The employee is a strong leader who works well with others and handles difficult situations with dignity and effectiveness. The employee encourages independence and risk-taking among subordinates, yet takes responsibility for their actions. Open to the views of others, the employee promotes cooperation among peers and subordinates, while guiding, motivating, and stimulating positive responses. The employee's work performance demonstrates a strong commitment to fair treatment, equal opportunity, and the affirmative action objectives of the organization.

## COMMENDABLE

### SES

This is a level of unusually good performance. It has exceeded expectations in critical areas and shows sustained support of organizational goals. The employee has shown a comprehensive understanding of the objectives of the job and the procedures for meeting them.

The effective planning of the employee has improved the quality of management practices, op-

erating procedures, task assignments, or program activities. The employee has developed or implemented workable and cost-effective approaches to meeting organizational goals.

The employee has demonstrated an ability to get the job done well in more than one way, while handling difficult and unpredictable problems. The employee produces a high quantity of work, often ahead of established schedules with less than normal supervision.

The employee writes and speaks clearly on difficult subjects to a wide range of audiences.

## GENERAL WORK FORCE

This is a level of unusually good performance. The quantity and quality of work under this element are consistently above average. Work products rarely require even minor revision. Thoroughness and accuracy of work are reliable. The knowledge and skill the employee applies to this element are clearly above average, demonstrating problem-solving skill and insight into work methods and techniques. The employee follows required procedures and supervisory guidance so as to take full advantage of existing systems for accomplishing the organization's objectives.

The employee plans the work under this element so as to proceed in an efficient, orderly sequence that rarely requires backtracking and consistently leads to completion of the work by established deadlines. He or she uses contingency planning to anticipate and prevent problems and delays. Exceptions occur when delays have causes outside the employee's control. Cost savings are considered in the employee's work planning.

The employee works effectively on this element with co-workers, clients, as appropriate, and his or her supervisor, creating a highly successful cooperative effort. He or she seeks out additional work or special assignments that enhance accomplishment of this element and pursues them to successful conclusion without disrupting regular work. Problems which surface are dealt with; supervisory intervention to correct problems occurs rarely.

The oral and written expression applied to this element are noteworthy for their clarity and effectiveness, leading to improved understanding of the work by other employees and clients of the organization. Work products are generally given sympathetic consideration because they are well-presented.

## SUPERVISORY\*

The employee is a good leader, establishes sound working relationships and shows good judgment in dealing with subordinates, considering their views. He/she provides opportunities for staff to have a meaningful role in accomplishing organizational objectives and makes special efforts to improve each subordinate's performance.

## FULLY SUCCESSFUL

### SES

This is the level of good, sound performance. The employee has contributed positively to organizational goals. All critical element activities that could be completed are. The employee effectively applies technical skills and organization knowledge to get the job done.

The employee successfully carries out regular duties while also handling any difficult special assignments. The employee plans and performs work according to organizational priorities and schedules.

The employee also works well as a team member, supporting the group's efforts and showing an ability to handle a variety of interpersonal situations.

The employee communicates clearly and effectively.

All employees at this level and above have followed a management system by which work is planned, tasks are assigned, and deadlines are met.

### GENERAL WORK FORCE

This is the level of good, sound performance. The quality and quantity of the employee's work under this element are those of a fully competent employee. The performance represents a level of accomplishment expected of the great majority of employees. The employee's work products fully meet the requirements of the element. Major revisions are rarely necessary; most work requires only minor revision. Tasks are completed in an accurate, thorough, and timely way. The employee's technical skills and knowledge are applied effectively to specific job tasks. In completing work assignments, he or she adheres to procedures and format requirements and follows necessary instructions from supervisors.

The employee's work planning is realistic and results in completion of work by established deadlines. Priorities are duly considered in planning and performing assigned responsibilities. Work reflects a consideration of costs to the government, when possible.

In accomplishing element objectives, the employee's interpersonal behavior toward supervisors, co-workers, and users promotes attainment of work objectives and poses no significant problems.

The employee completes special assignments so their form and content are acceptable and regular duties are not disrupted. The employee performs additional work as his/her workload permits. Routine problems associated with completing assignments are resolved with a minimum of supervision.

The employee speaks and writes clearly and effectively.

### SUPERVISORY\*

The employee is a capable leader who works successfully with others and listens to suggestions.

The employee rewards good performance and corrects poor performance through sound use of performance appraisal systems, performance-based incentives and, when needed, adverse actions; and selects and assigns employees in ways that use their skills effectively.

The employee's work performance shows a commitment to fair treatment, equal opportunity, and the affirmative action objectives of the organization.

## MARGINAL

### SES

This level of performance, while demonstrating some positive contributions to the organization, shows notable deficiencies. It is below the level expected for the position, and requires corrective action. The quality, quantity or timeliness of the employee's work is less than Fully Successful, jeopardizing attainment of the element's objective. The employee's work under this element is at a level which may result in removal from the position.

There is much in the employee's performance that is useful. However, problems with quality, quantity or timeliness are too frequent or too serious to ignore. Performance is inconsistent and problems caused by deficiencies counterbalance acceptable work. These deficiencies cannot be overlooked since they create adverse consequences for the organization or create burdens for other

personnel. When needed as input into another work process, the work may not be finished with such quality, quantity and timeliness that other work can proceed as planned.

Although the work products are generally of useable quality, too often they require additional work by other personnel. The work products do not consistently and/or fully meet the organization's needs. Although mistakes may be without immediate serious consequences, over time they are detrimental to the organization.

A fair amount of work is accomplished, but the quantity does not represent what is expected of Fully Successful employees. Output is not sustained consistently and/or higher levels of output usually result in a decrease in quality. The work generally is finished within expected timeframes but significant deadlines too often are not met.

The employee's written and oral communications usually consider the nature and complexity of the subject and the intended audience. They convey the central points of information important to accomplishing the work. However, too often the communications are not focused, contain too much or too little information, and/or are conveyed in a tone that hinders achievement of the purpose of the communications. The listener or reader must question the employee at times to secure complete information or avoid misunderstandings.

### GENERAL WORK FORCE

This level of performance, while demonstrating some positive contributions to the organization, shows notable deficiencies. It is below the level expected for the position, and requires corrective action. The quality, quantity or timeliness of the employee's work is less than Fully Successful, jeopardizing attainment of the element's objective.

There is much in the employee's performance that is useful. However, problems with quality, quantity or timeliness are too frequent or too serious to ignore. Performance is inconsistent and problems caused by deficiencies counterbalance acceptable work. These deficiencies cannot be overlooked since they create adverse consequences for the organization or create burdens for other personnel. When needed as input into another work process, the work may not be finished with such quality, quantity and timeliness that other work can proceed as planned.

Although the work products are generally of useable quality, too often they require additional work by other personnel. The work products do not consistently and/or fully meet the organization's needs. Although mistakes may be without immediate serious consequences, over time they are detrimental to the organization.

A fair amount of work is accomplished, but the quantity does not represent what is expected of Fully Successful employees. Output is not sustained consistently and/or higher levels of output usually result in a decrease in quality. The work generally is finished within expected timeframes but significant deadlines too often are not met.

The employee's written communication usually considers the nature and complexity of the subject and the intended audience. It conveys the central points of information important to accomplishing the work. However, too often the communication is not focused, contains too much or too little information, and/or is conveyed in a tone that hinders achievement of the purpose of the communication. In communication to coworkers, the listener must question the employee at times to secure complete information or avoid misunderstandings.

### SUPERVISORY\*

Inadequacies surface in performing supervisory duties. Deficiencies in areas of supervision over an extended period of time affect adversely employee

productivity or morale, or organizational effectiveness. The marginal employee does not provide strong leadership or take the appropriate initiative to improve organizational effectiveness. For example, he/she too often fails to make decisions or fulfill supervisory responsibilities in a timely manner, to provide sufficient direction to subordinates on how to carry out programs, to give clear assignments and/or performance requirements, and/or to show an understanding of the goals of the organization or subordinates' roles in meeting those goals.

## UNSATISFACTORY

### SES

This is the level of unacceptable performance. Work products do not meet the minimum requirements of the critical element.

Most of the following deficiencies are typically, but not always, characteristic of the employee's work:

- Little or no contribution to organizational goals;
- Failure to meet work objectives;
- Inattention to organizational priorities and administrative requirements;
- Poor work habits resulting in missed deadlines, incomplete work products;
- Strained work relationships;
- Failure to respond to client needs; and/or
- Lack of response to supervisor's corrective efforts.

### GENERAL WORK FORCE

The quantity and quality of the employee's work under this element are not adequate for the position. The employee's work products fall short of requirements of the element. They arrive late or often require major revision because they are incomplete or inaccurate in content. The employee fails to apply adequate technical knowledge to complete the work of this element. Either the knowledge applied cannot produce the needed products, or it produces technically inadequate products or results. Lack of adherence to required procedures, instructions, and formats contributes to inadequate work products.

Because the employee's work planning lacks logic or realism, critical work remains incomplete or is unacceptably late. Lack of attention to priorities causes delays or inadequacies in essential work; the employee has concentrated on incidental matters.

The employee's behavior obstructs the successful completion of the work by lack of cooperation with clients, supervisor, and/or co-workers, or by loss of credibility due to irresponsible speech or work activity.

In dealing with special projects, the employee either sacrifices essential regular work or fails to complete the projects. The employee fails to adapt to changes in priorities, procedures, or program direction and therefore cannot operate adequately in relation to changing requirements.

The oral and written expression the employee uses in accomplishing the work of this element lacks the necessary clarity for successful completion of required tasks. Communication failures interfere with completion of work.

### SUPERVISORY\*

Most of the following deficiencies are typically, but not always, common, characteristics of the employee's work:

- Inadequate guidance to subordinates;
- Inattention to work progress; and
- Failure to stimulate subordinates to meet goals.

\* Supervisory standards must be applied to SES and General Work Force supervisors.

