

UNITED STATES PATENT AND TRADEMARK OFFICE

TRADEMARK PUBLIC ADVISORY COMMITTEE (TPAC)

QUARTERLY MEETING

Alexandria, Virginia

Friday, November 22, 2024

1 PARTICIPANTS:

2 TPAC Members:

3 ADRAEA BROWN, Chair

4 AMY HSIAO, Vice Chair

5 DANA BROWN NORTHCOTT

6 VALERIE L. CALLOWAY

7 RODRICK J. ENNS

8 DEBORAH GERHARDT

9 DONNA GRIFFITHS

10 NEHAL MADHANI

11 DOUGLAS N. MASTERS

12 Union Members:

13 JAY BESCH

14 PEDRO FERNANDEZ

15 HAROLD E. ROSS

16 USPTO:

17 DERRICK BRENT, Deputy Under Secretary of  
18 Commerce for Intellectual and Deputy Director  
of the USPTO

19 AMY COTTON, Deputy Commissioner for Trademark  
20 Policy

21 GREG DODSON, Deputy Commissioner for Trademark  
Administration

22 DAVID GOODER, Commissioner for Trademarks

1       PARTICIPANTS (CONT'D):

2           CHARLES JOYNER

3           SEAN MILDREW, Deputy Chief Financial Officer

4           BRANDEN RITCHIE

5           GERARD ROGERS

6           DAN VAVONESE, Deputy Commissioner of Trademark  
7           Operations

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1 P R O C E E D I N G S

2 (11:00 a.m.)

3 MS. BROWN: Good morning, everyone, and  
4 welcome to the last meeting of the calendar year  
5 of the Trademark Public Advisory Committee. My  
6 name is Adraea Brown. I am the Chair of TPAC and  
7 I am Assistant General Counsel at Harley Davidson  
8 Motor Company. This meeting in particular marks  
9 my very last as Chair and my last as a TPAC  
10 member. In fact, I'm a little nervous because my  
11 voice is shaking and if you can, I can feel it.  
12 So hopefully you can't hear it too well. Before  
13 we delve into the meeting, I just wanted to take a  
14 moment since it's my last meeting, to just say  
15 what an incredible opportunity it has been to be  
16 part of TPAC. This has been an experience that I  
17 didn't know what to expect when I got into it, but  
18 it has been a highlight of my career. So, I just  
19 thank everyone for that, and I thank the USPTO,  
20 that everyone in the trademarks team for all of  
21 the work that you do to advance trademark owners  
22 and brand owners within this country and beyond.

1       The work that you do is unbelievable. The passion  
2       and care that you all have, it is truly felt and  
3       I've appreciated every opportunity I've had to be  
4       part of it. This has been just a true honor. And  
5       I also want to -- yeah, thank you. I also want to  
6       say thank you for advancing the Trademarks for  
7       Humanity Award. I know that it is soon to be  
8       awarded. It was something that TPAC first  
9       introduced, and the office ran with it and took it  
10      and supported it. And for that, we thank you so  
11      greatly and it's wonderful to see it come to  
12      fruition.

13               And lastly, I want to thank all of the  
14      TPAC members. Thank each and every one of you for  
15      being so engaged and involved and insightful  
16      throughout this entire year, as well as my entire  
17      time on TPAC. And with that, I will introduce all  
18      of my members, starting with Amy Hsiao, Vice Chair  
19      and a Partner at Eligon IP. Next, in order of  
20      seniority, we have Dana Brown Northcott, Associate  
21      General Counsel of IP at Amazon.com. Rod Enns, a  
22      co-founding partner of Enns and Archer. Donna

1 Griffiths, Senior Trademark Paralegal at Schneider  
2 Electric. Deborah Gearhart, a professor at UNC  
3 Law School. I can't remember the full name, so  
4 we're going to go with that. Valerie Calloway,  
5 Managing IP Counsel and Chief Trademark Counsel at  
6 IBM. Nehal Madhani, CEO and Attorney at Alt  
7 Legal. Joining us on the phone is Doug Masters,  
8 the Chicago Managing Partner of Loeb and Loeb.  
9 Also, we have our union reps, Jay Besh of NTEU 245  
10 and Pedro Fernandez of POPA. And I believe Harold  
11 Ross is online and he is the President of NTEU  
12 243.

13 And the final thing I will say is this  
14 year is also not just historic because it's my  
15 only year as chair, but also, it's the 25th  
16 anniversary of TPAC. So, it's something very  
17 special that we're part of all of 25 years and  
18 being able to help support the USPTO. So, looking  
19 forward to a great meeting today. And with that,  
20 I will turn it over to Derrick Brent.

21 MR. BRENT: Thank you very much. Now,  
22 listen, my friends, I am going to tell you, you

1 are not going to turn us all into emotional  
2 puddles today. I am asking you, begging you,  
3 please. I already, my voice, because of allergies  
4 is off. So, I don't need to be getting shaky  
5 voices. I'm trying to tell a bunch of very close  
6 friends, you know, we will see you later. It's  
7 never farewell or goodbye. See you later and see  
8 you around. But I want to thank you, Adraea. I  
9 want to thank you, Amy, for your leadership, and I  
10 want to thank all of you for your service. And  
11 I'm reminded of the phrase that service is its own  
12 reward. And you all stepped up to the call and  
13 you served with distinction and honor in this  
14 position. And you not only served the agency, but  
15 you served your country. So thank you very much  
16 for everything that you've done. So this is the  
17 final 2024 meeting of the Public Trademark. The  
18 Trademark Public Advisory Committee. Why can't I  
19 just call it TPAC? I mean, everybody knows what I  
20 mean. On behalf of Director Kathy Vidal, the  
21 entire USPTO management team and our 14,000  
22 employees, thank you all for being here and tuning

1       in. Your engagement in our activities means a  
2       great deal to all of us. We truly value your  
3       interest and your participation. We look forward  
4       to today's presentations and hearing how  
5       leadership can turn your recommendations and the  
6       feedback from the public into action.

7               As you all likely know, Director Vidal  
8       will be departing the USPTO in a few weeks to  
9       return to the private sector. It was a busy term,  
10      and she accomplished a great deal. It will be my  
11      privilege to serve as Acting Director upon her  
12      departure. On behalf of Director Vidal and the  
13      team, we feel that we are leaving the agency on  
14      very strong footing and with everything it needs  
15      for continued success. Turning to today's  
16      meeting, since we last met, the USPTO has been  
17      hard at work implementing the various aspects of  
18      our strategic goals. Today you will hear detailed  
19      updates from the knowledgeable trademark staff.  
20      So, I won't spend much time diving into the  
21      details other than as they know. I am so proud of  
22      the work that you all have done on pendency on



1 registry protection. You know, just this stunning  
2 work over last year and the future is bright. So  
3 thank you very much for your hard work.

4 But I would like to briefly mention some  
5 other agency wide updates we have hired our first  
6 director for the new USPTO Office of Public  
7 Engagement, Nancy Kamai. Nancy is a person with a  
8 diverse and wide breadth of experience in  
9 innovation and she will bring all of that to bear  
10 in the new office dealing with policy and  
11 outreach. Joining her as OPE Deputy Director is  
12 John Kubeka, who has been with USPTO since 1989 in  
13 a variety of roles including serving as IP attaché  
14 for South Asia. The Office of Public Engagement  
15 is also gearing up to relaunch the Council for  
16 Inclusive Innovation in early December at the  
17 White House and it is moving forward with plans to  
18 open a new Southeast Regional Office in Atlanta by  
19 the end of the next year and the New Hampshire  
20 Outreach Office soon thereafter. In fact, this  
21 week we announced the new Director of that office.  
22 Dan Modricker is a former Marine Corps helicopter

1 pilot and was Regional Outreach Coordinator for  
2 CISA, the cybersecurity and Infrastructure  
3 Security Agency. So as you can see, our outreach  
4 programs are professionally staffed in a full  
5 swing and continuing its upward trend as we  
6 continue to bring innovation to impact.

7           This week we also opened our country's  
8 99th Patent and Trademark Resource Center ("PTRC")  
9 at Mississippi State University. We expect to  
10 reach 100 PTRCs within the next few weeks. The  
11 PTRCs are an important national resource  
12 instrumental in connecting thousands of potential  
13 trademark applicants to our IP system. Getting to  
14 100 PTRCs is a monumental achievement, and I can  
15 tell you that Director Vidal had the nose to the  
16 grindstone. She was working hard to make these  
17 things happen and expand our reach. Also, in our  
18 first week of December, we will be announcing new  
19 awards for our Trademarks for Humanity Green  
20 Energy program. There will be a public ceremony  
21 on December 3rd, and we invite you to mark your  
22 calendars and make sure you tune in. You will be

1 inspired by the incredible entrepreneurship that  
2 is taking place in the US Green Energy Center  
3 sector this fall. We have hosted a series of  
4 events highlighting the importance of name, image  
5 and likeness rights for student athletes. I've  
6 been I've been able to actually travel across the  
7 country discussing the importance of protecting IP  
8 rights and registering trademarks for student  
9 athletes who want to leverage their image and  
10 monetize their brand. We've made an impression in  
11 that area. It's been well received by law  
12 schools, by practitioners and also by the student  
13 athletes and engaging with the various student  
14 athlete organizations around the country. In  
15 fact, we actually have placed our resources inside  
16 of a portal at the NCAA where student athletes can  
17 now access them.

18 Now, this probably sounds like a lot,  
19 and it is. But I'm only scratching the surface of  
20 all the things that are happening here at this  
21 busy Agency. Before I wrap up, I would like to  
22 take a moment to honor the three members of TPAC

1       whose terms are coming to a close. Adraea Brown,  
2       Rod Enns and Dana Brown Northcutt. On behalf of  
3       Director Vidal and the current leadership, thank  
4       you for your commitment to serving the agency and  
5       the public. I cannot tell you how thankful we are  
6       for your dedication and your time. And we implore  
7       you to stay engaged. Well, we can say we implore  
8       you. You're hereby ordered. No, just kidding.  
9       No, we implore you to stay engaged with every  
10      aspect of not just the IP system, but this agency  
11      and all that you have contributed to it. As you  
12      come up to receive your certificate, I'll share  
13      some thoughts about each one of you.

14               Okay, Adraea, you are hailed as the life  
15      of any dinner party, which is especially  
16      appreciated after a full day of meetings. Your  
17      energy and sense of humor brings everyone  
18      together. And your sharp eye for detail  
19      consistently spots the points that others might  
20      overlook when putting the annual report together.  
21      You approach each challenge with care and adapt  
22      seamlessly to different personalities, creating a

1 positive and inclusive atmosphere at both work and  
2 a fun setting. And I'll tell you what, I'll go  
3 ahead and read these three and then we'll get up  
4 and give the certificates.

5           Okay, Rod, you have been dubbed the  
6 financial wizard of your team. Able to grasp even  
7 the most intricate financial concepts within  
8 minutes. That's a blessing and a curse. I  
9 suspect is sometimes you get overwhelmed. Give  
10 this to Rod. Your attention to detail and  
11 conscientiousness. Conscientious approach mean  
12 you're accounted on for your thoughtful,  
13 insightful feedback. Whether it's on a single  
14 page memo or an extensive 20-page policy proposal,  
15 you embody treasure, timeless values, always  
16 punctual, impeccably dressed. I'm loving that  
17 tie. And consistently professional.

18           Dana, you are the very embodiment of  
19 professionalism and polish. Your depth and  
20 breadth of experience, whether addressing White  
21 Pool policies, ICANN updates, or the impact of  
22 environmental issues in Europe on US stakeholders

1       is amazing. And I only say ouch because I had to  
2       deal with ICANN issues and as a policy area, it is  
3       one of the most complex things in the world. Your  
4       approach to tackling complex issues is both  
5       refreshing and instructive. She's also fun and  
6       approachable at the dinner table, always ready to  
7       share fun stories personally and professionally.  
8       It has been an honor to work alongside her and  
9       learn from her from such a remarkable example of  
10      excellence in poise. Thank you all again and to  
11      all of our current TPAC members. We truly  
12      appreciate your tireless commitment to advancing  
13      the IP rights of innovators. Thank you very much.  
14      And with that, we will do the certificates. One  
15      more. Two photographer events. Thank you. Dana.  
16      Rod. One more thing for Adraea. She's not  
17      getting off that easy. That's right. There we  
18      go. Adraea, one more thing. All right. Anything  
19      else?

20               MR. GOODER: You good? All right. All  
21      right. Now I'm going to jump in now and take  
22      everyone through a few updates regarding the

1 trademark office. And so, we'll dive in and then  
2 I'm going to. I'm going to save my comments for  
3 the end, if you don't mind. All right. So, one  
4 of the things we always monitor and talk about a  
5 great deal because of the importance to the agency  
6 and to BRO brand owners, et cetera, because it  
7 impacts so many things, is new applications. They  
8 are the lifeblood of keeps everything running.  
9 This chart many of you have seen before shows  
10 trademark filings going back all the way to 1990.  
11 And it's an interesting sort of walk back through  
12 history, especially when you look at certain  
13 things that we've long since forgotten about, like  
14 the dot com bubble of 2000, you can see this spike  
15 in applications or the huge surge in 2020 at the  
16 first year, the pandemic.

