

# 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
   • perating 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 AlA trial proceedings. Demonstrated ability to understand technical subject matter; apply relevant patent law legal principles involved in patent appeals and AlA 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, 1st: 00, 2nd: 00



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# Office of the Under Secretary and Director POSITION DESCRIPTION Job Code OT4874

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

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The Cyber Security Code is as follows: Primary: 000, 1st: 00, 2nd: 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): Fink, William  Appraisal Pd. 10/01/18 - 9/30/19							
Executive's Signature: (b)(6)						Date: 9/24/18	
Title: Vice Chief Administ Patent and Trademark O		tent Judge, Pat	ent Trial and	Appeal Bo	ard, U.S.	Organization: PTAB	
Rating Official's Name (Last, First, MI): BOALICK, SCOTT R., Deputy Chief  Administrative Patent Judge							
Rating Official's Signature	e: (	b)(6)				Date: 1/28/18	
Part 2. Progress Review							
Executive's Signature:		(b)(6)	1 3 3 3			Date: 8/1/19	
Rating Official's Signature	: (b)(6	)				Date: 5/1/19	
Reviewing Official's Signa	ture (Opti	onal):				Date:	
Part 3. Summary Rating							
Initial Summary Rating	(b)(6)						
Rating Official's Name (Lo	st, First, N	11): BOALICK, S	COTT R., De	outy Chief /	Administrative	Patent Judge	
Rating Official's Signature	Rating Official's Signature: (b)(6)  Date: 1, 16, 120,19						
Executive's Signature:	•	(b)(6)			-	Date: 11/6/2019	
Reviewing Official's Signa	ture (Opti	onal):		10 No.		Date:	
Higher Level Review (if a	pplicable)						
I request a higher leve	el review.	Executive's In	itials:			Date:	
Higher Level Review Com	pleted					Date:	
Higher Level Reviewer Sig	gnature:						
Performance Review Boo	ırd Recom	mendation	Level	5 🔲 L	evel4 Le	evel 3 Level 2 Level 1	
PRB Chair Signature:					ul.	Date:	
Annual Summary Rating			Level	S L	evel 4 Le	evel 3 Level 2 Level 1	
Appointing Authority Sign	nature:					Date:	
Part 4. Derivation Formula and Calculation of Annual Summary Rating							
	Elem	ent Rating			Score		
Critical Floment	Initial	Final	Moight	Initial	Final	Cummary Loyal Danges	
Critical Element  1. Leading Change	Initial (b)(6)	(if changed)	Weight 10%	(b)(6)	(if changed)	Summary Level Ranges	
2. Leading People	(6)(6)		10%	(-)(-)		475-S00 = Level 5	
3. Business Acumen			10%			400-474 = Level 4	
4. Building Coalitions			10%			300-399 = Level 3 200-299 = Level 2	
S. Results Driven			60%			Any CE rated Level 1 = Level 1	
Total			100%			Tary of rated fever 1 - fever 1	

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

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

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

<b>Element Ratin</b>	g Level Points
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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

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.

Rating Official Narrative: (Optional)

Critical Element Rating – Leading Change

(b)(6)

#### Critical Element 2. Leading People

(Minimum weight 5 points) | Weight 10%

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

Agency-Specific Performance Requirements

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

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

Serve as 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.

Rating	Official	Narrative:	(Ontional)
Nathig	Official	I dall all vc.	I ODU OHU I

Critical Element Rating - Leading People

(b)(6)

Critical Element Rating – Building Coalitions

#### 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 Ex Parte Inventory/ Pendency Reduction: Strategic Alignment:

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 Draft USPTO Strategic Plan, Goal 1, in accordance with applicable legal requirements.

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

# **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	
Performance Requirement 2				Points 300–399 = Level 3 Rating Score Points 200–299 = Level 2 Rating	
Performance Requirement 3				Score Any PR rated Level 1 overall score must be = Level 1 Rating Score	
Performance Requirement 4					
ELABORE S EL		= 100%			
Performance Requirement Total Score				= Level	

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

Results Driven	Performance	Weight	Performance	Point Ranges to Rating Level Score	Results Driven
Performance	Requirement	(multiply	Requirement		Initial Element
Requirements	Rating Level	by)	Points Score		Score
(PR)	Score				
				Points 475 – 500 = Level 5 Rating	
Performance	4	x 25	100	Score	
Requirement 1				Points 400 – 474 = Level 4 Rating	SA PARKET
Performance	5	x 30	150	Score	
Requirement 2				Points 300–399 = Level 3 Rating	
Performance	5	x 15	75	Score	
Requirement 3				Points 200 – 299 = Level 2 Rating	
Performance	3	x 30	90	Score	
Requirement 4				Any PR rated Level 1 overall score	
		= 100%		must be = Level 1 Rating Score	
Performance		40,718			
Requirement			415	415= Level 4	4*
<b>Total Score</b>	District Co.				

<sup>\*</sup>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. //	nave reviev	ved this plan an	nd have been	consulted o	n its developme	ent.	
Executive's Name (Last,	First, MI):	Fink, William				Apprais 9/30/1	sal Pd. <b>12/10/17 -</b> <b>8</b>
Executive's Signature: (b)(6)							1/5/2018
Title: Vice Chief Administrative Patent Judge, Patent Trial and Appeal Board, U.S.  Patent and Trademark Office							zation: PTAB
Rating Official's Name (L Administrative Patent Ju			SCOTT R., De	puty Chief		СА 🗌	NC LT/LE
Rating Official's Signatur	e:	(b)(6)				Date:	1/5/2018
Part 2. Progress Review							, ,
Executive's Signature:		(b)(6)				Date:	4/30/18
Rating Official's Signatur	e:	(b)(6)				Date:	4/30/18
Reviewing Official's Sign	ature (Opti	onal):		<u> </u>		Date:	
Part 3. Summary Rating							
Initial Summary Rating	(b)(6)						
Rating Official's Name (L	ast, First, I	MI): BOALICK, S	SCOTT R., De	puty Chief A	Administrative	Patent	Judge
Rating Official's Signature: (b)(6)  Date: 11/5-/2						11/5/2018	
Executive's Signature: (b)(6)					4	Date:	11/6/2018
Reviewing Official's Sign	ature (Opt	ional):	*			Date:	
Higher Level Review (if	applicable)						
☐ I request a higher lev	el review.	Executive's Ir	nitials:			Date:	
Higher Level Review Con	npleted				ř	Date:	
Higher Level Reviewer Si	gnature:						
Performance Review Bo	ard Recom	mendation	Level	5 🔲 L	eve14 Le	vel 3	Level 2 Level 1
PRB Chair Signature:					1		Date:
Annual Summary Rating	7		Level	5	evel4 Le	vel 3	Level 2 Level 1
Appointing Authority Sig	nature:				Als:		Date:
Part 4. Derivation Form	ula and Ca	lculation of An	nual Summa	ry Rating			
	Elem	ent Rating			Score		
Critical Element	Initial	Final (if changed)	Weight	Initial	Final (if changed)		Summary Level Ranges
Leading Change	(b)(6)	(II changeu)	10%	(b)(6)	(ii changeu)		
2. Leading People	(A. 36)		10%				475-500 = Level 5
3. Business Acumen			10%				400474 = Level 4
4. Building Coalitions			10%				300-399 = Level 3 200-299 = Level 2
5. Results Driven		-	60%			Any	CE rated Level 1 = Level 1
Total			100%			Ally	or lated revel 1 - revel 1

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Element	Rating	Level	<b>Points</b>
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Level 5 = 5 points

Level 4 = 4 points

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Level 2 = 2 points

Level 1 = 0 points

Executive Name and ID: William Fink	Appraisal F	Period: FY2018					
Critical Element 1. Leading Change	(Minimum weight 5 points)	Weight 10%					
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policies, and proceedings. Make further approp	elopment, enhancement, and optimization of organization riate adjustments in number of judges and other personn its Act Trial final decisions and appropriate enhancement of stakeholders.	el. Lead PTAB					
Rating Official Narrative: (Optional)	el .						
Critical Element Rating – Leading Change	(b)(6)						
Critical Element 2. Leading People	(Minimum weight 5 points)	Weight 10%					
Mandatory Performance Requirement: Designs and implements strategies that maximize employee potential, connects the organization horizontally and vertically, and fosters high ethical standards in meeting the organization's vision, mission, and goals. Provides an inclusive workplace that fosters the development of others to their full potential; allows for full participation by all employees; facilitates collaboration, cooperation, and teamwork, and supports constructive resolution of conflicts. Ensures employee performance plans are aligned with the organization's mission and goals, that employees receive constructive feedback, and that employees are realistically appraised against clearly defined and communicated performance standards. Holds employees accountable for appropriate levels of performance and conduct. Seeks and considers employee input. Recruits, retains, and develops the talent needed to achieve a high quality, diverse workforce that reflects the nation, with the skills needed to accomplish organizational performance objectives while supporting							
workforce diversity, workplace inclusion, and equal Agency-Specific Performance Requirements							
workforce diversity, workplace inclusion, and equal Agency-Specific Performance Requirements  Lead, develop, and implement actions to implement		oyee feedback					
workforce diversity, workplace inclusion, and equal Agency-Specific Performance Requirements  Lead, develop, and implement actions to implement actions to implement from sources including the USPTO and other initiatives.  Serve as Vice Chief Judge. Provide policy directions with Business Unit Head functions as appropriate to the policy directions and provide with Business Unit Head functions as approximately acceptable to the provide policy directions as approximately acceptable to the provide policy directions as approximately acceptable to the provide policy directions and the provide policy directions as approximately acceptable to the provide policy directions and the provide policy directions are provided to the provided policy directions and the provided policy directions are provided to the provided policy directions and the provided policy directions are provided to the provided policy directions and the provided policy directions are provided policy directions.	ual employment policies and programs.  rove employee engagement in your area based on employee.	oyee feedback ocus groups  ge and Chief ution of duties					
workforce diversity, workplace inclusion, and equal Agency-Specific Performance Requirements  Lead, develop, and implement actions to implement actions to implement actions to implement actions and other initiatives.  Serve as Vice Chief Judge. Provide policy directions as appleading to the PTAB under the America Invents Actions.	rove employee engagement in your area based on employee People Survey, Federal Employee Viewpoint Survey, for and guidance to the PTAB. Assist the Deputy Chief Judgropriate. Lead continuing activities directed at PTAB exec	oyee feedback ocus groups  ge and Chief ution of duties					

(b)(6)

Critical Element Rating – Leading People

Critical	Element	3.	<b>Business</b>	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. 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.

Performance Requirement 2: 25% Weight Ex Parte Inventory / Pendency Reduction: Strategic Alignment:

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.

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

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.

Performance Requirement 4: 25% Weight	Strategic Alignment:
Federal Circuit Remand Decision Timeliness:	USPTO Strategic Plan, Goal 1, Objective 7
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.	
Rating Official Narrative: (Optional)	
Critical Element Rating – Results Driven (b)(6)	

Executive Name and ID: William Fink	Appraisal Period: FY2018
Part 6: Summary Rating Narrative (Mandatory)	
Part 7: Executive's Accomplishment Narrative (Optional)	
Part 8: Agency Use	

# **Deriving the Results Driven Rating Worksheet**

		£ 0	
Executive Name	tink	Rating Period 7/8	

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
(FIG)	Score	18 8 3 7 7	THE PERSON NAMED IN	Points 475 – 500 = Level S Rating	5 (F. 12.5) N. 2.5
Performance Requirement 1	(b)(6)	25	(b)(6)	Score Points 400 – 474 = Level 4 Rating Score	
Performance Requirement 2	_	25		Points 300 – 399 = Level 3 Rating Score Points 200 – 299 = Level 2 Rating	
Performance Requirement 3	-	25		Score Any PR rated Level 1 overall score must be = Level 1 Rating Score	
Performance Requirement 4		25			
No. of Lot, Line of	2 8 4 1 4 W	= 100%	A 2 - 10 - 11 - 12		
Performance Requirement Total Score	a a		(b)(6)		

## Example of Results Driven Element Being Rated Level 4

Results Driven	Performance	Weight	Performance	Point Ranges to Rating Level Score	Results Driven
Performance	Requirement		Requirement	- contention because the many period of the	Initial Element
Requirements	Rating Level	by)	Points Score		Score
(PR)	Score	24/	1 Ourts Score		Score
		1 - No. 10 -	THE VONTINE	Points 475 – 500 = Level 5 Rating	METER LLANG
Performance	4	x 25	100	Score	
Requirement 1				Points 400 – 474 = Level 4 Rating	
Performance	5	x 30	150	Score	
Requirement 2				Points 300 - 399 = Level 3 Rating	
Performance	5	x 15	75	Score	200
Requirement 3				Points 200 – 299 = Level 2 Rating	
Performance	3	x 30	90	Score	
Requirement 4			10,000	Any PR rated Level 1 overall score	是多数复数
	WITH HOUSE	= 100%		must be = Level 1 Rating Score	
Performance		18 44 14			
Requirement			415	415= Level 4	4*
<b>Total Score</b>					

<sup>\*</sup>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

# **Summary Rating Narrative:**

(b)(6)	

(b)(6)		

(b)(6)			

# SES Performance Management System Executive Performance Plan



Part 1. Consultation. / h	ave review	ved this plan	and	have been d	consulted	on its dev	elopm	ent.			
Levocutivo's Namo (Last List Mill: Link Milliam								Appraisal Pd. 10/01/19 - 9/30/20		19 -	
Executive's Signature:	(b)(6)							Date:	1//	19	
Title: Vice Chief Adminis Patent and Trademark O		tent Judge, I	Pater	nt Trial and	Appeal 6	Board, U.S	•	Organi	zation: F	PTAB	
Rating Official's Name (Lo Administrative Patent Ju		///): Bonilla,	Jacq	ueline, Dep	uty Chie	f		СА	NC 🗌 I	LT/LE	
Rating Official's Signature: (b)(6)								Date:	9127	319	
Part 2. Progress Review											
Executive's Signature:								Date:			
Rating Official's Signature	2:							Date:			
Reviewing Official's Signa	ture (Opti	ional):						Date:			
Part 3. Summary Rating				-							
Initial Summary Rating	Level S Le			evel4 eds Fully essful		evel 3 Successful		Level  Inimall atisfact	У		Level 1 atisfactory
Rating Official's Name (Lo	ast, First, N	MI):						V			
Rating Official's Signature	e:							Date:			
Executive's Signature:								Date:			
Reviewing Official's Signa	ture (Opti	ional):						Date:			
Higher Level Review (if a	pplicable)										
☐ I request a higher lev	el review.	Executive'	s Init	ials:				Date:			
Higher Level Review Com	pleted							Date:			
Higher Level Reviewer Sig	gnature:										
Performance Review Boo	ard Recom	mendation		Level	5 [	Level 4		evel 3	Lev	el 2	Level 1
PRB Chair Signature:									Date:		
Annual Summary Rating				Level	5 [	Level 4		evel 3	Lev	el 2	Level 1
Appointing Authority Sign	nature:			I.					Date:		
Part 4. Derivation Form	ula and Ca	Iculation of	Annı	ual Summar	y Rating						
		ent Rating				Score					
Cold of St		Final		10/-1-1-	1-1-1	Fir		1	S		10
Critical Element  1. Leading Change	Initial	(if change		Weight 10%	Initial	(it cha	nged)	- '	oummary	Leve	Ranges
2. Leading People				10%			7		475-S0		
3. Business Acumen				10%					400-47		
4. Building Coalitions				10%					300-39		
S. Results Driven				60%				Ami	200-29		evel 2   1 = Level 1
Total				100%				Ally	CL Taleu	Leve	I I - FEAGI I

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

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

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

Element	Rating	Level	<b>Points</b>
---------	--------	-------	---------------

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		{IV	ılınımum weig	nt 5 points)	weight 10%
Mandatory Performance Requirement: Developed organizational and program goals, priorities, value implementing innovative solutions to make organ major shifts in direction or approach, as appropriate service and program performance; creates a work transparency; and maintains program focus, even Agency-Specific Performance Requirements	es, and other fact izational improve ate. Balancescha cenvironment th	tors. Assesses ements, rangin ange and conti at encourages	and adjusts to g from increm nuity; continua	changing situ ental improve ally strives to i	ations, ements to improve
Implement Presidential directives for enhancing Implement Director's objectives for enhancing of the organizational staffing, policies, and procedu precedential opinions, and guidance to stakehold	perations of USP res, as needed.	TO and PTAB. Lead PTAB thr	Optimize PTA ough enhance	AB operations ments of rule	by modifying s of practice,
Rating Official Narrative: (Optional)					
Critical Element Rating – Leading Change	Level 5	Level 4	Level 3	Level 2	Level 1
Critical Element 2. Leading People		(1)	/linimum weig	ht 5 points)	Weight 10%
participation by all employees; facilitates collabor of conflicts. Ensures employee performance plan receive constructive feedback, and that employee performance standards. Holds employees accour considers employee input. Recruits, retains, and that reflects the nation, with the skills needed to workforce diversity, workplace inclusion, and equipments	s are aligned with a sare realistically intable for approper develops the tale accomplish organial employment programment prog	h the organizar appraised aga riate levels of ent needed to a nizational perfo policies and pro	tion's mission a ainst clearly de performance a achieve a high ormance object ograms.	and goals, tha fined and con and conduct. S quality, divers ctives while su	t employees nmunicated Seeks and se workforce pporting
Lead, develop, and implement actions to impr gathered from sources including the USPTO I and other initiatives.		0 0	•		
Promotes the protection of whistleblowers by: described in subparagraph (A) or (B) of section fostering an environment in which employees employees or other appropriate authorities.	on 2302(b)(8); t	aking respons	sible actions i	to resolve dis	sclosures; and
Serve as Vice Chief Judge and assist the Deputy (appropriate. Provide policy direction and guidar mission-critical tasks. Retain and leverage natio	nce to the PTAB.	_			
Rating Official Narrative: (Optional)		· <del></del>			
Critical Element Rating – Leading People	Level 5	Level 4	Level 3	Level 2	Level 1

Critical Element 3. Business Acumen		(IV	mmuam weig	nt 5 points)	WCIBITE 1070
Mandatory Performance Requirement: Assesses information resources in a manner that instills put to enhance processes and decision making. Executand manages resources.	blic trust and acc	omplishes the	organization's	mission. Uses	s technology
Agency-Specific Performance Requirements					
Support development of improved PTAB IT syste accommodate business unit needs. Develop and operational data. Identify and direct administra support the Board's size and workload.	d enhance tools t	o promote tra	nsparency and	d enable increa	ased use of
Rating Official Narrative: (Optional)					
	1			r	
Critical Element Rating – Business Acumen	Level 5	Level 4	Level 3	Level 2	Level 1
Critical Element 4. Building Coalitions		(N	linimum weig	ht 5 points)	Weight 10%
				<u> </u>	
Mandatory Performance Requirement: Solicits a customers. Coordinates with appropriate parties facilitate an open exchange of opinion from diver advocates, and expresses facts and ideas in a con externally, as appropriate. Develops a profession external politics that affect the work of the organ	to maximize inpuse se groups and str vincing manner a lai network with c	it from the wid engthen interi nd negotiates	dest range of a nal and extern with individua	ernal stakehold ppropriate sta al support. Ex Is and groups i	akeholders to plains, internally and
customers. Coordinates with appropriate parties facilitate an open exchange of opinion from diver advocates, and expresses facts and ideas in a con	to maximize inpuse se groups and str vincing manner a lai network with c	it from the wid engthen interi nd negotiates	dest range of a nal and extern with individua	ernal stakehold ppropriate sta al support. Ex Is and groups i	akeholders to plains, internally and
customers. Coordinates with appropriate parties facilitate an open exchange of opinion from diver advocates, and expresses facts and ideas in a con externally, as appropriate. Develops a profession external politics that affect the work of the organ	se groups and str vincing manner a val network with o vization. and with other be or informal collab tice and procedu	engthen interned negotiates of their organizations and erecto promote	dest range of a nal and extern with individua tions and iden o implement seducation opp understandin	ernal stakehold ppropriate sta al support. Ex Is and groups i tifies the inter- strategies for a ortunities with	akeholders to plains, internally and nal and achieving hexaminers.
customers. Coordinates with appropriate parties facilitate an open exchange of opinion from diver advocates, and expresses facts and ideas in a con externally, as appropriate. Develops a profession external politics that affect the work of the organ Agency-Specific Performance Requirements  Collaborate and share information within PTAB at USPTO and/or PTAB objectives. Pursue formal conteract with public to educate about PTAB pracabout PTAB proceedings to guide enhancements	se groups and str vincing manner a val network with o vization. and with other be or informal collab tice and procedu	engthen interned negotiates of their organizations and erecto promote	dest range of a nal and extern with individua tions and iden o implement seducation opp understandin	ernal stakehold ppropriate sta al support. Ex Is and groups i tifies the inter- strategies for a ortunities with	akeholders to plains, internally and nal and achieving hexaminers.
customers. Coordinates with appropriate parties facilitate an open exchange of opinion from diver advocates, and expresses facts and ideas in a con externally, as appropriate. Develops a profession external politics that affect the work of the organ Agency-Specific Performance Requirements  Collaborate and share information within PTAB at USPTO and/or PTAB objectives. Pursue formal conteract with public to educate about PTAB pracabout PTAB proceedings to guide enhancements	se groups and str vincing manner a val network with o vization. and with other be or informal collab tice and procedu	engthen interned negotiates of their organizations and erecto promote	dest range of a nal and extern with individua tions and iden o implement seducation opp understandin	ernal stakehold ppropriate sta al support. Ex Is and groups i tifies the inter- strategies for a ortunities with	akeholders to plains, internally and nal and achieving hexaminers.

#### Critical Element 5. Results Driven

(Minimum Weight 20 points)

Weight 60%

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

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

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

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

Performance Requirement 1: 25% Weight

Strategic Alignment:

#### **America Invents Act Trial Timeliness:**

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

FY 2018-2022 USPTO Strategic Plan, Goal 1, Objective 4

Performance Requirement 2: 25% Weight

% Weight

Strategic Alignment:

# **Ex Parte Appeal Timeliness:**

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

FY 2018-2022 USPTO Strategic Plan, Goal 1, Objective 4

Performance Requirement 3: 25% Weight

Strategic Alignment:

#### **PTAB Decision Consistency:**

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

FY 2018-2022 USPTO Strategic Plan, Goal 1, Objective 4

Performance Requirement 4: 25% Weight	Strategic Alignment:				
Effective Communications:	FY 2018-2022 USPTO Strategic Plan, Goal1, Objective 4				
Ensure clear, timely, and accurate communicato PTAB judges and staff, other USPTO busine stakeholders to decrease uncertainty and inctransparency, and reliability.					
Rating Official Narrative: (Optional)			1/20		
Critical Element Rating – Results Driven	Level 5	Level 4	Level 3	Levei 2	Level 1

7

# **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
	Charles A Bod Con			Points 475 – 500 = Level 5 Rating	
Performance Requirement 1		25		Score Points 400 – 474 = Level 4 Rating Score	
Performance Requirement 2		25		Points 300 – 399 = Level 3 Rating Score Points 200 – 299 = Level 2 Rating	
Performance Requirement 3		25		Score Any PR rated Level 1 overall score must be = Level 1 Rating Score	
Performance Requirement 4		25			
		= 100%	NAME OF THE OWNER, WHEN		
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
STATE OF THE PARTY.	STATE OF STREET	and set the		Points 475 – 500 = Level 5 Rating	WILL GEN
Performance Requirement 1	4	x 25	100	Score Points 400 – 474 = Level 4 Rating	
Performance Requirement 2	5 x 30 150	150	Score Points 300 – 399 = Level 3 Rating		
Performance Requirement 3	5	x 15	75	Score Points 200 – 299 = Level 2 Rating	
Performance 3 x 30 90 Requirement 4	Score Any PR rated Level 1 overall score	<b>林东村</b>			
A POLICE OF LAND	NEW AND BUILDING	= 100%	· 1000000000000000000000000000000000000	must be = Level 1 Rating Score	
Performance Requirement Total Score			415	415= Level 4	4*

<sup>\*</sup>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): Tierney, Michael P.							Appraisal Pd. 10/01/18 - 9/30/19	
Executive's Signature: (b)(6)						Date: 10/2/18		
Title: Vice Chief Administrative Patent Judge, Patent Trial and Appeal Board, U.S. Patent and Trademark Office						Organization: PTAB		
Rating Official's Name (Last, First, MI): BOALICK, SCOTT R., Deputy Chief Administrative Patent Judge							CA NC LT/LE	
Rating Official's Signature: (b)(6) Date: 4/28/18								
Part 2. Progress Review							<u>(</u>	
Executive's Signature:	(b)(d	6)				Date: 5/2/19		
Rating Official's Signature	e: (b)(	6)				Date: 5/1/19		
Reviewing Official's Signa	ture (Opti	onal):				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: 11 6 /19		
						Date:	11/6/19	
Reviewing Official's Signature (Optional):  Date:								
Higher Level Revi ew (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				s 🔲 L	evel 4 Le	evel 3	Level 2 Level 1	
PRB Chair Signature:  Date:								
Annual Summary Rating	Level	s D	evel 4 Le	evel 3	Level 2 Level 1			
Appointing Authority Sig		Date:			Date:			
Part 4. Derivation Formula and Calculation of Annual Summary Rating								
	Element Rating			Score				
Critical Element	Initial	Final (if changed)	Weight	Initial	Final (if changed)		Summary Level Ranges	
1. Leading Change	(b)(6)	(in changed)	10%	(b)(6)	(ii changed)	,		
2. Leading People		10%			475-S00 = Level 5			
3. Business Acumen			10%			400-474 = Level 4 300-399 = Level 3		
			10%				200-299 = Level 2	
	. Results Driven 609						CE rated Level 1 = Level 1	
Total	100		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.

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
	Level 3 = 3 points Level 2 = 2 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

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.

Rating Official Narrative: (Optional)

Critical Element Rating – Leading Change

(b)(6)

#### Critical Element 2. Leading People

(Minimum weight 5 points) Weight 10%

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

Agency-Specific Performance Requirements

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

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

Serve as 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.