**SECTION I—PERFORMANCE PLAN, PROGRESS REVIEW AND APPRAISAL RECORD**

<b>Name</b> WEIDENFELLER, SCOTT C.	<b>Date</b>	<b>Sheet No.</b> 1 of 2
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**Item 1. Performance Element and Objective** (*Identify as Critical or Non-critical, and if it is being tracked at the Department level.*)

Critical       Non-critical

**Element:** COURT REPRESENTATION

**Objective:** Effective Court Representation

**Weighting Factor** (*Weights reflect the amount of time devoted to accomplishing the element and/or its importance. Weight for performance plans must total 100. Enter weight for this element in the adjacent block.*) 30

**Item 2. Major Activities** (*Identify activities or results that need to be accomplished in support of the performance element.*)

- (1) Representing the Director of the USPTO in Federal court litigation, including the Court of Appeals for the Federal Circuit, by (a) timely, thoroughly, clearly, and accurately drafting, submitting for approval, and/or filing briefs or pleadings which are sound in substance and/or (b) preparing and presenting oral arguments which are sound in substance and dignified, thorough, clear, and accurate;
- (2) Representing the Director of the USPTO in United States District court litigation by (a) timely, thoroughly, clearly, and accurately drafting, submitting for approval, and/or filing pleadings and/or other papers, which are sound in substance and/or (b) handling pretrial activities, conducting trials or presenting oral argument on motions, and handling post-trial activities on a basis which is sound in substance and timely, dignified, thorough, clear, and accurate;
- (3) Representing the United States in Supreme Court litigation by assisting the Solicitor General, the Department of Justice, or the Department of Commerce in analyzing intellectual property cases before the Court, and assisting the Solicitor General in drafting pleadings and preparing for arguments; and

**Item 3. Criteria for Evaluation** (*Use the generic performance standards printed in Appendix A. Supplemental performance standards may also be specified below.*)

See Continuation Page-- Element 1, Page 2.

**Optional Initial Block**

<b>Employee</b>	<b>Date</b>	<b>Supervisor</b>	<b>Date</b>

Name  
WEIDENFELLER, SCOTT C.

Element  
COURT REPRESENTATION

Sheet  
No. 1 of 2

Item 4. Progress Reviews (Indicate progress toward accomplishing this element, the need for any adjustments to the plan, or areas where performance needs to be improved.)

Employee's Initials	Date	Employee's Initials	Date
Supervisor's Initials	Date	Supervisor's Initials	Date

Item 5. Element Rating & Justification (Support rating in space below.)

5-Outstanding    4-Commendable    3-Fully Successful    2-Marginal/Minimally Satisfactory (SES)    1-Unacceptable/Unsatisfactory (SES)    Enter Rating 1-5 in adjacent block

Item 5.a. Approving Official/Appointing Authority Comments and Signature (Required only if approving official/appointing authority changes rating official's element rating in Item 5.)

Approving Official/Appointing Authority Signature

Date

**Performance Management Record  
Continuation Page – Element 1**

**Employee Name:** WEIDENFELLER, SCOTT C.

**Performance Element:** COURT REPRESENTATION

**Please identify item(s) continued:**

**(i.e., Item 2. Major Activities, Item 3. Criteria for Evaluation Item, 4. Progress Reviews,  
Item 5. Element Rating & Justification)**

(4) Representing the Director of the Office of Enrollment and Discipline in disciplinary proceedings by timely, thoroughly, clearly, and accurately drafting complaints, filing motions, and presenting cases, which are sound in substance, during hearings.



**Performance Management Record  
Continuation Page – Element 1**

**Employee Name:** WEIDENFELLER, SCOTT C.

**Performance Element:** COURT REPRESENTATION

**Please identify item(s) continued:**

**(i.e, Item 2. Major Activities, Item 3. Criteria for Evaluation Item, 4. Progress Reviews,  
Item 5. Element Rating & Justification)**

**Supplemental Performance Standards:**

**Outstanding**

Demonstrates a rare degree of independent legal judgment and expertise that greatly exceeds the performance of a fully successful attorney. Independently assesses litigation cases, and recognizes unique situations where a case has significant impact on the operations or reputation of the Agency. Independently formulates and articulates sound legal strategies for cases that readily meet associated deadlines and addresses unusual obstacles, and judges as to when involvement or notification of the Solicitor becomes necessary. Independently implements proposed strategy or advice without substantial assistance of the Solicitor or the General Counsel. Work product is of the highest quality, irrespective of legal complexity or uniquely complicated nature of facts. Consistently handles multiple pending litigation matters and serves as lead counsel on significant cases. Written work is always of the highest quality and rarely requires substantive editing by the Solicitor or the General Counsel. This attorney is often called upon to handle the most complex cases and to assist attorneys with their cases.

**Commendable**

Demonstrates an unusual degree of legal judgment and expertise that is consistently above average. Assesses litigation cases, and recognizes situations where a case has impact on the operations or activities of the Agency. Formulates sound legal strategies for cases that meet associated deadlines and addresses obstacles that may impair the conduct of a case. Involves the Solicitor where the potential for Agency-wide impact arises. Written work product is of consistently above-average quality and requires only occasional substantive editing. Works effectively in cooperative efforts with others to resolve cases involving complex legal issues or complicated nature of facts.

**Fully Successful**

Consistently meets all deadlines associated with conduct of litigation cases. Cases are always well-planned and properly strategized and rarely require the intervention of the Solicitor. Briefs, Answers, and Motions, are of acceptable quality and normally do not require significant substantive editing by the Solicitor or the General Counsel. Fosters a good working relationship with internal and external customers and independently helps resolve conflicts.

**Marginal**

Experiences some difficulty in meeting significant deadlines associated with the conduct of litigation cases. Case planning requires periodic intervention of the Solicitor. Work product needs significant editing by the Solicitor. Rarely fosters a good working relationship with internal and external customers.

**Unsatisfactory**

Experiences great difficulty in consistently meeting deadlines associated with the conduct of litigation cases, or missed one or more significant deadlines. Case planning is often hasty or non-existent and relies heavily on strategies formulated by the Solicitor. Has poor working relationship with internal and external customers.

**SECTION I—PERFORMANCE PLAN, PROGRESS REVIEW AND APPRAISAL RECORD**

Name **WEIDENFELLER, SCOTT C.**

Date

Sheet No. 1 of 2

Item 1. Performance Element and Objective (*Identify as Critical or Non-critical, and if it is being tracked at the Department level.*)

Critical       Non-critical

Element: **SPECIAL ASSIGNMENTS**

Objective: **Effective Handling of Special Assignments**

Weighting Factor (*Weights reflect the amount of time devoted to accomplishing the element and/or its importance. Weight for performance plans must total 100. Enter weight for this element in the adjacent block.*)

20

Item 2. Major Activities (*Identify activities or results that need to be accomplished in support of the performance element.*)

Employee independently handles special assignments, assigned by areas of expertise, in sound fashion as to substance and in a timely, thorough, clear, and accurate manner. Employee takes steps to ensure the Solicitor's Office meets these service level commitments:

- (1) review, preparation, comment, and/or advice on USPTO rule packages within 10 business days;
- (2) review, preparation, comment, and/or advice on notices for the Official Gazette and/or the Federal Register within 10 business days;
- (3) timely drafting and/or vetting questions for the registration and certification examinations, as well as the re-certification program;
- (4) reviewing training materials for examiners within 10 business days;
- (5) assisting the Patent and Trademark Commissioners in quality initiatives;

Item 3. Criteria for Evaluation (*Use the generic performance standards printed in Appendix A. Supplemental performance standards may also be specified below.*)

See Continuation Page -- Element 2, Page 2.

Optional Initial Block

Employee	Date	Supervisor	Date

Name  
WEIDENFELLER, SCOTT C.

Element  
SPECIAL ASSIGNMENTS

Sheet  
No. 1 of 2

Item 4. Progress Reviews (*Indicate progress toward accomplishing this element, the need for any adjustments to the plan, or areas where performance needs to be improved.*)

Employee's Initials	Date	Employee's Initials	Date
Supervisor's Initials	Date	Supervisor's Initials	Date

Item 5. Element Rating & Justification (*Support rating in space below.*)

5-Outstanding    4-Commendable    3-Fully Successful    2-Marginal/Minimally Satisfactory (SES)    1-Unacceptable/Unsatisfactory (SES)    Enter Rating 1-5 in adjacent block

Item 5.a. Approving Official/Appointing Authority Comments and Signature (*Required only if approving official/appointing authority changes rating official's element rating in Item 5.*)

Approving Official/Appointing Authority Signature

Date

**Performance Management Record  
Continuation Page – Element 2**

**Employee Name:** WEIDENFELLER, SCOTT C.

**Performance Element:** SPECIAL ASSIGNMENTS

**Please identify item(s) continued:**

**(i.e, Item 2. Major Activities, Item 3. Criteria for Evaluation Item, 4. Progress Reviews,  
Item 5. Element Rating & Justification)**

(6) disposing of written correspondence;

(7) answering oral inquiries;

(8) handling depositions of patent and/or trademark examiners and/or other USPTO employees in litigation not involving the Director within 10 business days;

(9) reviewing legislative matters within 5 business days;

(10) review, prepare, comment, and/or advice on petition decisions within 10 business days;

(11) reviewing speeches within 5 business days;

(12) organizing projects involving others in the Solicitor's Office, e.g., drafting OED exam questions and MPEP clearance;

(13) coordinating detail and intern program;

(14) assisting with recommending and purchasing equipment for the Solicitor; and

(15) review MPEP and TMEP revisions within 4 weeks.

**Performance Management Record  
Continuation Page – Element 2**

**Employee Name:** WEIDENFELLER, SCOTT C.

**Performance Element:** SPECIAL ASSIGNMENTS

**Please identify item(s) continued:**

**(i.e, Item 2. Major Activities, Item 3. Criteria for Evaluation Item, 4. Progress Reviews,  
Item 5. Element Rating & Justification)**

**Supplemental Performance Standards:**

**Outstanding**

Demonstrates a rare degree of independent legal judgment and expertise that greatly exceeds the performance of a fully successful attorney. Independently formulates and articulates sound legal arguments and strategies in handling special assignments. Work product is timely and of the highest quality, irrespective of legal complexity or uniquely complicated nature of facts and rarely requires substantive legal editing by the Solicitor or the General Counsel. Exhibits a high degree of working knowledge of OED and legislative matters. Stays informed of the latest developments in the assigned field and timely apprises the entire Office.

**Commendable**

Demonstrates an unusual degree of legal judgment and expertise that is consistently above average. Work product is timely and of high quality and occasionally requires editing by the Solicitor or General Counsel. Works effectively in cooperative efforts with others on special assignments involving complex legal issues or complicated nature of facts.

**Fully Successful**

Consistently meets all rulemaking, OED and other special assignment deadlines. Work product normally does not require significant editing by the Solicitor or the General Counsel.

**Marginal**

Experiences some difficulty in meeting deadlines. Work product often requires substantive legal editing by the Solicitor or the General Counsel.

**Unsatisfactory**

Experiences great difficulty in consistently meeting most deadlines. Work product consistently needs substantial legal editing by the Solicitor or the General Counsel.