17 But looking at this year, just past  
18 fiscal '24, which ended at the end of September,  
19 we received about. I've got the same allergy  
20 thing going on that you do. About 767,000 classes  
21 and that's about a 4.1 percent increase over the  
22 prior year, which is healthy given the adjustment

1       that was going on post surge. So, this has been a  
2       good year with growth, but at a reasonable pace.  
3       So, in the slide will give you some of the other  
4       history. But we have sort of essentially resumed  
5       our customary growth pattern for trademark  
6       filings. You can also look at it a different way,  
7       which is how does this work in terms of the year?  
8       And you can see that our filings vary by the  
9       month. Notable thing I'll just point out here is  
10      October can frequently be fairly quiet. If you  
11      look at October of 22 and 3, they were in the plus  
12      or minus 60,000 glasses range. But if you look at  
13      the second blue line from the right, that's  
14      October of this year, which was significantly  
15      higher than typical we would see in October to  
16      begin the fiscal year. It's about 18 percent over  
17      a year prior. And November is also looking to  
18      exceed last year as well.

19               So, all good signs about what's  
20      happening in the trademark community and the  
21      economy. We also look at where the applications  
22      come from because so much is based on new filings



1 in terms of financial health. And we'll talk  
2 about the finance side of this in a second. But  
3 it's really important to note what's happening in  
4 other parts of the world because it doesn't impact  
5 us. That's right. And small audio problem here  
6 in the room. And so, we get applications from  
7 over 200 countries and some of those countries  
8 have a significant impact and some obviously  
9 don't. But if you look at the top line there is  
10 the US Itself. And hovering this year right  
11 around or the end of the fiscal year right around  
12 59 percent of all the filings we received. The  
13 next line down, the red line is China. And it has  
14 a significant impact because it's as of the end of  
15 last fiscal year was 21 percent of our filings  
16 below that. The next line down, the kind of  
17 yellowish gold line is essentially the Europe in  
18 its broad sense, not just the European Union. And  
19 it has held fairly steady, but a bit increased in  
20 the last year. And then the last two lines are  
21 Asia without China and then Latin America or the  
22 Americas without the US and they've held pretty

1 steady.

2           What some people will focus on at times  
3 is how do these relate to each other. So, the  
4 last slide gives you a much more live look at it,  
5 but this is where we stand and that is that the US  
6 has always been somewhere in the 60, 63-4 percent  
7 of all our filings. Right now, it's at 59.  
8 China, as you can see, spiked at the end of fiscal  
9 20 when the pandemic surge happened and then  
10 dropped off significantly, now has started to come  
11 back up. Same with Europe on a slight increase.  
12 So, our team of people who watch the economy of  
13 these places, because if you have an economic  
14 downturn, let's say, in a place like China, that  
15 actually does impact us by who's filing, et  
16 cetera. So that's a look as where we kind of  
17 stand in terms of new filings.

18           The next thing I want to talk about is  
19 what are our priorities for fiscal '25. The  
20 Agency has a strategic plan that spans three  
21 years. And we then take that and look at, well,  
22 what are the actual priorities that trademarks

1       need to be doing in this fiscal year. And I want  
2       to take you through those because there are five  
3       of them that we are going to talk about today and  
4       I'm going to ask each of our Deputy Commissioners  
5       to talk about their area. But essentially these  
6       are the things that, that occupy a lot of our  
7       focus and help us make decisions about resources  
8       and make decisions about how we deploy those and  
9       to really get everything done that needs to happen  
10      for the office and for the trademark community.  
11      So, I'll ask. We'll look at the first one. Dan.  
12      And this is Dan Vavonese, who's Deputy  
13      Commissioner for Trademark Operations, which  
14      includes all the examining attorneys and law  
15      offices and support units. And so, tell us about  
16      the path to four and a half, Dan.

17               MR. VAVONESE: Good morning. Allergies  
18      as well. So over the last few years, obviously in  
19      operations, our main focus has been on pendency,  
20      you know, following the surge and then the backlog  
21      and then stabilizing our pendency over a year ago  
22      and then finally this year being able to start the

1 downward trend in pendency. The question that's  
2 been asked repeatedly is what is your new first  
3 action pendency goal? There's been a lot of  
4 discussions, stakeholder discussions, we have a  
5 lot of internal work that has been done to look at  
6 filings, our productivity estimates, limits,  
7 balancing production and quality and what should  
8 be that ideal first action pendency moving  
9 forward. So forge the path to four and a half is  
10 our, is our goal. This is a three-year goal to  
11 get to four and a half months first action  
12 pendency by the end of FY27. And the three parts  
13 of that is obviously lowering first action by  
14 about, not quite, but it's about a month each  
15 fiscal year until we get to the end of '27 and get  
16 to four and a half months. Continuing to decrease  
17 disposal pendency on a similar trajectory to get  
18 down to about 10 months by the end of FY27 and  
19 then finally continuing to work on boosting our  
20 total balance disposals we had. I'll talk in a  
21 few minutes about our accomplishments for FY24 but  
22 continuing a lot of the initiatives that we put

1       into place with dependency reduction plan to  
2       continue to boost our overall balance disposals,  
3       improve our efficiency overall.

4               MR. GOODER: Can you do one thing? Can  
5       you explain what a balanced disposal is? Until I  
6       came into this job. I had no idea what it.  
7       Balance disposal.

8               MR. VAVONESE: So our balance disposals  
9       are how we measure productivity and balance  
10      disposals are the first, really essentially the  
11      first time and the last time the examining  
12      attorney touches the application. So it's the  
13      first action that goes out and then the final  
14      disposal of the case and that can be approved for  
15      publication. It can be an abandonment. Those are  
16      the, those are the main, those are the main last  
17      touch points in our application. And sorry,  
18      actually balance disposals, but our disposal  
19      pendency is actually measured based on when it's  
20      registered. So, balance disposals are within the  
21      examining operation. But then the disposal  
22      pendency is when the actual application is moves

1 to registration or moves to a notice of allowance  
2 or if it's abandoned.

3 MR. GOODER: Gotcha. Perfect, thank  
4 you. And we did a lot of work with, with  
5 stakeholders, brand owners, organizations about  
6 what really is the optimal pendency, what does the  
7 community really need? And the answer came back  
8 pretty consistently somewhere between four and  
9 five months to be able to take advantage of the  
10 Paris Convention priority. So this, as we've been  
11 trying to bring this down through the pandemic,  
12 four and a half is sort of our first target in  
13 order to make sure that we have a smooth Runway so  
14 that we don't drop too fast, too far, which also  
15 has an impact that we don't want. So that's where  
16 people say, well, where does four and a half come  
17 from? That's where it comes from. And in the  
18 years following '27, we're looking at it most  
19 likely will drop a little further, but that's the  
20 target zone to do that. All right, thank you,  
21 Dan. All right, next priority, and I'll introduce  
22 you to Greg Dodson, who's our Deputy Commissioner

1       for Trademark Administration, which includes IT.  
2       And if we are anything at all, we are people in  
3       IT. So go ahead, Greg.

4               MR. DODSON: Thank you, Dave. Good  
5       morning, everybody. Good morning out there. If  
6       you've been watching some of the public meetings  
7       that we've done in the past, you'll remember that  
8       we had had a graphic for the retirement of Tram,  
9       and we kind of pulled that thread a little bit as  
10      we move into this year and into the next year.  
11      And we've, we've created a new slogan called, and  
12      we call it conquering the seven summits by '27.  
13      So there's a -- there's some history behind that,  
14      but I'll just leave it at that. And this is an IT  
15      focused set of priorities for us. So, first and  
16      foremost, for both our internal and our external  
17      customer base, we want to build secure and  
18      resilient Systems. Obviously, it goes without  
19      saying that the longer and the more that we can  
20      plan on uptime, the better off that we can serve  
21      our customers. Across the board, we want to  
22      accelerate migration to the cloud. It is one of

1 the Director's specific goals to move the, the  
2 appropriate IT systems to the cloud by the 1st of  
3 June of 2027. And obviously we have a significant  
4 lift in order to be able to make that happen. We  
5 want to intensify and continue our modernization  
6 efforts. And then finally, where appropriate and  
7 where it makes sense, we want to integrate as much  
8 as we can, artificial intelligence and other  
9 cutting edge type technologies in order to be able  
10 to, to serve our customers. So that's the IT  
11 part. Questions, Dave? Anyone? All right,  
12 fantastic, Thanks. I think I'm next as well too.

13 MR. GOODER: So, moving around, I'm  
14 going to stay with you, Greg.

15 MR. DODSON: Yep. Thank you, sir.  
16 Okay, so at the 9 o'clock position on the bubble  
17 chart, we're going to talk about elevating the  
18 employee experience within the trademark  
19 administration team. We've got workforce planning  
20 and programs. Again, if you've been with us in  
21 the past, you'll notice that we used to just call  
22 it programs. Now we've added an additional



1     program because we brought some new people on  
2     board. So, we're very interested and we're very  
3     excited about where we're going to go with this  
4     particular division. But to elevate the employee  
5     experience, obviously first and foremost, and you  
6     know, we're a very human centric organization.  
7     The work that we do is very much based in the  
8     foundation on our professionals. And so, we want  
9     to make sure that we cultivate a positive work  
10    experience for all of our employees. We want to  
11    invest in professional development.

12                 For years and years and years, we've  
13    been very, really good at making sure that our  
14    legal force with continuing legal education is  
15    given every opportunity to increase their  
16    professional and personal portfolios of education.  
17    We want to try to expand that as well to our  
18    additional employees and make sure that they have  
19    all the tools and capabilities that they can have  
20    in order to do a great job for us and continue to  
21    work in an exciting and very professionally  
22    satisfying way as we go forward.

1                   And then of course not, no surprise, we  
2           want to create a supportive work environment for  
3           everybody. So not only does that mean that  
4           developing supervisors so that they do a great job  
5           at managing organizations and leading teams, we  
6           want to make sure that our employee staff is very  
7           happy with the work. The USPTO has always been a  
8           great place to work, and we want to make sure that  
9           we continue that theme for the organization. And  
10          for our employees. So that's our elevate the  
11          employee experience. That's all I have. Thank  
12          you.

13                   MS. BROWN: Dave, Can I just ask one  
14          quick question? Hi. Hi, Greg. Going back to the  
15          previous slide, I know it says seven summits. I  
16          see four that were four points that were listed  
17          out. I presume you'll get into more detail about  
18          the seven later or how that's broken down a bit  
19          better.

20                   MR. DODSON: Yes. When we get to the  
21          individual part. Correct. Yes.

22                   MS. BROWN: Thank you.

1                   MR. GOODER: Okay. All right, now I'll  
2 pass the ball, so to speak, no pun intended here  
3 to Amy Cotton, who's our Deputy Commissioner for  
4 trademark examination policy. And she's got a  
5 very broad number of groups that report up to her.  
6 But one of them is the group that fights scams and  
7 fraud. So, Amy.

8                   MS. COTTON: So we've spent the last  
9 several years hiring and creating policy,  
10 policies, and workflow to handle this new arm of  
11 the trademarks organization to combat scams. This  
12 year we're ready to continue our escalation of the  
13 fight against fraud. Number one, clear the  
14 inventory. What do I mean by that? I mean we  
15 need to get rid of the invalid applications and  
16 registrations that are sitting on a register.  
17 They were invalidly filed by scammers, and we  
18 cannot rely on the data that was given to us to.  
19 To make good registration decisions. So, we're  
20 moving forward with our sanctions program and  
21 really escalating our work on sanctions. Of  
22 course, most of that is manual. Right now, one of

1       the seven summits that Greg will talk about is IT  
2       tools for the Registered Protection Office. So  
3       hopefully this year we can go even faster once we  
4       get the tools that we need. We're also reducing  
5       the inventory of the holding dockets so when we  
6       find a suspicious filings, we quarantine them.  
7       Take a look at them. Those holding dockets are  
8       big and we need to move those either back into  
9       examination because they're okay, or we need to  
10      move them into a sanctions order, and we need to  
11      get them out of your way. This is for customer  
12      experience. This is to make sure you guys can get  
13      your good faith applications through to  
14      registration quickly.

15               Next, we're spreading the word. We've  
16      been really amplifying our efforts on scam  
17      awareness and reaching out to other federal  
18      agencies who are also dealing with government  
19      impersonation scams, trying to figure out if  
20      there's any synergies that we can have across the  
21      federal government. We are working on trying to  
22      just get our TM scams mailbox under control. We

1       get about 40 to 60 emails a day in our TMS scams  
2       mailbox. We need a tool that lets us organize  
3       that information other than a spreadsheet.  
4       Spreadsheets are great, but it would be nice to  
5       run reports off that database. So, we're working  
6       to that.

7               Lastly, we want to increase efficiency.  
8       Again, one of the seven summits will be directed  
9       towards the registered protection staff. We're  
10      going to do some more hiring, and we really want  
11      to improve our data analytics the way that we can  
12      figure out whether an initiative is working or  
13      not. It'd be nice to have data rather than just  
14      sort of guessing whether an initiative is working.  
15      So, we're really working to make sure we have the  
16      data that we need to make the right decisions  
17      about going forward. So that's it on that bubble.  
18      But we have another bubble.

19             MR. GOODER: You have one more.

20             MS. COTTON: Yes, one more bubble.

21      Drive quality360 Generally, when we have a big  
22      pendency push, as you saw this past year, we then

1 of course the pendulum swings over to quality.  
2 Because there's an assumption that quality  
3 suffered while we were working on pendency. It  
4 did not. But nonetheless we're going to focus on  
5 quality. But we're focusing on quality for a  
6 couple different reasons. We want to make sure  
7 that the incoming application quality is high.  
8 Certainly, that drives efficiencies in examination  
9 if the incoming quality is good. So of course the  
10 fee rule is designed to incentivize higher quality  
11 applications. And TM center will guide applicants  
12 to filing higher quality applications. So we're  
13 spending a lot of time supporting those efforts  
14 from the policy side to make sure that we're going  
15 to achieve the results of higher incoming  
16 application quality.