Rating Official Narrative: (Optional)

Critical Element Rating - Leading People

(b)(6)

Executive Name and ID: Tierney, Michael P.	Appraisal P	eriod: FY2019
Critical Element 3. Business Acumen	(Minimum weight 5 points)	Weight 10%
information resources in a manner that instills pu	s, analyzes, acquires, and administers human, financial, mat blic trust and accomplishes the organization's mission. Use utes the operating budget; prepares budget requests with j	es technology
Advance development of improved PTAB IT syst allocation of budget resources to accommodate	ems and system integration to support PTAB's mission. M business unit needs.	lanage
=		
Rating Official Narrative: (Optional)		
Critical Element Rating – Business Acumen	(b)(6)	
Critical Element 4. Building Coalitions	(Minimum weight 5 points)	Weight 10%
customers. Coordinates with appropriate parties facilitate an open exchange of opinion from diver advocates, and expresses facts and ideas in a con	and considers feedback from internal and external stakehol to maximize input from the widest range of appropriate st se groups and strengthen internal and external support. Ex vincing manner and negotiates with individuals and groups al network with other organizations and identifies the inter- ization.	akeholders to oplains, internally and
Agency-Specific Performance Requirements		
objectives or PTAB objectives such as reducing e inventory and deadlines. Coordinate and share	ssible and appropriate, to implement strategies for achieven x parte appeals inventory / pendency within limits imposi information within PTAB and with other business units. In B AIA trial and appeal practice and procedures. Ensure cle and communicated to the public.	ed by AIA trial nteract with
Rating Official Narrative: (Optional)		

(b)(6)

Critical Element Rating – Building Coalitions

#### Critical Element 5. Results Driven

(Minimum Weight 20 points) Weight 60%

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

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

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

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

Performance Requirement 1: 25% Weight

Strategic Alignment:

**America Invents Act Trial Timeliness:** 

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

USPTO Strategic Plan, Goal 1, Objective 7

Draft USPTO Strategic Plan, Goal 1, Objective 4

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

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

Executive Name and ID: Tierney, Michael P.	Appraisal Period: FY2019
Part 6: Summary Rating Narrative (Mandatory)	
	2
Part 7: Executive's Accomplishment Narrative (Optional)	
A.	
	5
Part 8: Agency Use	
Parto. Agency use	
	1
	0.5

## **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			5785630	Points 475 – 500 = Level 5 Rating Score Points 400 – 474 = Level 4 Rating Score	
Performance Requirement 2				Points 300 – 399 = Level 3 Rating Score Points 200 – 299 = Level 2 Rating	
Performance Requirement 3				Score Any PR rated Level 1 overall score must be = Level 1 Rating Score	
Performance Requirement 4					
2000年		= 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
	The street of			Points 475 – 500 = Level 5 Rating	Bank Hill S
Performance	4	x 25	100	Score	
Requirement 1				Points 400 – 474 = Level 4 Rating	500000000000000000000000000000000000000
Performance	5	x 30	150	Score	45000000
Requirement 2				Points 300 - 399 = Level 3 Rating	
Performance	5	x 15	75	Score	
Requirement 3	-			Points 200 – 299 = Level 2 Rating	
Performance	3	x 30	90	Score	A STATE
Requirement 4				Any PR rated Level 1 overall score	
		= 100%		must be = Level 1 Rating Score	STATE OF THE
Performance					
Requirement			415	415= Level 4	4*
Total Score	And Said				

<sup>\*</sup>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): Tierney, Michael P.  Appraisal Pd. 10/01/18 - 9/30/19							
Executive's Signature:	(b)(6)					Date:	10/2/18
Title: Vice Chief Administrates Patent and Trademark C		tent Judge, Pate	ent Trial and	Appeal Bo	ard, U.S.	Organi	zation: PTAB
Rating Official's Name (Last, First, MI): BOALICK, SCOTT R., Deputy Chief Administrative Patent Judge							
Rating Official's Signatur	e: (	b)(6)				Date:	4/28/18
Part 2. Progress Review							( Zo - 1)
Executive's Signature:	(b)(	# 100				Date:	5/2/19
Rating Official's Signatur	e: (b)(6	6)				Date:	5/1/19
Reviewing Official's Signa	ature (Opti	onal):				Date:	
Part 3. Summary Rating					الجالدات		
Initial Summary Rating	(b)(6)						
Rating Official's Name (L	ast, First, N	11): BOALICK, S	COTT R., De	puty Chief /	Administrative	Patent	Judge
Rating Official's Signatur	e: (b)(6)	222/41/201				Date:	1116/19
Executive's Signature:	(b)(6)		VIII - 10			Date:	11/6/19
Reviewing Official's Sign	ature (Opti	onal):				Date:	
Higher Level Review (if	applicable)						
☐ I request a higher lev	el review.	Executive's In	itials:			Date:	
Higher Level Review Con	npleted			n n		Date:	<del>7</del> :
Higher Level Reviewer Si	gnature:						·
Performance Review Bo	ard Recom	mendation	Level	s 🔲 L	evel 4 L	evel 3	Level 2 Level 1
PRB Chair Signature:							Date:
Annual Summary Rating	7		Level	s 🔲 L	evel 4 🔲 L	evel 3	Level 2 Level 1
Appointing Authority Sig	nature:			- 11			Date:
Part 4. Derivation Form	ula and Ca	Iculation of Ann	nual Summa	ry Rating			
	Elem	ent Rating			Score		
0.11.15		Final	VA/ • • •		Final		AND THE RESERVE OF THE PARTY OF
Critical Element  1. Leading Change	Initial (if changed) Weight Initial (if changed) Summary Level Ranges (b)(6) 10% (b)(6)					bummary Level Kanges	
1. Leading Change (b)(6) 10% (b)(6) 475-S00 = Level 5					475-S00 = Level 5		
3. Business Acumen 10%					400-474 = Level 4		
4. Building Coalitions	÷		10%				300-399 = Level 3
5. Results Driven 60% 200-299 = Level 2							
Total		70.0	100%			Any	CE rated Level 1 = Level 1

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

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

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

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

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.

Rating Official Narrative: (Optional)

Critical Element Rating – Leading Change

(b)(6)

#### Critical Element 2. Leading People

(Minimum weight 5 points) Weight 10%

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

Agency-Specific Performance Requirements

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

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

Serve as 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.

Rating Official Narrative: (Optional)

Critical Element Rating - Leading People

(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:

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.

USPTO Strategic Plan, Goal 1, Objective 7

Draft USPTO Strategic Plan, Goal 1, Objective 4

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

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

Executive Name and ID: Tierney, Michael P.	Appraisal Period: FY2019
Part 6: Summary Rating Narrative (Mandatory)	
	2
Part 7: Executive's Accomplishment Narrative (Optional)	
A.	
	5
Part 8: Agency Use	
Parto. Agency use	
	1
	0.5

## **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			5785630	Points 475 – 500 = Level 5 Rating Score Points 400 – 474 = Level 4 Rating Score	
Performance Requirement 2				Points 300 – 399 = Level 3 Rating Score Points 200 – 299 = Level 2 Rating	
Performance Requirement 3				Score Any PR rated Level 1 overall score must be = Level 1 Rating Score	
Performance Requirement 4					
2000年		= 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
	The street of			Points 475 – 500 = Level 5 Rating	Bank Hill S
Performance	4	x 25	100	Score	
Requirement 1				Points 400 – 474 = Level 4 Rating	500000000000000000000000000000000000000
Performance	5	x 30	150	Score	45000000
Requirement 2				Points 300 - 399 = Level 3 Rating	
Performance	5	x 15	75	Score	
Requirement 3	-			Points 200 – 299 = Level 2 Rating	
Performance	3	x 30	90	Score	A STATE
Requirement 4				Any PR rated Level 1 overall score	
		= 100%		must be = Level 1 Rating Score	STATE OF THE
Performance					
Requirement			415	415= Level 4	4*
Total Score	And Said				

<sup>\*</sup>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. /	have review	ved this plan and	d have been	consulted	on its de	velopm	ent.		
Executive's Name (Last,	First, MI):	TIERNEY, MICHA	AEL P.				Apprai <b>9/30/1</b>	sal Pd. <b>10/01</b> , 18	/17 -
Executive's Signature:	b)(6)	<del></del>					Date:	10/3//1	7
Title: Vice Chief Admini Patent and Trademark (		tent Judge, Pate	ent Trial and	Appeal B	oard, U.S	5.	Organi	zation: PTAB	
Rating Official's Name (Last, First, MI): BOALICK, SCOTT R., Deputy Chief Administrative Patent Judge								NC LT/LE	
Rating Official's Signature: (b)(6) Date: 10/3 0/17									
Part 2. Progress Review									
Executive's Signature:	(b)(	6)					Date:	4/30/	18
Rating Official's Signatur	e:	(b)(6)			4		Date:	4/30/1	P
Reviewing Official's Sign	ature <i>(Opti</i>	ional):					Date:		
Part 3. Summary Rating	3								
Initial Summary Rating (b)(6)									
Rating Official's Name (L	Rating Official's Name (Last, First, MI): BOALICK, SCOTT R., Deputy Chief Administrative Patent Judge								
Rating Official's Signature: (b)(6)  Date: 11/5/217							()		
Executive's Signature:	(/s\/C\							018	
Reviewing Official's Sign	ature <i>(Opti</i>	onal):					Date:		
Higher Level Review (if	applicable)								
I request a higher lev	el review.	Executive's Ini	tials:				Date:		
Higher Level Review Cor	npleted						Date:		
Higher Level Reviewer S	gnature:								
Performance Review Bo	ard Recom	mendation	Level	s 🔲	Level 4	Le	vel 3	Level 2	Level 1
PRB Chair Signature:			1					Date:	
Annual Summary Rating	7		Level	s 🔲	Level 4	Le	vel 3	Level 2	Level 1
Appointing Authority Sig	nature:					576		Date:	
Part 4. Derivation Formula and Calculation of Annual Summary Rating									
	Elem	ent Rating			Score				
Coldinal Flances	65747-10	Final	NAZ-Z-I-A	1.11.1		nal	Ι,		10
Critical Element  1. Leading Change	Initial (b)(6)	(if changed)	Weight 10%	Initial (b)(6)	(If cha	inged)		Summary Leve	i Ranges
2. Leading People	(0)(0)		10%	1 1 1				47S-S00 = L	evel S
3. Business Acumen			10%					400-474 = L	
4. Building Coalitions			10%					300-399 = L	
S. Results Driven			60%				4	200-299 = L	
Total	The Very		100%				Any	CE rated Leve	1 1 = Level 1

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

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

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

Element	Rating	Leve	<b>Points</b>
---------	--------	------	---------------

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

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.

Rating Official Narrative: (Optional)

Critical Element Rating – Leading Change

(b)(6)

#### Critical Element 2. Leading People

(Minimum weight 5 points) Weight 10%

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

Agency-Specific Performance Requirements

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

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.

3

Rating Official Narrative: (Optional)

Critical Element Rating - Leading People

(b)(6)

4

(b)(6)

Critical Element Rating - Building Coalitions

#### 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

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 exparte appeal inventory by issuing decisions in accordance with applicable legal requirements.

Strategic Alignment:

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

USPTO Strategic Plan, Goal 1,

Performance Requirement 3: 25% Weight

Strategic Alignment:

**PTAB Decision Consistency:** 

**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.

Performance Requirement 4: 25% Weight	Strategic Alignment:			
Federal Circuit Remand Decision Timeliness:	USPTO Strategic Plan, Goal 1, Objective 7			
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.				
Rating Official Narrative: (Optional)				
Critical Element Rating – Results Driven (b)(6)				

Executive Name and ID: TIERNEY, MICHAEL P.	Appraisal Period: FY2018
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	TI.	erney	Rati	ing Period	
Results Driven Performance Requirements (PR)	Performance Requirement Rating Level Score	Weight (multiply by)	Performance Requirement Points Score	Point Ranges to Rating Level Score	Results Driven Initial Element Score
Performance Requirement 1	(b)(6)	25	(b)(6)	Points 475 – 500 = Level 5 Rating Score Points 400 – 474 = Level 4 Rating	
Performance Requirement 2		25		Score Points 300 – 399 = Level 3 Rating Score Points 200 – 299 = Level 2 Rating	
Performance Requirement 3		25		Score Any PR rated Level 1 overall score must be = Level 1 Rating Score	
Performance Requirement 4		25			
Performance Requirement		= 100%	(b)(6)		

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

**Total Score** 

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
CONTRACTOR OF THE PARTY OF THE				Points 475 – 500 = Level 5 Rating	ART WILE
Performance Requirement 1	4	x 25	100	Score Points 400 -474 = Level 4 Rating	
Performance Requirement 2	5	x 30	150	Score Points 300 – 399 = Level 3 Rating	
Performance Requirement 3	5	x 15	75	Score Points 200– 299 = Level 2 Rating	
Performance Requirement 4	3	x 30	90	Score Any PR rated Level 1 overall score	
THE SHAPE		= 100%		must be = Level 1 Rating Score	
Performance Requirement Total Score			415	415= Level 4	4*

<sup>\*</sup>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

# **Summary Rating Narrative:**

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(b)(6)		

(b)(6)	

## SES Performance Management System Executive Performance Plan



Part 1. Consultation. 11	nave reviev	ved this plan	and	have been d	consulted	on its deve	elopme	ent.			
Executive's Name (Last, First, MI): Tierney, Michael P.									Appraisal Pd. 10/01/19 - 9/30/20		
Executive's Signature:(b)(6)									Date: 9/24/19		
Title: Vice Chief Administrative Patent Judge, Patent Trial and Appeal Board, U.S.									zation: I		
Rating Official's Name (Last, First, MI): Bonilla, Jacqueline, Deputy Chief Administrative Patent Judge									NC 🗌	LT/LE	
Rating Official's Signatur	e: (b)(6)							Date:	91:	24/19	
Part 2. Progress Review								4			
Executive's Signature:								Date:			
Rating Official's Signatur	e:							Date:			
Reviewing Official's Signa	ature (Opt	ional):						Date:			
Part 3. Summary Rating											
Level 5			evel 4 eds Fully essful		vel 3 uccessful	N	Level 2 Level 1  Minimally Unsatisfactory				
Rating Official's Name (L	ast, First, I	MI):									
Rating Official's Signature:								Date:			
Executive's Signature:								Date:			
Reviewing Official's Signa	ature (Opt	ional):						Date:			
Higher Level Review (if a	applicable)										
☐ I request a higher lev	el review.	Executive'	's Init	ials:				Date:			
Higher Level Review Con	npleted						Date:				
Higher Level Reviewer Si	gnature:										
Performance Review Bo	ard Recon	nmendation		Level !	5 🔲	Level 4	Le	evel 3	Lev	el 2	Level 1
PRB Chair Signature:									Date:		
Annual Summary Rating	r			Level 9	5	Level 4	Le	evel 3	Lev	el 2	Level 1
Appointing Authority Sig	nature:								Date:		
Part 4. Derivation Form	ula and Ca	alculation of	Annı	ual Summar	y Rating		T,				
Element Rating Score											
Critical Element	Initial	Final (if change	d)	Weight	Initial	Fina (if char			Summary	Level Ran	iges
1. Leading Change				10%	5/41/4/333						
2. Leading People				10%						00 = Level : 74 = Level :	
3. Business Acumen				10%						99 = Level	
4. Building Coalitions				10%						99 = Level	
5. Results Driven	23/0/Atm	SEPTIME.		60%				Any		Level 1 =	
Total	18 A A A A		YEAR	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	<b>Points</b>
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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		(N	1inimum weigl	nt 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 Implement Director's objectives for enhancing of the organizational staffing, policies, and procedu precedential opinions, and guidance to stakehole	perations of USP1 ures, as needed. L	FO and PTAB. ead PTAB thro	Optimize PTA ough enhancer	B operations be ments of rules	oy modifying of practice,	
Rating Official Narrative: (Optional)						
			r- <del>.</del>			
Critical Element Rating - Leading Change	Level 5	Level 4	Level 3	Level 2	Level 1	
Critical Element 2. Leading People		(N	/linimum weig	ht 5 points)	Weight 10%	
and goals. Provides an inclusive workplace that for participation by all employees; facilitates collabor of conflicts. Ensures employee performance plan receive constructive feedback, and that employee performance standards. Holds employees accour considers employee input. Recruits, retains, and that reflects the nation, with the skills needed to workforce diversity, workplace inclusion, and equipal Agency-Specific Performance Requirements  Lead, develop, and implement actions to impression of the participation of the participat	ration, cooperations are aligned with es are realistically intable for approprious the tales accomplish organial employment possible.	in, and teamw in the organizat appraised aga riate levels of p nt needed to a izational perfo olicies and pro	ork, and supportion's mission a ainst clearly de performance a achieve a high o ormance object ograms.	orts constructivend goals, that fined and comind conduct. Squality, diverse tives while sup	ve resolution employees municated eeks and e workforce oporting	
gathered from sources including the USPTO I and other initiatives.	• •	0 0	•			
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 (appropriate. Provide policy direction and guidar mission-critical tasks. Retain and leverage natio	nce to the PTAB.	_			-	
Rating Official Narrative: (Optional)						
Critical Element Rating – Leading People	Level 5	Level 4	Level 3	Level 2	Level 1	

Level 4

Level 5

Critical Element Rating – Building Coalitions

Level 2

Level 1

Level 3

#### Critical Element 5. Results Driven

(Minimum Weight 20 points) | Weight 60%

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

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

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

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

Performance Requirement 1: 25% Weight

Strategic Alignment:

**America Invents Act Trial Timeliness:** 

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

FY 2018-2022 USPTO Strategic Plan, Goal 1, Objective 4

Performance Requirement 2: 25% Weight

Strategic Alignment:

Ex Parte Appeal Timeliness:

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

FY 2018-2022 USPTO Strategic Plan, Goal 1, Objective 4

Performance Requirement 3: 25% Weight

Strategic Alignment:

PTAB Decision Consistency:

FY 2018-2022 USPTO Strategic Plan, Goal 1, Objective 4

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.

Performance Requirement 4: 25% Weight	Strategic Alignment:
Effective Communications:	FY 2018-2022 USPTO Strategic Plan, Goal 1, Objective 4
Ensure clear, timely, and accurate communications concerning PTAB mater to PTAB judges and staff, other USPTO business units, and external stakeholders to decrease uncertainty and increase predictability, transparency, and reliability.	itters
Rating Official Narrative: (Optional)	1881 (1811) Land Control of Contr
Critical Element Rating - Results Driven Level 5	evel 4 Level 3 Level 2 Level 1

### **Deriving the Results Driven Rating Worksheet**

Executive Name <u>Tierney, Michael P.</u>			Rating Period	FY2020	
Results Driven	Performance	Weight	Performance	Point Ranges to Rating Level Sco	re Results Driven
Dor ormance	Pequirement	(multiply	Paguirament		Initial Flement

Results Driven Per ormance 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
(FK)	Score	VOID SEVE	ak Make	Points 475 – 500 = Level 5 Rating	S. E. W. ARR
Performance Requirement 1		25		Score Points 400 – 474 = Level 4 Rating Score	
Performance Requirement 2		25		Points 300 – 399 = Level 3 Rating Score Points 200 – 299 = Level 2 Rating	
Performance Requirement 3		25		Score Any PR rated Level 1 overall score must be = Level 1 Rating Score	
Performance Requirement 4		25			
12 1 E ( 12)		= 100%			
Performance Requirement Total Score				= Level	

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

Results Driven	Performance	Weight	Per ormance	Point Ranges to Rating Level Score	Results Driven
Performance	Requirement	(multiply	Requirement		Initial Element
Requirements	Rating Level	by)	Points Score		Score
(PR)	Score				
				Points 475 – 500 = Level 5 Rating	
Performance	4	x 25	100	Score	
Requirement 1				Points 400 – 474 = Level 4 Rating	
Performance	5	x 30	150	Score	Dischie S
Requirement 2				Points 300 – 399 = Level 3 Rating	
Performance	5	x 15	75	Score	
Requirement 3				Points 200 – 299 = Level 2 Rating	
Performance	3	x 30	90	Score	
Requirement 4				Any PR rated Level 1 overall score	
超级 四周期	BATTER AT A	= 100%	2 - M 421V	must be = Level 1 Rating Score	
Performance		THE REAL PROPERTY.			
Requirement			415	415= Level 4	4*
<b>Total Score</b>					

<sup>\*</sup>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): Weidenfeller, Scott  Appraisal Pd. 10/0 9/30/19					sal Pd. <b>10/01/18 -</b> <b>19</b>		
Executive's Signature:(b)	(6)		>			Date:	1/20/18
Title: Vice Chief Adminis Patent and Trademark O		tent Judge, Pat	ent Trial and	Appeal Bo	ard, U.S.	Organi	zation: PTAB
Rating Official's Name (Lo		11): BOALICK, S	COTT R., Dep	outy Chief		СА□	NC LT/LE
Administrative Patent Ju	/	h)/C)		_		СА	
Rating Official's Signature	e: <u>(</u>	b)(6)				Date:	1/28/18
Part 2. Progress Review	^	1					
Executive's Signature:	b)(6)					Date:	5/1/19
Rating Official's Signature	(b)(6)	)				Date:	5/1/19
Reviewing Official's Signa	ture (Opti	onal):				Date:	
Part 3. Summary Rating							
Initial Summary Rating	(b)(6)	4-11					
Rating Official's Name (Lo	st, First, N	Al): BOALICK, S	COTT-R., De	puty Chief	Administrative	Patent	Judge
Rating Official's Signature	Rating Official's Signature (b)(6)  Date: 11 (6) / 19						11/6/19
Executive's Signature: (b	(b)(c)					11 (6) 19	
Reviewing Official's Signa	Reviewing Official's Signature (Optional):  Date:						
Higher Level Review (if a	pplicable)					1	
☐ I request a higher lev	☐ I request a higher level review. Executive's Initials: Date:						
Higher Level Review Com	pleted					Date:	
Higher Level Reviewer Si	gnature:						
Performance Review Boo	Performance Review Board Recommendation Level 5 Level 4 Level 3 Level 2 Level 1						Level 2 Level 1
PRB Chair Signature:			5-1				Date:
Annual Summary Rating Level 5 Level 4 L				evel 3	Level 2 Level 1		
Appointing Authority Signature:						Date:	
Part 4. Derivation Formula and Calculation of Annual Summary Rating							
	Elem	ent Rating			Score		
C. Wales Element	Taratal	Final	107-1-1-1	1.775.6	Final	1 .	C I a I D
Critical Element  1. Leading Change	Initial (b)(6)	(if changed)	Weight 10%	Initial (b)(6)	(if changed)		Summary Level Ranges
2. Leading People 10%						475-500 = Level 5	
3. Business Acumen 10%				400-474 = Level 4			
4. Building Coalitions 10%				300-399 = Level 3			
5. Results Driven			60%			Δην	200-299 = Level 2 CE rated Level 1 = Level 1
Total	My (S)		100%			Ally	CL TOLEG LEVEL I - LEVEL I

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

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

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

Element Rating Level Points	
	Level 5 = 5 points
	Level 4 = 4 points
	Level 3 = 3 points
	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

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.

Rating Official Narrative: (Optional)

Critical Element Rating - Leading Change

(b)(6)

#### Critical Element 2. Leading People

(Minimum weight 5 points) | Weight 10%

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

Agency-Specific Performance Requirements

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

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

Serve as 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.

Rating	Official	Narrative:	(Ontional)
Daring	OHILLIAN	INGLIALIVE.	I U ULI UI IUI I

Critical Element Rating - Leading People

(b)(6)

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 S. 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 Ex Parte Inventory / Pendency Reduction:

Strategic Alignment:

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.

USPTO Strategic Plan, Goal 1, Objective 7

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	Strategic Alignment:
Federal Circuit Remand Decision Timeliness:	USPTO Strategic Plan, Goal 1, Objective 7
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 S0% of all such remands.	Draft USPTO Strategic Plan, Goal 1, Objective 4
Rating Official Narrative: (Optional)	
Critical Flement Rating — Results Driven (b)(6)	

Executive Name and ID: Weidenfelle	r, Scott	Appraisal Period: FY2019
Part 6: Summary Rating Narrative (Mo	ndatory)	
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Dark 7. Everytive/s Assemblishment N	amatina (Optional)	
Part 7: Executive's Accomplishment N	arrative (Optional)	
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Part 8: Agency Use		
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## **Deriving the Results Driven Rating Worksheet**

Executive Name	Rating Period
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	
Performance Requirement 2				Points 300 – 399 = Level 3 Rating Score Points 200 – 299 = Level 2 Rating	
Performance Requirement 3				Score Any PR rated Level 1 overall score must be = Level 1 Rating Score	
Performance Requirement 4					
A STATE OF THE STA	THE PARTY AND THE	= 100%	W Dra Gardy		A CONTRACTOR
Performance Requirement Total Score			ंड	= 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
	KA BURA	Nation.		Points 475 – 500 = Level 5 Rating	
Performance Requirement 1	4	x 25	100	Score Points 400 – 474 = Level 4 Rating	香味素
Performance Requirement 2	5	x 30	150	Score Points 300 – 399 = Level 3 Rating	
Performance Requirement 3	5	x 15	75	Score Points 200–299 = Level 2 Rating	
Performance Requirement 4	3	x 30	90	Score Any PR rated Level 1 overall score	
		= 100%		must be = Level 1 Rating Score	
Performance Requirement Total Score			415	415= Level 4	4*

<sup>\*</sup>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): Weidenfeller, Scott  Appraisal Pd. 10/01/18 - 9/30/19						The state of the s
Executive's Signature: (b)	)(6)					Date:	1/20/18
Title: Vice Chief Administ Patent and Trademark O		tent Judge, Pat	ent Trial and	Appeal Bo	ard, U.S.	Organi	zation: PTAB
Rating Official's Name (Last, First, MI): BOALICK, SCOTT R., Deputy Chief Administrative Patent Judge							NC LT/LE
Rating Official's Signature: (b)(6) Date: 9/28							9/28/18
Part 2. Progress Review	_	^					
Executive's Signature:	b)(6)					Date:	5/1/19
Rating Official's Signature	e: (b)(6	5)				Date:	5/1/19
Reviewing Official's Signa	ture (Opti	onal):				Date:	
Part 3. Summary Rating				1118			
Initial Summary Rating	(b)(6)						
Rating Official's Name (Lo	ist, First, N	Al): BOALICK, S	COTT-R., De	outy Chief	Administrative	Patent	Judge
Rating Official's Signature	D. (b)(6)						11/6/19
Executive's Signature: (b)(6)  Date: 1, (6) 19						11/6/19	
Reviewing Official's Signa	Reviewing Official's Signature (Optional):  Date:						
<b>Higher Level Review</b> (if a	pplicable)						
☐ I request a higher leve	el review.	Executive's In	itials:			Date:	
Higher Level Review Com	pleted					Date:	
Higher Level Reviewer Sig	gnature:						
Performance Review Boo	ard Recom	mendation	Level	5 <u> </u>	evel 4 Le	evel 3	Level 2 Level 1
PRB Chair Signature:			51				Date:
Annual Summary Rating			Level	5 <u>L</u>	evel 4 L	evel 3	Level 2 Level 1
Appointing Authority Sign	nature:		70	1			Date:
Part 4. Derivation Form	ula and Ca	Iculation of An	nual Summa	ry Rating			
	Elem	ent Rating			Score		
Critical Element	Initial	Final (if changed)	Weight	Initial	Final (if changed)		Summary Level Ranges
Company of the Compan	(b)(6)	(II clidingea)	10%	(b)(6)	(II CHOILBEA)	<u> </u>	
2. Leading People			10%				475-500 = Level 5
3. Business Acumen 10% 400-474 = Leve							
4. Building Coalitions	ļ		10%				300-399 = Level 3 200-299 = Level 2
5. Results Driven			60%			Δην	CE rated Level 1 = Level 1
Total	WY G		100%			Ally	CE lated Level 1 = Level 1

### Part 5. Performance Standards and Critical Elements

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

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

Element Rating Level Points	
	Level 5 = 5 points
	Level 4 = 4 points
	Level 3 = 3 points
	Level 2 = 2 points
	Level 1 = 0 points
	233,2 3 5

### 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

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.