**SECTION I—PERFORMANCE PLAN, PROGRESS REVIEW AND APPRAISAL RECORD**

Name WEIDENFELLER, SCOTT C.	Date	Sheet No. <u>1</u> of <u>2</u>
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Item 1. Performance Element and Objective (*Identify as Critical or Non-critical, and if it is being tracked at the Department level.*)

Critical       Non-critical

Element: GIVING LEGAL ADVICE

Objective: Giving Effective Legal Advice to the USPTO Director and Other USPTO Employees

Weighting Factor (*Weights reflect the amount of time devoted to accomplishing the element and/or its importance. Weight for performance plans must total 100. Enter weight for this element in the adjacent block.*)

15
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Item 2. Major Activities (*Identify activities or results that need to be accomplished in support of the performance element.*)

Employee renders, or assists the General Counsel or Deputy General Counsel for Intellectual Property Law and Solicitor (Solicitor) to render timely and sound legal advice to the Director, other USPTO employee, or the Department of Commerce as may be appropriate by:

- (1) thoroughly analyzing options and likely consequences of those options;
- (2) clearly presenting the options and consequences for review;
- (3) accurately preparing written opinions or accurately presenting oral opinions; and
- (4) utilizing his or her specialized areas of expertise.

Item 3. Criteria for Evaluation (*Use the generic performance standards printed in Appendix A. Supplemental performance standards may also be specified below.*)

See Continuation Page -- Element 3, Page 1

Optional Initial Block

Employee	Date	Supervisor	Date

Name  
WEIDENFELLER, SCOTT C.

Element  
GIVING LEGAL ADVICE

Sheet  
No. 1 of 2

Item 4. Progress Reviews (Indicate progress toward accomplishing this element, the need for any adjustments to the plan, or areas where performance needs to be improved.)

Employee's Initials	Date	Employee's Initials	Date
Supervisor's Initials	Date	Supervisor's Initials	Date

Item 5. Element Rating & Justification (Support rating in space below.)

5-Outstanding 4-Commendable 3-Fully Successful 2-Marginal/Minimally Satisfactory (SES) 1-Unacceptable/Unsatisfactory (SES) Enter Rating 1-5 in adjacent block

Item 5.a. Approving Official/Appointing Authority Comments and Signature (Required only if approving official/appointing authority changes rating official's element rating in Item 5.)

Approving Official/Appointing Authority Signature

Date

**Performance Management Record  
Continuation Page – Element 3**

**Employee Name:** WEIDENFELLER, SCOTT C.

**Performance Element:** GIVING LEGAL ADVICE

**Please identify item(s) continued:**

(i.e, **Item 2. Major Activities, Item 3. Criteria for Evaluation Item, 4. Progress Reviews, Item 5. Element Rating & Justification**)

Supplemental Performance Standards:

**Outstanding**

Demonstrates a rare degree of independent legal judgment and expertise that greatly exceeds the performance of a fully successful attorney. Independently assesses policy questions, and recognizes unique situations where a policy result has significant impact on the operations or reputation of the Agency. Identifies obscure, highly-technical legal issues that are observable only by the most skilled and technically astute attorneys. Independently formulates and articulates sound legal policy advice that readily meet associated deadlines and addresses unusual obstacles, and judges as to when involvement or notification of the Solicitor becomes necessary. Independently implements proposed strategy or advice without substantial assistance of the Solicitor or General Counsel. Legal advice is provided with complete independence and is relied upon or used to set Agency policies, procedures, or strategic planning. Written legal advice rarely requires substantial editing. Acts as the Solicitor's representative in providing legal advice to internal and external customers. Legal advice is of the highest quality, irrespective of legal complexity or uniquely complicated nature of facts.

**Commendable**

Demonstrates an unusual degree of legal judgment and expertise that is consistently above average. Assesses policy questions, and recognizes situations where a policy result has impact on the operations or activities of the Agency. Formulates sound legal policy advice that meet associated deadlines and addresses obstacles that may impair an Agency-wide outcome. Acts as the Solicitor's representative in providing legal advice to Agency staff. Involves the Solicitor where the potential for Agency-wide impact arises. Written legal advice is of consistently above-average quality and requires only occasional substantive editing. Works effectively in cooperative efforts with others to resolve policy questions involving complex legal issues or complicated nature of facts.

**Fully Successful**

Applies independent legal judgment. Consistently provides correct and thorough legal advice to customers. Recognizes unique situations where a policy issue has significant impact on the operations or reputation of the Agency, and duly notifies the Solicitor. Executes sound legal policy advice that readily meet associated deadlines and addresses unusual obstacles, and judges as to when involvement or notification of the Solicitor becomes necessary. Work product is of high quality, irrespective of legal complexity or uniquely complicated nature of facts. Written legal advice normally does not require significant editing. Fosters a good relationship with internal and external customers and independently resolves conflicts.

**Marginal**

Inconsistently demonstrates an ability to provide correct and thorough legal advice to customers. Written legal advice needs significant editing by the Solicitor. Frequently requires assistance in developing policy issues to meet customer needs within confines of legal requirements. Rarely fosters a good working relationship with internal and external customers

**Unsatisfactory**

Attorney is unreliable in the independent provision of competent legal advice. The Solicitor frequently reassigns a matter to a more competent attorney. Attorney has a poor working relationship with internal and external customers.



**SECTION I—PERFORMANCE PLAN, PROGRESS REVIEW AND APPRAISAL RECORD**

Name WEIDENFELLER, SCOTT C.	Date	Sheet No. <u>1</u> of <u>2</u>
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Item 1. Performance Element and Objective (*Identify as Critical or Non-critical, and if it is being tracked at the Department level.*)

Critical       Non-critical

Element: WORKING IN TEAM ENVIRONMENT

Objective: Ability to Work as Part of a Collective Team in Representing the USPTO Director

Weighting Factor (*Weights reflect the amount of time devoted to accomplishing the element and/or its importance. Weight for performance plans must total 100. Enter weight for this element in the adjacent block.*)

20
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Item 2. Major Activities (*Identify activities or results that need to be accomplished in support of the performance element.*)

Employee, utilizing his or her specialized areas of expertise, works constructively in the conduct of litigation, provision of legal advice, or performance of special assignments as a member of a larger team that may include other members of the Solicitor's Office, and/or members of the Office of General Counsel, other USPTO offices, the Department of Justice, or other federal agencies.

Employee's contribution to such teams helps create a more effective government position and resolve disputes amicably, even where opinions may differ between team members.

Employee treat opposing counsel and representatives of other parts of the USPTO or other agencies professionally and respectfully.

Item 3. Criteria for Evaluation (*Use the generic performance standards printed in Appendix A. Supplemental performance standards may also be specified below.*)

See Continuation Page -- Element 4, Page 1.

Optional Initial Block

Employee	Date	Supervisor	Date

Name  
WEIDENFELLER, SCOTT C.

Element  
WORKING IN TEAM ENVIRONMENT

Sheet  
No. 1 of 2

Item 4. Progress Reviews (Indicate progress toward accomplishing this element, the need for any adjustments to the plan, or areas where performance needs to be improved.)

Employee's Initials	Date	Employee's Initials	Date
Supervisor's Initials	Date	Supervisor's Initials	Date

Item 5. Element Rating & Justification (Support rating in space below.)

5-Outstanding   4-Commendable   3-Fully Successful   2-Marginal/ Minimally Satisfactory (SES)   1-Unacceptable/ Unsatisfactory (SES)   Enter Rating 1-5 in adjacent block

Item 5.a. Approving Official/Appointing Authority Comments and Signature (Required only if approving official/appointing authority changes rating official's element rating in Item 5.)

Approving Official/Appointing Authority Signature

Date

**Performance Management Record  
Continuation Page – Element 4**

**Employee Name:** WEIDENFELLER, SCOTT C.

**Performance Element:** WORKING IN TEAM ENVIRONMENT

**Please identify item(s) continued:**

**(i.e, Item 2. Major Activities, Item 3. Criteria for Evaluation Item, 4. Progress Reviews,  
Item 5. Element Rating & Justification)**

Supplemental Performance Standards:

**Outstanding**

Greatly exceeds expectations of team work. Always works well with SOL, USPTO, and DOJ staff, as well as opposing counsel. Fosters an outstanding relationship with other organizations and resolves any conflicts that arise in a professional manner. Significantly mentors new attorneys to produce exceptional work product and legal advisory results. Takes initiative with customers to develop processes, procedures or policies and proposes remedial measures that have an Agency-wide effect.

**Commendable**

Exceeds expectations of team work. Rarely does not work well with SOL, USPTO, and DOJ staff, as well as opposing counsel. Fosters a good relationship with other organizations and usually resolves any conflicts that arise in a professional manner. Reliably mentors new attorneys to produce an above average work product and legal advisory results. Facilitates coordination with customers and successfully advances Agency processes.

**Fully Successful**

Contributes to team efforts in developing an effective government position. Avoids conflict with SOL, USPTO, and DOJ staff, as well as opposing counsel. Works effectively in cooperative efforts with others to resolve matters. Provides mentorship for attorneys with less experience.

**Marginal**

Contributions to team efforts are inconsistent. Has some difficulty in fostering a working relationship with internal and external customers and difficulty resolving conflicts.

**Unsatisfactory**

Experiences great difficulty working in a team environment and resolving disputes. Has poor working relationship with internal and external customers.

**SECTION I—PERFORMANCE PLAN, PROGRESS REVIEW AND APPRAISAL RECORD**

Name <b>WEIDENFELLER, SCOTT C.</b>	Date	Sheet No. <u>1</u> of <u>2</u>
------------------------------------	------	--------------------------------

Item 1. Performance Element and Objective (*Identify as Critical or Non-critical, and if it is being tracked at the Department level.*)

Critical       Non-critical

Element: **MANAGEMENT**

Objective: **Ability to Assist the Solicitor with management, employee performance and organizational issues**

Weighting Factor (*Weights reflect the amount of time devoted to accomplishing the element and/or its importance. Weight for performance plans must total 100. Enter weight for this element in the adjacent block.*)

15
----

Item 2. Major Activities (*Identify activities or results that need to be accomplished in support of the performance element.*)

(1) 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 DOC; and ensures that they are appropriately reflected in performance plans throughout the organization with meaningful measures and clear priorities;

(2) exhibits vision and strategic thinking to address concerns that cross organizational boundaries and to meet the long-term interests of the Department; (3) uses creativity and innovation, and encourages new ideas and unconventional approaches in response to evolving conditions; and

(3) assists the Deputy General Counsel for IP Law and Solicitor in meeting mission requirements, employee performance, and management functions.

Item 3. Criteria for Evaluation (*Use the generic performance standards printed in Appendix A. Supplemental performance standards may also be specified below.*)

See Continuation Page-- Element 5, Page 1.