17 Also, we have outreach, we have customer  
18 experience. We've got our feedback loops to try  
19 to get from customers. What do you need from us  
20 and how can we then improve our tools to provide  
21 that so that they have a better-quality experience  
22 on the incoming side. We're also going to

1 revalidate our quality review system for  
2 examination. We want to make sure it's best in  
3 class. We want to make sure it makes sense; it's  
4 fit for purpose. Is there some IT that might  
5 replace parts of the system and just take a look  
6 at it, which we really haven't had a thorough look  
7 at it in a long time.

8           Lastly, we just want to make sure every  
9 employee understands that the focus is on quality.  
10 They need to make sure that what they're putting  
11 forth on a deliverable to their supervisor is the  
12 best quality it can be so that supervisor can move  
13 it through very quickly. So we want to make sure  
14 that everybody understands that they have a  
15 commitment and a Focus on quality this year.  
16 That's it for me.

17           MR. GOODER: All right, thank you, Amy.  
18 Any questions on those?

19           MS. BROWN: I have a quick question,  
20 Amy. You just mentioned that you that your Office  
21 is receiving 40 to 60 reports of scam emails every  
22 day.

1 MS. COTTON: Every day.

2 MS. BROWN: Every day. And do you know  
3 if that is. Has that increased over the past  
4 couple of months or do you know?

5 MS. COTTON: Absolutely, it has  
6 increased. Why? Well, maybe there are more scams  
7 out there, but actually what I think it is that  
8 we've just done a better job of getting the word  
9 out that folks should report to us. We can help  
10 them figure out whether something is a scam  
11 through various mechanisms. We can help them  
12 report it, you know, to the Federal Trade  
13 Commission, who is taking in scam reports, putting  
14 it into the consumer sentinel database, which law  
15 enforcement consults to decide whether to  
16 prosecute particular scam operations. So, I think  
17 we've been successful in our scam outreach and  
18 we're going to do more of that. But it is  
19 disheartening to see that the numbers are going  
20 up.

21 MS. BROWN: Right. And last, follow up.  
22 And maybe this goes to the point of why you need



1       some tools to be able to manage it because you do  
2       you know how many of those are unique?

3               MS. COTTON: Well, we can sort by  
4       conversation so that I don't know that the 40 to  
5       emails a day is that. But more than likely,  
6       actually it is discrete individual inquiries, but  
7       we will sort a string conversation and report  
8       numbers that way as well. It's a little, you  
9       know, not very targeted, but it's the best we have  
10      right now.

11             MS. BROWN: I see. Okay, thank you.

12             MR. GOODER: All right, thank you. So  
13      those are our five major priorities for the fiscal  
14      year. And we'll be talking a little bit more  
15      about them as we do some additional updates. And  
16      you'll hear about them during the year, throughout  
17      fiscal 25 as the year goes along and reporting on  
18      those and how things are working and how many  
19      summits Greg's team has gotten up or getting up  
20      there along the way.

21             So let's change gears for a second.  
22      There's one other thing I wanted to mention, and

1       that is many of you know that there was recently  
2       published, end of last week, a new fee rule or fee  
3       setting. And it just. I wanted to bring to your  
4       attention a couple things. First of all, it goes  
5       into effect January 18th, Madrid is delayed an  
6       additional month because of a report reporting  
7       requirement that requires a longer period. You'll  
8       see on the slide here, there is now on our website  
9       a whole page of, pages actually, devoted to the  
10      new rule, explaining it, showing the comparisons,  
11      et cetera. So, you don't have to wade through the  
12      entire actual rule if you don't want to, you can  
13      look at the web based version. The other thing I  
14      want to just highlight is, is this so right now  
15      for years people have filed applications via  
16      what's called TEAS and recently you've seen that  
17      we launched in the summer a beta of something  
18      called Trademark Center. Trademark center is the  
19      future of how everything will get done  
20      electronically so searches, filing responses, et  
21      cetera. We have left up TEAS and Trademark Center  
22      in the last since the summer to work in parallel

1       together so people can adjust to the change. Just  
2       want everyone to be aware and there will be more  
3       communications about this. But TEAS will stop  
4       working for new applications at the same time that  
5       the fee rule goes live because of the change in  
6       the fees. So, the 18th actually as I guess as of  
7       the end of the day on the 17th, TEAS will no  
8       longer work for new applications. It's where you  
9       still go to reply responses to office actions, to  
10      file, things like that. But for new filings this  
11      is the first major shift over onto Trademark  
12      Center and more will follow after that. But just  
13      keep that in mind. We hear really good feedback  
14      from people who have started using Trademark  
15      Center and I think it's always being improved, et  
16      cetera. But just want people to understand that  
17      the TEAS does go away for that.

18               All right, next we want to talk about is  
19      finances and because it's great to have all these  
20      applications and things like that, but we also  
21      have to engage in a whole lot of work with that  
22      money. And here joining us today is Sean Mildrew

1       who is the Deputy Chief Financial Officer and will  
2       take us through as soon as we can get him the  
3       remote control here.

4               MR. MILDREW: Good morning. Thank you,  
5       Commissioner. Great to be here. And thank you to  
6       the TPAC members for your service and especially  
7       the three who are departing us. I want to talk  
8       about high level 24, 25 and what's on the horizon.  
9       So, getting right into it. Fiscal year 24 recap,  
10      spoiler alert. Our financial status is healthy  
11      for both patents and trademarks. You can see them  
12      in the columns there. Operating reserves remain  
13      above minimum levels despite lower than forecasted  
14      revenue for each. I'm going to primarily focus on  
15      the trademarks column, but if you take the patents  
16      and trademarks and add them together, you get the  
17      entire agency's financial recap for '24. So,  
18      starting with trademarks, back in February of  
19      2023, we submitted the President's budget to the  
20      Congress requesting an appropriation of almost  
21      \$500 million. That's the 499.7 that you see at  
22      the top of that middle column there. When we

1 submitted the President's budget for the next  
2 fiscal year, fiscal year '25, in February of 2024.  
3 Earlier this calendar year, we made an adjustment  
4 downward for revenue of about \$39 million. And at  
5 the end of this fiscal year, we actually adjusted  
6 upward by 10.9, or almost \$11 million, to give us  
7 a total revenue estimate of \$471.6 million. You  
8 add that with our operating reserve and other  
9 revenues, and you get a total funds available in  
10 fiscal year '24 of \$680 million. That's offset  
11 against our spending, which was \$518 million,  
12 which leaves us with a end of year operating  
13 reserve, again above our minimum amount of 161.5  
14 or \$162 million.

15           Next slide shows just a month-by-month  
16 snapshot from the beginning of excess x-axis shows  
17 the months starting with the beginning of the  
18 fiscal year in October all the way through  
19 September 30th. And the line is the revenue, the  
20 red line is the revenue, and the blue bars  
21 represent the spending. And you can see month by  
22 month, that as anticipated spending levels

1       exceeded our fee revenue. Looking at fee revenue,  
2       as you saw from the first chart that I walked you  
3       through, the appropriation level for this fiscal  
4       year was \$500 million. That's the green  
5       horizontal line at the very top. And the EKG  
6       chart there shows the revenue collections  
7       throughout the year. And you can see that we made  
8       two adjustments to our plan for revenue. First in  
9       June of 2023, and then again in December of 2023.  
10      And you can see that we actually were about \$28  
11      million below the appropriated level of \$500  
12      million. But we were above our revised estimate  
13      from December by about \$11 million. So, we ended  
14      up with that one, 472 million. Okay, next slide.

15               Operating reserve. This chart shows our  
16      -- the horizontal lines show the optimal and the  
17      minimum levels. And the blue section, that kind  
18      of wavers throughout the fiscal year. That's the  
19      actual operating reserve balance throughout the  
20      year. And you can see it kind of vacillates. And  
21      that green shaded area really is the difference  
22      between the blue actual operating reserve and our

1 optimal. We like to stay in between minimal and  
2 optimal. That's our risk assessment, so to speak.  
3 Staying in between that is a good thing. If we go  
4 above it, the optimal, obviously that'll give us a  
5 trigger to take a look at fees and maybe adjust  
6 them down. If we go below the minimum, that gives  
7 us also a trigger to say, well, maybe there's time  
8 for a fee adjustment.

9 Let's see. Moving on to fiscal year '25  
10 status. As you probably already know, we're still  
11 under a continuing resolution. So, no final  
12 appropriation appropriations bills have been  
13 enacted for fiscal year 2025. And we are already  
14 into a month and a half of fiscal year 2025. The  
15 current continuing resolution expires on December  
16 20th. We expect either appropriations actions or  
17 another continuing resolution beyond that. The  
18 point that I want to make about the continuing  
19 resolution is it restrains our revenue access to  
20 levels that were appropriated in the previous  
21 fiscal year. So, our spending is somewhat  
22 constrained under a CR. This is a pain point for

1       us because we're a growth agency and obviously we  
2       had plan to spend more based on increased revenue  
3       collections. And so, we hope that the CR doesn't  
4       last much longer beyond the current December 20th.

5               However, if no action is taken and we  
6       end up in a lapse of appropriation, also known as  
7       a government shutdown. We do have the operating  
8       reserves that I had mentioned for both patents and  
9       trademarks that will fund us well into second  
10      quarter. So that is a risk mitigator for our  
11      program and our agency, which is, which is a good  
12      thing to have, especially when appropriations  
13      bills have not been passed on time. So on the  
14      horizon, we submitted our FY fiscal year 2026  
15      budget request to OMB in September. We anticipate  
16      that the President's budget will be delayed. The  
17      submission of the President's budget will be  
18      delayed to Congress until sometime in the spring  
19      due to the administration change. And this is  
20      very typical of when we have changes in  
21      administration. There usually is a delay in when  
22      the President's budget is submitted to the



1 Congress. And you heard from the commissioner  
2 already about, about the fee rule status. And  
3 that's the end of my presentation. Happy to take  
4 any questions if you have them.

5 MS. CALLOWAY: Hi Sean, this is Valerie.  
6 Thank you so much to you and the team for having a  
7 very financially healthy agency. Just a quick  
8 question. You mentioned that the FY 2024 revenue  
9 included in transit collections. Just wondering  
10 what those are.

11 MR. MILDREW: Yeah, those are  
12 collections of revenue that get recorded and  
13 accounted in that fiscal year. So, it's an  
14 accounting issue.

15 MR. ENNS: Sean, thank you for your  
16 presentation. And I second Valerie's comment that  
17 we really appreciate the excellent financial  
18 management that your office has exhibited. You  
19 mentioned the continuing resolution and the hope,  
20 if not expectation, that it will be resolved so  
21 that we can spend according to our appropriations  
22 in 2025. There are, are there contingencies that

1       might imperil our ability to spend later in the  
2       year beyond that horizon. Specifically, I've  
3       heard talk about the possibility of sequestration  
4       if a budget isn't passed in 2025. Can you just  
5       speak for a minute about two things? What's the  
6       possibility, what might happen, and what planning  
7       have we done to deal with that contingency?

8               MR. MILDREW: Okay, wow, those are good  
9       questions from the team here this morning. Feel  
10      like I'm in the hot seat.

11             MR. ENNS: You have 30 seconds to go.

12             MR. MILDREW: Right. No pressure. So,  
13      the first question, what's the likelihood? I wish  
14      I knew what the likelihood was, Rod, because then  
15      I'd be playing the Mega Millions lottery right now  
16      and collecting that jackpot prize. We just don't  
17      know Congress really, this is in Congress's court.  
18      They really have to do their job, which is passing  
19      appropriations bills. You know, the power of the  
20      purse is solely with the legislative branch, and  
21      they just need to organize themselves to pass the  
22      appropriations bills. They couldn't get it done

1 by October 1, which is the beginning of the fiscal  
2 year. And so, they passed what we know is the  
3 continuing resolution, which just continues  
4 funding at last year's levels. Right. As I had  
5 mentioned, we anticipate the Congress will pass  
6 annual appropriations bills in regular order.  
7 However, there is a nuance there that I just want  
8 to just mention briefly. Back in 2023, the Fiscal  
9 Responsibility Act was passed by Congress and that  
10 actually brought back the sequestration, which is  
11 the control on discretionary spending for both  
12 defense and non-defense accounts. And that was  
13 put into law. And the law says that if Congress  
14 doesn't pass regular appropriations bills by April  
15 30th of 2024, which they did, they passed in  
16 March. So no sequestration was necessary last  
17 year.

18 Same setup for this year. Congress  
19 doesn't pass regular appropriations bills by April  
20 30, sequestration could be triggered. And that's  
21 an across the board cut. And it could be anywhere  
22 from 1 to 5 percent or maybe even a little bit

1       more. So we definitely don't want that. But the  
2       responsibility really rests with the Congress.  
3       They were the ones who passed the Fiscal  
4       Responsibility Act. They're the ones who have the  
5       power of the purse. They are the legislative  
6       branches responsible for passing appropriations  
7       bills. So we're hopeful that the Congress will do  
8       their job and pass those bills before April 30th.  
9       After that, then a sequester would kick in. And  
10      that is a reduction, an automatic reduction by a  
11      certain amount of percentage for every government  
12      account that is not exempt. And unfortunately,  
13      the USPTO's accounts are not exempt from the  
14      sequestration bill because of an administrative  
15      determination that says that our fees are, are  
16      subject to that reduction. And so that's a,  
17      that's an issue that puts us kind of in jeopardy  
18      if the Congress doesn't pass appropriations bills  
19      by the law, the fiscal responsibility law  
20      deadline. I hope that answers your question. I  
21      don't know if you had any additional.