Rating Official Narrative: (Optional)

Critical Element Rating - Leading Change

(b)(6)

### Critical Element 2. Leading People

(Minimum weight 5 points) | Weight 10%

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

Agency-Specific Performance Requirements

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

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

Serve as 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.

Rating Official Narrative: (Optional)

Critical Element Rating - Leading People

Critical Element Rating – Building Coalitions

### Critical Element S. 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 Ex Parte Inventory / Pendency Reduction:

Strategic Alignment:

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.

USPTO Strategic Plan, Goal 1, Objective 7

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	Strategic Alignment:
Federal Circuit Remand Decision Timeliness:	USPTO Strategic Plan, Goal 1, Objective 7
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.	Draft USPTO Strategic Plan, Goal 1, Objective 4
	7
Rating Official Narrative: (Optional)	
A. Company of the com	
A. Carterina de la Carterina d	
Critical Element Rating – Results Driven (b)(6)	-

Executive Name and ID: Weidenfeller, Scott	Appraisal Period: FY2019
Part 6: Summary Rating Narrative (Mandatory)	
	*
0	
Part 7: Executive's Accomplishment Narrative (Optional)	
Part 7. Executive 3 Accomplishment wantative (Operonal)	
>	
Part 8: Agency Use	
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## **Deriving the Results Driven Rating Worksheet**

Executive Name	Rating Period

Results Driven Performance Requirements (PR)	Performance Requirement Rating Level Score	Weight (multiply by)	Performance Requirement Points Score	Point Ranges to Rating Level Score	Results Driven Initial Element Score
Performance Requirement 1				Points 475 – 500 = Level 5 Rating Score Points 400 – 474 = Level 4 Rating Score	
Performance Requirement 2				Points 300 – 399 = Level 3 Rating Score Points 200 – 299 = Level 2 Rating	
Performance Requirement 3				Score Any PR rated Level 1 overall score must be = Level 1 Rating Score	
Performance Requirement 4					
1000	S. William	= 100%	William Walk		
Performance Requirement Total Score			ংগ্ৰ	= Level	

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

Results Driven	Performance	Weight	Performance	Point Ranges to Rating Level Score	Results Driven
				Point Ranges to Rating Level Score	
Performance	Requirement	(multiply	Requirement		Initial Element
Requirements	Rating Level	by)	Points Score		Score
(PR)	Score				
				Points 475 – 500 = Level 5 Rating	MONTH OF THE
Performance	4	x 25	100	Score	MALL YES
Requirement 1		\$4000 APRIL 1		Points 400 – 474 = Level 4 Rating	
Performance	5	x 30	150	Score	
Requirement 2				Points 300 – 399 = Level 3 Rating	
Performance	5	x 15	75	Score	
Requirement 3				Points 200 – 299 = Level 2 Rating	
Performance	3	x 30	90	Score	
Requirement 4				Any PR rated Level 1 overall score	
		= 100%		must be = Level 1 Rating Score	
Performance		ELECTION OF			
Requirement			415	415= Level 4	4*
<b>Total Score</b>	Windows !				

<sup>\*</sup>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. 11	have reviev	ved this plan an	nd have been	consulted c	n its developm	ent.		
Executive's Name (Last,	First, MI):	WEIDENFELLER	s, scott			Apprai <b>9/30/</b> 1	sal Pd. <b>10/01/1</b> 1 <b>8</b>	7 -
Executive's Signature:	0)(6)					Date:	10/30/17	l
Title: Vice Chief Admini		tent Judge, Pat	tent Trial and	d Appeal Bo	ard, U.S.	Organi	zation: PTAB	
Rating Official's Name (L Administrative Patent J		MI): BOALICK, S	SCOTT R., De	puty Chief		СА		
Rating Official's Signatur	e:	(b)(6)				Date:	10/30/17	-
Part 2. Progress Review	,							
Executive's Signature:		(b)(6)				Date:	A/30/18	
Rating Official's Signatur	e:	(b)(6)				Date:	4/30/18	
Reviewing Official's Sign	ature (Opt	ional):				Date:	-	
Part 3. Summary Rating	3							
Initial Summary Rating	(b)(6)							
Rating Official's Name (L	ast, First, N	Al): BOALICK, S	SCOTT R., De	puty Chief	Administrative		- The Table 1	
Rating Official's Signatur	e: (b)	(6)				Date:	11/5/2018	1
Executive's Signature:	(b)(6)					Date:	11/7/201	e
Reviewing Official's Sign	ature (Opt	ional):				Date:		
Higher Level Review (if	applicable)							
☐ I request a higher lev	vel review.	Executive's Ir	nitials:			Date:		
Higher Level Review Cor	npleted					Date:		
Higher Level Reviewer S	ignature:							
Performance Review Bo	ard Recom	mendation	Level	5 🔲 L	evel 4 Le	evel 3	Level 2	Level 1
PRB Chair Signature:							Date:	
Annual Summary Rating	3		Level	5 🔲 L	evel 4 Le	evel 3	Level 2	Level 1
Appointing Authority Sig	gnature:						Date:	
Part 4. Derivation Form	ula and Ca	Iculation of An	nual Summa	ry Rating			1 1 3 10	
750	Elem	ent Rating			Score			
Critical Flamont	laisial	Final	Maiaba	laitial	Final	] ,	Commond aval	Danger
Critical Element  1. Leading Change	Initial (b)(6)	(if changed)	Weight 10%	Initial (b)(6)	(if changed)	-	Summary Level	ranges
2. Leading People	(-)(-)		10%	(-)(-)		1	475-500 = Le	
3. Business Acumen 10%							400-474 = Le	
4. Building Coalitions			10%				300-399 = Le	
5. Results Driven			60%			Anv	200-299 = Le	
Total	100		100%			Any	CL Taleu Level	T - FEAGUT

### 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	<b>Points</b>
---------	--------	-------	---------------

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

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.

Rating Official Narrative: (Optional)

Critical Element Rating — Leading Change

(b)(6)

### Critical Element 2. Leading People

(Minimum weight 5 points) | Weight 10%

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

Agency-Specific Performance Requirements

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

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.

3

Rating Official Narrative: (Optional)

Critical Element Rating - Leading People

Executive Name and ID. SCOTT WEIDEN LELLER	Appraisari	eriou. I 12010
Critical Element 3. Business Acumen	(Minimum weight 5 points)	Weight 10%
Mandatory Performance Requirement: Assesses, analyzes, acquinformation resources in a manner that instills public trust and acto enhance processes and decision making. Executes the operational manages resources.	complishes the organization's mission. Us	es technology
Agency-Specific Performance Requirements		
Advance development of improved PTAB IT systems and system allocation of budget resources to accommodate business unit ne		Manage
Rating Official Narrative: (Optional)		
Rating Official Native. [Optional)		
(b)(c)		
Critical Element Rating – Business Acumen (b)(6)		
Critical Element 4. Building Coalitions	(Minimum weight 5 points)	Weight 10%
Critical Element 4. Building Coalitions  Mandatory Performance Requirement: Solicits and considers fecustomers. Coordinates with appropriate parties to maximize inplication from diverse groups and stadvocates, and expresses facts and ideas in a convincing manner externally, as appropriate. Develops a professional network with	edback from internal and external stakeho ut from the widest range of appropriate st rengthen internal and external support. E and negotiates with individuals and groups	lders or takeholders to xplains, s internally and
Critical Element 4. Building Coalitions  Mandatory Performance Requirement: Solicits and considers fer customers. Coordinates with appropriate parties to maximize inplacilitate an open exchange of opinion from diverse groups and standard advocates, and expresses facts and ideas in a convincing manner	edback from internal and external stakeho ut from the widest range of appropriate st rengthen internal and external support. E and negotiates with individuals and groups	lders or takeholders to xplains, s internally and
Critical Element 4. Building Coalitions  Mandatory Performance Requirement: Solicits and considers fee customers. Coordinates with appropriate parties to maximize inp facilitate an open exchange of opinion from diverse groups and stadvocates, and expresses facts and ideas in a convincing manner externally, as appropriate. Develops a professional network with external politics that affect the work of the organization.	edback from internal and external stakeho ut from the widest range of appropriate strengthen internal and external support. Eand negotiates with individuals and groups other organizations and identifies the interpriate, to implement strategies for achievinventory / pendency within limits imposts and to inform on PTAB AIA trial and apprint and apprint of the print of	lders or takeholders to xplains, sinternally and ernal and ving USPTO ed by AIA trial peal practice
Critical Element 4. Building Coalitions  Mandatory Performance Requirement: Solicits and considers fecustomers. Coordinates with appropriate parties to maximize inplication from diverse groups and standard advocates, and expresses facts and ideas in a convincing manner externally, as appropriate. Develops a professional network with external politics that affect the work of the organization.  Agency-Specific Performance Requirements  Collaborate with other business units, where possible and appropriate objectives or PTAB objectives such as reducing exparte appeals inventory and deadlines. Interact with public to collect feedbace	edback from internal and external stakeho ut from the widest range of appropriate strengthen internal and external support. Eand negotiates with individuals and groups other organizations and identifies the interpriate, to implement strategies for achievinventory / pendency within limits imposts and to inform on PTAB AIA trial and apprint and apprint of the print of	lders or takeholders to xplains, sinternally and ernal and ving USPTO ed by AIA trial peal practice
Critical Element 4. Building Coalitions  Mandatory Performance Requirement: Solicits and considers fee customers. Coordinates with appropriate parties to maximize inplication facilitate an open exchange of opinion from diverse groups and stadvocates, and expresses facts and ideas in a convincing manner externally, as appropriate. Develops a professional network with external politics that affect the work of the organization.  Agency-Specific Performance Requirements  Collaborate with other business units, where possible and appropriates or PTAB objectives such as reducing exparte appeals inventory and deadlines. Interact with public to collect feedback and procedures. Ensure clear and consistent messaging is coordinated.	edback from internal and external stakeho ut from the widest range of appropriate strengthen internal and external support. Eand negotiates with individuals and groups other organizations and identifies the interpriate, to implement strategies for achievinventory / pendency within limits imposts and to inform on PTAB AIA trial and apprint and apprint of the print of	lders or takeholders to xplains, sinternally and ernal and ving USPTO ed by AIA trial peal practice
Critical Element 4. Building Coalitions  Mandatory Performance Requirement: Solicits and considers fee customers. Coordinates with appropriate parties to maximize inplication facilitate an open exchange of opinion from diverse groups and stadvocates, and expresses facts and ideas in a convincing manner externally, as appropriate. Develops a professional network with external politics that affect the work of the organization.  Agency-Specific Performance Requirements  Collaborate with other business units, where possible and appropriates or PTAB objectives such as reducing exparte appeals inventory and deadlines. Interact with public to collect feedback and procedures. Ensure clear and consistent messaging is coordinated.	edback from internal and external stakeho ut from the widest range of appropriate strengthen internal and external support. Eand negotiates with individuals and groups other organizations and identifies the interpriate, to implement strategies for achievinventory / pendency within limits imposts and to inform on PTAB AIA trial and apprint and apprint of the print of	lders or takeholders to xplains, sinternally and ernal and ving USPTO ed by AIA trial peal practice

### 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% offinal AIA decisions, excluding rehearing decisions, and 2% of regular ex parte appeals decisions.

Performance Requirement 4: 25% Weight	Strategic Alignment:
Federal Circuit Remand Decision Timeliness:	USPTO Strategic Plan, Goal 1, Objective 7
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.	
Rating Official Narrative: (Optional)	b:
=	
:20	ti.
Critical Element Rating – Results Driven (b)(6)	

### Deriving the Results Driven Rating Worksheet

Executive Name Wei Infelle Rating Period 17/18

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	
Performance Requirement 2		25		Points 300 – 399 = Level 3 Rating Score Points 200 – 299 = Level 2 Rating	
Performance Requirement 3		25		Any PR rated Level 1 overall score must be = Level 1 Rating Score	
Performance Requirement 4		25			
Performance Requirement Total Score		= 100%	(b)(6)		

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

Results Driven	Performance	Weight	Performance	Point Ranges to Rating Level Score	Results Driven
Performance	Requirement	(multiply	Requirement		Initial Element
Requirements	Rating Level	by)	Points Score		Score
(PR)	Score				
				Points 475 – 500 = Level 5 Rating	A SECURITION OF
Performance	4	x 25	100	Score	
Requirement 1				Points 400 – 474 = Level 4 Rating	
Performance	5	x 30	150	Score	3.75
Requirement 2				Points 300 – 399 = Level 3 Rating	
Performance	5	x 15	75	Score	
Requirement 3				Points 200 – 299 = Level 2 Rating	
Performance	3	x 30	90	Score	
Requirement 4				Any PR rated Level 1 overall score	
TELEVISION OF THE STATE OF	I the diamen	= 100%	St. Shallow	must be = Level 1 Rating Score	
Performance		Hall and			
Requirement			415	415= Leve! 4	4*
Total Score					

<sup>\*</sup>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	T: Executive Performance Summary Narrative for Fiscal Year 2018, Scott Weidenfeller, Vice Chief Judge	ži)
Summary	y Rating Narrative:	2 (2002)
(b)(6)		

(b)(6)		

(b)(6)		

# SES Performance Management System Executive Performance Plan



Part 1. Consultation. 1 h	ave reviev	ved this plan	and have	been d	consulted o	on its deve	lopme	ent.			
Executive's Name (Last, First, MI): Weidenfeller, Scott							Appraisal Pd. 10/01/19 - 9/30/20				
Executive's Signature: (b)	)(6)							Date: 1/23/19			
Title: Vice Chief Adminis Patent and Trademark O		tent Judge, F	Patent Tri	al and	Appeal Bo	oard, U.S.		Organi	zation: P	TAB	
Rating Official's Name (Last, First, MI): Bonilla, Jacqueline, Deputy Chief Administrative Patent Judge							CA	NC L	T/LE		
Rating Official's Signature	e(b)(6)							Date:	9123	115	1
Part 2. Progress Review					No.						
Executive's Signature:								Date:			
Rating Official's Signature	e:							Date:			
Reviewing Official's Signa	ature (Opti	ional):						Date:			
Part 3. Summary Rating			41,14						M.		THE PER
Level 5 Level 4 Level 3  Initial Summary Rating Outstanding Exceeds Fully Successful Successful						Level 2 Level 1  Minimally Unsatisfactory  Satisfactory					
Rating Official's Name (Lo	ast, First, I	MI):									
Rating Official's Signature	e:							Date:			
Executive's Signature:								Date:			
Reviewing Official's Signa	ature (Opt	ional):						Date:			
Higher Level Review (if a	ipplicable)										
☐ I request a higher lev	el review.	Executive's	s Initials:					Date:			
Higher Level Review Com	pleted							Date:			
Higher Level Reviewer Si	gnature:										
Performance Review Boo	ard Recom	mendation		Level 5	5 🔲	Level 4	Le	vel 3	Leve	el 2	Level 1
PRB Chair Signature:					,				Date:		.1
Annual Summary Rating	1			Level 5	5 🔲	Level 4	Le	evel 3	Leve	12	Level 1
Appointing Authority Sig	nature:		141						Date:		
Part 4. Derivation Form	ula and Ca	lculation of	Annual Su	mmar	y Rating		W.	14			
	Elem	ent Rating				Score					
C it is a little and a	1	Final			1 1111	Fina			4		1.0
Critical Element  1. Leading Change	Initial	(if changed	l) Wei 10%	gnt	Initial	(if chan	gea)		Summary	reve	n kanges
2. Leading People			10%					l	475-50	0 = L	evel 5
3. Business Acumen			10%						400-47		
4. Building Coalitions			10%		15		1010-10		300-39		
5. Results Driven			60%						200-29		
Total	100 1 1 7		100%					Any	CE rated	reve	1 = Level 1

### Part 5. Performance Standards and Critical Elements

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

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

Element	Rating	Level	Points
---------	--------	-------	--------

Level 5 = 5 points

Level 4 = 4 points

Level 3 = 3 points

Level 2 = 2 points

Level 1 = 0 points

Critical Element 1. Leading Change		(n	//inimum weight 5 poi	ints)   Weight 10%
Mandatory Performance Requirement: Develop- organizational and program goals, priorities, value implementing innovative solutions to make organ major shifts in direction or approach, as appropria service and program performance; creates a work transparency; and maintains program focus, even Agency-Specific Performance Requirements	es, and other fact nizational improve ate. Balances cha k environment tha	ors. Assesses ements, rangiringe and continge and continges.	and adjusts to changir ng from incremental im nuity; continually striv	ng situations, nprovements to ves to improve
Implement Presidential directives for enhancing Implement Director's objectives for enhancing of the organizational staffing, policies, and procedu precedential opinions, and guidance to stakehole	perations of USP ures, as needed. L	TO and PTAB. ead PTAB thr	Optimize PTAB opera ough enhancements o	ations by modifying of rules of practice,
Rating Official Narrative: (Optional)				
Critical Element Rating – Leading Change	Level 5	Level 4	Level 3 Lev	vel 2 Level 1
Critical Element 2. Leading People		(N	/linimum weight 5 poi	ints) Weight 10%
and goals. Provides an inclusive workplace that for participation by all employees; facilitates collabor of conflicts. Ensures employee performance plan receive constructive feedback, and that employee performance standards. Holds employees accour considers employee input. Recruits, retains, and that reflects the nation, with the skills needed to workforce diversity, workplace inclusion, and equipments.	ration, cooperations are aligned with es are realistically ntable for appropically develops the tale accomplish organ	on, and teamwenthe organization appraised against levels of antineeded to a sizational performance.	rork, and supports con tion's mission and goal ainst clearly defined ar performance and cond achieve a high quality, ormance objectives wh	structive resolution als, that employees and communicated duct. Seeks and diverse workforce
Lead, develop, and implement actions to impr gathered from sources including the USPTO I and other initiatives.	• •	~ ~	•	2 0
Promotes the protection of whistleblowers by described in subparagraph (A) or (B) of section fostering an environment in which employees employees or other appropriate authorities.	on 2302(b)(8); to	aking respon	sible actions to resol	lve disclosures; and
Serve as Vice Chief Judge and assist the Deputy (appropriate. Provide policy direction and guidar mission-critical tasks. Retain and leverage natio	nce to the PTAB.	_		•
Rating Official Narrative: (Optional)				·· ·· ·· ·· ·· · · · · · · · · · · · ·
Critical Element Rating – Leading People	Level 5	Level 4	Level 3 Level 3	vel 2 Level 1

Critical Element 3. Business Acumen		(N	Minimum weig	ght 5 points)	Weight 10%
Mandatory Performance Requirement: Assesses information resources in a manner that instills put to enhance processes and decision making. Execute and manages resources.	iblic trust and acc	omplishes the	organization's	s mission. Use	es technology
Agency-Specific Performance Requirements	_	<del></del>			
Support development of improved PTAB IT syste accommodate business unit needs. Develop and operational data. Identify and direct administra support the Board's size and workload.	d enhance tools t	o promote tra	insparency and	d enable incre	eased use of
Rating Official Narrative: (Optional)					
Critical Element Rating – Business Acumen	Level 5	Level 4	Level 3	Level 2	Level 1
Critical Element 4. Building Coalitions			/linimum weig	ht 5 points)	Weight 10%
Mandatory Performance Requirement: Solicits a customers. Coordinates with appropriate parties facilitate an open exchange of opinion from diver advocates, and expresses facts and ideas in a con externally, as appropriate. Develops a profession external politics that affect the work of the organ Agency-Specific Performance Requirements  Collaborate and share information within PTAB USPTO and/or PTAB objectives. Pursue formal of Interact with public to educate about PTAB prace about PTAB proceedings to guide enhancements	to maximize inputes groups and straight and manner and network with chization.  and with other bor informal collabitice and procedu	ut from the widen engthen inter and negotiates other organizations and corations and core to promote	dest range of a nal and extern with individual tions and iden to implement education opp	appropriate st nal support. En als and groups tifies the inte strategies for cortunities wing. Collect pu	akeholders to xplains, internally and rnal and achieving th examiners. blic feedback
transparency, and predictability.  Rating Official Narrative: (Optional)					

#### 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 Part5.

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

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

Performance Requirement 1: 25% Weight

Strategic Alignment:

### America Invents Act Trial Timeliness:

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

FY 2018-2022 USPTO Strategic Plan, Goal 1, Objective 4

Performance Requirement 2: 25% Weight

Strategic Alignment:

### **Ex Parte Appeal Timeliness:**

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

FY 2018-2022 USPTO Strategic Plan, Goal 1, Objective 4

Performance Requirement 3: 25% Weight

Strategic Alignment:

### **PTAB Decision Consistency:**

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

FY 2018-2022 USPTO Strategic Plan, Goal 1, Objective 4

Performance Requirement 4: 25% Weight	Strategic Alignment:				
Federal Circuit Remand Decision Timeliness:  Ensure clear, timely, and accurate communicato PTAB judges and staff, other USPTO busine stakeholders to decrease uncertainty and incitransparency, and reliability.	FY 2018-2022 USPTO Strategic Plan, Goal 1, Objective 4				
Rating Official Narrative: (Optional)					
Critical Element Rating – Results Driven	Level 5	Level 4	Level 3	Level 2	Level 1

7

## **Deriving the Results Driven Rating Worksheet**

Executive Name Weidenfeller, Scott Rating Period F\2020

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	
Performance Requirement 2		25		Points 300 – 399 = Level 3 Rating Score Points 200 – 299 = Level 2 Rating	
Performance Requirement 3		25	×	Score Any PR rated Level 1 overall score must be = Level 1 Rating Score	
Performance Requirement 4	-	25			
	0.50	= 100%			
Performance Requirement Total Score			0	= 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
· 图片图表系统图				Points 475 - 500 = Level 5 Rating	
Performance Requirement 1	4	x 25	100	Score Points 400 – 474 = Level 4 Rating	
Performance Requirement 2	5	x 30	150	Score Points 300 399 = Level 3 Rating	
Performance Requirement 3	5	x 15	75	Score Points 200-299 = Level 2 Rating	
Performance Requirement 4	3	x 30	90	Score Any PR rated Level 1 overall score	
		= 100%		must be = Level 1 Rating Score	
Performance Requirement Total Score			415	415= Level 4	4*

<sup>\*</sup>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): Fink, William					Appraisal Pd. <b>10/01/18 -</b> <b>9/30/19</b>		
Executive's Signature:	(b)(6)					Date: 9/24/18	
Title: Vice Chief Administ Patent and Trademark O		tent Judge, Pate	ent Trial and	l Appeal Bo	ard, U.S.	Organization: PTAB	
Rating Official's Name (La Administrative Patent Jud	dge		COTT R., De	puty Chief		CA NC LT/LE	
Rating Official's Signature	: (b	)(6)				Date: 1/28/18	
Part 2. Progress Review							
Executive's Signature:	ĺ	b)(6)		ŧ		Date: 8/1/19	
Rating Official's Signature	(b)(t	ô)				Date: 5/1/19	
Reviewing Official's Signa	ture (Opti	onal):		5		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: 1, 6 12019					Date: 11/6/2019		
Executive's Signature: (b)(6)					Date: 11/6/2019		
Reviewing Official's Signature (Optional):  Date:							
Higher Level Review (if applicable)							
☐ I request a higher level review. Executive's Initials: Date:					Date:		
Higher Level Review Completed			Date:				
Higher Level Reviewer Sig	nature:						
Performance Review Board Recommendation					evel 3 Level 2 Level 1		
PRB Chair Signature: Date:							
Annual Summary Rating	Annual Summary Rating Level S Level 4		evel 4 Le	evel 3 Level 2 Level 1			
Appointing Authority Signature:			Date:				
Part 4. Derivation Formula and Calculation of Annual Summary Rating							
	Elem	ent Rating			Score		
Critical Element	Initial	Final (if changed)	Weight	Initial	Final (if changed)	Summary Level Ranges	
	(b)(6)	(ii changeu)		(b)(6)	(ii changed)		
2. Leading People	110 at 2		10%			475-S00 = Level 5	
3. Business Acumen			10%	į		400-474 = Level 4	
4. Building Coalitions			10%			300-399 = Level 3 200-299 = Level 2	
S. Results Driven			60%			Any CE rated Level 1 = Level 1	
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.

<b>Element Rating L</b>	evel 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

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.

Rating Official Narrative: (Optional)

Critical Element Rating – Leading Change

(b)(6)

### Critical Element 2. Leading People

(Minimum weight 5 points) | Weight 10%

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

Agency-Specific Performance Requirements

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

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

Serve as 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.

Rating Official Narrative: (Optional)

Critical Element Rating - Leading People

Critical Element Rating – Building Coalitions

Rating Official Narrative: (Optional)

### 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

Ex Parte inventory/ Pendency Reduction:

Strategic Alignment:

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 exparte appeal inventory by issuing decisions Draft USPTO Strategic Plan, Goal 1, in accordance with applicable legal requirements.

USPTO Strategic Plan, Goal 1, Objective 7

**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	Strategic Alignment:
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.	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)	

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		125-2010		Points 475 – 500 = Level 5 Rating Score Points 400 – 474 = Level 4 Rating Score	
Performance Requirement 2				Points 300 – 399 = Level 3 Rating Score Points 200 – 299 = Level 2 Rating	
Performance Requirement 3				Score Any PR rated Level 1 overall score must be = Level 1 Rating Score	
Performance Requirement 4					
Performance Requirement Total Score		= 100%		= Level	

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

Results Driven	Performance	Weight	Performance	Point Ranges to Rating Level Score	Results Driven
Performance	Requirement	(multiply	Requirement		Initial Element
Requirements	Rating Level	by)	Points Score		Score
(PR)	Score				
				Points 475 – 500 = Level 5 Rating	
Performance	4	x 25	100	Score	
Requirement 1				Points 400 – 474 = Level 4 Rating	A A PARTY
Performance	5	x 30	150	Score	
Requirement 2				Points 300 – 399 = Level 3 Rating	
Performance	5	x 15	75	Score	
Requirement 3				Points 200 – 299 = Level 2 Rating	
Performance	3	x 30	90	Score	
Requirement 4				Any PR rated Level 1 overall score	
		= 100%		must be = Level 1 Rating Score	
Performance		40.114			
Requirement			415	415= Level 4	4*
<b>Total Score</b>	District Co.				