Optional Initial Block			
Employee	Date	Supervisor	Date

Item 4. Progress Reviews (Indicate progress toward accomplishing this element, the need for any adjustments to the plan, or areas where performance needs to be improved.)

Employee's Initials	Date	Employee's Initials	Date
Supervisor's Initials	Date	Supervisor's Initials	Date

Item 5. Element Rating & Justification (Support rating in space below.)

5-Outstanding    4-Commendable    3-Fully Successful    2-Marginal/Minimally Satisfactory (SES)    1-Unacceptable/Unsatisfactory (SES)    Enter Rating 1-5 in adjacent block

Item 5.a. Approving Official/Appointing Authority Comments and Signature (Required only if approving official/appointing authority changes rating official's element rating in Item 5.)

Approving Official/Appointing Authority Signature

Date

**Performance Management Record  
Continuation Page – Element 5**

**Employee Name:** WEIDENFELLER, SCOTT C.

**Performance Element:** MANAGEMENT

**Please identify item(s) continued:** Item 3. Criteria for Evaluation Item

**Supplemental Performance Standards:**

**Outstanding**

Greatly exceeds expectations of management contributions. Frequently takes initiative to design organizational performance measures and goals and monitor their progress. Takes on project lead of critical Solicitor projects. Aligns BU goals with Agency goals and updates as needed. Provides consistent back-up support to the Solicitor in dealing with organizational, employee, and mission-related issues to their successful conclusion with minimal guidance.

**Commendable**

Mostly exceeds expectations of management contributions. Exercises moderate initiative to assist with the design organizational performance measures and goals and monitor their progress. Assists with Solicitor projects. Aligns BU goals with Agency goals and seeks assistance to update as needed. Provides back-up support to the Solicitor in dealing with organizational, employee, and mission-related and makes recommendations to the Solicitor.

**Fully Successful**

Meets expectations of management contributions. Takes some initiative to assist with the design organizational performance measures and goals and monitor their progress. Aligns BU goals with Agency goals and seeks assistance to update as needed. Provides back-up support to the Solicitor in dealing with organizational, employee, and mission-related and makes recommendations to the Solicitor.

**Marginal**

Contributions to management are inconsistent. Has some difficulty in assisting with organizational, employee and mission-related issues and needs moderate guidance.

**Unsatisfactory**

Experiences great difficulty working management level 1 initiatives. Does not contribute to resolving organizational, employee and mission related issues.

Scott C. Weidenfeller  
FY 2016 Year-End Review

Rating: (b)(6)

Court Representation  
Special Assignments  
Giving Legal Advice  
Working in Team Environment  
Management

(b)(6)

Court Representation

(b)(6)

(b)(6)

Special Assignments

(b)(6)

Giving Legal Advice

(b)(6)



(b)(6)



Working in Team Environment

(b)(6)



Management

(b)(6)



(b)(6)



**SECTION II—PERFORMANCE SUMMARY AND RATING**

Name WEIDENFELLER, SCOTT C.

**ITEM 1. INSTRUCTIONS:**

1. List each element in the performance plan; indicate whether it is critical/non-critical and what weight has been assigned to it.
2. Assign a rating level for each element: **(5) Outstanding (4) Commendable (3) Fully Successful (2) Marginal/Minimally Satisfactory (SES) (1) Unacceptable/Unsatisfactory (SES)**
3. Score each element by multiplying the weight by the rating level.
4. After each element has been scored, compute total score by summing all individual scores. Total score can range from 100 to 500.

Performance Element	Critical or Non-critical (C or NC)	Individual Weights (Sum must total 100)	Element Rating (1-5)	Score
COURT REPRESENTATION	C	30	(b)(6)	
SPECIAL ASSIGNMENTS	C	20		
GIVING LEGAL ADVICE	C	15		
WORKING IN TEAM ENVIRONMENT	C	20		
MANAGEMENT	C	15		

**TOTAL SCORE:** (b)(6)

For SES turn to reverse side and continue with Item 3.

**ITEM 2. PERFORMANCE RATING:** *(Based on total score except that if any critical element is less than fully successful the rating can be no higher than the lowest critical element rating.)*

(b)(6)

Rating Official's Signature (b)(6)	Title Thomas W. Krause, Deputy Solicitor	Date 11/25/16
Approving Official's Signature (b)(6)	Title Nathan K. Kelley, Solicitor	Date 10/25/16
Employee's Signature (b)(6)	Employee comments attached? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	Date 10/25/16

**SECTION III—PERFORMANCE RECOGNITION (General Workforce Only)**

Performance Award \$ \_\_\_\_\_ ( \_\_\_ %)

QSI (Outstanding Rating Required)

**For performance awards:** Has employee been promoted during the appraisal cycle?  YES  NO

Appropriation No. \_\_\_\_\_

Rating Official's Signature	Title	Date
Approving Official's Signature	Title	Date
Final Approving Authority's Signature		Date
Payment Authorized By Personnel Office		Date



## SES Performance Management System Executive Performance Agreement



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

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

**Part 2. Progress Review**

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

**Part 3. Summary Rating**

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

**Higher Level Review (if applicable)**

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

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

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

Critical Element	Element Rating		Weight	Score		Summary Level Ranges
	Initial	Final (if changed)		Initial	Final (if changed)	
1. Leading Change			10%	(b)(6)		475-500 = Level 5 400-474 = Level 4 300-399 = Level 3 200-299 = Level 2 Any CE rated Level 1 = Level 1
2. Leading People		10%				
3. Business Acumen		10%				
4. Building Coalitions		10%				
5. Results Driven		60%				
<b>Total</b>			<b>100%</b>			

(b)(6)



## SES Performance Management System Executive Performance Agreement



<b>Part 1. Consultation.</b> <i>I have reviewed this plan and have been consulted on its development.</i>						
Executive's Name (Last, First, MI): <b>BOALICK, SCOTT R.</b>				Appraisal Pd. <b>10/1/15 - 9/30/16</b>		
Executive's Signature: (b)(6)				Date: <b>1/14/16</b>		
Title: <b>Vice Chief Administrative Patent Judge, U.S. Patent and Trademark Office</b>				Organization: <b>PTAB</b>		
Rating Official's Name (Last, First, MI): <b>KELLEY, NATHAN K., Chief Administrative Patent Judge (Acting)</b>				CA <input type="checkbox"/> NC <input type="checkbox"/> LT/LE <input type="checkbox"/>		
Rating Official's Signature: (b)(6)				Date: <b>1/14/2016</b>		
<b>Part 2. Progress Review</b>						
Executive's Signature: (b)(6)				Date: <b>5/20/2016</b>		
Rating Official's Signature: (b)(6)				Date: <b>5/20/2016</b>		
Reviewing Official's Signature (Optional):				Date:		
<b>Part 3. Summary Rating</b>						
<b>Initial Summary Rating</b>	<input type="checkbox"/> Level 5 Outstanding	<input type="checkbox"/> Level 4 Commendable	<input type="checkbox"/> Level 3 Fully Successful	<input type="checkbox"/> Level 2 Minimally Satisfactory	<input type="checkbox"/> Level 1 Unsatisfactory	
Rating Official's Name (Last, First, MI): <b>KELLEY, NATHAN K., Chief Administrative Patent Judge (Acting)</b>						
Rating Official's Signature:				Date:		
Executive's Signature:				Date:		
Reviewing Official's Signature (Optional):				Date:		
<b>Higher Level Review (if applicable)</b>						
<input type="checkbox"/> I request a higher level review. Executive's Initials:				Date:		
Higher Level Review Completed <input type="checkbox"/>				Date:		
Higher Level Reviewer Signature:						
<b>Performance Review Board Recommendation</b>						
		<input type="checkbox"/> Level 5	<input type="checkbox"/> Level 4	<input type="checkbox"/> Level 3	<input type="checkbox"/> Level 2	<input type="checkbox"/> Level 1
PRB Chair Signature:				Date:		
<b>Annual Summary Rating</b>						
		<input type="checkbox"/> Level 5	<input type="checkbox"/> Level 4	<input type="checkbox"/> Level 3	<input type="checkbox"/> Level 2	<input type="checkbox"/> Level 1
Appointing Authority Signature:				Date:		
<b>Part 4. Derivation Formula and Calculation of Annual Summary Rating</b>						
Critical Element	Element Rating		Weight	Score		<b>Summary Level Ranges</b>  475-500 = Level 5 400-474 = Level 4 300-399 = Level 3 200-299 = Level 2 Any CE rated Level 1 = Level 1
	Initial	Final (if changed)		Initial	Final (if changed)	
1. Leading Change			10%			
2. Leading People			10%			
3. Business Acumen			10%			
4. Building Coalitions			10%			
5. Results Driven			60%			
Total			100%			

**SES Performance Management System  
Executive Performance Agreement**



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

Executive's Name (Last, First, MI): <b>Boalick, Scott R.</b>	Appraisal Pd. 10/1/19 - 9/30/20
Executive's Signature: (b)(6)	Date: 9/30/2019
Title: <b>Chief Administrative Patent Judge</b>	Organization: PTAB
Rating Official's Name (Last, First, MI): <b>Peter, Laura A.</b>	CA <input checked="" type="checkbox"/> NC <input type="checkbox"/> LT/LE <input type="checkbox"/>
Rating Official's Signature: (b)(6)	Date: 9/30/2019

**Part 2. Progress Review**

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

**Part 3. Summary Rating**

<b>Initial Summary Rating</b>	<input type="checkbox"/> Level 5 Outstanding	<input type="checkbox"/> Level 4 Commendable	<input type="checkbox"/> Level 3 Fully Successful	<input type="checkbox"/> Level 2 Minimally Satisfactory	<input type="checkbox"/> Level 1 Unsatisfactory
Rating Official's Name (Last, First, MI):					
Rating Official's Signature:				Date:	
Executive's Signature:				Date:	
Reviewing Official's Signature (Optional):				Date:	

**Higher Level Review (if applicable)**

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

**Performance Review Board Recommendation**

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

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

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

**Part 5. Performance Standards and Critical Elements**

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

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

**Element Rating Level Points**

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

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

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

## Agency-Specific Performance Requirements

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

Rating Official Narrative: *(Optional)*

Critical Element Rating – Leading Change

 Level 5 Level 4 Level 3 Level 2 Level 1**Critical Element 2. Leading People****(Minimum weight 5 points) Weight 10%**