22                   MR. ENNS: So if I understand what

1     you're saying, right. If that were to come to  
2     pass. And by the way, I wasn't asking you to look  
3     into your crystal ball. But if there is a  
4     sequestration that would, and it applied to the  
5     PTO, that would immediately mean that some  
6     percentage of user fees that are paid would not be  
7     available and would never be available to be spent  
8     on PTO operations, is that right?

9             MR. MILDREW: That's correct, Rod. And  
10     that's the pain point of a sequestration, right,  
11     Is once those funds are taken, they're never  
12     restored. It's a permanent reduction. And so the  
13     fees that folks are paying in for patents and  
14     trademark services would be reduced permanently.  
15     Those funds would be reduced from our account and  
16     we would not have access to them. And they would  
17     actually add to the over billion dollars that have  
18     already been diverted prior, in prior fiscal  
19     years. And so we hope that that doesn't happen.  
20     And we also are anticipating that Congress will do  
21     their job.

22             MR. ENNS: Thanks very much.

1 MR. MILDREW: Thanks, Rob.

2 MS. COTTON: And just this is Amy.

3 MR. MILDREW: Hi, Amy.

4 MS. COTTON: And just the last question  
5 in that, isn't that a little bit odd in the  
6 context that the fee increased in January? So  
7 basically, can you also comment on that?

8 MR. MILDREW: Yes. Thanks, Amy. Yeah,  
9 it does. I would imagine to folks who are tuning  
10 into this meeting today might say, well, that  
11 seems odd. You know, we just went through a  
12 rulemaking, a very public rulemaking process that  
13 took about two years to adjust our fees. And  
14 there's a potential that this law might come in  
15 and take some of those fees away now. And those  
16 fees really are dedicated to only USPTO use.  
17 Right. So, our fees can't be diverted, but for a  
18 sequestration, they can actually permanently  
19 reduce those collections. So, it is an issue that  
20 we're watching, we're monitoring, we're concerned  
21 about, but again, it's really up to Congress to do  
22 their job and to pass appropriations bills. Thank

1       you, Amy.

2                   MS. COTTON: Thank you.

3                   MR. MILDREW: Any other questions?

4                   MS. GERHARDT: What would be, what would  
5       be the ideal action that Congress could take to  
6       prevent user fees from being diverted to something  
7       other than paying for the services for which  
8       they're intended?

9                   MR. MILDREW: Well, the good news is  
10       that a series of laws have been passed that have  
11       really given us exclusive use over those fees.  
12       Those fees that were collected either For Patent  
13       or Trademark services. The AIA is one of those  
14       that I'm referring to and that really pretty much  
15       eliminated the prior pre-2012 pattern of fee  
16       diversion. When we're talking about a  
17       sequestration, though, a sequestration is a  
18       government wide reduction across the board. And  
19       so, because of that, that would not necessarily,  
20       you know, just affect us. It would affect every  
21       account, both defense and non-defense accounts.  
22       The best defense for that is really to have

1 Congress again. That FRA that I talked about, the  
2 Fiscal Responsibility Act of 2023 is a two year.  
3 It brought back sequestration. For two years  
4 sequestration was in the dustbin, and then the FRA  
5 brought it back for these two fiscal years. So,  
6 we're hopeful that Congress will pass the  
7 appropriations bills and sequestration will go  
8 back into the dustbin and not be revived for 26  
9 and beyond. So that's the hope. But it really is  
10 a bit of a conundrum for us to have our fees not  
11 recognized from an administrative perspective, to  
12 be exempt from the sequestration law. I hope  
13 that. Does that answer your question, Deborah?

14 MS. GERHARDT: Pretty much. I mean, my  
15 understanding is the normally sequestration occurs  
16 in situations where the government has  
17 appropriated money, not where users are paying for  
18 services. Is that an accurate understanding? And  
19 so, in my mind, it would be helpful if Congress  
20 would carve these user fees out of that  
21 sequestration process for the USPTO.

22 MR. MILDREW: Yeah, I think that is one



1 approach certainly that the Congress could take is  
2 to define these fees as voluntary. Right.  
3 Because if they're voluntary payments, they're  
4 excluded from the risk of a sequestration. So,  
5 you're kind of hitting a point there that an  
6 administrative determination has been made that  
7 they're not voluntary and so therefore they're  
8 covered by the sequestration rule. But if  
9 Congress were to clarify that, I think that would  
10 go a long way with preventing us from not only  
11 being a part of this potential sequestration, but  
12 any future sequestrations. Because it seems every  
13 time we think the sequestration has gone away, it  
14 seems to come back almost one of these things  
15 where, you know, if you wait around long enough,  
16 it'll. It'll be knocking on the door again. So  
17 here we are again, you know, facing, you know,  
18 potential for a sequestration.

19 MS. GERHARDT: Right. And given that, I  
20 think most stakeholders would view the fees we pay  
21 into the USPTO as our, as voluntarily given, I  
22 would hope that they would take that action.

1 Thank you.

2 MR. MILDREW: Any other questions?

3 MR. GOODER: All right, I think you're  
4 out.

5 MR. MILDREW: Thank you.

6 MR. GOODER: Thanks for coming, Sean.

7 MR. MILDREW: Sure. Thanks for having  
8 me. Glad to be here.

9 MR. GOODER: All right, now we're going  
10 to switch gears again and go to each of the parts  
11 of the trademark office, operations, policy and  
12 admin for a little bit deeper dive in that. And  
13 so first up is Dan with operations.

14 MR. VAVONESE: So first let's talk FY24  
15 and what we did in '24. When we started the  
16 fiscal year, we were around 8.3 months first  
17 action pendency. We made a very concerted effort  
18 to come up with a number of initiatives to improve  
19 productivity for the year. It was all based-on  
20 estimates on what we thought we could get. And we  
21 set stretch goals for where we thought we might be  
22 able to get by the end of the fiscal year. And

1 I'm happy to say that the year that we had was  
2 even more than we could have anticipated. And  
3 it's a testament to the dedication of our  
4 examining attorneys who just really put an all-in  
5 effort. And it was examining attorneys, it was  
6 our supervisors, it was the support of our both  
7 our policy and IT areas that helped us implement  
8 several of these initiatives that covered  
9 everything hiring but then also policy initiatives  
10 and IT improvements so that we could get through  
11 the work quicker. We ended the fiscal year at  
12 seven and a half months first action pendency.  
13 That's average annual pendency. So we average it  
14 over the entire year to determine that metric.  
15 I'll show in a minute where we ended up at the end  
16 of the fiscal year.

17 You know, in actual, in actual terms our  
18 disposal pendency we were able lower to 14.1  
19 months for disposal pendency. And with disposal  
20 pendency I just want to emphasize that while our,  
21 while our focus was on first actions because that  
22 was the most important thing was to get that first

1 determination for our customers. We did want to  
2 make sure that our disposal penalty continued to  
3 go down because it's still just as important to  
4 get the applications to registration so they have.  
5 They had their valid registration certificate.  
6 Even with this pendency push. As Amy mentioned, I  
7 mean we met both of our quality goals compliance  
8 were both that was. That's did we make the right  
9 decision on the case from a substantive, on a  
10 substantive matter. We beat both our first action  
11 goal of 95 and a half percent getting to 96.2 and  
12 our final compliance 97 hit 98.8 percent. So just  
13 again really good decision making on in a very  
14 efficient manner on our applications.

15 867,000 first action classes. That was  
16 almost 100,000 classes more than the prior fiscal  
17 year. Just an incredible output 1.71 million  
18 balance disposals and as we said before, balance  
19 disposals are the first action and then the final  
20 disposal of the application from the examination  
21 standpoint. That's over 160,000 more balanced  
22 disposals than what we did in FY23. That's we

1       have about 750 examining attorneys. I don't have  
2       the exact number because the number changes over  
3       the fiscal year. But I'm not going to do the math  
4       in my head right now, that's a lot of work from a  
5       dedicated staff. And it's just been a great, it's  
6       been a very, very successful year. And Dave  
7       already talked about the filings of over 767,000  
8       which was about 4 percent increase from the prior  
9       fiscal year.

10               This breaks down between the four before  
11       the quarters, how our productivity increased. I  
12       wanted to note specifically that many of the  
13       initiatives of our pendency reduction plan that we  
14       put together, you know, in connection with NTU  
15       245, I mean we, most of those were put into place  
16       by the end of December. So, starting in Q2 was  
17       when really we started to realize, you know, the  
18       initiatives that we put into place both it process  
19       and incentives and you know, over the rest of this  
20       fiscal year. This just shows especially,  
21       especially in Q3, the increase in productivity  
22       that we saw across all of our law offices. Our

1       inventory by the end of the fiscal year was down  
2       to 435,000 first action classes. Our peak at the  
3       height was over 550,000 classes. So, getting to  
4       the point of 435,000 by the end of the fiscal year  
5       was a huge drop. We're about stable with that  
6       right now. We're a little over 440,000 right now.  
7       So we're -- but the important thing was the huge  
8       tail as Dave has sometimes talked about in the  
9       past, that was our goal this year. Past fiscal  
10      year was getting through that huge older backlog  
11      of applications. So now that we're into a more  
12      steady stream of our work. And our pendency I  
13      already talked about, you know, our average annual  
14      pendency at the end of the fiscal year was seven  
15      and a half months and 14.1 months respectively.  
16      That's average over the entire year. But in  
17      September, which the actual and some people ask,  
18      hey, when is my application going to be examined?  
19      That's actual pendency as of that moment.

20               So, at the end of September, we were at  
21      6.26 months first action pendency and 12.86 months  
22      disposal pendency. So, if you all you have to do

1 is look at the chart, I mean we dropped our actual  
2 by almost two months over this fiscal year. So  
3 just a huge, huge improvement from over the last  
4 few years where we've been in the you know in you  
5 know close to eight months. So just again a huge,  
6 huge improvement over this over the fiscal year.  
7 And I already talked about our quality compliance.  
8 You know we -- just the decision making continues  
9 to be extremely good. We continue to look very  
10 closely at our quality especially after we shifted  
11 our prime facia our excellent metric to the final  
12 action. But we look very closely at our -- the  
13 quality of the work we're putting out both in the  
14 writing and in the evidence that we use to support  
15 our office actions particularly at the final  
16 office action stage.

17 So for our FY25 targets, 6.7 months and  
18 13 months first action and disposal pendency. So  
19 you heard me talk about the four and a half months  
20 in the next three years. If you look at the  
21 average annual again we're looking at about a  
22 month drop in average annual pendency each fiscal

1 year. We think that our pendency actual is going  
2 to be relatively stable this fiscal year. It's  
3 not going to be that giant drop like you saw last  
4 fiscal year. We have we're hiring more people to  
5 plan for the next few years. We also are  
6 anticipating with the fee with the fee rule change  
7 a big spike in applications before the fee rule  
8 goes into place. It often happens so in our  
9 estimates that we think our pendency's first  
10 action pendency is going to be relatively stable.  
11 But it's still we're still able through all the  
12 decision the work that we're going to be doing to  
13 get to that four and a half months by the next  
14 over the next three years. About 1.72 million  
15 balance disposals that that's our goal as well as  
16 keeping our both our quality compliance metrics in  
17 place of 95.5 and 97 percent first action and  
18 final.

19 Also, I wanted to talk for a minute  
20 about our pendency and some of our other areas.  
21 There's been a lot of. I've received a lot of  
22 questions about our amended pendency. Amended are



1 the response to office actions that are we receive  
2 into the office. About 90 percent of our  
3 responses are automatically entered but we have  
4 still a significant number of responses that are  
5 entered by our staff a very small but dedicated  
6 staff in our exam support unit. That has been a  
7 huge backlog over the last year. Plus, we made  
8 some changes in our IT and in our and in our hire.  
9 We were able to hire a few more People and we have  
10 done a huge reduction in our backlog just in the  
11 last few months from 24,000 down to 8,000. We  
12 were below 90 days at the end of September. We're  
13 actually more like around 75 days right now. And  
14 we do project that we're going to be caught up on  
15 that backlog by about February. So, we finally  
16 see a light at the end of the tunnel on our  
17 amender's backlog. So, this is really good news  
18 and it's been a question that we've received a  
19 lot.

20 Similarly with our renewals, we have  
21 post registration similarly with the surgeon  
22 applications. We've had a surge in maintenance

1 filings over the last few years. We have been  
2 able to reduce our renewal pendency. This is  
3 section 8. Section 9 combines from 150 days to 70  
4 days by the end of FY24. We'll be putting more  
5 into place in this fiscal year to try to continue  
6 to lower that as well as to lower our other  
7 section 8s and our other maintenance filings.  
8 There's a lot of work. But I just wanted to thank  
9 all of our staff in both ESU and in post  
10 registration for the work they've been doing to  
11 get through that. Our other goals. And this gets  
12 to the quality part that Amy was talking about.  
13 Implement the fee rule and implement Trademark  
14 Center to get better applications coming in the  
15 door. The more complete the applications are if  
16 all the necessary fields are filled out. If you  
17 use IDs out of the manual, it makes it more  
18 efficient for our examining attorneys to process  
19 the application not only because they don't have  
20 to review those items, but also because they can  
21 make more efficient determinations on refusals  
22 like section like confusion and descriptiveness

1       because they have clear identifications that they  
2       can work off and they know what the products are  
3       that are being applied for.