<sup>\*</sup>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 h	ave review	ved this plan and	d have b <mark>een</mark>	consulted c	n its developm	ent.			
Executive's Name (Last, First, MI): Tierney, Michael P.  Appraisal Pd. 10/01/18 - 9/30/19									
Executive's Signature:	(b)(6)						10/2/18		
The second secon	Title: Vice Chief Administrative Patent Judge, Patent Trial and Appeal Board, U.S.  Patent and Trademark Office  Organization: PTAB								
	Rating Official's Name (Last, First, MI): BOALICK, SCOTT R., Deputy Chief  Administrative Patent Judge								
Rating Official's Signature	e:	(b)(6)				Date:	4/28/18		
Part 2. Progress Review	***						( %		
Executive's Signature:	(b)(	6)				Date:	5/2/19		
Rating Official's Signature	e: (b)(	(6)			-	Date:	5/1/19		
Reviewing Official's Signa	iture (Opti	onal):				Date:			
Part 3. Summary Rating			1715						
Initial Summary Rating	(b)(6)								
Rating Official's Name (Lo	ast, First, N	Al): BOALICK, S	COTT R., De	puty Chief	Administrative	Patent	Judge		
Rating Official's Signature	e: (b)(6)					Date:	1116/19		
Executive's Signature: (b	)(6)					Date:	11/6/19		
Reviewing Official's Signa	ture (Opti	ional):				Date:			
Higher Level Revi'ew (if a	pplicable)								
☐ I request a higher lev	el review.	Executive's In	itials:			Date:			
Higher Level Review Com	pleted			n n		Date:	<del></del>		
Higher Level Reviewer Si	gnature:								
Performance Review Bo	ard Recom	mendation	Level	s 🔲 ı	evel 4 Le	evel 3	Level 2 Level 1		
PRB Chair Signature:							Date:		
Annual Summary Rating			Level	s 🔲 ı	evel 4 Le	evel 3	Level 2 Level 1		
Appointing Authority Sig	nature:						Date:		
Part 4. Derivation Form	ula and Ca	Iculation of Ann	nual Summa	ry Rating					
	Elem	ent Rating			Score				
Critical Element	Initial	Final (if changed)	Weight	Initial	Final (if changed)		Summary Level Ranges		
1. Leading Change	(b)(6)	(ii changed)	10%	(b)(6)	(II changeu)	i i			
2. Leading People	2. Leading People 10% 475-S00 = Level S								
3. Business Acumen 10% 400-474 = Level 4						300-399 = Level 3			
4. Building Coalitions 5. Results Driven			10% 60%				200-299 = Level 2		
Total	The same	Tenanta Street	100%			Any	CE rated Level 1 = Level 1		
Total	12. 7.1		20070						

#### 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.

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

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.

Rating Official Narrative: (Optional)

Critical Element Rating - Leading Change

(b)(6)

#### Critical Element 2. Leading People

(Minimum weight 5 points) | Weight 10%

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

Agency-Specific Performance Requirements

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

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

Serve as 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.

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Critical Element Rating - Leading People

(b)(6)

Executive Name and ID: Tierney, Michael P.	
Critical Element 3. Business Acumen	

Appraisal Period: FY2019

Critical Element 3. Business Acumen	(Minimum weight 5 points) Weight 10%
information resources in a manner that instills pu	, analyzes, acquires, and administers human, financial, material, and blic trust and accomplishes the organization's mission. Uses technology utes the operating budget; prepares budget requests with justifications;
Agency-Specific Performance Requirements	
Advance development of improved PTAB IT syst allocation of budget resources to accommodate	ems and system integration to support PTAB's mission. Manage 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%
customers. Coordinates with appropriate parties facilitate an open exchange of opinion from diver advocates, and expresses facts and ideas in a con	ind considers feedback from internal and external stakeholders or to maximize input from the widest range of appropriate stakeholders to se groups and strengthen internal and external support. Explains, vincing manner and negotiates with individuals and groups internally and al network with other organizations and identifies the internal and ization.
Agency-Specific Performance Requirements	
objectives or PTAB objectives such as reducing e inventory and deadlines. Coordinate and share	ssible and appropriate, to implement strategies for achieving USPTO in parter appeals inventory / pendency within limits imposed by AIA trial information within PTAB and with other business units. Interact with BIAIA trial and appeal practice and procedures. Ensure clear and and communicated to the public.
Rating Official Narrative: (Optional)	

Critical Element Rating – Building Coalitions

#### Critical Element 5. Results Driven

(Minimum Weight 20 points) Weight 60%

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

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

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

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

Performance Requirement 1: 25% Weight

Strategic Alignment:

America Invents Act Trial Timeliness:

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

USPTO Strategic Plan, Goal 1, Objective 7

Draft USPTO Strategic Plan, Goal 1, Objective 4

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

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	Strategic Alignment:
Federal Circuit Remand Decision Timeliness:	USPTO Strategic Plan, Goal 1, Objective 7
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.	Draft USPTO Strategic Plan, Goal 1, Objective 4
Rating Official Narrative: (Optional)	
Critical Element Rating – Results Driven (b)(6)	

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	No. 187 and 18		***************************************	Points 475 – 500 = Level 5 Rating Score Points 400 – 474 = Level 4 Rating Score Points 300 – 399 = Level 3 Rating	
Requirement 2 Performance				Score Points 200-299 = Level 2 Rating Score	
Performance Requirement 4				Any PR rated Level 1 overall score must be = Level 1 Rating Score	
Marie Con		= 100%	100000		
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
				Points 475 – 500 = Level 5 Rating	HARBELL S
Performance Requirement 1	4	x 25	100	Score Points 400 – 474 = Level 4 Rating	
Performance Requirement 2	5	x 30	150	Score Points 300 – 399 = Level 3 Rating	
Performance Requirement 3	5	x 15	75	Score Points 200-299 = Level 2 Rating	
Performance Requirement 4	3	x 30	90	Score Any PR rated Level 1 overall score	
The Park		= 100%		must be = Level 1 Rating Score	Marie 1988
Performance Requirement Total Score	H W		415	415= Leve   4	4*

<sup>\*</sup>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): Weidenfeller, Scott							Appraisal Pd. <b>10/01/18</b> - <b>9/30/19</b>		
Executive's Signature: (b	)(6)						Date:	1/20/18	
Title: Vice Chief Administration Patent and Trademark C		tent Judge, Pat	ent Trial and	Appeal	Board, U	I.S.	Organi	zation: PTAB	
Rating Official's Name (L		///): BOALICK, S	COTT R., De	puty Chi	ef		са□	NC LT/LE	
Administrative Patent Ju Rating Official's Signatur	/1	0)(6)					Date:	9/20/18	
Part 2. Progress Review							Date.	1/20/10	
	(b)(6)						D. A. S.	-1.114	
and a supplied and a	(la)(i	6)					Date:	2/1/19	
Rating Official's Signatur	· ·	-97					Date:	5/1/19	
Reviewing Official's Sign		onal):					Date:		
Part 3. Summary Rating									
Initial Summary Rating	(b)(6)								
Rating Official's Name (L		AI): BOALICK, S	COTT-R., De	puty Chi	ef Admir	istrative	Patent	Judge	
Rating Official's Signature (b)(6)  Date: 11/6/19					11/6/19				
Executive's Signature: (b)(6)  Date: 11(6)19					11/6)/19				
Reviewing Official's Sign	ature <i>(Opti</i>	onal):	7				Date:		
Higher Level Review (if	applicable)				h.				
☐ I request a higher lev	el review.	Executive's In	itials:				Date:		
Higher Level Review Completed				Date:					
Higher Level Reviewer S	ignature:								
Performance Review Board Recommendation [				5 [	Level 4	Le	evel 3	Level 2 Level 1	
PRB Chair Signature:								Date:	
Annual Summary Rating			Level	5	Level 4	l Le	evel 3	Level 2 Level 1	
Appointing Authority Signature:			\(\text{i}\)					Date:	
Part 4. Derivation Form	ula and Ca	Iculation of An	nual <mark>Summ</mark> a	ry Ratin	g				
	Elem	ent Rating			Score				
Critical Element	Initial	Final	Moight	Initia		Final	Ι,	Summary Lavel Danges	
A STATE OF THE PARTY OF THE PAR	Initial (b)(6)	(if changed)	Weight	(b)(6)	11 (11 C	hanged)	1	Summary Level Ranges	
2. Leading People	3.00		10%					475-500 = Level 5	
3. Business Acumen			10%					400-474 = Level 4	
4. Building Coalitions			10%	-				300-399 = Level 3 200-299 = Level 2	
5. Results Driven		element and	60%				Any	CE rated Level 1 = Level 1	
Total	MAX PER		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

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.

Rating Official Narrative: (Optional)

Critical Element Rating - Leading Change

(b)(6)

#### Critical Element 2. Leading People

(Minimum weight 5 points) | Weight 10%

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

Agency-Specific Performance Requirements

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

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

Serve as 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.

Rating Official Narrative: (Optional)

Critical Element Rating - Leading People

(b)(6)

(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:

months for 95% of all AIA petitions.

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

USPTO Strategic Plan, Goal 1, Objective 7

Draft USPTO Strategic Plan, Goal 1, Objective 4

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

Draft USPTO Strategic Plan, Goal 1, Objective 4

Performance Requirement 3: 25% Weight

Strategic Alignment:

#### **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.

USPTO Strategic Plan, Goal 1, Objective 7

Draft USPTO Strategic Plan, Goal 1, Objective 4

Performance Requirement 4: 25% Weight	Strategic Alignment:
Federal Circuit Remand Decision Timeliness:	USPTO Strategic Plan, Goal 1, Objective 7
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.	Draft USPTO Strategic Plan, Goal 1, Objective 4
Rating Official Narrative: (Optional)	
Critical Element Rating – Results Driven (b)(6)	

Executive Name and ID: Weidenfeller, Scott	Appraisal Period: FY2019
Part 6: Summary Rating Narrative (Mandatory)	
0	
Part 7: Executive's Accomplishment Narrative (Optional)	
Part 8: Agency Use	
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g 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	
Performance Requirement 2				Points 300 – 399 = Level 3 Rating Score Points 200 – 299 = Level 2 Rating	
Performance Requirement 3				Score Any PR rated Level 1 overall score must be = Level 1 Rating Score	
Performance Requirement 4					
New York		= 100%	W Dra Shiple	-	A CONTRACTOR
Performance Requirement Total Score			38	= Level	

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

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

<sup>\*</sup>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. / ho	ave review	ved this plan	and have bee	en consul	ted on its de	velopm	ent.			
Executive's Name (Last, F	irst, MI):	Fink, William	1				Appraisal Pd. 10/01/19 - 9/30/20			
Executive's Signature:	(b)(6)						Date: 9/23/19			
Title: Vice Chief Administ Patent and Trademark Of		tent Judge, F	Patent Trial a	nd Appe	al Board, U.	S.	Organi	zation: P	ТАВ	
	Rating Official's Name (Last, First, MI): Bonilla, Jacqueline, Deputy Chief Administrative Patent Judge							NC L	T/LE	
Rating Official's Signature	(b)(6)	l					Date:	9123	19	
Part 2. Progress Review	,									
Executive's Signature:							Date:			
Rating Official's Signature:							Date:			
Reviewing Official's Signature (Optional):							Date:			
Part 3. Summary Rating										
Initial Summary Rating	Level S Level 4 Level 3 Outstanding Exceeds Fully Successful Successful				Level 2 Level 1  #inimally Unsatisfactory  atisfactory					
Rating Official's Name (La	st, First, N	MI):					V			
Rating Official's Signature:							Date:			
Executive's Signature:							Date:			
Reviewing Official's Signature (Optional):							Date:			
Higher Level Review (if a	pplicable)									
☐ I request a higher leve	el review.	Executive's	s Initials:				Date:			
Higher Level Review Completed						Date:				
Higher Level Reviewer Sig	gnature:	70.00								
Performance Review Boo	rd Recom	mendation	Lev	el 5	Level 4		evel 3	Leve	el 2	Level 1
PRB Chair Signature:					- 100	-		Date:		
Annual Summary Rating			Lev	Level S Level 4			evel 3	Leve	el 2	Level 1
Appointing Authority Sign	nature:							Date:		
Part 4. Derivation Formu		Iculation of	Annual Sumn	nary Rati	ing					
Element Rating Score										
- 1.1 1-1		Final			Final					
Critical Element  1. Leading Change	Initial	(if changed	d) Weight	: Init	tial (if ch	anged)	Summary Level Ranges		Ranges	
2. Leading People			10%				475-S00 = Level S			
3. Business Acumen			10%					400-47		
4. Building Coalitions			10%					300-39		
S. Results Driven			60%				۸۵۰۰	200-29		evel 2 l 1 = Level 1
Total			100%				Any	CL Tale0	reve	I - LEVEI 1

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

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

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

Element	Rating	Level	<b>Points</b>
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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		(N	linimum weig	nt 5 points)	weight 10%
Mandatory Performance Requirement: Develop organizational and program goals, priorities, value implementing innovative solutions to make organ major shifts in direction or approach, as appropris service and program performance; creates a worl transparency; and maintains program focus, ever Agency-Specific Performance Requirements  Implement Presidential directives for enhancing	es, and other fac- nizational improv- ate. Balances cha k environment the n under adversity operation of fec	s an organizations. Assesses ements, ranginange and continate encourages	onal vision tha and adjusts to g from increm nuity; continua creative thinki	it integrates k changing situ ental improve ally strives to ing, collaborat	ey ations, ements to improve tion, and e Orders).
Implement Director's objectives for enhancing o the organizational staffing, policies, and procedu precedential opinions, and guidance to stakehol	res, as needed.	Lead PTAB thro	ough enhancei	ments of rule	s of practice,
Rating Official Narrative: (Optional)	-				
Critical Element Rating – Leading Change	Level 5	Level 4	Level 3	Level 2	Level 1
Critical Element 2. Leading People		(/	/linimum weig	ht 5 points)	Weight 10%
participation by all employees; facilitates collabor of conflicts. Ensures employee performance plan receive constructive feedback, and that employee performance standards. Holds employees accour considers employee input. Recruits, retains, and that reflects the nation, with the skills needed to workforce diversity, workplace inclusion, and equal Agency-Specific Performance Requirements  Lead, develop, and implement actions to improve the standard of the sta	is are aligned with the sare realistically intable for appropriate develops the tale accomplish organal employment prove employee en	h the organizative appraised against levels of ent needed to a nizational performance and prompted and agagement in	tion's mission a ainst clearly de performance a achieve a high ormance objec ograms.	and goals, tha efined and con and conduct. S quality, divers ctives while su ased on emplo	t employees nmunicated Seeks and se workforce pporting
gathered from sources including the USPTO I and other initiatives.	People Survey, 1	Federal Empl	oyee Viewpoi	nt Survey, fo	cus groups
Promotes the protection of whistleblowers by described in subparagraph (A) or (B) of section fostering an environment in which employees employees or other appropriate authorities.	on 2302(b)(8); i	aking respons	sible actions t	to resolve dis	sclosures; and
Serve as Vice Chief Judge and assist the Deputy appropriate. Provide policy direction and guidal mission-critical tasks. Retain and leverage natio	nce to the PTAB.	_			
Rating Official Narrative: (Optional)		<del></del>			
Critical Element Rating – Leading People	Level 5	Level 4	Level 3	Level 2	Level 1

Critical Element 3. Business Acumen		(N	nınımum weig	nt 5 points)	weight 10%
Mandatory Performance Requirement: Assesses information resources in a manner that instills put to enhance processes and decision making. Executand manages resources.	blic trust and acc	omplishes the	organization's	mission. Use	s technology
Agency-Specific Performance Requirements					
Support development of improved PTAB IT syste accommodate business unit needs. Develop and operational data. Identify and direct administra support the Board's size and workload.	l enhance tools t	o promote tra	nsparency and	d enable incre	ased use of
Rating Official Narrative: (Optional)					
Critical Element Rating – Business Acumen	Level 5	Level 4	Level 3	Level 2	Level 1
Critical Element 4. Building Coalitions		(N	linimum weig	ht 5 points)	Weight 10%
Mandatory Performance Requirement: Solicits a customers. Coordinates with appropriate parties facilitate an open exchange of opinion from diver advocates, and expresses facts and ideas in a con externally, as appropriate. Develops a profession external politics that affect the work of the organ	to maximize inpuse groups and str vincing manner a al network with c	ut from the wid engthen inter nd negotiates	dest range of a nal and extern with individua	ppropriate standard support. Ex Is and groups	akeholders to plains, internally and
Agency-Specific Performance Requirements	·				
Collaborate and share information within PTAB a USPTO and/or PTAB objectives. Pursue formal of Interact with public to educate about PTAB pracabout PTAB proceedings to guide enhancements transparency, and predictability.	or informal collab tice and procedu	orations and e re to promote	education opp understandin	ortunities wit	h examiners. olic feedback
Rating Official Narrative: (Optional)					

#### Critical Element 5. Results Driven

(Minimum Weight 20 points)

Weight 60%

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

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

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

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

Performance Requirement 1: 25% Weight

Strategic Alignment:

#### **America Invents Act Trial Timeliness:**

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

FY 2018-2022 USPTO Strategic Plan, Goal 1, Objective 4

Performance Requirement 2: 25% Weight

Strategic Alignment:

#### **Ex Parte Appeal Timeliness:**

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

FY 2018-2022 USPTO Strategic Plan, Goal 1, Objective 4

Performance Requirement 3: 25% Weight

Strategic Alignment:

#### **PTAB Decision Consistency:**

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

FY 2018-2022 USPTO Strategic Plan, Goal 1, Objective 4

Performance Requirement 4: 25% Weight	Strategic Alignment:						
Effective Communications:	FY 2018-2022 USPTO Strategic Plan, Goal 1, Objective 4						
Ensure clear, timely, and accurate communic to PTAB judges and staff, other USPTO busine stakeholders to decrease uncertainty and inc transparency, and reliability.							
Rating Official Narrative: (Optional)			<u> </u>				
Critical Element Rating – Results Driven	Level 5	Level 4	Level 3	Levei 2	Level 1		

7

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	E CONTRACTOR	25		Points 475 – 500 = Level 5 Rating Score Points 400 – 474 = Level 4 Rating Score	1
Performance Requirement 2		25		Points 300 – 399 = Level 3 Rating Score Points 200 – 299 = Level 2 Rating	140
Performance Requirement 3		25		Score Any PR rated Level 1 overall score must be = Level 1 Rating Score	
Performance Requirement 4		25			
		= 100%	STATE OF STATE OF		
Performance Requirement Total Score				= Level	

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

Results Driven Performance Requirements (PR)	Requirement (multiply Requiremen		Performance Requirement Points Score	Point Ranges to Rating Level Score	Results Driven Initial Element Score
State of the state		and section		Points 475 – 500 = Level 5 Rating	
Performance Requirement 1	4	x 25	100	Score Points 400 – 474 = Level 4 Rating	
Performance Requirement 2	5	x 30	150	Score Points 300 – 399 = Level 3 Rating	
Performance Requirement 3	5	x 15	75	Score Points 200 – 299 = Level 2 Rating	
Performance Requirement 4	ormance 3 x 30 90		90	Score Any PR rated Level 1 overall score	
	No. of Particular	= 100%	· 正常《本	must be = Level 1 Rating Score	E PARTIE
Performance Requirement Total Score			415	415= Level 4	4*

<sup>\*</sup>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. 11	nave reviev	ved this plan	and ha	ive been i	consulted	on its deve	lopme	ent.			
Executive's Name (Last, First, MI): Tierney, Michael P.  Appraisal Pd. 10/01/19 - 9/30/20											
Executive's Signature: (b)(6)									9/24	119	
Title: Vice Chief Adminis Patent and Trademark C		itent Judge, I	Patent	Trial and	Appeal Bo	oard, U.S.			zation: I		
Rating Official's Name (Last, First, MI): Bonilla, Jacqueline, Deputy Chief Administrative Patent Judge									NC	LT/LE	
Rating Official's Signature: (b)(6)  Date: 9 (24)19											
Part 2. Progress Review											
Executive's Signature:								Date:			
Rating Official's Signatur	e:							Date:			
Reviewing Official's Signa	ature (Opt	ional):						Date:			
Part 3. Summary Rating	3					11181					
				el4 5 Fully ful		rel 3 uccessful		Level 2 Minimally Satisfactory		Level 3 Unsatisfac	
Rating Official's Name (L	ast, First, I	MI):									
Rating Official's Signature: Date:											
Executive's Signature: Date:											
Reviewing Official's Signature (Optional):  Date:											
Higher Level Review (if o	applicable)										
☐ I request a higher level review. Executive's Initials: Date:											
Higher Level Review Con	npleted							Date:			
Higher Level Reviewer Si	gnature:										
Performance Review Bo	ard Recon	nmendation	[	Level	5	Level 4	Le	evel 3	Lev	el 2 L	evel 1
PRB Chair Signature:									Date:		
Annual Summary Rating				Level	5	Level 4	Le	evel 3	Lev	el 2 L	evel 1
Appointing Authority Sig						Date:					
Part 4. Derivation Form	ula and Ca	lculation of	Annual	Summar	y Rating						
	Element Rating Score										
Critical Element	Initial	Final (if change)	d) V	Veight	Initial	Fina (if chan		d) Summary Level Ranges			
1. Leading Change			10	%				-			
2. Leading People			10					475-500 = Level 5 400-474 = Level 4			
3. Business Acumen			10			-				99 = Level 3	
4. Building Coalitions 5. Results Driven			10							99 = Level  3	
Total	230.50	A CONTRACTOR	100	76 0%				Any		Level 1 = Le	evel 1
ı Utai	02 A 24 L		10	U70				, 52 .2.54 86 76 8			

#### 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	<b>Points</b>
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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		(N	1inimum weig	ht 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 Implement Director's objectives for enhancing of the organizational staffing, policies, and procedu precedential opinions, and guidance to stakehole	perations of USP ures, as needed. L	TO and PTAB. ead PTAB thro	Optimize PTA ough enhance	AB operations ments of rules	by modifying of practice,				
Rating Official Narrative: (Optional)									
Critical Element Rating - Leading Change	Level 5	Level 4	Level 3	Level 2	Level 1				
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 natio  Rating Official Narrative: (Optional)	nwide talent.								
Critical Flement Rating - Leading People	Tlavel 5				□ Lovel 1				

Level 4

Level 5

Critical Element Rating – Building Coalitions

Level 2

Level 1

Level 3

#### Critical Element 5. Results Driven

(Minimum Weight 20 points) | Weight 60%

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

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

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

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

Performance Requirement 1: 25% Weight

Strategic Alignment:

**America Invents Act Trial Timeliness:** 

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

FY 2018-2022 USPTO Strategic Plan, Goal 1, Objective 4

Performance Requirement 2: 25% Weight

Strategic Alignment:

Ex Parte Appeal Timeliness:

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

FY 2018-2022 USPTO Strategic Plan, Goal 1, Objective 4

Performance Requirement 3: 25% Weight

Strategic Alignment:

**PTAB Decision Consistency:** 

FY 2018-2022 USPTO Strategic Plan, Goal 1, Objective 4

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 exparte appeals decisions.

Performance Requirement 4: 25% Weight			Strategic Alig	gnment:			
Effective Communications:	FY 2018-2022 USPTO Strategic Plan, Goal 1, Objective 4						
Ensure clear, timely, and accurate communicatio to PTAB judges and staff, other USPTO business ustakeholders to decrease uncertainty and increase transparency, and reliability.							
Rating Official Narrative: (Optional)	100			1041114	1000 T		
Critical Element Rating – Results Driven	Level 5	Level4	Level 3	Level 2	Level 1		

	Executive Name_	Tierney, N	Aichael P.		Rating Period FY:	2020
Performance Requirement 1  25  Score Points 400 – 474 = Level 4 Rating Score Points 300 – 399 = Level 3 Rating Score Requirement 2  Performance Requirement 3  Score Points 200 – 299 = Level 2 Rating Score Any PR rated Level 1 overall score must be = Level 1 Rating Score	Per ormance Requirements	Requirement Rating Level	(multiply	Requirement	Point Ranges to Rating Level Score	Results Driven Initial Element Score
Requirement 1  Points 400 – 474 = Level 4 Rating Score  Performance Requirement 2  Performance Performance Requirement 3  Performance Requirement 3  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			1000	S. Sin	Points 475 – 500 = Level 5 Rating	The second
Performance Requirement 2  Performance Requirement 3  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		25		Score	
Performance Requirement 2  Points 300-399 = Level 3 Rating Score Points 200-299 = Level 2 Rating Score Points 200-299 = Level 2 Rating Score Requirement 3  Score Any PR rated Level 1 overall score must be = Level 1 Rating Score	Requirement 1				Points 400 – 474 = Level 4 Rating	
Requirement 2  Score Points 200 – 299 = Level 2 Rating Score Requirement 3  Score Any PR rated Level 1 overall score must be = Level 1 Rating Score					Score	
Performance Requirement 3  Points 200- 299 = Level 2 Rating Score Any PR rated Level 1 overall score must be = Level 1 Rating Score	Performance		25		Points 300–399 = Level 3 Rating	Real Property
Performance Requirement 3  Score Any PR rated Level 1 overall score must be = Level 1 Rating Score	Requirement 2	_				
Requirement 3  Any PR rated Level 1 overall score must be = Level 1 Rating Score						
must be = Level 1 Rating Score			25			
	Requirement 3					The second
	Performance		25			
Requirement 4	Requirement 4					

\_\_\_ = Level \_\_\_

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

Performance

Requirement Total Score = 100%

Results Driven	Performance	Weight	Per ormance	Point Ranges to Rating Level Score	Results Driven
Performance	Requirement	(multiply	Requirement		Initial Element
Requirements	Rating Level	by)	Points Score		Score
(PR)	Score				
<b>对表示性的</b>	100000000000000000000000000000000000000	678	394 PZ 11456	Points 475 – 500 = Level 5 Rating	Masan Island
Performance	4	x 25	100	Score	5 TO 15 A
Requirement 1				Points 400 – 474 = Level 4 Rating	
Performance	5	x 30	150	Score	District St
Requirement 2				Points 300 – 399 = Level 3 Rating	
Performance	5	x 15	75	Score	
Requirement 3				Points 200 – 299 = Level 2 Rating	
Performance	3	x 30	90	Score	
Requirement 4				Any PR rated Level 1 overall score	Karaka Me
		= 100%	2 - M 421V	must be = Level 1 Rating Score	
Performance		THE REAL PROPERTY.			
Requirement			415	415= Level 4	4*
<b>Total Score</b>					