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

## Agency-Specific Performance Requirements

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

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

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

Rating Official Narrative: *(Optional)*

Critical Element Rating – Leading People

 Level 5 Level 4 Level 3 Level 2 Level 1



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

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

Agency-Specific Performance Requirements

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

Rating Official Narrative: *(Optional)*

Critical Element Rating – Business Acumen

Level 5

Level 4

Level 3

Level 2

Level 1

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

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

Agency-Specific Performance Requirements

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

Rating Official Narrative: *(Optional)*

Critical Element Rating – Building Coalitions

Level 5

Level 4

Level 3

Level 2

Level 1

Critical Element 5. Results Driven	(Minimum Weight 20 points) Weight 60%
<p>This critical element must have at least 1 performance requirement (there is no maximum number of requirements, agency should specify if it sets a maximum number).</p>	
<p>This critical element includes specific performance requirements expected of the executive during the appraisal period, focusing on measurable results from the strategic plan or other measurable outputs and outcomes clearly aligned to organizational goals and objectives. At a minimum, the performance requirements must contain measurable results and their quality indicators describing the range of performance at Level 3 for each result specified. In addition to the quality indicators, applicable measures of quantity, timelines, and/or cost-effectiveness may be included as appropriate. It is recommended to also establish the threshold quality indicators and measures for Levels 5 and 2. Indicators must reflect the same level of performance as the respective performance standard contained in Part 5.</p>	
<p>Strategic Alignment—identify clear, transparent alignment to agency strategic planning initiatives (e.g., relevant agency or organizational goals/objectives with cited page numbers from the Strategic Plan, Congressional Budget Justification/Annual Performance Plan, or other organizational planning document) in the designated section for each performance requirement.</p>	
<p><b>Note:</b> Performance requirements must contain results and quality indicators that are clearly and differentially identified (e.g., highlighted, bold, underlined) so that it is readily evident on what the senior executive will be rated and what is expected for success.</p>	
<p>Performance Requirement 1: 25% Weight</p> <p>America Invents Act Trial Timeliness: Achieve AIA trial completion in compliance with applicable legal requirements in 12 months from institution, or in 18 months from institution in cases with extensions for good cause, for 95% of all AIA trials not subject to joinder. Achieve issuance of AIA petition decisions on institution in compliance with applicable legal requirements within statutory period of 3 months for 95% of all AIA petitions.</p>	<p>Strategic Alignment:</p> <p>FY 2018-2022 USPTO Strategic Plan, Goal 1 - Optimize Patent Quality and Timeliness,</p> <p>Objective 4 - Enhance Operations of the Patent Trial And Appeal Board</p>
<p>Performance Requirement 2: 25% Weight</p> <p>Ex Parte Appeal Timeliness: Manage the average overall pendency for ex parte appeals, excluding appeals for reexam and reissue proceedings, to resolve ex parte appeals in a timely manner consistent with available resources, and implement programs to balance pendency across technologies.</p>	<p>Strategic Alignment:</p> <p>FY 2018-2022 USPTO Strategic Plan, Goal 1 - Optimize Patent Quality and Timeliness,</p> <p>Objective 4 - Enhance Operations of the Patent Trial And Appeal Board</p>
<p>Performance Requirement 3: 25% Weight</p> <p>PTAB Decision Consistency: Ensure that PTAB judges render high quality, well-reasoned, and consistent written orders and opinions in accordance with the authority granted under Title 35 of the United States Code and Title 37 of the Code of Federal Regulations, binding case law precedent, and written guidance applicable to PTAB proceedings issued by the Director or the Director's delegate. Ensure review of 25% of final AIA decisions, excluding rehearing decisions and decisions in cases on remand from the U.S. Court of Appeals for the Federal Circuit, and 2% of ex parte appeals decisions.</p>	<p>Strategic Alignment:</p> <p>FY 2018-2022 USPTO Strategic Plan, Goal 1 - Optimize Patent Quality and Timeliness,</p> <p>Objective 4 - Enhance Operations of the Patent Trial And Appeal Board</p>
<p>Performance Requirement 4: 25% Weight</p> <p>Effective Communications: Ensure clear, timely, and accurate communications concerning PTAB matters to PTAB judges and staff, other USPTO business units, and external</p>	<p>Strategic Alignment:</p> <p>FY 2018-2022 USPTO Strategic Plan, Goal 1 - Optimize Patent Quality and Timeliness,</p>

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

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

Rating Official Narrative: *(Optional)*

Critical Element Rating – Results Driven

Level 5

Level 4

Level 3

Level 2

Level 1

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

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

**Part 8: Agency Use**

## Deriving the Results Driven Rating Worksheet

Executive Name \_\_\_\_\_

Rating Period \_\_\_\_\_

Results Driven Performance Requirements (PR)	Performance Requirement Rating Level Score	Weight (multiply by)	Performance Requirement Points Score	Point Ranges to Rating Level Score	Results Driven Initial Element Score
Performance Requirement 1				Points 475 – 500 = Level 5 Rating Score Points 400–474 = Level 4 Rating Score Points 300 – 399 = Level 3 Rating Score Points 200 – 299 = Level 2 Rating Score Any PR rated Level 1 overall score must be = Level 1 Rating Score	
Performance Requirement 2					
Performance Requirement 3					
Performance Requirement 4					
		= 100%			
Performance Requirement Total Score				___ = Level ___	

### Example of Results Driven Element Being Rated Level 4

Results Driven Performance Requirements (PR)	Performance Requirement Rating Level Score	Weight (multiply by)	Performance Requirement Points Score	Point Ranges to Rating Level Score	Results Driven Initial Element Score
Performance Requirement 1	4	x 25	100	Points 475 – 500 = Level 5 Rating Score Points 400 – 474 = Level 4 Rating Score Points 300 – 399 = Level 3 Rating Score Points 200 – 299 = Level 2 Rating Score Any PR rated Level 1 overall score must be = Level 1 Rating Score	
Performance Requirement 2	5	x 30	150		
Performance Requirement 3	5	x 15	75		
Performance Requirement 4	3	x 30	90		
		= 100%			
Performance Requirement Total Score			415	415= Level 4	4*

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

**SES Performance Management System  
Executive Performance Plan**



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

Executive's Name (Last, First, MI): <b>BONILLA, JACQUELINE</b>	Appraisal Pd. <b>10/01/16 - 9/30/17</b>
Executive's Signature: (b)(6)	Date: <b>2/17/2017</b>
Title: <b>Vice Chief Administrative Patent Judge, Patent Trial and Appeal Board, U.S. Patent and Trademark Office</b>	Organization: <b>PTAB</b>
Rating Official's Name (Last, First, MI): <b>BOALICK, SCOTT R., Deputy Chief Administrative Patent Judge</b>	CA <input type="checkbox"/> NC <input type="checkbox"/> LT/LE <input type="checkbox"/>
Rating Official's Signature: (b)(6)	Date: <b>2/17/17</b>

**Part 2. Progress Review**

Executive's Signature: (b)(6)	Date: <b>4/13/17</b>
Rating Official's Signature: (b)(6)	Date: <b>4/13/17</b>
Reviewing Official's Signature (Optional):	Date:

**Part 3. Summary Rating**

Initial Summary Rating	(b)(6)
Rating Official's Name (Last, First, MI): <b>BOALICK, SCOTT R., Deputy Chief Administrative Patent Judge</b>	
Rating Official's Signature: (b)(6)	Date: <b>10/30/17</b>
Executive's Signature: (b)(6)	Date: <b>10/30/17</b>
Reviewing Official's Signature (Optional):	Date:

**Higher Level Review (if applicable)**

<input type="checkbox"/> I request a higher level review. Executive's Initials:	Date:
Higher Level Review Completed <input type="checkbox"/>	Date:
Higher Level Reviewer Signature:	
Performance Review Board Recommendation	(b)(6)
PRB Chair Signature: <i>Scott R. Boalick</i>	Date:
Annual Summary Rating	(b)(6)
Appointing Authority Signature: (b)(6)	Date:

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

Critical Element	Element Rating		Weight	Score		Summary Level Ranges
	Initial	Final (if changed)		Initial	Final (if changed)	
1. Leading Change	(b)(6)		10%	(b)(6)		475-500 = Level 5 400-474 = Level 4 300-399 = Level 3 200-299 = Level 2 Any CE rated Level 1 = Level 1
2. Leading People			10%			
3. Business Acumen			10%			
4. Building Coalitions			10%			
5. Results Driven			60%			
<b>Total</b>			<b>100%</b>			

**Part 5. Performance Standards and Critical Elements**

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

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

**Element Rating Level Points**

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

Critical Element 1. Leading Change	(Minimum weight 5%)	Weight 10%
<p><b>Mandatory Performance Requirement:</b> Develops and implements an organizational vision that integrates key organizational and program goals, priorities, values, and other factors. Assesses and adjusts to changing situations, implementing innovative solutions to make organizational improvements, ranging from incremental improvements to major shifts in direction or approach, as appropriate. Balances change and continuity; continually strives to improve service and program performance; creates a work environment that encourages creative thinking, collaboration, and transparency; and maintains program focus, even under adversity.</p>		
<p>Agency-Specific Performance Requirements</p> <p>Lead PTAB through continuing development, enhancement, and optimization of organizational structure, policies, and proceedings. Lead PTAB with further appropriate adjustments in number of judges and other personnel. Lead PTAB through further phases of issuing America Invents Act Trial final decisions and enhancement of rules of practice, precedential opinion process, and guidance to stakeholders.</p>		
<p>Rating Official Narrative: <i>(Optional)</i></p>		
Critical Element Rating – Leading Change	(b)(6)	
Critical Element 2. Leading People	(Minimum weight 5%)	Weight 10%
<p><b>Mandatory Performance Requirement:</b> Designs and implements strategies that maximize employee potential, connects the organization horizontally and vertically, and fosters high ethical standards in meeting the organization's vision, mission, and goals. Provides an inclusive workplace that fosters the development of others to their full potential; allows for full participation by all employees; facilitates collaboration, cooperation, and teamwork, and supports constructive resolution of conflicts. Ensures employee performance plans are aligned with the organization's mission and goals, that employees receive constructive feedback, and that employees are realistically appraised against clearly defined and communicated performance standards. Holds employees accountable for appropriate levels of performance and conduct. Seeks and considers employee input. Recruits, retains, and develops the talent needed to achieve a high quality, diverse workforce that reflects the nation, with the skills needed to accomplish organizational performance objectives while supporting workforce diversity, workplace inclusion, and equal employment policies and programs.</p>		
<p>Agency-Specific Performance Requirements</p> <p><i>Lead, develop, and implement actions to improve employee engagement in your area based on employee feedback gathered from sources including the USPTO People Survey, Federal Employee Viewpoint Survey, focus groups and other initiatives.</i></p> <p>Serve as Vice Chief Judge. Provide policy direction and guidance to the PTAB. Assist the Deputy Chief Judge and Chief Judge with Business Unit Head functions on the Executive Committee and Management Council of the Agency, and otherwise, as appropriate. Lead continuing activities directed at PTAB execution of duties given to the PTAB under the America Invents Act. Ensure PTAB employees are efficiently working on mission-critical tasks. Ensure the most valuable PTAB employees are rewarded.</p>		
<p>Rating Official Narrative: <i>(Optional)</i></p>		
Critical Element Rating – Leading People	(b)(6)	