4               So, we're really looking forward to  
5       those coming into place and then also continuing  
6       to evaluate our quality indicators. As I just  
7       mentioned, you know, following the shift to the  
8       excellent office action standard to final looking  
9       at all of our the work that we're putting out to  
10      make sure that we're providing the type of  
11      explanation and evidence that our customers need.  
12      And that's what I got.

13             MR. GOODER: All right. Any questions  
14      for Dan?

15             MS. NORTHCOTT: No, just a thank you for  
16      Dan. Those are extraordinary numbers and very  
17      good news. And so please extend our sincere  
18      thanks to you and the rest of the examination  
19      staff for accomplishing such audacious ambitious  
20      goals and for looking around corners going into  
21      fiscal year '25 about what you can accomplish for  
22      brand owners. So, thank you.

1                   MR. VAVONESE: Well, and I wanted to  
2                   thank TPAC too because it's been a -- we have a  
3                   lot of work still to go. But I wanted to thank  
4                   all of you for your support because we've had a  
5                   lot of initiatives that we've been trying to work  
6                   through and you know, being able to talk through  
7                   and get your thoughts on it and you know, and not  
8                   just all of you, but our stakeholders as well for  
9                   their patience and for their, you know, any ideas  
10                  that they had and how, what was most important,  
11                  especially when we were coming up with that three  
12                  year goal for what the new pendency metrics should  
13                  be.

14                 MS. CALLOWAY: Thank you, Dan. I echo  
15                  everything that Dana mentioned for all the hard  
16                  work that you and the team have done this fiscal  
17                  year. Dave mentioned in his comments that October  
18                  2024 for filings I think is well above what it has  
19                  been in past years. I'm wondering if there's any  
20                  thought that maybe that is the beginning of people  
21                  filing ahead of the January 18th fee increase.  
22                  And if that's the case, I'm really happy your team

1 is anticipating that.

2 MR. VAVONESE: Yeah.

3 MS. BROWN: Sorry, I hate to say thank  
4 you again, but thank you again and good work. I  
5 know that since I joined TPAC, certainly pendency  
6 has been, you know, top of mind and we had these  
7 conversations quarter after quarter and it felt  
8 like just trying to turn a big ship. And you  
9 know, we saw with the pendency reduction plan  
10 action plan that it started turning pretty quickly  
11 and so very pleased to see the end of the year  
12 results. So, I'm just saying again, thank you to  
13 you, thank you to Jay and all of the executive  
14 examiners. Like all of the work that it took to  
15 get there, the 11 percent increase in production  
16 is no small feat to get this done. And I guess my  
17 question comes to, I'm happy to see that it's not  
18 going to just plummet.

19 Pendency isn't going to plummet. It's  
20 going to be a slower path down to four and a half.  
21 I do wonder what happens if you get there faster,  
22 like if you get there fast, like if it's, you're

1       trying to go slower. Well, not slower but you  
2       know, ease down, but you get to four and a half a  
3       lot quicker. Do you go, do you stretch that goal  
4       further or do you then focus some of those  
5       resources that were maybe put on first action  
6       dependency and shift those around elsewhere? I  
7       guess I'm just trying to understand, you know, if  
8       it's four and a half is good for now, but if you  
9       could get maybe to three, then you would get to  
10      three. If it's reasonable.

11               MR. VAVONESE: I think what, you know,  
12      and Dave can follow up too. I, you know, Dave  
13      talked about, you know, the four-to-five-month  
14      range was kind of the ultimate goal here. And you  
15      know, four and a half months is works. It allows  
16      us to balance production and quality. You know,  
17      if we, if we get there quicker, then we  
18      reevaluate. You know, we have, we have met a  
19      multi-year plan for how we hire for, not only in  
20      examining attorneys but in all of our areas. So  
21      obviously if we got there quicker, we would adjust  
22      some of that. We would continue to look at our

1       quality. I'm not saying that we would shift the  
2       other way, but it's a constant. We are, we're  
3       looking at this on a monthly basis and we adjust  
4       as in necessary. Obviously, you know, if we can  
5       get there quicker, that's, that's good for  
6       everybody. But we, but we do anticipate with all  
7       the filings and with a plan, you know, of hiring  
8       over the next few years that it's, it's unlikely  
9       to be that kind of, that kind of drop. But I  
10      don't think us, I don't necessarily see us getting  
11      down to three months because that's where you  
12      start to cut. That's where you might start to hit  
13      that pendency equality line that you might not  
14      want to do. But you know, we can certainly  
15      continue to consult with our stakeholders about  
16      that.

17               MS. BROWN: Got it. And to be fair, I  
18      just threw out three months because I was like, if  
19      you blow past, you know, if you blow past four and  
20      a half, four and a half, it's, do you go, do you  
21      try to push to go further?

22               MR. GOODER: Yeah, like it said, I think

1     the four and a half months is the, is the  
2     three-year goal. If we were to drop faster than  
3     that, let's say, and we certainly want to look at  
4     what's causing that because depending on what's  
5     causing it, maybe the type of thing where we just  
6     need to dial something back or we're fine to let  
7     it go down to three and a half, let's say, or  
8     using your number as an example, there's so many  
9     factors that weigh in on that. And when we were  
10    looking at how do you get pendency down with all  
11    the work we did with Jay's crew and Dan and  
12    everybody, there's so many moving parts to it that  
13    a lot of times when it moves, you want to kind of  
14    say, why is it moving the way it is? There's also  
15    some, when we were talking to stakeholders, there  
16    was also expression of, I don't want it to be too  
17    fast because there's concerns with that as well.  
18    So again, I think you kind of -- we watch this  
19    weekly, but you'd want to really kind of look at  
20    the why of it, depending on what's happening and  
21    what's going on in the economy too, because it may  
22    be that filings have dropped off or it may be



1     because there's productivity gates or maybe, you  
2     know, it's just all those kinds of things. Any  
3     other questions for Dan? Okay, thank you, sir.  
4     Moving on to Amy and operations. I mean, policy.  
5     Sorry.

6                 MS. COTTON: Thank you. I want, I'm  
7     just so proud of my team and what they've been  
8     able to accomplish this year. I just want to hit  
9     some highlights. I'd love to tell you all about  
10    everything they've done, but we're going to hit  
11    some highlights today. First of all, our petition  
12    staff was able to reduce the petition to director  
13    pendency from 300 days to 90 days over the last  
14    two years. Two years, excuse me. That's a 70  
15    percent reduction. So that's just tremendous.  
16    Next. We supported the pendency reduction  
17    initiatives by implementing the excellent Office  
18    Action Shift to final. And it worked. Pendency  
19    is decreasing. As I said on our consistently high  
20    examination quality is holding steady. We created  
21    a program management office within Exam Policy to  
22    act as a translator for our data needs with Greg's

1 team, TM Admin. Our team has been able to build  
2 five data dashboards in the last year so that we  
3 can measure the impact of our policy initiatives.  
4 Many thanks to Greg's data analytics team for  
5 working so closely with us to provide the data we  
6 need to make our decisions.

7 The Exam Policy team was also  
8 instrumental in the continual improvements of TM  
9 Search, TM Exam and TM Center. By creating this  
10 feedback loop from customers back to the  
11 developers and real time in many instances, we  
12 have increased our capacity to intake information  
13 about scams from scam victims and feed that  
14 information back into our administrative reviews.  
15 And actually, just as an example of that, I'm  
16 sitting here, and I got an email from one of our  
17 RPO attorneys who's monitoring the scams mailbox  
18 about a new scam that's come out. I wanted to  
19 share the email with you. The email is from TM  
20 Official Notices, which doesn't exist here at the  
21 USPTO and it says the Department of Government  
22 Efficiency hereby notifies all trademark

1 applicants and registrants that as part of an  
2 updated regulatory process, it is now mandatory to  
3 obtain attestations from both the Department of  
4 Commerce and the Department of State and applies  
5 to both new trademark applications and trademark  
6 renewal filings. Kindly follow the process as  
7 mentioned in the attachment. Best regards and an  
8 examining attorney at the USPTO. No, no, no, that  
9 is not real.

10 MS. BROWN: An examining attorney is how  
11 it's signed off.

12 MS. COTTON: No, no, I just, I don't  
13 know if that's -- we have a lot of our examining  
14 attorneys whose names are actually being spoofed.  
15 So, I'm not going to name it. I don't know if  
16 it's real or not. There are 750 and I don't know  
17 all of them, but it's signed as a USPTO. First of  
18 all, we're not going to send a notice that starts  
19 out saying hi, I'm just going to put that out  
20 there. And if we have any new requirements, you  
21 will see them in a Federal Register Notice.  
22 You'll see them on our website, you'll see them in

1 the form. These are scams and it's just fast and  
2 furious. So, you can tell monitor our scams  
3 mailbox constantly, vigilantly trying to find the  
4 new scams and figuring out how then to let people  
5 know about those.

6 MS. NORTHCOTT: And Amy, I assume  
7 there's not yet a government efficiency office, is  
8 that correct?

9 MS. COTTON: No, not yet. And lastly,  
10 virtual services. We were able to provide  
11 training and guidance to the outside and inside on  
12 virtual services. Now, looking forward again, we  
13 already talked about folks focusing on incoming  
14 quality, focusing on clearing the inventory,  
15 revalidating the quality review system and we're  
16 going to continue on our data move for key  
17 performance indicators and getting the data we  
18 need for that. And we're also working to better  
19 identify our customer segments so that we can  
20 provide more targeted and effective communications  
21 for the different groups that appear before us.

22 Now I rushed through that because I

1        wanted to get to a particular scam that has been  
2        an issue lately. If any of you were at INTA last  
3        week and some of you were, because I saw you  
4        there, Dave and I gave an hour-long presentation  
5        about the two types of main scams that we're  
6        seeing. I don't have an hour; I have 10 minutes.  
7        So, we're going to abbreviate this a little bit  
8        and talk about one of them. One of the main types  
9        of scams, this is the foreign criminal syndicate  
10       type. This is type 2. They formally did  
11       university accreditation fraud, but they now move  
12       to trademark fraud. Aren't we lucky? We assume  
13       that they do this to launder the funds for their  
14       other criminal business enterprises. What we can  
15       glean from victims, the syndicate is committing  
16       criminal fraud. This is the remit of law  
17       enforcement. This is transborder. This is hard  
18       to prosecute. What are they doing? They're  
19       exploiting small businesses who are looking for  
20       low-cost assistance, probably too low cost. And  
21       they're targeting those who are seeking logo  
22       design, trademark registrations, website designs,

1       that sort of thing.

2               They have an action plan. Like I said,  
3       they create these low-cost filing websites with  
4       sponsored Google Ads. They entice the business of  
5       novice filers and then they gradually increase the  
6       pressure to add on additional unnecessary services  
7       and fees. They spend a lot of money on sponsored  
8       ads, so their sites come up first when folks are  
9       searching for trademark services. And as I posted  
10      to the INTA audience last week, do you want your  
11      fees paying for USPTO to get sponsored ads so that  
12      we're first, or do you want your fees going to  
13      trademark examination? So that is a balance that  
14      we're always trying to make as we go forward.  
15      They also are impersonating us. As I just told  
16      you, our examining attorney's names are getting  
17      impersonated or managing attorney's names and the  
18      like. So once these scammers entice the business  
19      in through the websites, they file for the  
20      applicant. Or maybe they won't file for the  
21      applicant. Kind of depends. They just string  
22      them along. But they use their own email

1 addresses as the correspondence address for any  
2 correspondences from us, so they can intercept our  
3 communications. They use spoofed emails, phone  
4 numbers, mocked up communications. They create  
5 fake payment portals.

6 But the third one is what I really  
7 wanted to hit on. Attorney hijacking. Attorney  
8 credential hijacking. We understand from victims  
9 who reported through our scams mailbox that these  
10 bad actors are soliciting applicants on 5g site,  
11 posing as the hijacked attorney and offering to  
12 file trademark applications for a very low fee.  
13 Now, the attorneys that they're choosing,  
14 apparently the California State Bar website is  
15 easy to scrape. So, a lot of these attorneys that  
16 we're hearing from are California attorneys who do  
17 not practice IP law at all. And the only reason  
18 they know about it is because maybe an applicant  
19 contacts them and says, you're my lawyer and  
20 they're no, I'm not. Or they get a CC and desist  
21 from somebody who's a conflicting mark and they  
22 have no idea what's going on. So, it's very

1       frustrating for them.

2               Okay, so once the bad actor contacts  
3       with the victim, they start inflating fees,  
4       pressuring the victim to purchase other  
5       unnecessary services and so we're working to  
6       suspend those USPTO.gov accounts that are  
7       implicated in the scam. The actors just move to  
8       other ID verified accounts and they continue to  
9       file. Now, how are they moving to these other ID  
10      verified accounts? Well, they're socially  
11      engineering these USPTO accounts. So maybe  
12      they'll offer to represent the applicant before  
13      the USPTO. They'll file the application on behalf  
14      of the applicant. And they tell the applicant,  
15      you create the USPTO.gov account, you ID verify  
16      it, and then hand over the credentials to me.  
17      Hand over the credentials of a government website  
18      portal to this bad guy? Okay, that's crazy. So  
19      they hand over the credentials, and the scammer  
20      then makes a whole bunch of hostile submissions  
21      from that account before we can shut it down.