<sup>\*</sup>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): Weidenfeller, Scott  Appraisal Pd. 10/01/19 - 9/30/20									19 -	
Executive's Signature: (b)(6) Date										9
Title: Vice Chief Adminis Patent and Trademark O		Organi	zation: P	TAB						
Rating Official's Name (Lo Administrative Patent Ju		CA	NC 🗌 I	T/LE						
Rating Official's Signature: (b)(6)  Date: 9(33)(9)										1
Part 2. Progress Review										
Executive's Signature: Date:										
Rating Official's Signature	e:						Date:			
Reviewing Official's Signa	ature (Opti	ional):					Date:			
Part 3. Summary Rating								W.		
Initial Summary Rating	Level 4 sceeds Fully uccessful		el 3 uccessful		Level 2 Minimally Satisfactory		Level 1 Unsatisfactory			
Rating Official's Name (Lo	ast, First, N	MI):								
Rating Official's Signature: Date:										
Executive's Signature: Date:										
Reviewing Official's Signature (Optional):  Date:										
Higher Level Review (if a	pplicable)									
☐ I request a higher lev	el review.	Executive's	Initials:				Date:			
Higher Level Review Com	pleted						Date:			
Higher Level Reviewer Si	gnature:									
Performance Review Boo	ard Recom	mendation	Level	5	Level 4	Le	evel 3	Leve	el 2	Level 1
PRB Chair Signature:								Date:		
Annual Summary Rating			Level	5	Level 4	Le	evel 3	Leve	el2	Level 1
Appointing Authority Sign	14.					Date:				
Part 4. Derivation Form	ula and Ca	Iculation of A	Annual Summa	ry Rating		(7)	Try II	-		
	Element Rating Score									
Critical Element	Initial	Final (if changed	) Weight	Initial	Final					l Ranges
1. Leading Change			10%							
2. Leading People			10%			475-500 = Level 5 400-474 = Level 4				
3. Business Acumen			10%					300-39		
4. Building Coalitions			10%		-			200-29		
5. Results Driven	Appelling and		60%				Any			1 = Level 1
Total	<b>对作更加证据</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	oints
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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		(1)	∕linimum weigh	ht 5 points) Weight 10%
Mandatory Performance Requirement: Developer organizational and program goals, priorities, value implementing innovative solutions to make organ major shifts in direction or approach, as appropriaservice and program performance; creates a work transparency; and maintains program focus, ever Agency-Specific Performance Requirements	es, and other fact nizational improve ate. Balances cha k environment tha	ors. Assesses ements, rangir nge and conti at encourages	and adjusts to ng from increme inuity; continua	changing situations, ental improvements to ally strives to improve
Implement Presidential directives for enhancing Implement Director's objectives for enhancing o the organizational staffing, policies, and procedu precedential opinions, and guidance to stakehol	perations of USP ares, as needed. L	TO and PTAB. ead PTAB thr	Optimize PTA ough enhancer	B operations by modifying ments of rules of practice,
Rating Official Narrative: (Optional)				
Critical Element Rating – Leading Change	Level 5	Level 4	Level 3	Level 2 Level 1
Critical Element 2. Leading People		(N	Jinimum weig	ht 5 points) Weight 10%
the organization horizontally and vertically, and f and goals. Provides an inclusive workplace that for participation by all employees; facilitates collabor of conflicts. Ensures employee performance plan receive constructive feedback, and that employees performance standards. Holds employees accour considers employee input. Recruits, retains, and that reflects the nation, with the skills needed to workforce diversity, workplace inclusion, and equal Agency-Specific Performance Requirements	osters the develo ration, cooperations are aligned with as are realistically ntable for approperations the tale accomplish organ	pment of other on, and teamwenthe organizate appraised agariate levels of ont needed to a dizational perfo	ers to their full prork, and suppo tion's mission a ainst clearly def performance a achieve a high cormance object	potential; allows for full orts constructive resolution and goals, that employees fined and communicated and conduct. Seeks and quality, diverse workforce
Lead, develop, and implement actions to impr gathered from sources including the USPTO I and other initiatives.				
Promotes the protection of whistleblowers by described in subparagraph (A) or (B) of section fostering an environment in which employees employees or other appropriate authorities.	on 2302(b)(8); to	uking respon	sible actions to	o resolve disclosures; and
Serve as Vice Chief Judge and assist the Deputy (appropriate. Provide policy direction and guidar mission-critical tasks. Retain and leverage nation	nce to the PTAB.	_		-
Rating Official Narrative: (Optional)				·
Critical Element Rating – Leading People	Level 5	Level 4	Level 3	Level 2 Level 1

Critical Element Rating – Business Acumen	Level 5	Level 4	Level 3	Level 2	Level 1
Critical Element 4. Building Coalitions	WATER CONTROL OF THE	(/	/linimum weig	ht 5 points)	Weight 10%
Mandatory Performance Requirement: Solicits a customers. Coordinates with appropriate parties facilitate an open exchange of opinion from diver advocates, and expresses facts and ideas in a con externally, as appropriate. Develops a profession external politics that affect the work of the organ Agency-Specific Performance Requirements	to maximize inpurse groups and strawincing manner and network with controls.	it from the wid engthen inter nd negotiates	dest range of a nal and extern with individua	appropriate stand al support. Exals and groups	akeholders to plains, internally and
Collaborate and share information within PTAB USPTO and/or PTAB objectives. Pursue formal of Interact with public to educate about PTAB praceabout PTAB proceedings to guide enhancements transparency, and predictability.	or informal collab tice and procedu	orations and o	education opp understandir	ortunities wit	h examiners. olic feedback
Rating Official Narrative: (Optional)					
Critical Element Rating - Building Coalitions	Level 5	Level 4	Level 3	Level 2	Level 1
	4	Basic SES	Performance App	praisal System, uj	odated August 2016

#### 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 Part5.

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

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

Performance Requirement 1: 25% Weight

Strategic Alignment:

## America Invents Act Trial Timeliness:

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

FY 2018-2022 USPTO Strategic Plan, Goal 1, Objective 4

Performance Requirement 2: 25% Weight

Strategic Alignment:

# **Ex Parte Appeal Timeliness:**

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

FY 2018-2022 USPTO Strategic Plan, Goal 1, Objective 4

Performance Requirement 3: 25% Weight

Strategic Alignment:

# **PTAB Decision Consistency:**

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

FY 2018-2022 USPTO Strategic Plan, Goal 1, Objective 4

Performance Requirement 4: 25% Weight	Strategic Alignment:				
Federal Circuit Remand Decision Timeliness:  Ensure clear, timely, and accurate communicato PTAB judges and staff, other USPTO busines stakeholders to decrease uncertainty and incommunication transparency, and reliability.	FY 2018-2022 USPTO Strategic Plan, Goal 1, Objective 4				
Rating Official Narrative: (Optional)					
Critical Element Rating – Results Driven	Level 5	Level 4	Level 3	Level 2	Level 1

7

# **Deriving the Results Driven Rating Worksheet**

Executive Name Weidenfeller, Scott Rating Period F\2020

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	
Performance Requirement 2		25		Points 300 – 399 = Level 3 Rating Score Points 200 – 299 = Level 2 Rating	
Performance Requirement 3		25	ı	Score Any PR rated Level 1 overall score must be = Level 1 Rating Score	
Performance Requirement 4		25			
	0.57	= 100%			
Performance Requirement Total Score			0	= 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
引进的现在分词			1-12-13-20-12-2	Points 475 – 500 = Level 5 Rating	WELLS W. 175
Performance Requirement 1	4	x 25	100	Score Points 400 – 474 = Level 4 Rating	
Performance Requirement 2	5	x 30	150	Score Points 300 399 = Level 3 Rating	
Performance Requirement 3	5	x 15	75	Score Points 200 – 299 = Level 2 Rating	
Performance Requirement 4	3	x 30	90	Score Any PR rated Level 1 overall score	
		= 100%		must be = Level 1 Rating Score	
Performance Requirement Total Score			415	415= Level 4	4*

<sup>\*</sup>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 h	Part 1. Consultation. I have reviewed this plan and have been consulted on its development.							
I Evacutiva's Nama (Last Liret MIL): RANIII A LACCILLEI INE						Apprai <b>9/30/1</b>	sal Pd. 10/01/17 - 18	
Executive's Signature: (t	)(6)					Date:	10 (31) 17	
The state of the s	Title: Vice Chief Administrative Patent Judge, Patent Trial and Appeal Board, U.S.  Patent and Trademark Office							
Rating Official's Name (Lo Administrative Patent Ju		//): BOALICK, S	COTT R., De	outy Chief		СА	NC LT/LE	
Rating Official's Signature	e: (k	0)(6)				Date:	10/30/17	
Part 2. Progress Review								
Executive's Signature: (b)(6) Date: 4 (30/18								
Rating Official's Signature	e: (b)(6)	)				Date:	4/30/18	
Reviewing Official's Signa	ature (Opti	onal):				Date:		
Part 3. Summary Rating								
Initial Summary Rating	(b)(6)							
Rating Official's Name (L	ast, First, N	Al): BOALICK, S	COTT R., De	puty Chief	Administrative	Patent	Judge	
Rating Official's Signatur	e:	(b)(6)				Date:	11/5/2018	
Executive's Signature:	(b)(6)					Date:	11/6/2018	
Reviewing Official's Signa	ature ( <i>Opti</i>	onal):				Date:		
Higher Level Review (if a	pplicable)							
request a higher lev	el review.	Executive's In	itials:			Date:		
Higher Level Review Con	pleted					Date:		
Higher Level Reviewer Si	gnature:							
Performance Review Bo	ard Recom	mendation	Level	5 🔲 L	evel 4 Le	evel 3	Level 2 Level 1	
PRB Chair Signature:			1		4		Date:	
Annual Summary Rating	1		Level	5 🔲 t	evel 4 Le	evel 3	Level 2 Level 1	
Appointing Authority Sig	nature:						Date:	
Part 4. Derivation Formula and Calculation of Annual Summary Rating								
	Elem	ent Rating			Score			
Critical Element	Initial	Final (if changed)	Weight	Initial	Final (if changed)	,	Summary Level Ranges	
1. Leading Change								
2. Leading People 10% 475-500 = Level 5								
3. Business Acumen 10%							400-474 = Level 4 300-399 = Level 3	
4. Building Coalitions			10%	is a second			300-399 = Level  3 200-299 = Level  2	
5. Results Driven			60%			Anv	CE rated Level 1 = Level 1	
Total	SEAK N		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.

Ł	lemen	t Katır	ig Leve	Points
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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

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.

Rating Official Narrative: (Optional)

Critical Element Rating - Leading Change

(b)(6)

## Critical Element 2. Leading People

(Minimum weight 5 points) Weight 10%

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

Agency-Specific Performance Requirements

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

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.

Rating Official Narrative: (Optional)

Critical Element Rating — Leading People

(b)(6)

Executive Name and ID: BONILLA, JACQUELINE	Appraisal Pe	eriod: FY2018
Critical Element 3. Business Acumen	(Minimum weight 5 points)	Weight 10%
Mandatory Performance Requirement: Assesses, analyzes, acquires, and a information resources in a manner that instills public trust and accomplishe to enhance processes and decision making. Executes the operating budget; and manages resources.  Agency-Specific Performance Requirements	s the organization's mission. Use	es technology
Agency-specific retromance requirements		
Advance development of improved PTAB IT systems and system integrationallocation of budget resources to accommodate business unit needs.	n to support PTAB's mission. M	anage
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 fro customers. Coordinates with appropriate parties to maximize input from the facilitate an open exchange of opinion from diverse groups and strengthen advocates, and expresses facts and ideas in a convincing manner and negot externally, as appropriate. Develops a professional network with other organization.	ne widest range of appropriate st internal and external support. Ex iates with individuals and groups	akeholders to xplains, internally and
I EXTERNAL DOUBLES MALALIEU MOLK OF THE OFFAITZAMON.		
Agency-Specific Performance Requirements		
	/ pendency within limits impose form on PTAB AIA trial and app	ring USPTO ed by AIA trial eal practice
Agency-Specific Performance Requirements  Collaborate with other business units, where possible and appropriate, to objectives or PTAB objectives such as reducing ex parte appeals inventory inventory and deadlines. Interact with public to collect feedback and to in	/ pendency within limits impose form on PTAB AIA trial and app	ring USPTO ed by AIA trial eal practice

(b)(6)

Critical Element Rating - Building Coalitions

#### Critical Element 5. Results Driven

(Minimum Weight 20 points) Weight 60%

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

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

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

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

Performance Requirement 1: 25% Weight

Strategic Alignment:

# America Invents Act Trial Timeliness:

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

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

Performance Requirement 4: 25% Weight	Strategic Alignment:
Federal Circuit Remand Decision Timeliness:	USPTO Strategic Plan, Goal 1, Objective 7
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.	
Rating Official Narrative: (Optional)	
Critical Element Rating – Results Driven (b)(6)	

# **Deriving the Results Driven Rating Worksheet**

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
3 78 319			3-24-13" "E	Points 475 – 500 = Level 5 Rating	
Performance Requirement 1	(b)(6)	25	(b)(6)	Score Points 400 – 474 = Level 4 Rating Score	
Performance Requirement 2		22		Points 300 – 399 = Level 3 Rating Score Points 200 – 299 = Level 2 Rating	
Performance Requirement 3	-	25		Score Any PR rated Level 1 overall score must be = Level 1 Rating Score	
Performance Requirement 4		28	,		
1 1 1 1 2 2	T	= 100%	5 A T T T T T T		
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
			ALL VALUE A	Points 475 – 500 = Level 5 Rating	
Performance Requirement 1	4	x 25	100	Score Points 400 – 474 = Level 4 Rating	
Performance Requirement 2	5	x 30	150	Score Points 300 – 399 = Level 3 Rating	
Performance Requirement 3	5	x 15	75	Score Points 200 – 299 = Level 2 Rating	
Performance Requirement 4	3	x 30	90	Score Any PR rated Level 1 overall score	
THE REAL PROPERTY.		= 100%		must be = Level 1 Rating Score	47.6
Performance Requirement Total Score			415	415= Level 4	4*

<sup>\*</sup>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. 1 h	ave review	ved this plan an	d have been	consulted o	n its developm	ent.	
Executive's Name (Last, First, MI): Fink, William				Apprai <b>9/30/1</b>	sal Pd. <b>12/10/17 -</b> L <b>8</b>		
Executive's Signature:	9)(6)					Date:	1/5/2018
Title: Vice Chief Adminis Patent and Trademark C		tent Judge, Pat	ent Trial and	Appeal Bo	ard, U.S.	Organi	zation: PTAB
Rating Official's Name (Lo Administrative Patent Ju		Al): BOALICK, S	COTT R., Dep	outy Chief		СА	NC LT/LE
Rating Official's Signatur	e:	(b)(6)				Date:	1/5/2018
Part 2. Progress Review							, ,
Executive's Signature:	(b	)(6)				Date:	4/30/18
Rating Official's Signatur	e:	(b)(6)				Date:	4/30/18
Reviewing Official's Signa	ature (Opti	ional):				Date:	
Part 3. Summary Rating							
Initial Summary Rating	(b)(6)						
Rating Official's Name (L	ast, First, N	11): BOALICK, S	COTT R., De	puty Chief	Administrative	Patent	Judge
Rating Official's Signature: (b)(6)  Date: 11/5/74/8					11/5/2018		
Executive's Signature: (b)(6)  Date: 11/5/72/8  Date: 11/6/20/8				11/1/2018			
Reviewing Official's Signature (Optional):  Date:							
Higher Level Review (if applicable)							
☐ I request a higher level review. Executive's Initials: Date:							
Higher Level Review Con	npleted				ñ	Date:	
Higher Level Reviewer Si	gnature:						
Performance Review Bo	ard Recom	mendation	Level	5 🔲 L	evel 4 Le	evel 3	Level 2 Level 1
PRB Chair Signature:					1		Date:
Annual Summary Rating			Level	5 🔲 L	evel 4 Le	evel 3	Level 2 Level 1
Appointing Authority Sig	Appointing Authority Signature:  Date:			Date:			
Part 4. Derivation Form	ula and Ca	culation of An	nual Summa	ry Rating			
	Elem	ent Rating			Score		
Critical Element	Initial	Final (if changed)	Weight	Initial	Final (if changed)		Summary Level Ranges
Leading Change	(b)(6)	(ii changea)	10%	(b)(6)	(ii changed)	Ì	
2. Leading People 10%							475-500 = Level 5 400-474 = Level 4
3. Business Acumen 10%			-		l	300-399 = Level 3	
4. Building Coalitions 10% 5. Results Driven 60%			-			200-299 = Level 2	
Total			100%			Any	CE rated Level 1 = Level 1
CONTRACTOR OF CO	ICE WY SIE		- Free Line Co.				

## 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.

Elemen	t Ratin	g Leve	Points
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Level 5 = 5 points

Level 4 = 4 points

Level 3 = 3 points

Level 2 = 2 points

Level 1 = 0 points

Executive Name and ID: William Fink	Appraisal P	Period: <b>FY2018</b>
Critical Element 1. Leading Change	(Minimum weight 5 points)	Weight 10%
organizational and program goals, priorities, valuimplementing innovative solutions to make organ major shifts in direction or approach, as appropri	is and implements an organizational vision that integrates kes, and other factors. Assesses and adjusts to changing situitizational improvements, ranging from incremental improvate. Balances change and continuity; continually strives to kenvironment that encourages creative thinking, collaboral under adversity.	uations, ements to improve
policies, and proceedings. Make further approp	lopment, enhancement, and optimization of organization riate adjustments in number of judges and other personn ts Act Trial final decisions and appropriate enhancement of stakeholders.	el. Lead PTAB
Critical Element Rating – Leading Change	(b)(6)	
Critical Element 2. Leading People	(Minimum weight 5 points)	Weight 10%
the organization horizontally and vertically, and f and goals. Provides an inclusive workplace that f participation by all employees; facilitates collabor of conflicts. Ensures employee performance plan receive constructive feedback, and that employee performance standards. Holds employees account considers employee input. Recruits, retains, and that reflects the nation, with the skills needed to workforce diversity, workplace inclusion, and equal Agency-Specific Performance Requirements  Lead, develop, and implement actions to impure gathered from sources including the USPTO and other initiatives.  Serve as Vice Chief Judge. Provide policy directions with Business Unit Head functions as apprent and other initiatives.	and implements strategies that maximize employee potentiosters high ethical standards in meeting the organization's osters the development of others to their full potential; allowation, cooperation, and teamwork, and supports construct is are aligned with the organization's mission and goals, these are realistically appraised against clearly defined and contable for appropriate levels of performance and conduct. develops the talent needed to achieve a high quality, diver accomplish organizational performance objectives while such employment policies and programs.  Prove employee engagement in your area based on employee People Survey, Federal Employee Viewpoint Survey, for on and guidance to the PTAB. Assist the Deputy Chief Juditopriate. Lead continuing activities directed at PTAB execut. Ensure PTAB employees are efficiently working on missing the program of the ptable of the ptable programs.	vision, mission, ows for full tive resolution at employees mmunicated Seeks and se workforce apporting  oyee feedback ocus groups  ge and Chief ution of duties
Rating Official Narrative: (Optional)	e	
	er.	

(b)(6)

Critical Element Rating – Leading People

Executive Name and ID: William Fink	Appraisal F	Period: FY2018
Critical Element 3. Business Acumen	(Minimum weight 5 points)	Weight 10%
information resources in a manner that instills p	es, analyzes, acquires, and administers human, financial, manually bublic trust and accomplishes the organization's mission. Use cutes the operating budget; prepares budget requests with j	es technology
Advance development of improved PTAB IT systems allocation of budget resources to accommodate	stems and system integration to support PTAB's mission. Me business unit needs.	lanage
Rating Official Narrative: (Optional)		
1,6		
Critical Element Rating – Business Acumen	(b)(6)	
Critical Element 4. Building Coalitions	(Minimum weight 5 points)	Weight 10%
customers. Coordinates with appropriate partie facilitate an open exchange of opinion from dive advocates, and expresses facts and ideas in a co	and considers feedback from internal and external stakeholes to maximize input from the widest range of appropriate starse groups and strengthen internal and external support. Experiencing manner and negotiates with individuals and groups and network with other organizations and identifies the intention.	akeholders to xplains, internally and
Agency-Specific Performance Requirements		
objectives or PTAB objectives such as reducing inventory and deadlines. Interact with public t	ossible and appropriate, to implement strategies for achiever parte appeals inventory / pendency within limits impose o collect feedback and to inform on PTAB AlA trial and appressaging is coordinated internally and communicated to the	ed by AIA trial eal practice
= -		
Rating Official Narrative: (Optional)		

4

#### Critical Element 5. Results Driven

(Minimum Weight 20 points) Weight 60%

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

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

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

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

Performance Requirement 1: 25% Weight

Strategic Alignment:

**America Invents Act Trial Timeliness:** 

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

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 exparte appeal inventory by issuing decisions in accordance with applicable legal requirements.

Strategic Alignment:

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

USPTO Strategic Plan, Goal 1,

Performance Requirement 3: 25% Weight

Strategic Alignment:

# **PTAB Decision Consistency:**

ex parte appeals decisions.

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

**Objective 7** 

Performance Requirement 4: 25% Weight	Strategic Alignment:
Federal Circuit Remand Decision Timeliness:	USPTO Strategic Plan, Goal 1, Objective 7
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.	Objective 7
Rating Official Narrative: (Optional)	
Critical Element Rating – Results Driven (b)(6)	

Executive Name and ID: William Fink	Appraisal Period: FY2018
Part 6: Summary Rating Narrative (Mandatory)	
	-
Part 7: Executive's Accomplishment Narrative (Optional)	
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Part 8: Agency Use	
197	
	1
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# **Deriving the Results Driven Rating Worksheet**

		E. 0
Executive Name	tink	Rating Period 7/8

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
				Points 475 – 500 = Level S Rating	
Performance Requirement 1	(b)(6)	25	(b)(6)	Score Points 400 – 474 = Level 4 Rating Score	
Performance Requirement 2		25		Points 300 – 399 = Level 3 Rating Score Points 200 – 299 = Level 2 Rating	
Performance Requirement 3		25		Score Any PR rated Level 1 overall score must be = Level 1 Rating Score	
Performance Requirement 4		25			
CHARLE IN	Water Control of	= 100%	A CONTRACTOR		
Performance Requirement Total Score			(b)(6)		

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

Results Driven	Performance	Weight	Performance	Point Ranges to Rating Level Score	Results Driven
Performance	Requirement	(multiply	Requirement		Initial Element
Requirements	Rating Level	by)	Points Score		Score
(PR)	Score	107			
	A REPORT OF			Points 475 – 500 = Level 5 Rating	Wat an Union
Performance	4	x 25	100	Score	
Requirement 1				Points 400–474 = Level 4 Rating	
Performance	5	x 30	150	Score	
Requirement 2				Points 300-399 = Level 3 Rating	
Performance	5	x 15	75	Score	
Requirement 3				Points 200 – 299 = Level 2 Rating	
Performance	3	x 30	90	Score	
Requirement 4				Any PR rated Level 1 overall score	
		= 100%	RESERVE AND	must be = Level 1 Rating Score	
Performance					
Requirement			415	415= Level 4	4*
Total Score					

<sup>\*</sup>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. Boalicl

Deputy Chief Administrative Patent Judge

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

# **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): TIERNEY, MICHAEL P.  Appraisal Pd. 10/01/17 - 9/30/18						'17 -			
Executive's Signature:	b)(6)						Date:	10/3//17	1
Title: Vice Chief Adminis Patent and Trademark C		tent Judge, Pate	ent Trial and	Appeal B	oard, U.S		Organi	zation: PTAB	
Rating Official's Name (Last, First, MI): BOALICK, SCOTT R., Deputy Chief Administrative Patent Judge						CA NC LT/LE			
Rating Official's Signatur	Rating Official's Signature: (b)(6) Date: 10/30/17						17		
Part 2. Progress Review									
Executive's Signature:	(b	)(6)					Date:	4/30/	18
Rating Official's Signatur	e:	(b)(6)					Date:	4/30/1	y
Reviewing Official's Signa	ature (Opti	onal):					Date:		
Part 3. Summary Rating									
Initial Summary Rating	(b)(6)								
Rating Official's Name (L	ast, First, N	Al): BOALICK, S	COTT R., De	puty Chief	Administ	rative	Patent	Judge	
Rating Official's Signatur		6)					Date:	11/5/2	17
Executive's Signature:	b)(6)						Date:	111512	018
Reviewing Official's Signa	ature (Opti	ional):					Date:		
Higher Level Review (if a	applicable)								
☐ I request a higher lev	el review.	Executive's Ini	tials:				Date:		
Higher Level Review Con	npleted						Date:		
Higher Level Reviewer Si	gnature:								
Performance Review Bo	ard Recom	mendation	Level	s 🗌	Level 4	Le	vel 3	Level 2	Level 1
PRB Chair Signature:				E:				Date:	
Annual Summary Rating	7		Level	s 🔲	Level 4	Le	vel 3	Level 2	Level 1
Appointing Authority Sig	nature:				-	76		Date:	
Part 4. Derivation Formula and Calculation of Annual Summary Rating									
	Elem	ent Rating			Score				
Critical Element	Initial	Final (if shanged)	Moight	Initial	Fin /if cha			Summan, Love	l Pangos
1. Leading Change	Initial (b)(6)	(if changed)	Weight 10%	Initial (b)(6)	(if cha	ngeu)	3	Summary Leve	u valikez
2. Leading People 10% 47S-S00 = Level S									
3. Business Acumen 10%							400-474 = L		
4. Building Coalitions			10%					300-399 = L	
S. Results Driven			60%				Λην	200-299 = L CE rated Leve	
Total			100%				Ally	CL rated Leve	I T - LEVEL I

## Part 5. Performance Standards and Critical Elements

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

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

E	lement	Rating	Level	<b>Points</b>
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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

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.

Rating Official Narrative: (Optional)

Critical Element Rating – Leading Change

(b)(6)

# Critical Element 2. Leading People

(Minimum weight 5 points) Weight 10%

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

Agency-Specific Performance Requirements

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

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.

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Rating Official Narrative: (Optional)

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. 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.

Performance Requirement 2: 25% Weight Ex Parte Inventory / Pendency Reduction: Strategic Alignment:

Achieve progress toward a reduction in the average time from jurisdiction

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

passing to the Board to decision on regular ex parte appeals, or achieve progress toward a reduction of exparte 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.

Performance Requirement 4: 25% Weight	Strategic Alignment:
Federal Circuit Remand Decision Timeliness:	USPTO Strategic Plan, Goal 1, Objective 7
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.	
Rating Official Narrative: (Optional)	
Critical Element Rating – Results Driven (b)(6)	

Executive Name and ID: TIERNEY, MICHAEL P.	Appraisal Period: FY2018
Part 6: Summary Rating Narrative (Mandatory)	
Bart 7: Everytive's Assemblishment Newstine (Ontional)	
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_	TI.	erney	Rati	ng 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	
Performance Requirement 2		25		Points 300 – 399 = Level 3 Rating Score Points 200 – 299 = Level 2 Rating	
Performance Requirement 3		25		Score Any PR rated Level 1 overall score must be = Level 1 Rating Score	
Performance Requirement 4		25			
Performance Requirement Total Score		= 100%	(b)(6)		12.5

**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
公司的				Points 475 – 500 = Level 5 Rating	ART WILE
Performance Requirement 1	4	x 25	100	Score Points 400 474 = Level 4 Rating	
Performance Requirement 2	5	x 30	150	Score Points 300 – 399 = Level 3 Rating	
Performance Requirement 3	5	x 15	75	Score Points 200– 299 = Level 2 Rating	
Performance Requirement 4	3	x 30	90	Score Any PR rated Level 1 overall score	
		= 100%		must be = Level 1 Rating Score	
Performance Requirement Total Score			415	415= Level 4	4*

<sup>\*</sup>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

# **Summary Rating Narrative:**

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(b)(6)		

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(b)(6)		

# SES Performance Management System Executive Performance Plan



Part 1. Consultation. []	h <mark>ave reviev</mark>	ved this plan an	d have been	consulted o	n its devel <mark>o</mark> p		
I EVECUTIVE'S Name (I dist First MII): WEIDENFELLER SCOLL						Appra <b>9/30/</b>	isal Pd. <b>10/01/17 -</b> <b>18</b>
Executive's Signature:	0)(6)					Date:	10/30/17
Title: Vice Chief Admini Patent and Trademark (		tent Judge, Pat	ent Trial and	Appeal Bo	ard, U.S.	Organ	ization: PTAB
Rating Official's Name (L Administrative Patent Ju		MI): BOALICK, S	COTT R., De	puty Chief		CA 🗌	
Rating Official's Signatur	re:	(b)(6)				Date:	10/30/17
Part 2. Progress Review	,				773		
Executive's Signature:		(b)(6)				Date:	A/30/18
Rating Official's Signatur	e:	(b)(6)				Date:	4/20/18
Reviewing Official's Sign	ature (Opti	ional):				Date:	
Part 3. Summary Rating	3		1053				
Initial Summary Rating	(b)(6)						
Rating Official's Name (L	ast, First, N	Al): BOALICK, S	COTT R., De	puty Chief	Administrativ		
Rating Official's Signatur	Rating Official's Signature: (b)(6)					Date: "/5/2018	
Executive's Signature: (b)(6)					Date: 11/7   Zoif		
Reviewing Official's Sign	ature (Opti	ional):				Date:	
Higher Level Review (if	applicable)						
☐ I request a higher lev	vel review.	Executive's Ir	nitials:			Date:	
Higher Level Review Cor	mpleted					Date:	-
Higher Level Reviewer S	ignature:						
Performance Review Bo	ard Recom	mendation	Level	5 🔲 ι	evel 4	Level 3	Level 2 Level 1
PRB Chair Signature:							Date:
Annual Summary Rating			Level	5 🔲 L	evel 4	Level 3	Level 2 Level 1
Appointing Authority Sig	gnature:						Date:
Part 4. Derivation Form	nula and Ca	lculation of An	nual Summa	ry Rating			100000000000000000000000000000000000000
OAY	Elem	ent Rating			Score		
Critical Element	Initial	Final (if changed)	Weight	Initial	Final		Summary Level Ranges
1. Leading Change	(b)(6)	(ii changeu)	10%	(b)(6)	(if changed	,	Summary Lever Ranges
2. Leading People 10%							475-500 = Level 5
3. Business Acumen			10%				400-474 = Level 4
4. Building Coalitions			10%				300-399 = Level 3 200-299 = Level 2
5. Results Driven		Anna van de al-	60%			Anv	CE rated Level 1 = Level 1
Total	E277 0 4		100%			7,	

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

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

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

E	lement	t F	Rating	Level	P	oint	S
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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

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.