<b>Critical Element 3. Business Acumen</b>	<b>(Minimum weight 5%)</b>	<b>Weight 10%</b>
<p><b>Mandatory Performance Requirement:</b> Assesses, analyzes, acquires, and administers human, financial, material, and information resources in a manner that instills public trust and accomplishes the organization's mission. Uses technology to enhance processes and decision making. Executes the operating budget; prepares budget requests with justifications; and manages resources.</p>		
<p>Agency-Specific Performance Requirements</p> <p><b>Advance development of improved PTAB IT systems and system integration to meet stakeholder needs and to support USPTO's mission. Encourage electronic filing and eliminate paper where possible. Manage allocation of budget resources to accommodate business unit needs. Ensure that user fees are used on only the most mission critical activities. Further develop capabilities of larger management team.</b></p>		
<p>Rating Official Narrative: <i>(Optional)</i></p>		
<p><i>Critical Element Rating – Business Acumen</i></p>	<p>(b)(6)</p>	
<b>Critical Element 4. Building Coalitions</b>	<b>(Minimum weight 5%)</b>	<b>Weight 10%</b>
<p><b>Mandatory Performance Requirement:</b> Solicits and considers feedback from internal and external stakeholders or customers. Coordinates with appropriate parties to maximize input from the widest range of appropriate stakeholders to facilitate an open exchange of opinion from diverse groups and strengthen internal and external support. Explains, advocates, and expresses facts and ideas in a convincing manner and negotiates with individuals and groups internally and externally, as appropriate. Develops a professional network with other organizations and identifies the internal and external politics that affect the work of the organization.</p>		
<p>Agency-Specific Performance Requirements</p> <p><b>Collaborate with other business units, where possible, to implement strategies for reducing ex parte appeals inventory within limits imposed by AIA trial inventory and deadlines. Coordinate and share information within PTAB and with other business units. Interact with public to instruct on PTAB AIA trial and appeal practice and procedures. Ensure clear and consistent messaging is coordinated internally and communicated to stakeholders. Enhance stakeholder outreach, engagement and customer service -- including to small businesses and independent inventors.</b></p>		
<p>Rating Official Narrative: <i>(Optional)</i></p>		
<p><i>Critical Element Rating – Building Coalitions</i></p>	<p><input type="checkbox"/> Level 5</p>	<p><input checked="" type="checkbox"/> Level 4</p>
	<p><input type="checkbox"/> Level 3</p>	<p><input type="checkbox"/> Level 2</p>
		<p><input type="checkbox"/> Level 1</p>

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.		
<b>Note:</b> Performance requirements must contain results and quality indicators that are clearly and differentially identified (e.g., highlighted, bold, underlined) so that it is readily evident on what the senior executive will be rated and what is expected for success.		
Performance Requirement 1: 35% Weight	(b)(6)	Strategic Alignment:
<b>America Invents Act Trial Timeliness:</b> Maintain AIA trial completion in 12 months, or in 18 months in cases with extensions for good cause. Maintain issuance of AIA trial decisions on institution within statutory period of 3 months.		USPTO Strategic Plan, Goal 1, Objective 7-A
Performance Requirement 2: 30% Weight	(b)(6)	Strategic Alignment:
<b>Ex Parte Inventory / Pendency Reduction:</b> Achieve a reduction of ex parte appeal inventory and achieve substantial progress toward an appeal pendency of 12 months.		USPTO Strategic Plan, Goal 1, Objective 7-B
Performance Requirement 3: 35% Weight	(b)(6)	Strategic Alignment:
<b>PTAB Decision Consistency:</b> Facilitate and enhance regular extra-panel review of final AIA decisions, excluding rehearing decisions, and management review of ex parte appeals decisions. Ensure clear and consistent legal and procedural positions are taken on behalf of USPTO by PTAB judges and attorneys.		USPTO Strategic Plan, Goal 1, Objective 7-D
Rating Official Narrative: <i>(Optional)</i>		
Critical Element Rating – Results Driven		(b)(6)

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

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

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**Part 8: Agency Use**

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## SES Performance Management System Executive Performance Agreement



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

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

**Part 2. Progress Review**

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

**Part 3. Summary Rating**

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

**Higher Level Review (if applicable)**

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

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

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

Critical Element	Element Rating		Weight	Score		Summary Level Ranges
	Initial	Final (if changed)		Initial	Final (if changed)	
1. Leading Change			10%	(b)(6)		475-500 = Level 5 400-474 = Level 4 300-399 = Level 3 200-299 = Level 2 Any CE rated Level 1 = Level 1
2. Leading People		10%				
3. Business Acumen		10%				
4. Building Coalitions		10%				
5. Results Driven		60%				
<b>Total</b>			<b>100%</b>			

(b)(6)



## SES Performance Management System Executive Performance Agreement



<b>Part 1. Consultation.</b> <i>I have reviewed this plan and have been consulted on its development.</i>						
Executive's Name (Last, First, MI): <b>BOALICK, SCOTT R.</b>				Appraisal Pd. <b>10/1/15 - 9/30/16</b>		
Executive's Signature: (b)(6)				Date: <b>1/14/16</b>		
Title: <b>Vice Chief Administrative Patent Judge, U.S. Patent and Trademark Office</b>				Organization: <b>PTAB</b>		
Rating Official's Name (Last, First, MI): <b>KELLEY, NATHAN K., Chief Administrative Patent Judge (Acting)</b>				CA <input type="checkbox"/> NC <input type="checkbox"/> LT/LE <input type="checkbox"/>		
Rating Official's Signature: (b)(6)				Date: <b>1/14/2016</b>		
<b>Part 2. Progress Review</b>						
Executive's Signature: (b)(6)				Date: <b>5/20/2016</b>		
Rating Official's Signature: (b)(6)				Date: <b>5/20/2016</b>		
Reviewing Official's Signature (Optional):				Date:		
<b>Part 3. Summary Rating</b>						
<b>Initial Summary Rating</b>	<input type="checkbox"/> Level 5 Outstanding	<input type="checkbox"/> Level 4 Commendable	<input type="checkbox"/> Level 3 Fully Successful	<input type="checkbox"/> Level 2 Minimally Satisfactory	<input type="checkbox"/> Level 1 Unsatisfactory	
Rating Official's Name (Last, First, MI): <b>KELLEY, NATHAN K., Chief Administrative Patent Judge (Acting)</b>						
Rating Official's Signature:				Date:		
Executive's Signature:				Date:		
Reviewing Official's Signature (Optional):				Date:		
<b>Higher Level Review (if applicable)</b>						
<input type="checkbox"/> I request a higher level review. Executive's Initials:				Date:		
Higher Level Review Completed <input type="checkbox"/>				Date:		
Higher Level Reviewer Signature:						
<b>Performance Review Board Recommendation</b>						
		<input type="checkbox"/> Level 5	<input type="checkbox"/> Level 4	<input type="checkbox"/> Level 3	<input type="checkbox"/> Level 2	<input type="checkbox"/> Level 1
PRB Chair Signature:				Date:		
<b>Annual Summary Rating</b>						
		<input type="checkbox"/> Level 5	<input type="checkbox"/> Level 4	<input type="checkbox"/> Level 3	<input type="checkbox"/> Level 2	<input type="checkbox"/> Level 1
Appointing Authority Signature:				Date:		
<b>Part 4. Derivation Formula and Calculation of Annual Summary Rating</b>						
Critical Element	Element Rating		Weight	Score		<b>Summary Level Ranges</b>  475-500 = Level 5 400-474 = Level 4 300-399 = Level 3 200-299 = Level 2 Any CE rated Level 1 = Level 1
	Initial	Final (if changed)		Initial	Final (if changed)	
1. Leading Change			10%			
2. Leading People			10%			
3. Business Acumen			10%			
4. Building Coalitions			10%			
5. Results Driven			60%			
Total			100%			

**SES Performance Management System  
Executive Performance Agreement**



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

Executive's Name (Last, First, MI): <b>Boalick, Scott R.</b>	Appraisal Pd. 10/1/19 - 9/30/20
Executive's Signature: (b)(6)	Date: 9/30/2019
Title: <b>Chief Administrative Patent Judge</b>	Organization: PTAB
Rating Official's Name (Last, First, MI): <b>Peter, Laura A.</b>	CA <input checked="" type="checkbox"/> NC <input type="checkbox"/> LT/LE <input type="checkbox"/>
Rating Official's Signature: (b)(6)	Date: 9/30/2019

**Part 2. Progress Review**

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

**Part 3. Summary Rating**

<b>Initial Summary Rating</b>	<input type="checkbox"/> Level 5 Outstanding	<input type="checkbox"/> Level 4 Commendable	<input type="checkbox"/> Level 3 Fully Successful	<input type="checkbox"/> Level 2 Minimally Satisfactory	<input type="checkbox"/> Level 1 Unsatisfactory
Rating Official's Name (Last, First, MI):					
Rating Official's Signature:			Date:		
Executive's Signature:			Date:		
Reviewing Official's Signature (Optional):			Date:		

**Higher Level Review (if applicable)**

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

**Performance Review Board Recommendation**

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

**Annual Summary Rating**

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

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

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

**Part 5: Performance Standards and Critical Elements**

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

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

**Element Rating Level Points**

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

**Critical Element 1. Leading Change****(Minimum weight 5 points)**

Weight 10%

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

## Agency-Specific Performance Requirements

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

Rating Official Narrative: *(Optional)*

Critical Element Rating – Leading Change

 Level 5 Level 4 Level 3 Level 2 Level 1**Critical Element 2. Leading People****(Minimum weight 5 points)**

Weight 10%

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

## Agency-Specific Performance Requirements

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

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

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

Rating Official Narrative: *(Optional)*

Critical Element Rating – Leading People

 Level 5 Level 4 Level 3 Level 2 Level 1



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

**Agency-Specific Performance Requirements**

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

Rating Official Narrative: *(Optional)*

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

**Agency-Specific Performance Requirements**

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

Rating Official Narrative: *(Optional)*

<i>Critical Element Rating – Building Coalitions</i>	<input type="checkbox"/> Level 5	<input type="checkbox"/> Level 4	<input type="checkbox"/> Level 3	<input type="checkbox"/> Level 2	<input type="checkbox"/> Level 1
--	----------------------------------	----------------------------------	----------------------------------	----------------------------------	----------------------------------