22              Okay, so what are we doing about it?



1       Once we hear from the attorney, if we hear from  
2       the attorney who's been hijacked, we'll get a  
3       declaration from them saying, we didn't file this.  
4       We didn't sign this. This is not us. We'll ask  
5       them questions, you know, about how they got  
6       involved. So then we remove the attorney's names  
7       from the records so they don't continue to be  
8       contacted. They are not the attorney of record.  
9       This is all a manual process. We have some  
10      reversion tools, but this is a manual process  
11      where we're trying to get this stuff out of the  
12      record for the most part. Of course, we suspend  
13      the accounts and then we block credit cards.  
14      We're starting a new process where we're  
15      misassigning applications. You may know  
16      misassigning. That's when an application doesn't  
17      meet the minimum filing requirements. It's  
18      missing a filing element in the application, so it  
19      really shouldn't get a filing date. So, when we  
20      find out about those, we actually pull it, you  
21      know, remove the file. It does not have a serial  
22      number anymore. It is misassigned, and we refund

1 the fee, and they try again, usually. Right.

2 In this instance, we're using this in a  
3 new way because we know from these declarations  
4 that a certain number of these filings are  
5 fraudulent. So, the information that was provided  
6 doesn't meet the minimum filing requirements  
7 because it's not true in that instance, then. And  
8 that's where we have the declaration from the  
9 attorney. We know, and the attorney was purported  
10 to have signed the application, but they didn't  
11 really sign it. So, we're actually moving forward  
12 with misassigning these applications. As soon as  
13 we can get to a place where we do not have to  
14 refund the fees, we don't want to refund these  
15 fees because then they just come back in and do  
16 the whole thing over again. So hopefully that  
17 will help the process. I mean, it's not going to  
18 stop anybody, but it's something. And then we can  
19 keep the fees that have paid for our services and  
20 trying to figure out how to get rid of these bad  
21 applications.

22 And then for the ones that we can't

1 misassign because of how they're postured, we're  
2 pulling all of those into holding dockets,  
3 reviewing them for possible sanctions. And then  
4 we can move forward with sanctions orders to again  
5 suspend the accounts, terminate any invalid  
6 applications that were filed using these  
7 credentials, and also terminate any registrations  
8 that ultimately were to issue. If we, if we miss  
9 them in the application phase, we can catch them  
10 in the registration phase. So that is, that is  
11 our response to this particular scam. If you want  
12 to hear the whole hour-long presentation and hear  
13 all the other ones, I'm happy to do that for you  
14 at some point in the future, but we don't have  
15 time for that today. So happy to take any  
16 questions right now though.

17 MR. BESCH: Amy, are you providing any  
18 sort of suggestions or guidance to attorneys to  
19 just be vigilant and how, I mean, it's a hard  
20 thing for them to monitor. Right. Especially if  
21 you're not doing trademark law. But anything that  
22 they should be doing.

1                   MS. COTTON: Certainly, it is always a  
2                   challenge if they're not our current customers.  
3                   Right. So certainly, you probably saw the  
4                   trademark alert that we sent out. You know, be  
5                   vigilant, search, search our records to see if  
6                   your name appears on it. The Office of Enrollment  
7                   and Discipline we do a lot of work on anytime we  
8                   refer attorneys for misconduct. These are not  
9                   attorney misconduct cases, obviously, because  
10                  these folks didn't do anything here. But they're  
11                  talking to various state bars, they're trying to  
12                  get the word out to the state bars to share,  
13                  spread the word even further. I've seen multiple  
14                  media reports about this scam, so hopefully that's  
15                  making its way around as well. And certainly,  
16                  these attorneys are welcome to contact us at TM  
17                  scams if they see their name in there. And then  
18                  we'll work with them to try to get their names out  
19                  and move these applications into a sanctions  
20                  posture. Any other questions? All right.

21                  MR. GOODER: Okay, thank you. Now over  
22                  to Greg.

1                   MR. DODSON: All right. Thank you,  
2           Dave. Ah, thank you, Amy. Hello again. All  
3           right, let's see what we got first. There we go.  
4           All right. TM administration updates. Okay. In  
5           keeping with the theme that, that Amy and Dan have  
6           just kind of briefed you on we're going to talk  
7           about some accomplishments for fiscal year '24.  
8           We're going to move into some FY25 plans. And  
9           Adraea, I'm going to address that one question  
10          that you asked. So '24 accomplishments, first and  
11          foremost. These are the different organizations  
12          within Trademark Administration. So, the name  
13          kind of not really all that important, but this is  
14          just a laundry list of things that we wanted do.  
15          But we wanted to call out specifically what each  
16          of those organizations has done. You heard  
17          yesterday, on Wednesday that the agency moved our  
18          identification process into the larger construct  
19          of the agency enterprise. So, we're very excited  
20          about that. We were able to move tier one support  
21          for TEAS over to the TAC Amy's organization. And  
22          that was a success both for us and for Trademark

1 Examination Policy.

2           You know, kind of goes without saying  
3 that we don't do any of this on our own. I rely a  
4 lot on Amy. Amy relies a lot on Dan. All three  
5 of us rely on the commissioner and he relies, of  
6 course, on his business unit leadership colleagues  
7 to get things done. And then of course, you know,  
8 there's our customers, there's you, there's the  
9 federal government. So there's a lot of Venn  
10 diagramming going on with these accomplishments  
11 and these successes. And I just want to make sure  
12 that we call that thing out. You've heard a lot  
13 about Trademark Center, the beta that we're  
14 undergoing right now. And then January 18th, of  
15 course we're going to, we're going to launch that  
16 thing in earnest. And we've had a lot of issues  
17 with making sure that our data is tight where it's  
18 not been tight. We've made some corrections to  
19 that process, and we want to make sure that we  
20 illustrate those GDIT. That's our group director  
21 for Information Technology. That's our big five  
22 division group for Information Technology.

1                   You know, TRAM, we've talked about TRAM  
2           a lot. That was probably our biggest IT  
3           accomplishment over the past year. But we did an  
4           awful lot of other things. Xsearch and Simple  
5           Search were part of that. Amy mentioned the  
6           program management work that she's doing within  
7           Examination Policy. We were really excited that  
8           we were able to put a program management contract  
9           together to not only help us within Trademark  
10          Administration, but we've been able to farm out  
11          some of that skill set to both Examination policy  
12          and to operations so that they can robust up their  
13          team. So we're really excited about that.  
14          Information resources and desktop and audio-visual  
15          support. So that's a team. And you see the  
16          photographers walking around throughout the  
17          organization. So, we do a lot of photography, and  
18          we do a lot of videography and the work that's  
19          online for the information network and some of  
20          those other things are done by that team. We're  
21          really excited about what they did.

22                   Interesting enough, it's at the bottom

1 of the bullet. But we move that creative team  
2 over to make sure that there's a better symbiotic  
3 relationship with all the work that's going on in  
4 Examination Policy. Felt like moving that team,  
5 the creative team, out of administration and over  
6 to Examination Policy would really be more  
7 beneficial across the board. And it's turned out  
8 to be a wonderful move and we're really excited  
9 about that. Within that team, we do  
10 collaboration, governance and those kind of  
11 things, and they continue to do that. And  
12 certainly, they support the USPTO, the agency, in  
13 a larger sense to do things. And playing cards  
14 have been a very successful component of that. As  
15 a simple example, performance planning and  
16 financial management, obviously kind of going  
17 along with the name budgeting and execution.  
18 There's a lot of financial planning that goes  
19 along with that. They've been integral to the fee  
20 rule work that everybody has a part of. Examining  
21 attorney planning is something that's critical to  
22 the work that they do. The operating reserve.



1 And then finally within that organization, all of  
2 the liaison work that goes on with the, in the  
3 Inspector General and if GAO, who's been here  
4 recently, in the past, all of that kind of work is  
5 part of that portfolio.

6 And then finally, workforce planning and  
7 programs used to be WFP. Now we added that second  
8 WFP. Why? Because if you look down there at the  
9 bottom, we were able to successfully, thanks a lot  
10 to the Commissioner's foundational work, create a  
11 process where we have an HR liaison, a human  
12 resources liaison, and we do personnel strategic  
13 planning now. So, we're going to be able to do  
14 some of that work and we're really excited about  
15 that. Along with that, the surveys and the work  
16 that they do there, succession planning, and then  
17 finally the engagement work that we've talked  
18 about previously. Let's see. All right, so,  
19 Andraea, just to answer your quick question about  
20 four versus seven. The four big goals that you  
21 saw on that slide before were the strategic goals,  
22 right. The things that we're doing kind of as a

1 big picture to make sure that we move the ball.  
2 This is really in kind of keeping with, and I  
3 apologize, that slide got a little bit wonky in  
4 the, in the transmission.

5 But the seven summits are the tactical  
6 execution of what we want to do. Right. So  
7 you'll remember TRAM and Mount Everest, right.  
8 That one graphic that we showed for a number of  
9 these different engagements, now that we've kind  
10 of summited that one, now we're going to try to  
11 summit some of these other mountains. And so  
12 that's kind of what it is. This isn't really  
13 hierarchical. Not the highest mountain is the  
14 most important, but just for graphical purposes,  
15 tech debt, the Board examination policy, working  
16 on TM Exam, TM Services as a component of  
17 Operations International and then Trademark  
18 Center. So that's kind of what the seven summits  
19 are. That way we can focus our teams on  
20 particular tactical execution of the different IT  
21 programs and we'll go from there. So hopefully  
22 that kind of answers and explains expand set. All

1 right.

2           So fiscal year '25 plans, we kind of  
3 talked about with the bubble sheet, the IT  
4 component and the employee engagement, certainly  
5 we anticipate more Office of the Inspector General  
6 kind of work. And so, we've added to that team,  
7 and we're really looking forward to the work that  
8 they're going to do. Transition personnel  
9 planning, in a greater sense, over to workforce  
10 planning. A lot of that work was done, frankly,  
11 all of that work was done in performance planning.  
12 But now that we've got a professional cohort of  
13 personnel, strategic personnel, folks, we want to  
14 move that work over there. We've got a lot of  
15 hiring that we want to do. Everybody does, but we  
16 want to finish that. We've got some strategic  
17 planning work that we want to do. We recognize  
18 with new leadership in the agency, there's going  
19 to be a change to strategic planning. And so we  
20 want to be ready and primed and be in a good  
21 position to take over for that. And that kind of  
22 follows into the next bullet, which is supporting

1       the transition and supporting the new leadership  
2       as they come on board.

3               And finally, IT services integration,  
4       what is that? That's software for service,  
5       platform, platform as a service, those kind of  
6       things. Right. Where we're not building it,  
7       maintaining it and supporting it out throughout  
8       its life cycle is more in line with a lot of what  
9       we're doing with Jamie's team. And that's buying  
10      that capability and then offloading it to the  
11      cloud and doing some of that other work to make it  
12      easier on everybody. So those are kind of.  
13      There's a lot of other stuff going on behind the  
14      scenes, but those are some of the bigger plans,  
15      plan issues that we're looking at and the  
16      accomplishments. So, questions from our TPAC  
17      friends.

18             MS. BROWN: It looks like you got off  
19      easy this time, Greg.

20             MR. DODSON: I know, right? So, you  
21      guys.

22             MS. BROWN: No, no comments. I will

1       just say thank you to you and your team and all  
2       that you've done. And the same goes to Dan and  
3       Amy. Just, again, thank you for all of the work  
4       over the years, especially in the past three since  
5       I've been here. So, appreciate it.

6               MR. DODSON: Yeah, I'm going to miss all  
7       of you. But, you know, the three of you have been  
8       so core to this. I mean, you've been with us with  
9       backpacks on as we climbed up the top of Mount  
10      Tramorest, you know, and when we slipped on some  
11      ice. Oops, sorry, like that, you were there to  
12      catch us as we fell. So, you know, I think  
13      certainly not a credit to any of us around this  
14      table. This is the people that actually put the  
15      stubby pencil work together. But without your  
16      guidance and support and help to get us there, I  
17      think it would have taken us longer and it would  
18      have been harder. So thanks, you know, one of  
19      those heart things to you guys for being there for  
20      us throughout this process. So thank you so very  
21      much.

22             MS. COTTON: I also want to say thank

1       you for the visual representation of the  
2       mountains, especially seventh of them. That makes  
3       it really easier to understand and clear for the  
4       goals for next year. So thank you.

5               MR. DODSON: Well, you know, the credit  
6       to that really goes to that gentleman right over  
7       there. The commissioner is We. We. The  
8       mountain. The mountain idea, and that's a  
9       marketing idea, came from Dave. And, you know, at  
10      first it was kind of like, really, we're going to  
11      climb a mountain for this? But it ultimately was  
12      a mountain. And then we just kind of pull the  
13      thread on that, and it really does. I think it  
14      resonates with a lot of people to see that  
15      visually and graphically. And if you're a visual  
16      learner, like a lot of us are, it makes a lot of  
17      sense. So thank you, Amy, for that. Anything  
18      else? All right, well, thank you so very much.

19              MR. GOODER: All right, so we're done  
20      with our side of things, and I'm going to pass it  
21      over to Chief Judge Rogers from the Trademark  
22      Trial and Appeal Board.