Rating Official Narrative: (Optional)

Critical Element Rating — Leading Change

(b)(6)

#### Critical Element 2. Leading People

(Minimum weight 5 points) Weight 10%

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

Agency-Specific Performance Requirements

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

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.

3

Rating Official Narrative: (Optional)

Critical Element Rating - Leading People

(Minimum weight 5 points)	Weight 10%
es, acquires, and administers human, financial, mat t and accomplishes the organization's mission. Use operating budget; prepares budget requests with j	es technology
system integration to support PTAB's mission. M s unit needs.	lanage
(Minimum weight 5 points)	Weight 10%
iders feedback from internal and external stakehole mize input from the widest range of appropriate states and strengthen internal and external support. Expander and negotiates with individuals and groups ork with other organizations and identifies the internal and identifies and identifies the internal and identifies and i	akeholders to xplains, internally and
ed appropriate, to implement strategies for achievel appeals inventory / pendency within limits impose feedback and to inform on PTAB AIA trial and appoints is coordinated internally and communicated to the	ed by AIA trial eal practice
	(Minimum weight 5 points)  iders feedback from internal and external stakehol mize input from the widest range of appropriate st and strengthen internal and external support. Example of appropriate st manner and negotiates with individuals and groups ork with other organizations and identifies the internal appropriate, to implement strategies for achieval appeals inventory / pendency within limits impose feedback and to inform on PTAB AIA trial and appropriate and appropriate and appropriate appeals inventory / pendency within limits impose feedback and to inform on PTAB AIA trial and appropriate an

#### 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

Ex Parte Inventory / Pendency Reduction:

Strategic Alignment:

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 exparte appeal inventory by issuing decisions in accordance with applicable legal requirements.

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

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% offinal AIA decisions, excluding rehearing decisions, and 2% of regular exparte appeals decisions.

Performance Requirement 4: 25% Weight	Strategic Alignment:
Federal Circuit Remand Decision Timeliness:	USPTO Strategic Plan, Goal 1, Objective 7
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.	
Rating Official Narrative: (Optional)	
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i⊛	t.
Critical Element Rating – Results Driven (b)(6)	

## Deriving the Results Driven Rating Worksheet

Executive Name	weidnelle	Rating Period	FYI	8	
			- 1		_

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	
Performance Requirement 2		25		Score Points 300 – 399 = Level 3 Rating Score Points 200 – 299 = Level 2 Rating	
Performance Requirement 3		25		Score Any PR rated Level 1 overall score must be = Level 1 Rating Score	
Performance Requirement 4		25			
Performance Requirement Total Score		= 100%	(b)(6)		

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

Results Driven Performance Requirements	Performance Requirement Rating Level	Weight (multiply b <b>y</b> )	Performance Requirement Points Score	Point Ranges to Rating Level Score	Results Driven Initial Element Score
(PR)	Score	ST SERVICE	7 U.S. N. 19 19 20	Points 475 – 500 = Level 5 Rating	3 5 TE 10 US
Performance Requirement 1	4	x 25	100	Score Points 400 – 474 = Level 4 Rating	
Performance Requirement 2	5	x 30	150	Score Points 300 – 399 = Level 3 Rating	
Performance Requirement 3	5	x 15	75	Score Points 200 – 299 = Level 2 Rating	
Performance Requirement 4	3	x 30	90	Score Any PR rated Level 1 overall score	
Bally Views	Contract St. T.	= 100%	St. Shaning	must be = Level 1 Rating Score	30125
Performance Requirement Total Score			415	415= Level 4	4*

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

## **MEMORANDUM**

	MEMORANDOM	
FROM:	Scott R. Boalick Deputy Chief Administrative Patent Judge	
SUBJECT	T: Executive Performance Summary Narrative for Fiscal Year 2018, Scott Weidenfeller, Vice Chief Judge	a
Summary	Rating Narrative:	10000000
0)(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 develo	pment.
Executive's Name (Last, First, MI): TIERNEY, MICHAEL P.	Appraisal Pd. 10/01/16 - 9/30/17
Executive's Signature: (b)(6)	Date: 2//6//7
Title: Vice Chief Administrative Patent Judge, Patent Trial and Appeal Board, U.S. Patent and Trademark Office	Organization: PTAB
Rating Official's Name (Last, First, MI): BOALICK, SCOTT R., Deputy Chief Administrative Patent Judge	CA NC LT/LE
Rating Official's Signature: (b)(6)	Date: 2/16/17
Part 2. Progress Review	
Executive's Signature: (b)(6)	Date: 4/21/2017
Rating Official's Signature: (b)(6)	Date: 4/21/2017
Reviewing Official's Signature (Optional):	Date:
Part 3. Summary Rating	કુ વ લ
(b)(6) Initial Summary Rating	
Rating Official's Name (Last, First, MI): BOALICK, SCOTT R., Deputy Chief Administrat	ive Patent Judge
Rating Official's Signature: (b)(6)	Date: 10/30/17 Date: 10/3/17
Executive's Signature: (b)(6)	Date: /v/3//17
Reviewing Official's Signature (Optional):	Date:
Higher Level Review (if applicable)	2, 73 W STAND 8, 83 MM 18  ***********************************
I request a higher level review. Executive's Initials:	Date:
Higher Level Review Completed	Date:
Higher Level Reviewer Signature:	
Performance Review Board Recommendation (b)(6)	
PRB Chair Signature (b)(6)	Date:
Annual Summary Rating ( (b)(6)	
Appointing Authority Signature (b)(6)	Date:
Part 4. Derivation Formula and Calculation of Annual Summary Rating	
Element Rating Score Final Critical Element Initial (if changed) Weight Initial (if change	d) Summary Level Ranges
1. Leading Change (b)(6) 10% (b)(6)	
2. Leading People 10%	475-500 = Level 5 400-474 = Level 4
3. Business Acumen 10% 4. Building Coalitions 10%	300-399 = Level 3
5. Results Driven 60%	200-299 = Level 2
Total 100%	Any CE rated Level 1 = Level 1

#### Part 5. 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
•	

Executive Name and ID: MICHAEL P. TIERNEY

Appraisal Period: FY 2017

Critical	Flement 1	Leading	Change

(Minimum weight 5%)

Weight 10%

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

Agency-Specific Performance Requirements

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.

Rating Official Narrative: (Optional)

Critical Element Rating - Leading Change

(b)(6)

#### Critical Element 2. Leading People

(Minimum weight 5%)

Weight 10%

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

Agency-Specific Performance Requirements

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.

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.

Rating Official Narrative: (Optional)

Critical Element Rating - Leoding People

Executive Name and ID: MICHAEL P. TIERNEY Appraisal Period: FY 2017 Critical Element 3. Business Acumen (Minimum weight 5%) Weight 10% Mandatory Performance Requirement: Assesses, analyzes, acquires, and administers human, financial, material, and information resources in a manner that instills public trust and accomplishes the organization's mission. Uses technology to enhance processes and decision making. Executes the operating budget; prepares budget requests with justifications; and manages resources. Agency-Specific Performance Requirements 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. Rating Official Narrative: (Optional) (b)(6)Critical Element Rating - Business Acumen Critical Element 4. Building Coalitions Weight 10% (Minimum weight 5%) 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, to implement strategies for reducing exparte 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. Rating Official Narrative: (Optional)

(b)(6)

Critical Element Rating - Building Coalitions

#### Executive Name and ID: MICHAEL P. TIERNEY

Appraisal Period: FY 2017

Critical Element 5. Results Driven

Critical Element Rating - Results Driven

(Minimum Weight 20%)

Weight 60%

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

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

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

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

Performance Requirement 1: 35% Weight (b)(6)  America Invents Act Trial Timeliness:  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.	Strategic Alignment:  USPTO Strategic Plan, Goal 1,  Objective 7-A
Performance Requirement 2: 30% Weight  Ex Parte Inventory / Pendency Reduction: Achieve a reduction of exparte appeal inventory and achieve substantial progress toward an appeal pendency of 12 months.	Strategic Alignment:  USPTO Strategic Plan, Goal 1,  Objective 7-8
Performance Requirement 3: 35% Weight (b)(6)  PTAB Decision Consistency: 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.	Strategic Alignment:  USPTO Strategic Plan, Goal 1,  Objective 7-D
Rating Official Narrative: (Optional)	

Executive Name and ID: MICHAEL P. FIERNEY	Appraisal Period: FY 2017
Part 6: Summary Rating Narrative (Mandatory)	
Part 7: Executive's Accomplishment Narrative (Optional)	
Part 8: Agency Use	

# SES Performance Management System Executive Performance Plan



Part 1. Consultation. /	have revie	wed this plan ar	nd have beer	consulted	on its developm	ent.	L. LANGUAGO SALA
Executive's Name (Last,	First, MI):	TIERNEY, MICH	IAEL P.			Appra 9/30/	isal Pd. 10/01/16 - 17
Executive's Signature:	(b)(6)	The state of the second				Date:	2/16/17
Title: Vice Chief Admini		atent Judge, Pa	tent Triại an	d Appeal B	oard, U.S.	Organ	ization: PTAB
Rating Official's Name (L Administrative Patent Ju		MI): BOALICK,	SCOTT R., De	puty Chief		СА	
Rating Official's Signatur	e: (t	)(6)				Date:	2/16/17
Part 2. Progress Review		X.	Ω	* 8			* * *
Executive's Signature:	(b)(6)					Date:	4/21/2017
Rating Official's Signatur	e: (	b)(6)				Date:	4/21/2017
Reviewing Official's Sign	ature (Opt	ional):				Date:	
Part 3. Summary Rating			AES 162 16 19 215.		Š.	0 a 1	
Initial Summary Rating	(b)(6)						
Rating Official's Name (L	ast, First, I	MI): BOALICK,	SCOTT R., De	puty Chief	Administrative	Patent	Judge
Rating Official's Signatur	CONTRACTOR OF THE PARTY OF THE	No.				Date:	10/30/17
Executive's Signature:	(b)(	(6)			12700 707.2		14/3/17
Reviewing Official's Signa	ature (Opt	ional):		1		Date:	
Higher Level Review (if o	opplicable)				Xino kwileci		paramo micha in
☐ I request a higher lev	el review.	Executive's Ir	nitials:			Date:	122 (200 MAT 190 - 777) VVI I I I I I I I I I I I I I I I I I
Higher Level Review Con	npleted				3 3 3 3 3 4	Date:	
Higher Level Reviewer Si	gpature:	25. 32	1		-		·
Performance Review Bo	ard Recon	mendation	(b)(6)				
PRB Chair Signature. (b)(	6)	VII. V					Date:
Annual Summary Rating			(b)(6)				The distance of the state of th
Appointing Authority Sig	nature(b)(	6)					Date:
Part 4. Derivation Form	24		nual Summa	ry Rating	-		
	Elem	ent Rating			Score		
Critical Element	Initial	Final (if changed)	Meight	Initial	Final (if changed)	] ,	Summary Level Ranges
1, Leading Change	(b)(6)	(ii changed)	Weight 10%	(b)(6)	1 (ii changeu)	<u> </u>	Junificial A rever Valides
2. Leading People	E 106 E		10%	0.7			475-500 = Level 5
3. Business Acumen			10%				400-474 = Level 4
4. Building Coalitions			10%				300-399 = Level 3 200-299 = Level 2
5. Results Driven	CONTROL OF THE PARTY OF THE PAR	August oxfott publicae min and in	60%	·		Anv	CE rated Level 1 = Level 1
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)

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ement Rating Level Points	
	Level 5 = 5 points
	Level 4 = 4 points
	Level 3 = 3 points
	Level 2 = 2 points
	Level 1 = 0 points

Executive Name and ID: MICHAEL P. TIERNEY

Appraisal Period: FY 2017

Cnitical	Element	1.	Leading	Change
cri ucai	ciement	1.	reaming	CHARIKE

(Minimum weight 5%)

Weight 10%

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

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Rating Official Narrative: (Optional)

Critical Element Rating - Leading Change

(b)(6)

#### Critical Element 2. Leading People

(Minimum weight 5%)

Weight 10%

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

Agency-Specific Performance Requirements

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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.

Rating Official Narrative: (Optional)

Critical Element Rating - Leading People

Executive Name and ID: MICHAEL P. TIERNEY Appraisal Period: FY 2017 Critical Element 3. Business Acumen (Minimum weight 5%) Weight 10% Mandatory Performance Requirement: Assesses, analyzes, acquires, and administers human, financial, material, and information resources in a manner that instills public trust and accomplishes the organization's mission. Uses technology to enhance processes and decision making. Executes the operating budget; prepares budget requests with justifications; and manages resources. Agency-Specific Performance Requirements 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. Rating Official Narrative: (Optional) (b)(6)Critical Element Rating - Business Acumen Critical Element 4. Building Coalitions (Minimum weight 5%) Weight 10% Mandatory Performance Requirement: Solicits and considers feedback from internal and external stakeholders or customers. Coordinates with appropriate parties to maximize input from the widest range of appropriate stakeholders to facilitate an open exchange of opinion from diverse groups and strengthen internal and external support. Explains, advocates, and expresses facts and ideas in a convincing manner and negotiates with individuals and groups internally and externally, as appropriate. Develops a professional network with other organizations and identifies the internal and external politics that affect the work of the organization. Agency-Specific Performance Requirements Collaborate with other business units, where possible, to implement strategies for reducing exparte 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. Rating Official Narrative: (Optional) (b)(6)Critical Element Rating – Building Coalitions

4

#### Executive Name and ID: MICHAEL P. TIERNEY

Appraisal Period: FY 2017

Critical Element 5. Results Driven

(Minimum Weight 20%)

Weight 60%

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

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

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

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

Performance Requirement 1: 35% Weight (b)(6)  America Invents Act Trial Timeliness:  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)  Ex Parte Inventory / Pendency Reduction: Achieve a reduction of ex parte appeal inventory and achieve substantial progress toward an appeal pendency of 12 months.	Strategic Alignment:  USPTO Strategic Plan, Goal 1, Objective 7-B
Performance Requirement 3: 35% Weight (b)(6)  PTAB Decision Consistency: 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.	Strategic Alignment:  USPTO Strategic Plan, Goal 1, Objective 7-D
Rating Official Narrative: (Optional)	

5

Executive Name and ID: MICHAEL P. FIERNEY	Appraisal Period; FY 2017
Part 6: Summary Rating Narrative (Mandatory)	
Part 7: Executive's Accomplishment Narrative (Optional)	
· · · · · · · · · · · · · · · · · · ·	
Down C. Assessed to a	
Part 8: Agency Use	
	1

# SES Performance Management System Executive Performance Plan



Part 1. Consultation. 11	ave reviev	ved this plan an	d have bee <mark>n</mark>	consulted o	n its developm	ent.	
Executive's Name (Last,	First, MI):	BONILLA, JACQ	UELINE			Appra <b>9/30/</b> 2	isal Pd. <b>10/01/17 -</b> <b>18</b>
Executive's Signature:	(b)(6)			2		Date:	10 (31) 17
Title: Vice Chief Administ Patent and Trademark C		tent Judge, Pat	ent Trial and	Appeal Bo	ard, U.S.		ization: PTAB
Rating Official's Name (Lo Administrative Patent Ju		AI): BOALICK, S	COTT R., De	puty Chief		СА	NC LT/LE
Rating Official's Signatur	e:	(b)(6)				Date:	10/30/17
Part 2. Progress Review							
Executive's Signature:	(b)(6)			*		Date:	4130/18
Rating Official's Signatur	e: (	b)(6)	C.		-	Date:	4/30/18
Reviewing Official's Signa	ature (Opti	ional):				Date:	1 1
Part 3. Summary Rating							
Initial Summary Rating	(b)(6)						
Rating Official's Name (L	ast, First, N	11): BOALICK, S	COTT R., De	puty Chief /	Administrative	Patent	Judge
Rating Official's Signatur	e:	(b)(6)				Date:	11/5/2018
Executive's Signature:	(b)(6)					Date:	11/6/2018
Reviewing Official's Signa	ature ( <i>opti</i>	onal):				Date:	
Higher Level Review (if a	ipplicable)						
request a higher lev	el review.	Executive's In	itials:			Date:	
Higher Level Review Con	npleted					Date:	
Higher Level Reviewer Si	gnature:		_				-
Performance Review Bo	ard Recom	mendation	Level	5 🔲 ι	evel 4 L	evel 3	Level 2 Level 1
PRB Chair Signature:					71		Date:
Annual Summary Rating	1		Level	5 🔲 t	evel 4 L	evel 3	Level 2 Level 1
Appointing Authority Sig	nature:						Date:
Part 4. Derivation Form	ula and Ca	Iculation of An	nual Summa	ry Rating			
	Elem	ent Rating			Score		<del></del>
Critical Element	laitial	Final	\A(oight	Initial	Final		Summary Loyal Bangas
1. Leading Change	Initial (b)(6)	(if changed)	Weight 10%	(b)(6)	(if changed)		Summary Level Ranges
2. Leading People	(2)(0)		10%				475-500 = Level 5
3. Business Acumen			10%				400-474 = Level 4
4. Building Coalitions			10%				300-399 = Level 3 200-299 = Level 2
5. Results Driven			60%			Δην	CE rated Level 1 = Level 1
Total	REXAM		100%			Citty	51 . dica 20 0 1 1 - 20 0 1

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

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

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_				
ы	lomont	Rating	OVA	<b>Points</b>

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

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.

Rating Official Narrative: (Optional)

Critical Element Rating - Leading Change

(b)(6)

#### Critical Element 2. Leading People

(Minimum weight 5 points) Weight 10%

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

Agency-Specific Performance Requirements

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

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.

Rating Official Narrative: (Optional)

Critical Element Rating — Leading People

Executive Name and ID: BONILLA, JACQUELINE	Appraisal Period: FY2018
Critical Element 3. Business Acumen	(Minimum weight 5 points) Weight 10%
Mandatory Performance Requirement: Assesses, analyzes, acquinformation resources in a manner that instills public trust and act to enhance processes and decision making. Executes the operation and manages resources.	complishes the organization's mission. Uses technology
Agency-Specific Performance Requirements	
Advance development of improved PTAB IT systems and system allocation of budget resources to accommodate business unit n	
×	
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 for customers. Coordinates with appropriate parties to maximize in facilitate an open exchange of opinion from diverse groups and sadvocates, and expresses facts and ideas in a convincing manner externally, as appropriate. Develops a professional network with	redback from internal and external stakeholders or but from the widest range of appropriate stakeholders to trengthen internal and external support. Explains, and negotiates with individuals and groups internally and
Mandatory Performance Requirement: Solicits and considers for customers. Coordinates with appropriate parties to maximize in facilitate an open exchange of opinion from diverse groups and sadvocates, and expresses facts and ideas in a convincing manner	redback from internal and external stakeholders or but from the widest range of appropriate stakeholders to trengthen internal and external support. Explains, and negotiates with individuals and groups internally and
Mandatory Performance Requirement: Solicits and considers for customers. Coordinates with appropriate parties to maximize in facilitate an open exchange of opinion from diverse groups and substantial advocates, and expresses facts and ideas in a convincing manner externally, as appropriate. Develops a professional network with external politics that affect the work of the organization.	redback from internal and external stakeholders or out from the widest range of appropriate stakeholders to trengthen internal and external support. Explains, and negotiates with individuals and groups internally and other organizations and identifies the internal and opposite opposite, to implement strategies for achieving USPTO inventory / pendency within limits imposed by AIA trial ck and to inform on PTAB AIA trial and appeal practice
Mandatory Performance Requirement: Solicits and considers for customers. Coordinates with appropriate parties to maximize in facilitate an open exchange of opinion from diverse groups and so advocates, and expresses facts and ideas in a convincing manner externally, as appropriate. Develops a professional network with external politics that affect the work of the organization.  Agency-Specific Performance Requirements  Collaborate with other business units, where possible and appropriate objectives or PTAB objectives such as reducing ex parte appeals inventory and deadlines. Interact with public to collect feedback	redback from internal and external stakeholders or out from the widest range of appropriate stakeholders to trengthen internal and external support. Explains, and negotiates with individuals and groups internally and other organizations and identifies the internal and opposite opposite, to implement strategies for achieving USPTO inventory / pendency within limits imposed by AIA trial ck and to inform on PTAB AIA trial and appeal practice

(b)(6)

Critical Element Rating - Building Coalitions

#### 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:

USPTO Strategic Plan, Goal 1,

#### America Invents Act Trial Timeliness:

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

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

Performance Requirement 4: 25% Weight	Strategic Alignment:		
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.	USPTO Strategic Plan, Goal 1, Objective 7		
Rating Official Narrative: (Optional)			
Critical Element Rating – Results Driven (b)(6)			

### Deriving the Results Driven Rating Worksheet

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
1 7 7 E . E . E	The state of the		5-31-13-76	Points 475 – 500 = Level 5 Rating	
Performance Requirement 1	(b)(6)	25	(b)(6)	Score Points 400 – 474 = Level 4 Rating Score	
Performance Requirement 2		22		Points 300 – 399 = Level 3 Rating Score Points 200– 299 = Level 2 Rating	
Performance Requirement 3		25		Score Any PR rated Level 1 overall score must be = Level 1 Rating Score	
Performance Requirement 4		28	-		
a state of	T	= 100%			
Performance Requirement Total Score	and Carlon		(b)(6)		

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

Results Driven	Performance	Weight	Performance	Point Ranges to Rating Level Score	Results Driven
Performance	Requirement	(multiply	Requirement		Initial Element
Requirements	Rating Level	by)	Points Score		Score
(PR)	Score				
				Points 475 – 500 = Level 5 Rating	
Performance	4	x 25	100	Score	
Requirement 1				Points 400 – 474 = Level 4 Rating	
Performance	5	x 30	150	Score	
Requirement 2				Points 300 – 399 = Level 3 Rating	
Performance	5	x 15	75	Score	
Requirement 3				Points 200 – 299 = Level 2 Rating	
Performance	3	x 30	90	Score	
Requirement 4				Any PR rated Level 1 overall score	
1 Singe 12 187		= 100%		must be = Level 1 Rating Score	44.0
Performance					
Requirement			415	415= Level 4	4*
Total Score	NAME OF STREET				

<sup>\*</sup>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. /	have revie	w <b>e</b> d this plan a	nd have beer	consulted	on its developm	nent,
Executive's Name (Last, First, MI): WEIDENFELLER, SCOTT				Appraisal Pd. 10/01/16 - 9/30/17		
Executive's Signature:	(b)(6)			***************************************		Date: 3/31/2017
Title: Vice Chief Admini Patent and Trademark		atent Judge, Pa	itent Trial an	d Appeal B	oard, U.S.	Organization: PTAB
Rating Official's Name (L Administrative Patent J		MI): BOALICK,	SCOTT R., De	puty Chief		CA NC LT/LE
Rating Official's Signatur	e: (b)	(6)				Date: 3/30/2017
Part 2. Progress Review	,		ON			
Executive's Signature:	(b)(6)					Date: 4/13/2017
Rating Official's Signatur	e:	(b)(6)				Date: 4/13/2017  Date: 4/13/2017
Reviewing Official's Sign	ature (Opt	ional):				Date:
Part 3. Summary Rating	:					
Initial Summary Rating	(b)(6)					
Rating Official's Name (L	ast, First, I	MI): BOALICK,	SCOTT R., De	puty Chief	Administrative	Patent Judge
Rating Official's Signature: (b)(6)				Date: 10/36/ 2017		
Executive's Signature: (b)(6)				Date: 10/30/2017		
Reviewing Official's Signature (Optional):				Date:		
Higher Level Review (if a	applicable)				and a second	
I request a higher lev	el review,	Executive's I	nitials:			Date:
Higher Level Review Completed			Date:			
Higher Level Reviewer Si	gnature:					
Performance Review Bo	ofd Recom	mendation	(b)(6)			
PRB Chair Signature: (b)(6)  Date:				Date:		
Annual Summary Rating		7	(b)(6)			
Appointing Authority Sig	nature:	)(6)				Date:
Part 4. Derivation Form	ula and Ca	iculation of An	nual Summa	ry Rating		
(Name)	Elem	ent Rating			Score	
o in the man	1	Final			Final	
Critical Element  1. Leading Change	Initial (b)(6)	(if changed)	Weight 10%	Initial (b)(6)	(if changed)	Summary Level Ranges
2. Leading People	(5)(0)		10%	(0)(0)		475-500 = Level 5
3. Business Acumen	İ		10%			400-474 = Level 4
4. Building Coalitions			10%			300-399 = Level 3
5. Results Driven			60%			200-299 = Level 2
Total			100%			Any CE rated Level 1 = Level 1

#### Part 5. 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
	·

Appraisal Period: FY 2017 Executive Name and ID: SCOTT WEIDENFELLER Critical Element 1. Leading Change (Minimum weight5%) 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 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. Rating Official Narrative: (Optional) (b)(6)Critical Element Rating - Leading Change Critical Element 2. Leading People (Minimum weight 5%) Weight 10% Mandatory Performance Requirement: Designs and implements strategies that maximize employee potential, connects 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 View point Survey, focus groups and other initiatives. 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

Critical Element Rating – Leading People

PTAB employees are rewarded.