Critical Element 5. Results Driven	(Minimum Weight 20 points)	Weight 60%
This critical element must have at least 1 performance requirement (there is no maximum number of requirements, agency should specify if it sets a maximum number).		
This critical element includes specific performance requirements expected of the executive during the appraisal period, focusing on measurable results from the strategic plan or other measurable outputs and outcomes clearly aligned to organizational goals and objectives. At a minimum, the performance requirements must contain measurable results and their quality indicators describing the range of performance at Level 3 for each result specified. In addition to the quality indicators, applicable measures of quantity, timelines, and/or cost-effectiveness may be included as appropriate. It is recommended to also establish the threshold quality indicators and measures for Levels 5 and 2. Indicators must reflect the same level of performance as the respective performance standard contained in Part 5.		
Strategic Alignment—identify clear, transparent alignment to agency strategic planning initiatives (e.g., relevant agency or organizational goals/objectives with cited page numbers from the Strategic Plan, Congressional Budget Justification/Annual Performance Plan, or other organizational planning document) in the designated section for each performance requirement.		
<b>Note:</b> Performance requirements must contain results and quality indicators that are clearly and differentially identified (e.g., highlighted, bold, underlined) so that it is readily evident on what the senior executive will be rated and what is expected for success.		
<p>Performance Requirement 1: 25% Weight</p> <p>America Invents Act Trial Timeliness: Achieve AIA trial completion in compliance with applicable legal requirements in 12 months from institution, or in 18 months from institution in cases with extensions for good cause, for 95% of all AIA trials not subject to joinder. Achieve issuance of AIA petition decisions on institution in compliance with applicable legal requirements within statutory period of 3 months for 95% of all AIA petitions.</p>	<p>Strategic Alignment:</p> <p>FY 2018-2022 USPTO Strategic Plan, Goal 1 - Optimize Patent Quality and Timeliness,</p> <p>Objective 4 - Enhance Operations of the Patent Trial And Appeal Board</p>	
<p>Performance Requirement 2: 25% Weight</p> <p>Ex Parte Appeal Timeliness: Manage the average overall pendency for ex parte appeals, excluding appeals for reexam and reissue proceedings, to resolve ex parte appeals in a timely manner consistent with available resources, and implement programs to balance pendency across technologies.</p>	<p>Strategic Alignment:</p> <p>FY 2018-2022 USPTO Strategic Plan, Goal 1 - Optimize Patent Quality and Timeliness,</p> <p>Objective 4 - Enhance Operations of the Patent Trial And Appeal Board</p>	
<p>Performance Requirement 3: 25% Weight</p> <p>PTAB Decision Consistency: Ensure that PTAB judges render high quality, well-reasoned, and consistent written orders and opinions in accordance with the authority granted under Title 35 of the United States Code and Title 37 of the Code of Federal Regulations, binding case law precedent, and written guidance applicable to PTAB proceedings issued by the Director or the Director's delegate. Ensure review of 25% of final AIA decisions, excluding rehearing decisions and decisions in cases on remand from the U.S. Court of Appeals for the Federal Circuit, and 2% of ex parte appeals decisions.</p>	<p>Strategic Alignment:</p> <p>FY 2018-2022 USPTO Strategic Plan, Goal 1 - Optimize Patent Quality and Timeliness,</p> <p>Objective 4 - Enhance Operations of the Patent Trial And Appeal Board</p>	
<p>Performance Requirement 4: 25% Weight</p> <p>Effective Communications: Ensure clear, timely, and accurate communications concerning PTAB matters to PTAB judges and staff, other USPTO business units, and external</p>	<p>Strategic Alignment:</p> <p>FY 2018-2022 USPTO Strategic Plan, Goal 1 - Optimize Patent Quality and Timeliness,</p>	

stakeholders to decrease uncertainty and increase predictability, transparency, and reliability.	Objective 4 - Enhance Operations of the Patent Trial And Appeal Board				
Rating Official Narrative: <i>(Optional)</i>					
<i>Critical Element Rating – Results Driven</i>	<input type="checkbox"/> Level 5	<input type="checkbox"/> Level 4	<input type="checkbox"/> Level 3	<input type="checkbox"/> Level 2	<input type="checkbox"/> Level 1

Executive Name and ID: Boalick, Scott R.

Appraisal Period: 10/1/19 - 9/30/20

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

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

**Part 8: Agency Use**

## Deriving the Results Driven Rating Worksheet

Executive Name \_\_\_\_\_ Rating Period \_\_\_\_\_

Results Driven Performance Requirements (PR)	Performance Requirement Rating Level Score	Weight (multiply by)	Performance Requirement Points Score	Point Ranges to Rating Level Score	Results Driven Initial Element Score
Performance Requirement 1				Points 475 – 500 = Level 5 Rating Score Points 400 – 474 = Level 4 Rating Score Points 300 – 399 = Level 3 Rating Score Points 200 – 299 = Level 2 Rating Score Any PR rated Level 1 overall score must be = Level 1 Rating Score	
Performance Requirement 2					
Performance Requirement 3					
Performance Requirement 4					
		= 100%			
Performance Requirement Total Score				___ = Level ___	

### Example of Results Driven Element Being Rated Level 4

Results Driven Performance Requirements (PR)	Performance Requirement Rating Level Score	Weight (multiply by)	Performance Requirement Points Score	Point Ranges to Rating Level Score	Results Driven Initial Element Score
Performance Requirement 1	4	x 25	100	Points 475 – 500 = Level 5 Rating Score Points 400 – 474 = Level 4 Rating Score Points 300 – 399 = Level 3 Rating Score Points 200 – 299 = Level 2 Rating Score Any PR rated Level 1 overall score must be = Level 1 Rating Score	
Performance Requirement 2	5	x 30	150		
Performance Requirement 3	5	x 15	75		
Performance Requirement 4	3	x 30	90		
		= 100%			
Performance Requirement Total Score			415	415 = Level 4	4*

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

**U.S. PATENT & TRADEMARK OFFICE**  
**SENIOR EXECUTIVE SERVICE (SES) PERFORMANCE PLAN/RATING**

**Name: JA ES THOMAS MOORE**

**Appraisal Period: FY 2013**

**Title/Unit: Vice Chief Administrative Patent Judge (VCJ) /Patent Trial and Appeal Board (PTAB)**

*Performance Definitions (see Instructions page for detailed definitions)*

Outstanding (O) – Performance targets consistently met and exceeded, and level of performance consistently exemplary.

Commendable (C) – Performance expectations and goals met and often exceeded.

Fully Successful (FS) – Performance expectations and goals met.

Minimally Satisfactory (MS) – Performance level marginally acceptable, needs improvement.

Unsatisfactory (U) – Performance level undeniably unacceptable.

**Mandatory Critical Element 1: Leadership/Management (25%)**

The executive 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, the executive:

- o 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;
- o 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;
- o exhibits vision and strategic thinking to address concerns that cross organizational boundaries and to meet the long-term interests of the Department; and
- o uses creativity and innovation, and encourages new ideas and unconventional approaches in response to evolving conditions.

The executive demonstrates sound management of human, financial and technological resources in order to achieve established priorities, goals, and objectives. In doing so, the executive:

- o manages program performance throughout the year to maximize operational efficiency and effectiveness within established budgetary resources;
- o builds and manages an appropriately skilled and diverse workforce based on organizational goals, budget considerations, and staffing needs; oversees the recruitment, selection, and appraisal and recognition of employees based on performance; provides training and developmental opportunities, coaching and counseling to employees to strengthen performance or address concerns; encourages team commitment and trust; and engages in succession planning as needed for long-term organizational effectiveness;
- o 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; and ensures appropriate training of employees to avoid cyber-security threats;
- o 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; and
- o 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.
- o builds and manages an appropriately skilled workforce while embracing equal opportunity principles; fosters an inclusive environment characterized by cultural sensitivity and respect for divergent employee backgrounds; promptly and appropriately addresses allegations of harassment or discrimination; oversees the recruitment, selection, appraisal, and recognition of employees based on individual performance; supports Agency efforts that promote diversity (e.g., Community Day, Affinity Groups, etc.); and supports Agency efforts to train employees on equal opportunity principles.”

**Hiring Reform:**

Improve the recruitment and hiring process to acquire highly qualified employees, reduce hiring time, and support new hires successful transition into the Federal Service by:

- Assessing current and future staffing needs at on a regular basis
- Implementing Business Unit's HC Strategic Plans that include recruitment strategies that support organizational objectives and hiring reform initiatives by the end of FY 2013
- Engaging actively in the recruitment process by working collaboratively with OHR to identify skills required for vacant positions; participating in panel and interview processes, and by making timely selections that will support OPM's 80-day timeframes for hiring.

**Employee Survey:**

Support employee overall job satisfaction by:

- Using results of the Federal Employee Viewpoint Survey to improve designated areas of opportunity for your Business Unit (BU) and improve scores in those areas;

List designated areas of opportunity for your BU:

**AIA Implementation:**

Ensures success of the America Invents Act (AIA) by actively supporting timely implementation, devoting sufficient resources, increasing awareness of new initiatives, and collaborating with all necessary parties to ensure an innovative, effective, and efficient reformed patent system.

*For USPTO Business Unit Heads and Deputies:*

Assure 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.

**Sub-Elements for Critical Element 1: Leadership/Management**

**Description and Strategic Goal 1/Objective Alignment 5**

**Sub-Element: Leadership of the PTAB**

Serve as Vice Chief Judge, Division 1, and Acting Vice Chief Judge, Division 2. Work in conjunction with the Chief Judge on reducing the backlog of ex-parte appeals, maintaining the current reexamination workflow, maintaining the residual interference program, and achieving timely completion of the new trial proceedings under the America Invents Act. Act as Chief Judge's deputy or for Chief Judge as need arises.

Continue to drive implementation of AIA legislation by managing the hiring of personnel, development of rules for new proceedings, acquisition of space (including for new offices) and IT systems, and conducting specialized training for presiding over new proceedings and the preparation of materials for use in training.

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## **Mandatory Critical Element 2: Customer/Client Service Responsiveness (15%)**

The executive demonstrates a high degree of responsiveness to the full range of clients, including end users of goods and services for which the executive is responsible, Departmental and operating unit leadership, members of Congress and their staffs, and the public in general. In order to appropriately address client needs, the executive:

- 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; and
- 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.

The executive 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.