1                   MR. ROGERS: Thank you, Dave. And we  
2                   heard from the Commissioner earlier that  
3                   application filings have kind of resumed customary  
4                   growth patterns, and you had a 4.1 percent  
5                   increase, coincidentally. This slide shows you  
6                   that pre-pandemic, we had annual increases in new  
7                   types of cases or all new types of cases coming to  
8                   the board. Appeals, oppositions, cancellations on  
9                   a regular basis. We hit a rocky patch during the  
10                  pandemic. Some filings would go up from time to  
11                  time, other filings would go down, but this year  
12                  is the first year since the pandemic where we've  
13                  seen for oppositions and cancellations, both  
14                  increase in the same year. That's fiscal '24,  
15                  which just recently closed. And by coincidence,  
16                  they were 4.1 percent increases as well. No  
17                  connection, I think, to the 4.1 percent increase  
18                  in application filings. But it does show you that  
19                  things that fueled that surge, that application  
20                  filing surge in trademarks, are, you know,  
21                  probably now coming to us on a more regular basis  
22                  because we've seen a rocky road with application

1 filings.

2           And this chart is a little harder to  
3 see. But I've highlighted some of the things I  
4 wanted to call to your attention. The top row  
5 shows that application filings kind of continued  
6 that rocky road even this past year, while  
7 oppositions and cancellations were going up  
8 because we had a slight decline in application  
9 filings. But the bottom two highlighted rows show  
10 you that the increases we realized at year end for  
11 new oppositions and new cancellations were  
12 cumulative. At the beginning of the year, I  
13 thought we were probably going to have downward  
14 figures for all categories of new cases, but the  
15 growth continued quarter after quarter after  
16 quarter. And this kind of chart is the kind of  
17 thing that you will find on our website if you  
18 want to get current information. That first slide  
19 we looked at covering a multi-year timeframe, we  
20 don't normally have those up on the website, but  
21 we do have charts like this with current data and  
22 quarterly data.



1                   So, you can look it up and see what the  
2                   trends are at any point during the year. So, to  
3                   just kind of sum up what those slides tell me, and  
4                   because I know what happened in October, and we  
5                   heard also about what October was this year, we  
6                   had incoming filings for both new appeals and new  
7                   oppositions. Actually, no, cancellations and  
8                   appeals come in at their highest level in the last  
9                   year and a half. I mean, there were more appeals  
10                  and more cancellations coming in in October than  
11                  in any other month during the prior fiscal year.  
12                  So again, that kind of reaffirms those increases  
13                  we saw in oppositions and cancellations as likely  
14                  to continue during the current fiscal year. And  
15                  at any one point in time, 60 percent of our  
16                  filings are or cases pending are oppositions. So  
17                  that's something that we get a lot of. And I'm  
18                  going to come back to that point in a minute when  
19                  I talk about TTAB Center.

20                  Our goals for cases that are in our  
21                  pipeline and which we want to keep moving are to  
22                  process motions within contested motions that come

1 up in trial cases within a certain period of time.  
2 And then when the cases get to the end of the  
3 pipeline and require disposition by a panel of  
4 judges to get those decisions out in predictable  
5 fashion as much as we can. So, these are the  
6 goals. And again, this is information that's  
7 always on our website, which you can look at  
8 motion processing in the trial cases. Again,  
9 which were in the cases were increasing over the  
10 year. But the attorneys, the 245 attorneys have  
11 done a great job keeping up with the contested  
12 motions in the trial cases. They're great case  
13 managers and they keep those cases moving, as do  
14 the 243 paralegals who handle all the consented  
15 and uncontested filings that keep the cases  
16 moving. So that they either get settled because  
17 the parties finally reach a point where they can  
18 settle it, or they go to trial. And then we try  
19 and get them decided on the merits.

20 For cases ready for decision on the  
21 merits coming out the other end of the pipeline.  
22 This chart shows that in fiscal '19, we had

1 increases, significant increases in appeals and  
2 trial cases become ready for decision. That put  
3 upward pressure on our pendency number. The time  
4 it takes the judges to get those final decisions  
5 out on the appeals and the trial cases. But you  
6 can see from the middle line that the number of  
7 appeals becoming ready for decision and requiring  
8 a disposition on the merits, they've been trending  
9 down for the last few years, but the trial cases  
10 have been pretty strong. And that leads me to  
11 these points. And that is, it took us a while  
12 after those significant increases from fiscal 19,  
13 to kind of catch up and get our pendency goals  
14 back to where they needed to be. But we did that.

15           However, we're facing a continuing  
16 challenge by trial cases maturing to ready for  
17 decision averaged over 200 for the last three  
18 years. And that's a pretty high figure for us.  
19 And the trial cases simply take more time for the  
20 judges to get through because often they have very  
21 large records. So those are the only things I  
22 really wanted to show you on the slides. But I

1       just wanted to mention a couple of other things  
2       while I have your attention, and I did say earlier  
3       I was going to come back to this point, that 60  
4       percent of the cases we have pending at any one  
5       point in time are oppositions.

6               We are developing TTAB Center just like  
7       Trademarks is developing Trademark Center. That  
8       is going to replace the ESTA system that people  
9       have been using for a very long time. Just as  
10       TEAS and Trademark Center are running in parallel  
11       for a while, we have ESTA running in parallel with  
12       TTAB Center for the filing of notices of  
13       opposition. That option that filing option for  
14       notices of opposition is the only thing that we've  
15       stood up yet in TTAB Center. But because we get  
16       so many oppositions every year, it was the one we  
17       wanted to tackle first. And I encourage any of  
18       you, I'm not encouraging you to file oppositions.  
19       You don't need to. And I know many people would  
20       prefer not to have to go to the Board for any  
21       reason whatsoever if they can work things out in  
22       the examination operation and get their

1 registrations that way. But if you do need to  
2 oppose someone else's application, I really urge  
3 our stakeholders to use the TTAB center option.  
4 It's more difficult. There's a learning curve  
5 there. It requires you to have a myUSPTO account,  
6 which ESTA does not. But in the long run, ESTA is  
7 going to go away and we're in the process of  
8 developing the filing function for the petition to  
9 cancel as well. And at some point, it's going to  
10 go away and you're going to have to use TTAB  
11 Center. So, I'm really urging people to try it  
12 now to use it when you do need to file a notice of  
13 opposition and give us input on how you like it or  
14 dislike it so that we can continuously improve it.

15           You know, and we've heard about  
16 trademark systems being developed and getting  
17 continuous feedback from their users and that  
18 fueling improvements. And so, we really want to  
19 get what input we can on TTAB Center and how it's  
20 working and give you opportunities to get familiar  
21 with it as well. Another change that will be  
22 coming to our practice in sometime in 2025. The

1 exact date is kind of to be determined, relates to  
2 Madrid. And we heard from the Commissioner that,  
3 you know, the fees changes that in involve Madrid  
4 take a little bit longer because of notice  
5 periods. And so, our Madrid obligations sometimes  
6 fuel some of our changes. We have to allow in the  
7 near future 60 days for a Madrid extension filer  
8 to file an answer to an opposition. That's 20  
9 days more than our current 40-day time to file an  
10 answer, which is what applies in all of our trial  
11 cases.

12 As a result of that change, we've had  
13 input from stakeholder groups and TPAC and I thank  
14 you for the input. That suggests it would be a  
15 lot easier just and more predictable for all  
16 stakeholders to know that the time to file an  
17 answer in every trial case will be the same.  
18 Docketing systems can be set up, staff can be  
19 trained. So, we will be shifting not just the  
20 time to file an answer to a notice of opposition  
21 against a Madrid extension filing, but for all  
22 oppositions and all cancellations from 40 days to

1       60 days in 2025. And again, all of the  
2       stakeholder input that we've had from various  
3       stakeholder groups suggest that that's the best  
4       way to go. We are developing a comms plan. We're  
5       going to give a lot of notice so you will hear  
6       about this months down the road and periodically  
7       as we roll out the comms plan on this change.

8               The other thing that we're running now  
9       is a case citations pilot. So those of you who  
10      are getting orders or decisions from us are going  
11      to see kind of changes in the way we cite to prior  
12      TTAB precedents. The reason I point this out is  
13      because filers also have the option under this  
14      case citations Pilot to use whatever legal  
15      research services they find to be most efficient  
16      for them and to reduce the their costs. So, you  
17      can feel you are not wedded to citing cases from  
18      the US Patents Quarterly if you don't have that  
19      service and you don't want to pay for it or you  
20      can't pay for it, filers can use Westlaw, can use  
21      Lexis, can get decisions from TTAB View. Just  
22      give us a citation that allows us to look up the

1 case that you want us to look at that supports  
2 your position.

3 And the last thing I'll mention is we  
4 have had one instance of the kind of scam that Amy  
5 was just talking about where our one of our  
6 interlocutory attorney's names was used in an  
7 email sent to a party asking about filing or  
8 suggesting that filings were necessary in a TTAB  
9 case and what the fees would be for that filing.  
10 You will not hear. You will not get emails from  
11 our attorneys or our judges, except in the very  
12 limited instance where our attorneys might be  
13 trying or a judge if they're involved in the final  
14 pretrial conference pilot program which involves  
15 both attorneys and judges. If they're trying to  
16 schedule a telephone conference, that's about the  
17 only email that you are going to get from an  
18 attorney or judge at the TTAB. And nobody at the  
19 TTAB, paralegals, attorneys, judges, anybody is  
20 going to ask you for money. Because our fees are  
21 primarily just the filing fee you pay when you  
22 commence an appeal or an opposition or a



1       cancellation. And at the end of an appeal, if you  
2       have a brief fee or if there's an oral hearing  
3       fee, there's nothing in between that anyone has to  
4       pay and we're not going to ask you for it. So,  
5       keep in mind that the scams have filtered over  
6       into TTAB as well. So that's it for me, and I'm  
7       happy to take any questions if we have time.

8               MR. ENNS: Judge, thank you. And I want  
9       to commend you and all the administrative judges  
10      and the interlocutory attorneys for a great deal  
11      of hard work this past year in dealing with what  
12      has been a fairly significant caseload that I  
13      think continues to be the legacy of the filing  
14      surge that the Trademarks Office saw in 2020. Can  
15      you just spend like one minute? You mentioned  
16      briefly the final pretrial conference pilot, and I  
17      know that there are have been so far a relatively  
18      small number of cases that have been pulled into  
19      that because it is a pilot. About 10 cases or so.  
20      Can you talk for a minute about the other options  
21      for parties who want to achieve a more efficient,  
22      efficient disposition of their dispute and to

1     maybe, you know, have options to be able to get to  
2     a point where the case is either decided or can be  
3     resolved by them in a more quick and efficient way  
4     in addition to the final pilot? Because I think  
5     that might help address the pendency issues as  
6     well.

7             MR. ROGERS: Sure, sure. No. And that  
8     gives me an opportunity to talk about a subject  
9     which is near and dear to my heart, and I've been  
10    talking about with stakeholders for almost 20  
11    years at the board. And that is the option to use  
12    accelerated case resolution. And we require  
13    parties to have in our trial cases to have a  
14    settlement and discovery planning conference. And  
15    one of the things we require them to do is to  
16    discuss the possibility of using any form of  
17    accelerated case resolution that the parties might  
18    think will assist them in pursuing a more  
19    efficient path through discovery and trial. And  
20    we have a lot of information on our website. We  
21    are in the process of getting updates to that  
22    information ready for the website. But I did see

1       in the last fiscal year an increase in the number  
2       of trial cases that were decided following the  
3       party's use of some form of accelerated case  
4       resolution. Could be motions for summary judgment  
5       and a stipulation that the board can resolve any  
6       lingering issues of fact. It could be limitations  
7       on discovery and the amount of evidence that the  
8       parties are going to put in that we're going to  
9       stipulate that you don't have to use disclosures.  
10      We can just go straight to submission of evidence  
11      along with a brief.

12               And there's any number of ways that  
13      parties can streamline a proceeding if they want  
14      to do that. And even if you're involved in a  
15      proceeding and you can't get the other party's  
16      agreement to it, you can always try to at least  
17      force the issue being discussed even again after  
18      the settlement and discovery planning conference  
19      when it's a required subject of discussion, by  
20      contacting one of our interlocutory attorneys, the  
21      one who's assigned to your case, and asking for a  
22      phone conference. Because if the parties are

1     having a dispute about discovery, discovery,  
2     they're, you know, not getting what they need from  
3     the adversary in due course. And there's an  
4     opportunity to involve one of our attorneys. You  
5     can involve them pretty easily by requesting a  
6     phone conference, and then they will email you  
7     because they'll need to schedule that phone  
8     conference. But the involvement of the  
9     interlocutory attorneys can help break log jams  
10    and help keep cases moving. And often when they  
11    are involved in reviewing motions and looking at  
12    the status of the pleadings in a case, because  
13    that's necessary, often for them to resolve the  
14    motion or the dispute that has arisen, they're  
15    also going to clean up the pleadings. They're  
16    going to tell the parties that certain claims or  
17    defenses are not available or they're improperly  
18    pled and they're stricken. And they will help the  
19    parties become more focused on what they really  
20    need to focus on in the trial case.

21                So, I think it's very useful to think  
22    about efficiencies, think about stipulations. If

1       you do get pulled into the final pretrial case  
2       conference pilot, you are going to be asked to do  
3       that, then you ought to think about it earlier and  
4       throughout the proceeding and involve the  
5       interlocutory attorneys whenever you think it  
6       would help.