Rating Official Narrative: (Optional)

(b)(6)

America Invents Act. Ensure PTAB employees are efficiently working on mission-critical tasks. Ensure the most valuable

Appraisal Period: FY 2017 Executive Name and ID: SCOTT WEIDENFELLER Critical Element 3. Business Acumen (Minimum weight 5%) Weight 10% Mandatory Performance Requirement: Assesses, analyzes, acquires, and administers human, financial, material, and information resources in a manner that instills public trust and accomplishes the organization's mission. Uses technology to enhance processes and decision making. Executes the operating budget; prepares budget requests with justifications; and manages resources. Agency-Specific Performance Requirements 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. Rating Official Narrative: (Optional) (b)(6)Critical Element Rating - Business Acumen Critical Element 4. Building Coalitions (Minimum weight 5%) weight 10% Mandatory Performance Requirement: Solicits and considers feedback from internal and external stakeholders or customers. Coordinates with appropriate parties to maximize input from the widest range of appropriate stakeholders to facilitate an open exchange of opinion from diverse groups and strengthen internal and external support. Explains, advocates, and expresses facts and ideas in a convincing manner and negotiates with individuals and groups internally and externally, as appropriate. Develops a professional network with other organizations and identifies the internal and external politics that affect the work of the organization.

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.

Rating Official Narrative: (Optional)

Agency-Specific Performance Requirements

Critical Element Rating - Building Coalitions

### Critical Element 5. Results Driven

(Minimum Weight 20%)

Weight 60%

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

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

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

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

renormance Requirement 1. 33% Weight (D)(6)	Strategic Augument.
America Invents Act Trial Timeliness:  Maintain AlA trial completion in 12 months, or in 18 months in cases with extensions for good cause. Maintain issuance of AlA 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:
Ex Parte Inventory / Pendency Reduction:	USPTO Strategic Plan, Goal 1,
Achieve a reduction of ex parte appeal inventory and achieve substantial progress toward an appeal pendency of 12 months.	Objective 7-8
Performance Requirement 3: 35% Weight (b)(6)	Strategic Alignment:
PTAB Decision Consistency:	USPTO Strategic Plan, Goal 1,
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.	Objective 7-D
Rating Official Narrative: (Optional)	

Critical Element Rating - Results Driven

(b)(6)

Executive Name and ID: SCOTT WEIDENFELLER	Appraisal Period: FY 2017
Part 6: Summary Rating Narrative (Mandatory)	
Part 7: Executive's Accomplishment Narrative (Optional)	
•	
Part 8: Agency Use	
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FORM <b>CD-516</b> (1-94) LF : DAO 202-430						₽.S. C	FPARTMENT OF	COMMERCE	□ NEW		
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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:

- 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 evel's criteria.)
- Provide In writing, on the appraisal form, speoffic examples of accomplishments which support the assigned rating level.

Element ratings of fully successful do not require full written documentation unless the employee requests it. To assign a fully successful element rating, the rating official need only documents in writing that: (1) the fully successful stendards 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 empoyee 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 effect 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 achiever! that would not have been otherwise. The employee's mastery of technical skills and thorough understanding of the mission have been fundamental to the competion 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 emptoyee's work substantially exceed fully successful stundards and rarely loave room for improvement. The impact of the employue's work is of such significance that orgunizational objectives were accomplished that cherwise 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 togical and practia 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 obectives, the employee handles interpersonal relationships with exceptional skill, anticipating and avoiding petential 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 superviser'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 exoperation among peers and subordinates, while guiding, motivating, and stimulating positive responses. The employee's work performance demonstrates a strong commitment to fair treatment, equal appentantly, and the affirmulive action objectives of the erganization.

### COMMENDABLE

SES

This is a evel of unusually good performance. It has exceeded expectations in critica 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 unpredicted 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 employees'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 cut additional work or special assignments that onhance accomprishment of this element and pusues fliern to successful conclusion without disrupting regular work. Problems which surface are deart 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 juldgment in dealing with subordinates, considering their views, hie/she provides opportunities for staff to have a meaningful rollo 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 munugement 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 tevel 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 timey way. The employee's technical skills and knowledge are applied effectively to specific job tasks. In completing work assignments, he of the 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 disrepted. The employee performs additional work us his/ther workload permits. Routine piotoloms 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 leve expected for the position, and requires corrective action. The quality, quantity or lirretiness 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 time iness are too frequent or too serious to gnora. Performance is inconsistent and problems caused by deficiencies counterbalance acceptable work. These deficiencies cannot be overlooked since they create adveuse 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 leve's of output usuality result in a decrease in quality. The work generalty 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 hinder achievement of the purpose of the communications. The fistener or reader must question the employee at times to secure complete information or avoid misunder standings.

#### **GENERAL WORK FORCE**

This level of performance, while demonstrating some positive contributions to the organization, shows notable deliciencies. 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 jeoparatizing 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 cuality, 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 Fatly Saccessfel empoyees. Outout is not sustained consistently and/or highter 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. If 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 Istener must question the employee at times to secure complete information or avoid misunderstandings.

#### SUPERVISORY\*

Inudequacies 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 exampte, 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 deficiences are typically, but not a ways, characteristic of the employee's work:

- Little or no contribution to organizational goals;
- · Falure to meet work objectives;
- Inattention to organizational priorities and administrative requirements;
- Poor work liabits resulting in missed deadlines, incomplete work products;
- · Strained work relationships;
- · Faiure to respond to client needs; and/or
- Lack of response to supervisor's corrective efforts.

### **GENERAL WORK FORCE**

The quantity and quality of the employed's work under this element are not udequate for the position. The employee's work products fall short of requirements of the element. They arrive late or offen 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 preduce 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 acks logic or realism, critical work remains incomplete or is unacceptably tate. 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 tack of cooperation with ctients, supervisor, and/or co-workers, or by loss of credibility due to irresponsible speech or work activity.

In dealing with special projects, the employed either sacrifices essential regular work or fails to complete the projects. The employed fails to adapt to changes in priorities, procedures, or program direction and therefore, carnot operate adequately in tolation to dranging 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 interiere with completion of work.

#### SUPERVISORY\*

Most of the following deficiencies are typically, but not always, common, characteristics of the employee's works

- Inadequate guidance to subcrdinates;
- Inattention to work progress; and
- Failure to stimulate subordinates to meet goals.

<sup>\*</sup> Supervisory standards must be applied to SES and General Work Force supervisors.

SECTION I—PERFORMANCE PLAN, PROGRESS R	EVIEW AND A	APPRAISAL	RECORD	
Name WEIDENFELLER, SCOTT C.	Date	She No	1	of2
Item 1. Performance Etement and Objective (Identify as Critical of ment level.)  Critical Non-critical  Element: COURT REPRESENTATION  Objective: Effective Court Representation	r Non-critical, an	d if it is being ti	acked at the E	epart-
Weighting Factor (Weights reflect the amount of time devoted to a importance. Weight for performance plans must total 100. Enter block.)	weight for this el	ement in the ac	ljacent	30
Item 2. Major Activities (Identify activities or results that need to be	e accomplished	in support of th	e pen <sup>r</sup> ormance	element.)
(1) Representing the Director of the USPTO in Federal court I Circuit, by (a) timely, thoroughly, clearly, and accurately drafti pleadings which are sound in substance and/or (b) preparing substance and dignified, thorough, clear, and accurate;	ng, submitti <mark>n</mark> g fo	or approval, an	d/or filing brie	fs or
(2) Representing the Director of the USPTO in United States and accurately drafting, submitting for approval, and/or filing p substance and/or (b) handling pretrial activities, conducting tribandling post-trial activities on a basis which is sound in substancerate;	leadings and/or als or presenting	other papers, g oral argumer	which are so t on motions,	und in and
(3) Representing the United States in Supreme Court litigation Justice, or the Department of Commerce in analyzing intellect Solicitor General in drafting pleadings and preparing for arguments.	tual property cas			
Item 3. Criteria for Evaluation (Use the generic performance standards may also be specified below.)	dar <b>d</b> s printe <b>d</b> in i	Appendix A Su	upplemental pe	erformance
See Continuation Page Element 1, Page 2.				
	Optional Initial B Employee	lock Date	Superviser	Date
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WEIDENFELLER, SCOTT C.

COURT REPRESENTATION

Sheet No. 1 of 2

Employee's Date Initials  Supervisor's Date Initials  Supervisor's Date Initials  Supervisor's Date Initials  Foliation (Support rating in space below)  Successful 1-Unacceptable/ Unsatisfactory (SES)  Successful 2-Marginal/ Unsatisfactory (SES)  Successful 3-Filly 2-Marginal/ Unsatisfactory (SES)  Satisfactory (SES)  Satisfactory (SES)  Satisfactory (SES)  Line Rating 1-5 in adjacent block  The Rating 1-5 in adjacent block  Successful 3-Filly 3-Filly 3-Filly 4-Filly	pian, or areas where per	formance needs to	o be improved.)	mis element, tr	e need for a	ny adjustments	to the	
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Initials Supervisor's Date Supervisor's Initials Date Init								
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Successful Minimally Unsatisfactory 1-5 in Satisfactory (SES) (SES) adjacent block  Set of the set						Date		Date
tem 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.)	tem 5. E 5-Outsta	lement Rating & Justificanding 4-Commendable	3-Fully	2-Marginal/ Minimally	1-Unad Unsa	itisfactory	1-5 in	
authority changes rating official's element rating in Item 5.)				Salistaciony (S	LO) (OLO	·.	aujacent block	
Approving Official/Appointing Authority Signature	tem 5.a.	Approving Official/Appo	inting Authority Co	omments and Sign	ature ( <i>Re<b>q</b>uire</i>	d only if app	proving official/ap	ppointing
Approving Official/Appointing Authority Signature	tem 5.a.	authority changes rating	official's element i	omments and Sign rating in Item 5.)	ature (Re <b>q</b> uire	d only if ард	proving official/ap	opointing
Approving Official/Appointing Authority Signature Date	tem 5.a.	authority changes rating	official's element i	omments and Sign rating in Item 5.)	ature ( <i>Re<b>q</b>uire</i>	d only if app	oroving official/ap	ppointing
Approving Official/Appointing Authority Signature Date	tem 5.a.	authority changes rating	official's element i	omments and Sign rating in Item 5.)	ature (Re <b>q</b> uire	d only if app	proving official/ap	opointing 
	tem 5.a.	authority changes rating	official's element i	omments and Sign rating in Item 5.)	ature (Re <b>q</b> uire	d only if app	oroving official/ap	ppointing

Page 1 of 2

### 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.

Page 2 of 2

### 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 were 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 R	REVIEW AND A	APPRAISAL	RECORD	
Name WEIDENFELLER, SCOTT C.	Date	She No.	eet 1	of 2
Item 1. Performance Element and Objective (Identify as Critical of ment level.)  Critical Non-critical Element: SPECIAL ASSIGNMENTS Objective: Effective Handling of Special Assignments	L or Non-critical, an			
Weighting Factor (Weights reflect the amount of time devoted to a importance. Weight for performance plans must total 100. Enter block.)  Item 2. Major Activities (Identify activities or results that need to be	weight for this el	ement in the ad	ljacent <sup>2</sup>	20
item 2. Major Activities (identity activities of results that need to be	эе ассопіріізней	<i>in support or a</i> в	е репоннансе	element.)
Employee independently handles special assignments, assign substance and in a timely, thorough, clear, and accurate man Office meets these service level commitments:				
(1) review, preparation, comment, and/or advice on USPTO r	ule packages wi	thin 10 busines	ss days;	
(2) review, preparation, comment, and/or advice on notices for 10 business days;	or the Official Ga	<b>zette an</b> d/or th	ie Federal Reç	jister within
(3) timely drafting and/or vetting questions for the registration re-certification program;	and certification	ı examinations.	, as well as the	Э
(4) reviewing training materials for examiners within 10 busine	ess days;			
(5) assisting the Patent and Trademark Commissioners in qua	ality iriitiatives;			
Item 3. Criteria for Evaluation (Use the generic performance standar standar s may also be specified below.)	ndards printed in a	Appendix A. St	upplemental pe	rformance
See Continuation Page Element 2, Page 2.				
1	Optional Initial Bl Employee	lock Date	Supervisor	Date

ame WEIDENFELLER, SCOTT C.	Element SPECIAL ASSIG	SNMENTS	Sheet No1	of2
Item 4. Progress Reviews (Indicate progress plan, or areas where performance n	toward accomplishing this elects to be improved.)	lement, the need	for any a <b>d</b> justments	to the
	Em Initi	ployee's Date ials	Employee's Initials	Date
	Sup Initi	pervisor's Date	Supervisor's Initials	Date
ltem 5. Element Rating & Justification (Suppo 5-Outstanding 4-Commendable 3-Fully Success	2-Marginal/	1-Unacceptab Unsatisfacto (SES)		

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.

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 F	REVIEW AND	APPRAISAL	. RECORD		
Name WEIDENFELLER, SCOTT C.	Date	St	neet 1	of	2
Item 1. Performance Element and Objective (Identify as Critical ment level.)  Critical Non-critical  Element: GIVING LEGAL ADVICE  Objective: Giving Effective Legal Advice to the USPTO Director		_	tracked at the i	 Depart	•
Weighting Factor (Weights reflect the amount of time devoted to importance. Weight for performance plans must total 100. Enter block.)  Item 2. Major Activities (Identify activities or results that need to	weight for this e	lement in the a	djacent	15 e elem	ent.)
Employee renders, or assists the General Counsel or Deputy Solicitor (Solicitor) to render timely and sound legal advice to Department of Commerce as may be appropriate by:					d
(1) thoroughly analyzing options and likely consequences of	those options;				
(2) clearly presenting the options and consequences for revie	ew;				
(3) accurately preparing written opinions or accurately presen	nting oral opinio	ns; and			
(4) utilizing his or her specialized areas of expertise.					
Item 3. Criteria for Evaluation (Use the genenc performance star standards may also be specified below.)	ndards printed in .	Appendix A. S	iupplemental p	erfor <b>m</b>	ance
See Continuation Page Element 3, Page 1					
	Optional Initial B Employee	Block Date	Superviser	Date	:
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ne EIDENFELLER, SCOTT C.	Element GIVING LEG	GAL ADVICE		Sheet No. 1	of		
em 4. Progress Reviews (Indicate pro plan, or areas where performa	<ol> <li>Progress Reviews (Indicate progress toward accomplishing this element, the need for any adjustments to t plan, or areas where performance needs to be improved.)</li> </ol>						
	·	Employee's	Date	Employee's	Date		
		Initials		Initials			
		Supervisor's Initials	Date	Supervisor's Initials	Date		
em 5. Element Rating & Justification ( Outstanding 4-Commendable 3-Fu Su	ully 2-Marginal/ uccessful Minimally	1-Unac Unsa	ceptable/ tisfactory	Enter Rating 1-5 in			
	Satisfactory (S	ES) (SES	)	adjacent block			

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 were 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 R	EVIEW AND	APPRAISAL	RECORD	
Name WEIDENFELLER, SCOTT C.	Date	Sh No	eet1	of2
Item 1. Performance Element and Objective (Identify as Critical of ment level.)  Critical Non-critical Element: WORKING IN TEAM ENVIRONMENT  Objective: Ability to Work as Part of a Collective Team in Representations.			racked at the E	epart-
Weighting Factor (Weights reflect the amount of time devoted to a importance. Weight for performance plans must total 100. Enter block.)	weight for this e	lement in the ad 	ljacent 2	20
Item 2. Major Activities (Identify activities or results that need to be	e accomplish ed	in support of th	e performance	element.)
Employee, utilizing his or her specialized areas of expertise, or provision of legal advice, or performance of special assignme other members of the Solicitor's Office, and/or members of the Department of Justice, or other federal agencies.	nts as a membe	er of a larger te	am that may i	nclude
Employee's contribution to such teams helps create a more e amicably, even where opinions may differ between team men		nent position a	nd resolve dis	putes
Employee treat opposing counsel and representatives of other and respectfully.	er parts of the U	SPTO or other	agencies prof	essionally
Item 3. Criteria for Evaluation (Use the generic performance standards may also be specified below.)	dards printed in	Appendix A. Su	upplemental pe	rformance
See Continuation Page Element 4, Page 1.				
	O-811-80-15	llook.		
	Optional Initial B Empleyee	Date	Superviser	Date
		1		

Name WEIDENFELLER, SCOTT C.	Element WORKING IN TEAM ENVIRONM	Sheet MENT №o. 1 of	2
Item 4. Progress Reviews (Indicate progress town plan, or areas where performance needs	ward accomplishing this element, the need	VICINI NOOI	
Item 5. Element Rating & Justification ( <i>Support re</i> 5-Outstanding 4-Commendable 3-Fully Successful	Employee's Date Initials  Supervisor's Date Initials  ating in space below.)  2-Marginal/ 1-Unacceptat Minimally Unsatisfact Satisfactory (SES) (SES)	Initials Supervisor's Initials ble/ Enter Rating	)ate  )ate
Item 5.a. Approving Official/Appointing Authority authority changes rating official's element	Comments and Signature (Required only nt rating in Item 5.)	if approving official/appo	oi <b>nt</b> ing
Approving Official/Appointing Authority Signature		Date	

Name

FORM CD-516A (REV 1-94) LF DAO 202-430

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 :—PERFORMANCE PLAN, PROGRESS REVIEW AND APPRAISAL RECORD								
Name WEIDENFELLER, SCOTT C.	Date	Shi No	eet1	_ of2				
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 Solicilor with management, employee performance and organizational issues								
Weighting Factor (Weights reflect the amount of time devoted to a importance. Weight for performance plans must total 100. Enter block.)	weight for this el	ement in the ad	jacent	15				
Item 2. Major Activities (Identify activities or results that need to be	·		•	•				
(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 may also be specified below.)	odards printed in i	Appendix A. Sι	ipplemental p	eif or mance				
See Continuation Page Element 5, Page 1.								
	Optional Initial B	lock						
	Employee	Date	Supervisor	Date				

Name_			
WEID	ENFELLE	ER, SCC	DTT C.

### Element MANAGEMENT

Sheet			
No	1	of	2

Item 4. Progress Reviews (Indicate progress toward accomplishing plan, or areas where performance needs to be improved.)	this element, th	e need for a	any adjustments	to the
	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 2-Marginal/ Successful Minimally Satisfactory (S	1-Unac Unsa	cceptable/ atisfactory	Enter Rating 1-5 in adjacent block	
·				
Item 5.a. Approving Official/Appointing Authority Comments and Sign	nature ( <i>Requir</i> e	d only if app	proving official/ap	pointing
authority changes rating official's element rating in Item 5.)				
A				
Approving Official/Appointing Authority Signature			Date	

Page 1 of 1

### 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 maks 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 leve.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)			
Spacia	al Assignments		
	at Assignments		
(b)(6)			
According to			
<u>Givin</u>	g Legal Advice		
(b)(6)			
(5)(5)			

(b)(6)	
Working in Team Environment	
(b)(6)	
Management	
(b)(6)	

(b)(6)			

SECTION II—PERFORMANCE SUMMARY AND RATING							
Name WEIDENFELLER, SCOTT C.							
<ol> <li>List each element in the performance plan; indicate whether it is critical/non-critical and what weight has been assigned to it.</li> <li>Assign a rating level for each element: (5) Outstanding (4) Commendable (3) Fully Successful (2) Marginal/Minimally Satisfactory (SES) (1) Unacceptable/Unsatisfactory (SES)</li> <li>Score each element by multiplying the weight by the rating level.</li> <li>After each element has been scored, compute total score by summing all individual scores. Total score can range from 100 to 500.</li> </ol>							
Performance Element		Critial or Non-critical (C or NC)	Individual Weights (Sum must total 100)	Element Rating (1-5)	Score		
COURT REPRESENTATION SPECIAL ASSIGNMENTS GIVING LEGAL ADVICE WORKING IN TEAM ENVIRONMENT MANAGEMENT		C C C C	30 20 15 20 15	(b)(6)			
TOTAL SCORE: (b)(6)							
For SES turn to reverse s  ITEM 2. PERFORMANCE RATING: (Based on total so successful the rational successful the rational successful the rational successful the successful the rational successful the rational successful the successful the rational successful the successful th	ore except	that if any	critical element	is less t ical elemer	han fully nt rating.)		
(b)(6)							
Rating Official's (b)(6)  Approving Official's Signatural (17 X///		Krause, Dep	outy Solicitor	Date / 9	125/16		
(b)(6) Employee's Signature (Indicates appraisa) méating heid)		Celley, Solicit		Date 10	155/16		
(b)(6)	☐ YES			10)	25/16		
SECTION III—PERFORMANCE RECOGNITION	(General V	Vorkforce	Only)				
Performance Award \$ ( %) For performance awards: Has employee been promoted during the appraisal cycle? YES NO							
QSI (Outstanding Rating Required)  Appropriation No  Rating Official's Signature  Title  Date							
Tille							
Approving Official's Signature Title							
Final Approving Authority's Signature				Date			
Payment Authorized By Personnel Office		_		Date			



# SES Performance Management System Executive Performance Agreement



Part 1. Consultation. I have review	Part 1. Consultation. I have reviewed this plan and have been consulted on its development.							
Everying's Name Hast First Mill: KUALICK SCILL R						Appraisal Pd. <b>10/1/15 -</b> <b>9/30/16</b>		
Executive's Signature: (b)(6)						3/8/2016		
Title: Vice Chief Administrative Pate	ent Judge, U.S.	Patent and	Trademark	Office		ization: PTAB		
Rating Official's Name (Last, First, M Patent Judge (Acting)	(): KELLEY, NA	THAN K., Chi	ef Adminis	trative	СА	NC LT/LE		
Rating Official's Signature: (b)(6	)				Date:	3/8/2016		
Part 2. Progress Review	(	$\mathcal{I}$		*		: 400		
Executive's Signature:				X	Date:			
Rating Official's Signature:				1	Date:			
Reviewing Official's Signature (Option	onal):				Date:	Harmon Maria		
Part 3. Summary Rating (b)(6)								
Initial Summary Rating	<del>- p</del> p.		and a many and a many and a many and a many and a many and a many and a many and a many and a many and a many	-111.4				
Rating Official's Name (Last, First, M	1): KELLEY, NA	THAN K., Chi	ef Adminis	trative Pater				
Rating Official's Signature: (b)(6)					Date:	Date: Nov. 4, 2016  Date: Nov. 4, 2016		
Executive's Signature: (b)(6	)				Date:	Date: NW 4, 70/6		
Reviewing Official's Signature (Option	onal):				Date:	Date:		
Higher Level Review (if applicable)								
I request a higher level review.	Executive's In	itials:			Date:			
Higher Level Review Completed					Date:			
Higher Level Reviewer Signature:	±							
Performance Review Board Recomm	nendation	Level	5 🔲 L	evel 4	Level 3	Level 2 Level 1		
PRB Chair Signature:						Date:		
Annual Summary Rating		Level S	5	evel 4	Level 3	Level 2 Level 1		
Appointing Authority Signature:		1				Date:		
Part 4. Derivation Formula and Cal	culation of An	nual Summar	y Rating					
Eleme	ent Rating			Score				
	Final			Final				
Critical Element Initial  1. Leading Change	(if changed)	Weight 10%	<u>Initial</u> (b)(6)	(if changed	)	Summary Level Ranges		
2. Leading People		10%	475-500 = Level 5					
3. Business Acumen		10%	400-474 = Level 4					
4. Building Coalitions		10%				300-399 = Level 3		
S. Results Driven		60%			۸۰۰	200-299 = Level 2		
Total		100%			Ally	CE rated Level 1 = Level 1		



# SES Performance Management System Executive Performance Agreement



Part 1. Consultation. I he	ave review	ed this plan an	d have been c	onsuited or	n its develo	pment.	<u> </u>	<u> 2 29                                 </u>	
I FYOCHTIVO'C NAMO JIACT FACT WILL BUILLAN STILL R						Appraisal Pd. 10/1/15 - 9/30/16			
Executive's Signature:	(b)(	6)				Date:	1/14/	16	
Title: Vice Chief Adminis	trative Pat	tent Judge, U.S	. Patent and	rademark	Office	Organi	zation: P	TAB	
Rating Official's Name (Lo Patent Judge (Acting)	100	11-11	THAN K., Chi	ef Administ	trative	CA 🗌	NC 🗌 L	T/LE 🗌	
Rating Official's Signature	(b)(6)		25.442.04. 0.204	50000 50	WC 14029	Date:	1/14/	2016	
Part 2. Progress Review		, ()	/		- II WHEP READ STREET STREET	Necessary 2000			
Executive's Signature:	(b)	5 - 50		_	MINISTRUM IN CO.	Date:	5/20/	20/6	
Rating Official's Signature	(b)	(6)				Date:	5/201	12016	
Reviewing Official's Signa	ture (Opti	onal):		-		Date:	A 200 A 200	100 100 100 100 100 100 100 100 100 100	
Part 3. Summary Rating	ALIA MARATTAN		1480 6280 6380 6380			755			
Initial Summary Rating	Level Outstand		Level 4 nmendable	Leve Fully Suc		Leve   Minimal   Satisfact	ly	Level 1 Unsatisfactory	
Rating Official's Name (La	st, First, N	11): KELLEY, NA	ATHAN K., Chi	ef Administ	trative Pat	ent Judge (	(Acting)	19 19	
Rating Official's Signature	9:	2 T TO 200		WHEN STORE THE STORE OF		Date:	Date:		
Executive's Signature:						Date:	Date:		
Reviewing Official's Signa	iture (Opti	onal):				Date:	Date:		
Higher Level Review (if a	pplicable)			_		020/ (0_30(00)			
☐ I request a higher leve	el review.	Executive's Ir	nitials:			Date:	G <del>erral</del>		
Higher Level Review Com	pleted			1000000		Date:	81979		
Higher Level Reviewer Sig	gnature:	: : : : : : : : : : : : : : : : : : : :			20	ra <del>d</del>		1000 1000	
Performance Review Boo	9	mendation	Level 5	. Пи	evel 4	Level 3	Leve	12 Level 1	
PRB Chair Signature:		39	Accessed to the contract of th				Date:		
Annual Summary Rating			Level	5   D Le	evel4	Level 3	Leve	l 2 Level 1	
Appointing Authority Sign				1 10 10	28/39/20		Date:		
Part 4. Derivation Form		lculation of An	nual Summar	v Rating	35			10 1240 1502 0002340 0	
	7	ent Rating			core			() WWW.	
75 52 3	i	Final		32	Final				
Critical Element	Initial	(if changed)	Weight	Initial	(if change	ed) (	Summary	Level Ranges	
1. Leading Change 10% 2. Leading People 10%					475-50	0 = Level 5			
3. Business Acumen 10%						4 = Level 4			
4. Building Coalitions			10%	AMERICA SOCIONA		86000	52	9 = Leve13	
5. Results Driven			60%			A		9 = Level 2	
Total 100%						Any	CE Tated	Level 1 = Level 1	