*For USPTO Business Unit Heads:*

To promote inter- and intra-agency collaboration, Business Unit heads are expected to accomplish the following during the rating period:

- Establish at least one taskforce with another business unit, focusing on specific matter of significance to both business units (e.g., 2012 budget plan, patents/finance, hiring planning).
- Speak at a meeting held by another business unit, at least once a quarter.
- Arrange for a detail opportunity to or from another business unit, for at least one person each quarter.
- Promote intra-agency cooperation by ensuring that all SES within their organizations incorporate specific measurable teaming/collaboration tasks in the development of their individual results sub-elements

## **Sub-Elements for Critical Element 2: Customer/Client Service Responsiveness**

### **Sub-Element: Backlog Reduction/AIA Implementation**

**Description and Strategic Goal 1/Objective Alignment 1, 4, 5**

**Collaborate with business units, where possible, to implement strategies for reducing backlog of ex parte appeals at the PTAB.**

**Collaborate with the public in receiving feedback to implement the AIA, including receiving input on strategies for expanding the PTAB in the new USPTO cities, and obtaining input on further development of the AIA case management system.**



**Critical Element 3: Results (60%)**

Individual and organizational performance requirements expected to support of USPTO strategic initiatives. The executive is accountable for up to three 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.]*

**Sub-Elements for Critical Element 3: Results**

**Sub-element A: Appeal Timeliness**

/ 25 percent

**Sub-element Description and Strategic Goal 1/Objective Alignment 5 (the underscore is a placeholder for number(s)):**

Achieve patent appeal timeliness of decided appeals of 26 or fewer months. <sup>31</sup>  
Achieve patent appeal Board inventory of 45 or fewer months.

**Sub-Elements for Critical Element 3: Results**

**Sub-element B: AIA Trial Timeliness**

/ 25 percent

**Sub-element Description and Strategic Goal 1/Objective Alignment 5 (the underscore is a placeholder for number(s)):**

Reach AIA trial completion in 12 or fewer months or in 18 months where extensions are granted.

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**Sub-Elements for Critical Element 3: Results**

**Sub-element C: PTAB Expansion**

/ 10 percent

**Sub-element Description and Strategic Goal \_\_\_/Objective Alignment \_\_\_ (the underscore is a placeholder for number(s)):**

**Facilitate Judge appointments; submit for consideration by the Secretary of Commerce names of 35 Administrative Patent Judge Candidates by March 31, 2013.**

(b)(6)

SES Performance Documentation

The executive may attach a separate sheet describing individual and organizational achievements and results related to the critical elements of your performance plan. The attached narrative may be no longer than 6 pages.

The supervisor will attach a separate sheet summarizing your assessment of the executive's performance. Describe individual and organizational achievements and results related to the critical elements of the performance plan. The attached narrative may be no longer than 3 pages.

**Signatures/Dates of Performance Management Activities**

1. Acknowledgment of Plan 1/17/13  
 (b)(6) (b)(6) \_\_\_\_\_  
 Date\*

2. Progress Report Date\*  
 (b)(6) (b)(6) \_\_\_\_\_  
 Supervisor

3. Initial Rating and Score transferred from computation worksheet, last page. 10/30/13  
 (b)(6) (b)(6) \_\_\_\_\_  
 Supervisor Date\* *Rated*

11/5/13

(b)(6) \_\_\_\_\_

Options: Written Response Yes No \*\*  
 Higher Level Review Yes No

4. PRB Recommended Summary Rating

(b)(6)

5. Final Annual Summary Rating

(b)(6)

\_\_\_\_\_  
 Chair, Performance Review Board/Date

\_\_\_\_\_  
 Under Secretary of Commerce for Intellectual Property &  
 Director of the United States Patent and Trademark Office

\* Acknowledges consultation & receipt  
 \*\* Not applicable for direct reports to the Under Secretary

# U.S. PATENT & TRADEMARK OFFICE

## SENIOR EXECUTIVE SERVICE (SES) PERFORMANCE PLAN/RATING

### SES Performance Plan/Rating Instructions

#### Performance Plan

All elements of the performance plan are critical. Established requirements are written at the Fully Successful level in support of Agency objectives. All executives will be rated on the Leadership/Management, Customer/Client Service Responsiveness, and Results elements.

In addition, the supervisor, in consultation with the executive, will develop and establish specific priorities in support of agency strategic initiatives, Commissioner level priorities and corporate work plans to be included as critical elements for Individualized Objectives.

The performance plan will be signed and dated by the supervisor and the executive\* in Item 1 (*Signature/Dates of Performance Management Activities*). Written performance plans will be provided to the executive at the beginning of the appraisal period and a copy of the plan will be forwarded to the Office of Human Resources, Executive Resources Division (OHR/ExRD).

#### Progress Review

Supervisors will conduct at least one progress review. Supervisors must provide written documentation if performance on any element is less than the fully successful level. The supervisor and the executive must sign and date in Item 2 (*Signature/Dates of Performance Management Activities*) after a progress review is conducted. A copy of the signed progress review will be forwarded to the OHR/ExRD.

#### Performance Definitions

**Outstanding (O):** Performance targets consistently met and exceeded, and level of performance consistently exemplary, despite constantly changing priorities and/or externally driven deadlines or insufficient or unanticipated resource shortages. Consistently demonstrated exceptional integrity and performance in promoting the annual business plan and the USPTO strategic goals and objectives. His/her contributions had impact beyond his/her purview.

**Commendable (C):** Performance expectations and goals are met and often exceeded. In addition to placing appropriate emphasis on all stated responsibilities, actions taken were admirable in promoting accomplishment of the strategic goals and annual business plan. Overcame significant organizational challenges such as coordination with external stakeholders or insufficient resources. Effectiveness and contributions impact areas beyond his/her purview.

**Fully Successful (FS):** Performance expectations and goals are met. Places appropriate emphasis on each area of responsibility with dependable performance. Appropriate actions were taken to support accomplishment of the strategic goals and annual business plan and demonstrated ability to meet the requirements of the job.

**Minimally Satisfactory (MS):** Performance level marginally acceptable, needs improvement. Placed insufficient emphasis on one or more sets of responsibilities. Actions taken were inappropriate or ineffective in meeting strategic goals or annual business plan accomplishments. Repeated observations of performance indicated negative consequences in key outcomes. Immediate improvement is essential.

**Unsatisfactory (U):** Performance undeniably unacceptable.

## SES Performance Plan/Rating Instructions (cont'd)

### Performance Assessment

*Performance is assessed at the Outstanding (O) level, Commendable (C) level, Fully Successful (FS) level, Minimally Satisfactory (MS) level, or Unsatisfactory (U) level by a process described below:*

At the end of the appraisal period, the executive may document accomplishments related to the critical elements. **Documentation will not exceed six pages**, will speak to results and as appropriate customer satisfaction and employee perspectives, and refrain from use of superlatives.

The supervisor will prepare a summarized assessment of the executives' performance. **Documentation will not exceed 3 pages**. The supervisor will also assign a rating for each element, and an Initial Summary rating for the plan. The supervisor and executive will sign and date in Item 3 (*Signature/Dates of Performance Management Activities*). A copy will be provided to the executive and the original forwarded to the OHR/ExRD. *[For your convenience, a summary rating and score computation worksheet is attached. The Initial Summary Rating must be transferred/annotated to page 6, Item 3, where the supervisor and executive will sign and date].*

Executives may (1) request a higher-level review\*\* of their Initial Summary rating and/or (2) may provide a written response prior to the Performance Review Board (PRB) review.

If a higher-level review is requested, the reviewing official must make a separate written comment/recommendation to the PRB. The reviewing official (normally the 2<sup>nd</sup> line supervisor) may not change the Initial Summary rating. A copy of the reviewing official's input must be given to the executive and the supervisor and forwarded to the OHR/ExRD. The executive will be given the opportunity to provide additional comments to the PRB.

All performance documentation will be forwarded to the OHR/ExRD. The OHR/ExRD will provide the Initial Summary rating, and additional documentation and any higher-level review to the PRB for their review.

The PRB will consider the Initial Summary rating, any executive's response and other pertinent input. The PRB Chair will recommend a rating and sign Item 4 (*Signature/Dates of Performance Management Activities*).

### Final Rating

The Under Secretary will assign the Annual Summary ratings after considering recommendations of the PRB and other appropriate input.

The Annual summary rating will be provided to executives.

\* Acknowledges consultation and receipt.

\*\* Not applicable for direct reports

# U.S. PATENT & TRADEMARK OFFICE

## SENIOR EXECUTIVE SERVICE (SES) PERFORMANCE PLAN/RATING

### Summary Rating and Score Computation Worksheet

Name: James Thomas Moore

Appraisal Period: FY 2013

Title/Unit: Vice Chief Administrative Patent Judge (VCJ)/ Patent Trial and Appeal Board (PTAB)

**Instructions:**

1. Each critical element in the performance plan and its assigned weight has been listed below.
2. Assign a rating level for each element: (5) Outstanding, (4) Commendable, (3) Fully Successful, (2) Minimally Satisfactory, and (1) Unsatisfactory
3. Score each element by multiplying the weight by the rating level.
4. After each element has been scored, compute the total score by summing all individual scores.
5. The performance rating is based on the total score except that if any critical element is less than fully successful, the rating can be no higher than the lowest critical element rating.

Performance Element	Individual Weight	Element Rating Level (1-5)	Score
<b>I. Leadership/Management (25%)</b>			
A. Leadership of the PTAB	25%	(b)(6)	
<b>II. Customer/Client Service Responsiveness (15%)</b>			
A. Backlog Reduction/ AIA Implementation	15%	(b)(6)	
<b>III. Results (60%)</b>			
A. Appeal Timeliness	25%	(b)(6)	
B. AIA Trial Timeliness	25%	(b)(6)	
C. PTAB Expansion	10%	(b)(6)	
<b>TOTAL SCORE</b>	100%		

11/5/13

(b)(6)  
11/5/13  
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11/5/13  
(b)(6)  
11/5/13

(b)(6)

On page 6, Item 3, of the Performance Plan, where the supervisor and executive will sign and date.

Memorandum

(b)(6)

To: File

From: James Donald Smith,  
*Chief Administrative Patent Judge*

Subject: Executive Performance Narrative for Fiscal Year 2013,  
James T. Moore, *Deputy Chief Administrative Patent Judge*

Date: October 25, 2013

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Critical Element I: Leadership/Management 25%

(b)(6)



Withheld pursuant to exemption

(b)(6)

of the Freedom of Information and Privacy Act



Withheld pursuant to exemption

(b)(6)

of the Freedom of Information and Privacy Act

(b)(6)



**Sub Element: Backlog Reduction/AIA implementation**

(b)(6)



**Mandatory Critical Element 3** — (b)(6)

**Sub Element A— Appeal Timeliness**

(b)(6)



**Sub Element B— AIA Trial Timeliness**

(b)(6)

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**Sub Element C: PTAB Expansion**

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