# SES Performance Management System Executive Performance Agreement



Part 1. Consultation. //	have revie	wed this plan	and have been d	onsulted	on its dev	elopm	ent.			
Executive's Name (Last,	First, MI):	Boalick, Scott	R.		P.		Appraisal Pd. 10/1/19 - 9/30/20			
Executive's Signature: (b)(6)						Date: 9/30/2019				
Title: Chief Administrative Patent Judge					Organization: PTAB					
Rating Official's Name (Last, First, MI): Peter, Laura A.						CA NC LT/LE				
Rating Official's Signature: (b)(6)						Date: 9/30/2019				
Part 2. Progress Review								1		
Executive's Signature: Date:										
Rating Official's Signature: Date:										
Reviewing Official's Signa	ature (Opt	ional):					Date:			
Part 3. Summary Rating										
Initial Summary Rating	Leve Outstan	_	Level 4 ommendable		ve I 3 uccessful		Level 2 Level 1  Inimally Unsatisfactory			
Rating Official's Name (Lo	ast, First, I	M1):								
Rating Official's Signature: Date:										
Executive's Signature:						Date:				
Reviewing Official's Signature (Optional):						Date:				
Higher Level Review (if a	pplicable)									
☐ I request a higher level review. Executive's Initials: Date:										
Higher Level Review Completed Date:										
Higher Level Reviewer Sig	gnature:									
Performance Review Board Recommendation Level 5 Level 4 Level 3 Level 2 Level 2					Level 1					
PRB Chair Signature: Date:										
Annual Summary Rating					Level 1					
Appointing Authority Signature: Date:										
Part 4. Derivation Formu	ula and Ca	Iculation of A	nnual <mark>Summa</mark> ry	Rating			13	FY.		
	Elem	ent Rating Final	-	Score Final						
Critical Element	Initial	(if changed)	Weight	Initial	(if changed)		Summary Level Ranges			
1. Leading Change			10%				5	475-50	n = 1 e	evel 5
Leading People     Business Acumen			10%			475-500 = Level 5 400-474 = Level 4				
Building Coalitions			10%		300-399 = Level 3			evel 3		
5. Results Driven					200-299 = Level 2					
fotal 100 points					Any CE rated Level 1 = Level 1					

### Part 5. Performance Standards and Critical Elements

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

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

Flement	Datina		Dainte
FIRMENT	Kating	PVPI	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		(1)	Minimum weig	ght 5 points)   Weight 10%
Mandatory Performance Requirement: Develop organizational and program goals, priorities, valu implementing innovative solutions to make organ major shifts in direction or approach, as appropri- service and program performance; creates a work transparency; and maintains program focus, ever	es, and other fac nizational improv ate. Balances cha k environment t <b>h</b>	tors. Assesses rements, rangir ange and continate encourages	and adjusts to ng from increm inuity; continu	o changing situations, nental improvements to ally strives to improve
Agency-Specific Performance Requirements				
Implement Presidential directives for enhancing Implement Director's objectives for enhancing o the organizational staffing, policies, and procedu precedential opinions, and guidance to stakehole	perations of USP ares, as needed.	PTO and PTAB. Lead PTAB thr	Optimize PTA ough enhance	AB operations by modifying ments of rules of practice,
Rating Official Narrative: (Optional)				
·	····-	·r···	·	
Critical Element Rating — Leading Change	Level 5	Level 4	Level 3	Level 2 Level 1
Critical Element 2. Leading People		(N	Ainimum weig	ght 5 points) Weight 10%
and goals. Provides an inclusive workplace that for participation by all employees; facilitates collabor of conflicts. Ensures employee performance plan receive constructive feedback, and that employee performance standards. Holds employees account considers employee input. Recruits, retains, and of that reflects the nation, with the skills needed to a workforce diversity, workplace inclusion, and equ	ation, cooperations are aligned with as are realistically at able for approperate tale accomplish organ	on, and teamwon, the organizate organizate appraised aga riate levels of pent needed to a nizational perfo	ork, and supportion's mission a ainst clearly de performance a achieve a high ormance objec	orts constructive resolution and goals, that employees efined and communicated and conduct. Seeks and quality, diverse workforce
Agency-Specific Performance Requirements			•	
Lead, develop, and implement actions to improgathered from sources including the USPTO F and other initiatives.				
Promotes the protection of whistleblowers by: described in subparagraph (A) or (B) of section fostering an environment in which employees of employees or other appropriate authorities.	on 2302(b)(8); to	aking respons	sible actions t	to resolve disclosures; and
Serve as Chief Judge and perform Business Unit H guidance to the PTAB. Ensure PTAB employees ar nationwide talent.				
Rating Official Narrative: (Optional)				
Critical Element Rating - Leading People	Level 5	Level 4	Level 3	Level 2 Level 1

Level 2

Level 1

Level 3

Level 4

Level 5

Critical Element Rating — Building Coalitions

### 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.

5

Performance Requirement 1: 25% Weight

Strategic Alignment:

America Invents Act Trial Timeliness:

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

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

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

Performance Requirement 2: 25% Weight

Strategic Alignment:

Ex Parte Appeal Timeliness:

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

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

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

Performance Requirement 3: 25% Weight

Strategic Alignment:

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

### 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 exparte appeals decisions.

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

Performance Requirement 4: 25% Weight

**Effective Communications:** 

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

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

stakeholders to decrease uncertainty and increase predictability, transparency, and reliability.			Objective 4 - Enhance Operations of the Patent Trial And Appeal Board					
Rating Official Narrative: (Optional)								
	·			·····				
Critical Element Rating – Results Driven	Level 5	Level 4	Level 3	Level 2	Level 1			

#### **Deriving the Results Driven Rating Worksheet**

Executive Name	Rating Period	
	0	

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  Performance Requirement 2  Performance Requirement 3  Performance Requirement 4				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 Total Score		= 100%		= 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
THE PARTY	PART HITTER		THE GUILD	Points 475 – 500 = Level 5 Rating	THE PROPERTY.
Performance Requirement 1	4	x 25	100	Score Points 400 – 474 = Level 4 Rating	
Performance Requirement 2	5	x 30	150	Score -Points 300 – 399 = Level 3 Rating	
Performance Requirement 3	5	x 15	75	Score Points 200 – 299 = Level 2 Rating	
Performance Requirement 4	nce 3 x 30 90 Score		Score Any PR rated Level 1 overall score		
TOP STATE OF THE PARTY OF	A REAL PROPERTY.	= 100%	DATE OF THE	must be = Level 1 Rating Score	
Performance Requirement Total Score			415	415= Level 4	4*

<sup>\*</sup>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. 1	h <b>a</b> ve revie	wed this plan ar	nd have beer	consulted	on its developm	ent.		
Executive's Name (Last,	First, MI):	BONILLA, JACO	QUELINE			Appra 9/30/	isal Pd. 10/01/16 - 17	
Executive's Signature:	)(6)					Date:	2/17/2017	
Title: Vice Chief Admini Patent and Trademark (		atent Judge, Pa	tent Trial an	d Appeal Bo	oard, U.S.		ization: PTAB	
Rating Official's Name (I Administrative Patent I	udge		SCOTT R., De	eputy Chief		са 🗀	NC LT/LE	
Rating Official's Signatur	re:	(b)(6)		A.S. 15 Manuscriptor	20	Date:	2/17/17	
Part 2. Progress Review	v	8 8 n e		er a se <sup>e</sup> e				
Executive's Signature:	(b)(6)					Date:	4 (13/17	
Rating Official's Signatur	re:	(b)(6)				Date:	4/11/17	
Reviewing Official's Sign	ature (Opt	ional):				Date:	- f-( ) forte	
Part 3. Summary Rating	3			*3			\$	
Initial Summary Rating	(b)(6)							
Rating Official's Name (L	ast, First, I	MI): BOALICK, S	SCOTT R., De	puty Chief	Administrative	Patent	Judge	
Rating Official's Signatur	e: (t	0)(6)				Date:	10/30/17	
Executive's Signature:	(b)(6)					Date: 10(3\$/17		
Reviewing Official's Sign	ature (Opt	ional):				Date:	1	
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I request a higher lev	el review.	Executive's In	nitials:		9	Date:		
Higher Level Review Con	npleted	(14)	40000	August 1810	107	Date:		
Higher Level Reviewer Si	ignature:	2	1					
Performance Review Bo	ard Recon	mendation /	(b)(6)	nii e				
PRB Chair Signature:	1 Del		) con	V -			Date:	
Annual Summary Rating	71		(b)(6)					
Appointing Authority Sig	nature:	b)(6)					Date:	
Part 4. Derivation Form	ula and Ca	lculation of An	nual Summa	ry Rating				
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Critical Element  1. Leading Change	Initial	(if changed)	Weight	Initial	(if changed)		Summary Level Ranges	
2. Leading People	(b)(6)		10%	(b)(6)			475-500 = Level 5	
3. Business Acumen	-		10%				400-474 = Level 4	
4. Building Coalitions	-		10%	9			300-399 = Level 3	
5. Results Driven	4		60%				200-299 = Level 2	
Total			100%			Anγ	CE rated Level 1 = Level 1	

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

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

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

Element Rating Level Points	
	Level 5 = 5 points
	Level 4 = 4 points
	Level 3 = 3 points
	Level 2 = 2 points
	Level 1 = 0 points
	·

Executive Name and ID: JACQUELINE BONILLA

Appraisal Period: FY 2017

Critical	Element 1.	Leading	Change

(Minimum weight 5%)

Weight 10%

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

Agency-Specific Performance Requirements

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.

Rating Official Narrative: (Optional)

Critical Element Rating - Leading Change

(b)(6)

#### Critical Element 2. Leading People

(Minimum weight 5%)

Weight 10%

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

Agency-Specific Performance Requirements

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.

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.

Rating Official Narrative: (Optional)

Critical Element Rating - Leading People

(b)(6)

Executive Name and ID: JACQUELINE BONILLA Appraisal Period: FY 2017 (Minimum weight 5%) Weight 10% Critical Element 3. Business Acumen 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 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. Rating Official Narrative: (Optional) (b)(6)Cr tical Element Rating - Business Acumen **Critical Element 4. Building Coalitions** (Minimum weight 5%) Weight 10% Mandatory Performance Requirement: Solicits and considers feedback from internal and external stakeholders or customers. Coordinates with appropriate parties to maximize input from the widest range of appropriate stakeholders to facilitate an open exchange of opinion from diverse groups and strengthen internal and external support. Explains, advocates, and expresses facts and ideas in a convincing manner and negotiates with individuals and groups internally and externally, as appropriate. Develops a professional network with other organizations and identifies the internal and external politics that affect the work of the organization. Agency-Specific Performance Requirements 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. Rating Official Narrative: (Optional)

Level 2

Level 1

Level 3

Level 5

Critical Element Rating - Building Coalitions

Level 4

#### Critical Element 5. Results Driven

(Minimum Weight 20%)

Weight 60%

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

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

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

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

Performance Requirement 1: 35% Weight (b)(6) Strategic Alignment: America Invents Act Trial Timeliness: USPTO Strategic Plan, Goal 1, Maintain AIA trial completion in 12 months, or in 18 months in cases with **Objective 7-A** extensions for good cause. Maintain issuance of AIA trial decisions on institution within statutory period of 3 months. Performance Requirement 2: 30% Weight (b)(6) Strategic Alignment: Ex Parte Inventory / Pendency Reduction: USPTO Strategic Plan, Goal 1, Achieve a reduction of exparte appeal inventory and achieve substantial **Objective 7-B** progress toward an appeal pendency of 12 months. Performance Requirement 3: 35% Weight (b)(6) Strategic Alignment: PTAB Decision Consistency: USPTO Strategic Plan, Goal 1, Objective 7-D 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. Rating Official Narrative: (Optional)

Critical Element Rating - Results Driven

(b)(6)

5

Executive Name and ID: JACQUELINE BONILLA	Appraisal Period: FY 2017
Part 6: Summary Rating Narrative (Mandatory)	
Part 7: Executive's Accomplishment Narrative (Optional)	
Tare in Exceeding is interior tartative   Optionally	
Part 8: Agency Use	



# 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): BOALICK, SCOTT R.  Appraisal Pd. 10/1/15 - 9/30/16									
Executive's Signature:	(b)(6)					Date:	3/8/2016		
Title: Vice Chief Adminis	trative Pa	tent Judge, U.S	. Patent and	Trademari	k Office	Organi	zation: PTAB		
Rating Official's Name (La Patent Judge (Acting)		.111/	THAN K., Chi	ef Admini	strative		NC LT/LE		
Rating Official's Signature	2: (1	0)(6)				Date:	3/8/2016		
Part 2. Progress Review	3		フ		*		345		
Executive's Signature:						Date:			
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Reviewing Official's Signa	ture (Opti	onal):	-11-2-11		MATERIAL PROPERTY.	Date:			
Part 3. Summary Rating	(b)(6)								
Initial Summary Rating									
Rating Official's Name (La			HAN K., Ch	ief Admini:	strative Patent		10.00		
Rating Official's Signature						Date:	Date: Nov. 4, 2016  Date: Nov. 4, 2016		
Executive's Signature:	(b)(	6)				Date:	NIN 4, 7016		
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☐ I request a higher leve	el review.	Executive's In	itials:			Date:			
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Higher Level Reviewer Sig	gnature:								
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PRB Chair Signature:							Date:		
Annual Summary Rating			Level	5	Level 4 L	evel 3	Level 2 Level 1		
Appointing Authority Sign	nature:						Date:		
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	Elem	ent Rating			Score				
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2. Leading People			10%				475-500 = Level 5		
3. Business Acumen			10%				400-474 = Level 4 300-399 = Level 3		
4. Building Coalitions S. Results Driven			10%				200-299 = Level 2		
Total			100%			Any	CE rated Level 1 = Level 1		
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# SES Performance Management System Executive Performance Agreement



Part 1. Consultation. I ho	ave reviewe	ed this plan ar	nd have been c	onsulted o	n its develo	1441		R <u>ago a</u> le gos estrosos
Executive's Name (Last, First, MI): BOALICK, SCOTT R. Appraisal Po								0/1/15 -
Executive's Signature:	(b)(6)				20	Date:	1 1	16
Title: Vice Chief Adminis	trative Pate	ent Judge, U.S	5. Patent and	rademark	Office	Organ	nization: P	TAB
Rating Official's Name (Lo	ıst, First, M	1): KELLEY, NA	ATHAN K., Chi	ef Adminis	trative	CA	] NC [ ] t	.T/LE
Patent Judge (Acting) Rating Official's Signature	(b)(6)	11 0 11	N-302	700 V R	W 14035 743 50V	Date:	1 -	2016
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Rating Official's Signature	<b>3</b> :		3000 - 10			Date:	,	
Executive's Signature:	9,000,000	(a. je. (a. 1811 11	_aaaaa0.190a5sa			Date:		7
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10 12	Eleme	ent Rating			Score Final			
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3. Business Acumen			10%	AMERICA.				4 = Level 4 9 = Level 3
4. Building Coalitions		14/16/2	10%	The Charles of the	ž		22	99 = Level 3 19 = Level 2
5. Results Driven			60%	9-3996399334762-003	18,0000000000	An		Level 1 = Level 1
Total			100%				1	

# SES Performance Management System Executive Performance Agreement



Part 1. Consultation. 11	lave revi <b>e</b>	wed this pla	n and have been	consulted	l on its de	velop <b>n</b>	ent.			
Executive's Name (Last, First, MI): Boalick, Scott R.										19 - 9/30/20
Executive's Signature:	(b)(6)						Date:	1/30/ 4	19	
Title: Chief Administration	ve Patent	ludge					Organi	ization: PT	AB	
Rating Official's Name (L	ast, First, I	MI): Peter, L	aura A.		•		CA 🖂	NC L	T/LE	: 🗌
Rating Official's Signatur	e: (b)(6	)					Date:	9/00/	12	019
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Executive's Signature:							Date:		***************************************	
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Reviewing Official's Signa	ature (Opt	ional):					Date:			
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2. Leading People			10%					475-500		
3. Business Acumen			10%			Andrew Market		400-474 300-399		
4. Building Coalitions			10%		a i seemes			200-299		
5. Results Driven			60%			to held of all all all all parties of	Any (			1 = Level 1
Total			100 points		1					

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

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

- Level 5: The executive demonstrates exceptional performance, fostering a climate that sustains excellence and optimizes results in the executive's organization, agency, department or Governmentwide. This represents the highest level of executive performance, as evidenced by the extraordinary impact on the achievement of the organization's mission. The executive is an inspirational leader and is considered a role model by agency leadership, peers, and employees. The executive continually contributes materially to or spearheads agency efforts that address or accomplish important agency goals, consistently achieves expectations at the highest level of quality possible, and consistently handles challenges, exceeds targets, and completes assignments ahead of schedule at every step along the way.
- Level 4: The executive demonstrates a very high level of performance beyond that required for successful performance in the executive's position and scope of responsibilities. The executive is a proven, highly effective leader who builds trust and instills confidence in agency leadership, peers, and employees. The executive consistently exceeds established performance expectations, timelines, or targets, as applicable.
- Level 3: The executive demonstrates the high level of performance expected and the executive's actions and leadership contribute positively toward the achievement of strategic goals and meaning all 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, pccrs, 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.

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	lamant	Rating	امیرما	Dainte

Level 5 = 5 points

Level 4 = 4 points

Level 3 = 3 points

Level 2 = 2 points

Level 1 = 0 points

Level 3

Level 4

Level 5

Critical Element Rating - Leading People

Level 2

Level 1

Level 2

Level 1

Level 4 Level 3

Level 5

Critical Element Rating – Building Coalitions

#### Critical Element 5. Results Driven

(Minimum Weight 20 points) Weight 60%

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

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

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

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

Performance Requirement 1: 25% Weight

America Invents Act Trial Timeliness:

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

Strategic Alignment:

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

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

Performance Requirement 2: 25% Weight

Ex Parte Appeal Timeliness:

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

Strategic Alignment:

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

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

Performance Requirement 3: 25% Weight

PTAB Decision Consistency:

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

Strategic Alignment:

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

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

Performance Requirement 4: 25% Weight

**Effective Communications:** 

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

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

Timeliness,

stakeholders to decrease uncertainty and inc 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		

#### **Deriving the Results Driven Rating Worksheet**

Executive Name	Rating Period

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

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

Results Driven	Performance	Weight	Performance	Point Ranges to Rating Level Score	Results Driven
Performance	Requirement	(multiply	Requirement		Initial Element
Requirements	Rating Level	by)	Points Score		Score
(PR)	Score				
				Points 475 – 500 = Level 5 Rating	
Performance	4	x 25	100	Score ·	
Requirement 1				Points 400 – 474 = Level 4 Rating	
Performance	5	x 30	<b>15</b> 0	Score	
Requirement 2				-Points 300 – 399 = Level 3 Rating	
Performance	5	x 15	75	Score	
Requirement 3				Points 200 – 299 = Level 2 Rating	
Performance	3	x 30	90	Score	
Requirement 4			·	Any PR rated Level 1 overall score	
		= 100%		must be = Level 1 Rating Score	
Performance					
Requirement			415	415= Level 4	4*
Total Score				<u> </u>	

<sup>\*</sup>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;
- c 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;
- 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.
- 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., Conununity 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 ident this ills 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.

(6)			

#### 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:

- o 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;
- o builds consensus of opinion among stakeholders; and
- o 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.
- o 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-clements

#### 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's 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 weighted 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.

Achieve patent appeal Board inventory of 45 or fewer months.

#### Suh-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)):

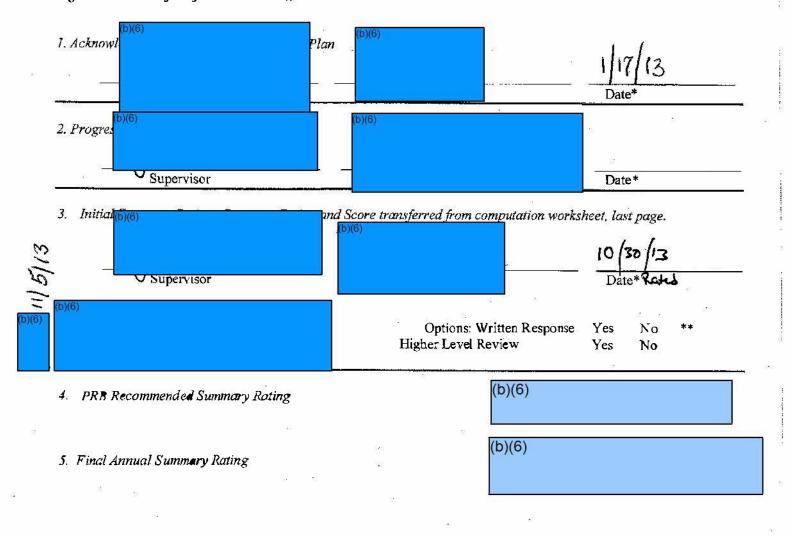
Reach AIA trial completion in 12 or fewer months or in 18 months where extensions are granted.

# 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. D)(6)

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



Chair, Performance Review Board/Date

Under Secretary of Commerce for Intellectual Property & Director of the United States Patent and Trademark Office

<sup>\*</sup> Acknowledges consultation & receipt

<sup>\*\*</sup> 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 arc 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

Per formance 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>rd</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 Sumunary 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.

Perfo manc Element	Individual Weight	Element Rating Level (1-5)	Score
. Leadership/Management (25%)			
A. Leadership of the PTAB	25%	(b)(6)	
II. Customer/Client Service Responsiveness (15%)			
A. Backlog Raduction/ AIA Implementation	15%	_	
III. Results (60%)			
A. Appeal Timeliness	25%		
· ·	25%		
B. AIA Trial Timeliness			
C. PTAB Expansion	10%		
TOTAL SCORE	100%		

b)(6)

on page 6, Item 3, of the Performance Plan, where

the supervisor and executive will sign and date.

To: File
From: James Donald Smith,

Chief Administrative Patent spage

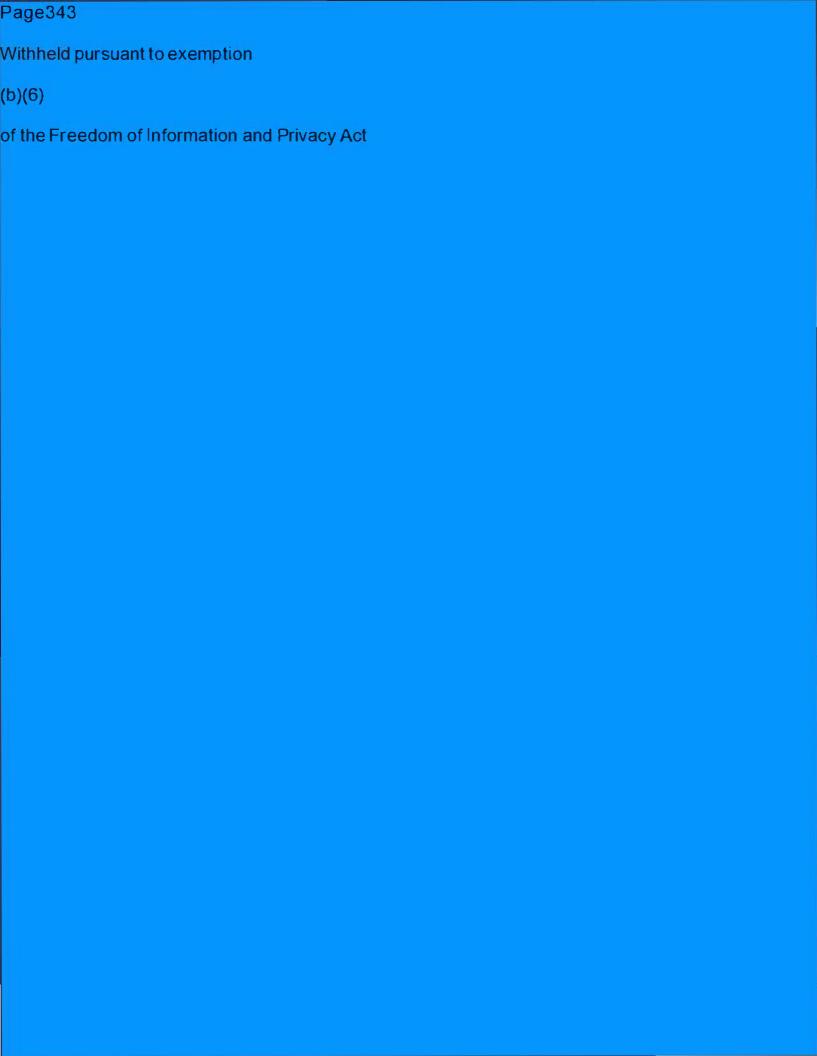
Subject: Executive Performance Narrative for Fiscal Year 2013,

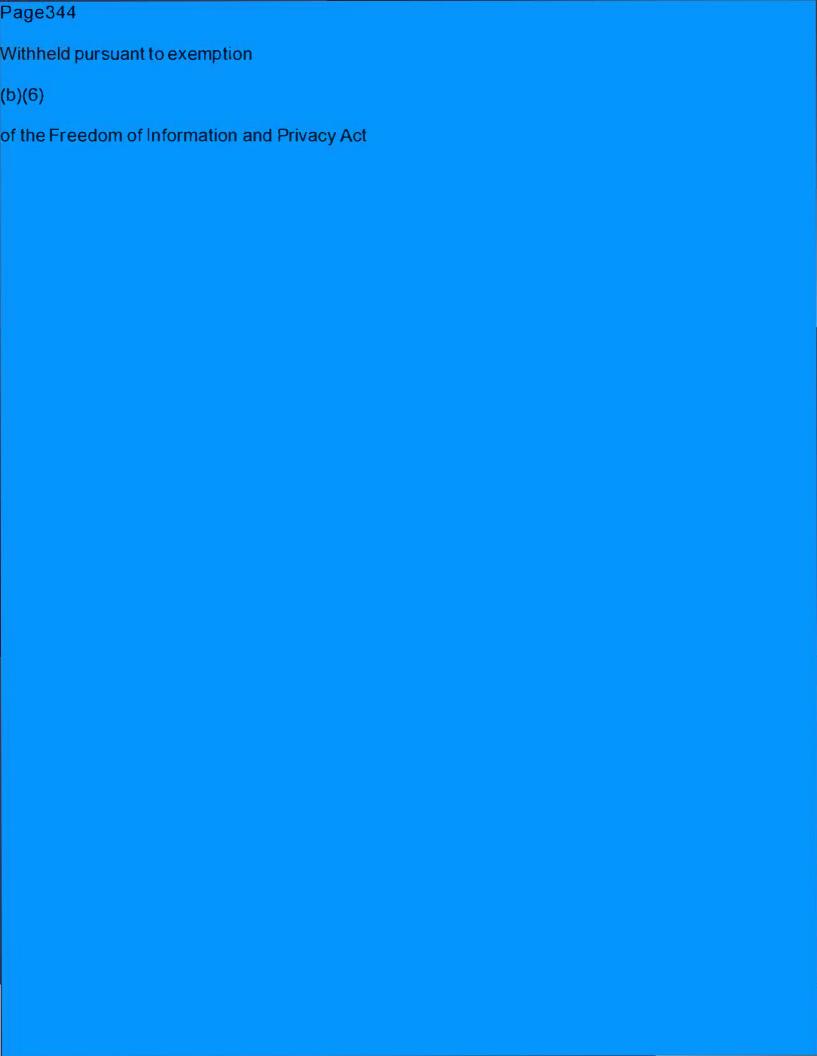
James T. Moore, Deputy Chief Administrative Patent Judge

Date: October 25, 2013

Critical Element I: Leadership/Management 25%







(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)	
Sub Element C: PTAB Expansion	
(6)(6)	

7%