7               MR. ENNS: Thank you, Judge. And I just  
8       wanted to add one thing. I realized when I  
9       commended the Board, I overlooked a very important  
10      component, which is the board paralegals who also  
11      do a sign significant amount of the work that  
12      keeps all of the cases moving. And they have done  
13      a tremendous job as well and I certainly apologize  
14      for that oversight.

15             MR. ROGERS: They have. And I've often  
16      looked at the quantity of work that we have to do  
17      at the board as a pyramid. And the judges are at  
18      the top of the pyramid, so to speak, not because  
19      of, you know, obviously they're very good  
20      employees. They're very well qualified. But I'm  
21      just looking at the numbers. They are going to  
22      handle 500 or 600 cases in a year that they're

1       going to get out final decisions in. And they're  
2       also going to be working with interlocutory  
3       attorneys on summary judgment motions and other  
4       motions. The attorneys are going to be processing  
5       1000 contested motions or 1200 or something like  
6       that in a year. The paralegals, they are the  
7       rock, the base of our structure, because we have  
8       9,000 cases pending at any one point in time. And  
9       a lot of them get consented or uncontested filings  
10      that the attorneys and the judges never see and  
11      don't have to handle. But the paralegals do keep  
12      those cases moving. So, yeah, they are the rock  
13      upon which we are built. Okay, thank you.

14               MR. GOODER: All right, thank you, Judge  
15      Rogers. And finally, Brandon Ritchie is here from  
16      the Office of Policy and International Affairs.

17               MR. RITCHIE: Oh, thanks. Hello,  
18      everybody. Yep, I'm Brandon. I'm from the Policy  
19      of, excuse me, the Office of Policy and  
20      International Affairs. And you know, our team,  
21      they do a lot of international work. They do some  
22      domestic policy work, too. I am not Sharon

1 Israel, even though the schedule may say so. But  
2 that's because Sharon is overseas as we speak.  
3 She has been working on negotiating a treaty among  
4 many, many nations and IP offices. And that's a  
5 lot of the work we do. A lot of our folks travel  
6 quite a bit and are engaged in international  
7 organizations that deal with IP, multilateral  
8 bilateral conversations and trying to work to make  
9 IP systems better for the stakeholders. And they  
10 have to be diplomats, too. And so, it's a great  
11 team to work for, and it requires special skills.  
12 And I get to work on the trademark team, which is  
13 a team of expert professional diplomats that are  
14 working to make trademark laws the best they can  
15 be for US stakeholders. So, it's an honor to be  
16 on that team.

17 The first thing I'll mention today is an  
18 exciting thing that we have worked together on in  
19 TPAC, and that is the Trademarks for Humanity  
20 program. So, we're very excited. This was born  
21 out of TPAC and designed together. And the goal  
22 is to promote the importance of trademarks in

1 society and the role they can play in making  
2 things better, and also to recognize brand owners  
3 who are offering goods and services in connection  
4 with trademarks in a way that improves society as  
5 a whole. And so, this is the first ever cycle of  
6 the Trademarks for Humanity Program. And we're  
7 excited that we're going to have a ceremony on  
8 December 3rd to announce and award the recipients  
9 of this new award. So, it's going to be December  
10 3rd, 9:30 in the morning at the Department of  
11 Commerce Auditorium. And if anybody who's  
12 watching wants to watch the event, you can go to  
13 the USPTO's website and register to watch the live  
14 stream. So, it's very exciting. So, thank you  
15 all for your help in creating that and designing  
16 it and working with us. As we had questions and  
17 as we were implementing it. It was a good  
18 project, and it was a group effort. It really  
19 was.

20 The next thing I'll touch on; these are  
21 highlights of kind of some of our work, our  
22 pressing work right now. Another is that we have



1       been, you know, the PTO always is working on  
2       emerging technologies and monitoring those, making  
3       sure that our systems are, that are, that the  
4       incentives for innovation are still there for any  
5       technology and all kinds of policy and legal  
6       issues. So, we've been doing that for a while.  
7       But a couple of years ago, President Biden, he  
8       issued his Executive Order on AI and that had the  
9       USPTO do some things, issue guidance and things on  
10      the patent side, look at the issues on the IP  
11      front at the intersection of AI and IP and  
12      specifically provide the President recommendations  
13      on issues relating to copyright in IP and the  
14      issues that are addressed in the Copyright  
15      Office's study on AI and copyright. That's the  
16      background.

17               So, then the first study or report that  
18      the Copyright Office put out was on AI and NIL,  
19      name, image, likeness and they call it digital  
20      replicas. That's the report name, the Digital  
21      Replica Report. But it's about name, image and  
22      likeness. And so, it delves into a number of

1 issues including the state of current laws at the  
2 state and federal level, the intersection of AI  
3 with protections and things like that. And so,  
4 when they issued their report, it triggered a 180  
5 day timeframe for the PTO to issue recommendations  
6 to the President on these issues about the legal  
7 and policy implications. And so, we're working on  
8 that and we're working on a report that will  
9 accompany that and it delves into these issues and  
10 particularly what are the state laws looking like,  
11 what's the federal law look like as it relates to  
12 protecting an individual's NIL, name, image and  
13 likeness and voice. And so, we're working on that  
14 and then we will have recommendations. And so  
15 that's a big project right now that we're. But I  
16 think it'll be useful and I think it'll be a good,  
17 a good report.

18 So, the third topic, just to mention one  
19 of our international work streams right now is TM5  
20 and TM5, Commissioner Gooder is the head of the  
21 delegation and we support that in OPIA. And we're  
22 preparing, making the final preparations for the

1 annual meeting of TM5, which is the gathering of  
2 some of the biggest trademark offices. Did I say  
3 IP5? I meant TM5. Yes, TM5, some of the biggest  
4 trademark offices in the world. That's going to  
5 be on December 9th through 11th in Japan with a  
6 user session on December 11th. And then next year  
7 the USPTO is the host of TM5. So, they take  
8 turns. Each country takes turns with TM5 hosting  
9 and we're the host office next year. So, we're  
10 preparing for that as well, which will also be  
11 exciting.

12 We're also working on a lot of OPI writ  
13 large is working on. There are, there are a lot  
14 of international negotiations going on right now  
15 about things like the design law treaty, things  
16 like disclosure requirements and patent. Patent  
17 treaties or patent laws. And then there's a  
18 discussion about traditional knowledge and  
19 treatment, traditional cultural expressions that  
20 continues at WIPO as well. And so, we're actively  
21 involved with all of those as well. So that's a  
22 smattering of what we're working on and the

1 highlights of some of the work that we're doing.

2 Happy to answer any questions you have.

3 MS. NORTHCOTT: Brandon. First, let me  
4 give a thanks before I dive into questions. Your  
5 team is extraordinary and so huge standing ovation  
6 to you and Sharon and Nancy and John and Susan and  
7 Cindy and Lee and so many others that spend so  
8 much time on airplanes and so much time away from  
9 family and friends on weekends in order to advance  
10 U.S. Stakeholder rights abroad. So, thank you,  
11 thank you, thank you for everything it is that  
12 you're doing for us.

13 Now on to two questions. First, to  
14 follow up on NIL, there has been an extraordinary  
15 amount of work there. So, can you share a little  
16 bit more detail, please, on how it is that you  
17 gathered stakeholder input and then share a little  
18 more detail about how it is that you're working  
19 with the Copyright Office on this?

20 MR. RITCHIE: Sure. So, we have been  
21 working with the Copyright Office on this  
22 throughout, including consulting with them when

1       they were doing their report. And we do have  
2       regular meetings to talk with them and discuss the  
3       issues. In fact, the Executive Order asks us to  
4       do that too. One of the things that the Copyright  
5       Office did was they put out this was for all  
6       copyright issues, but that impact that intersect  
7       with AI. But they had a very long list of  
8       questions that they allowed stakeholders to  
9       respond to and some of those were related to NIL.  
10      And so, one way that we did it was we, because  
11      we're partnering with the Copyright Office, we  
12      were able to work with them, get access to the  
13      responses early and facilitate incorporate those  
14      responses into our thinking on these issues. And  
15      then separately, we did hold a public symposium in  
16      LA on AI and NIL. And we also had a USPTO public  
17      Stakeholder Roundtable that anybody could come and  
18      offer remarks at. And we had quite a large  
19      showing at that and got a lot of great insights  
20      that were very helpful on the ground from people  
21      who deal with this and care about it. So, we were  
22      able to incorporate the input there into the draft

1       so far as well. So very diverse viewpoints and  
2       that's what we were hoping for. So, it was really  
3       good. So that's how we gathered input and how  
4       we've been working with the Copyright Office.

5               MS. NORTHCOTT: Good, thank you. Really  
6       look forward to seeing the full output. One more  
7       question, if you'll allow me, please. I know that  
8       you can only give a very brief amount of  
9       highlights, but I know one thing your office has  
10      been working very closely on is DNS abuse. How  
11      would you like to continue to solicit information  
12      from stakeholders on DNS abuse now that it's being  
13      discussed in so many different international  
14      forums?

15             MR. RITCHIE: Yeah, I think the two  
16      people on the team that work on that are John  
17      Rodriguez and Susan Anthony. And so, they have an  
18      open-door policy. And so, if anybody, any  
19      stakeholders, if anyone's interested in providing  
20      input on that, please reach out just directly to  
21      them and they will take care of you. You're in  
22      good hands with them. And they can also provide

1       any background if people have questions about  
2       what's going on. So, yeah, thank you for that  
3       question because they are experts on that.

4               MS. NORTHCOTT: Good, thank you.

5               MR. GOODER: Anything else for Brandon?  
6       All right, I think we're good. That takes us to  
7       the end of the formal agenda. So, if we can pause  
8       for a second and look at any questions that may  
9       have come in. And we'll take like five minutes at  
10      the most, maybe three, and we'll finish it up.  
11      Okay, thanks everyone. We'll be right back.

12               (Recess)

13              MR. GOODER: So if everyone can take  
14      their seat, that would be great. There were three  
15      questions. One had already been answered in the  
16      course of the conversation about when is TEAS  
17      retiring? The next question talks about if a  
18      particular ID is not within the dropdown list,  
19      pick list, whatever you want to call it.  
20      Basically you can run one of two ways. You can  
21      use pick list, dropdown list, or you can use the  
22      free form text to draft an ID. If you'd like to

1       add an ID to the drop-down list, you can send it  
2       to tmidsuggest and that crew of policy attorneys  
3       looks at it and they'll get back to you within  
4       three to five days and they look at what else is  
5       already there that might already cover it, et  
6       cetera.

7               They have to balance the size of the  
8       list overall with the desire to have IDs that work  
9       for a wide number of people. So if you have a  
10      very quirky narrow id, it may not make it onto  
11      that pick list, but there may be a way that you  
12      can write it so that it does or that we can work  
13      with you on it. If time is of the essence, just  
14      use the freeform field and get the application  
15      filed in case if that's really important. Amy,  
16      anything else you'd add to that? Okay.

17             There was an in-depth question about  
18      some things about Trademark Center and it's kind  
19      of beyond the scope of what we can do here. But  
20      what I'll tell you is there two ways on Trademark  
21      Center. There is a feedback button. Use it  
22      because it goes straight to the people who manage



1       it and they're direct line to the people who work  
2       on it every day. They can answer questions but B  
3       if you've got suggestions which was in this  
4       question, some good suggestions. So that's the  
5       best way to do it. They also right now every  
6       other week are doing education sessions online  
7       virtual about Trademark Center. They alternate  
8       between a week of Trademark Center and a week of  
9       the new search system. So they're it's constant  
10      and if there are questions, that's a good way to  
11      get the latest in what's going on with that too.  
12      I think that was it. Yeah, that's it. That's our  
13      questions. Back to you.

14               MS. BROWN: Thank you. Very good  
15      questions coming in. Before we close out, I want  
16      to turn it over to Jay Besch.

17               MR. BESCH: Thank you. I just want to  
18      really tell Adraea, Dana and Rod what a pleasure  
19      it has been to get to know you, to work with you  
20      on TPAC and really how much work and dedication  
21      you all have had to giving the input to the  
22      office. How thoughtful you've been. And really,

1       it's been a great experience working with all of  
2       you, and I hope that, you know, we. We keep in  
3       touch. I also want to just say, you know, a lot  
4       of things that we've went over today here are just  
5       so exemplary in the way we handle things, the way  
6       we interact with the office, as. As the  
7       employees, giving voice to what the employees are  
8       wanting to do, how hard they work. The things  
9       that we do with the office are really, really, I  
10      think, some of the best in government and probably  
11      the best in any organization that you can come  
12      across. Those goals that we hit this year in  
13      FY24, the things that we've done, those don't  
14      happen unless you have that type of input, that  
15      type of willingness, and that type of execution.

16               So I just want to say that, you know,  
17      anybody looking at this agency should look at it  
18      as an example and nothing more. So I'll just  
19      leave it at that. I'm really proud of everything  
20      that we've accomplished this year. I'm really,  
21      really happy for our employees and I'm, you know,  
22      happy to be a part of TPAC. So thank you.

1 MR. GOODER: Can I chime in?

2 MS. BROWN: Sorry?

3 MR. GOODER: Can I chime in?

4 MS. BROWN: Sure.

5 MR. GOODER: Before you get the  
6 microphone back.

7 MS. BROWN: Yes.

8 MR. GOODER: One last time. I just  
9 absolutely agree with what Jay said and I just. I  
10 would add the word dedication. It's a brilliant,  
11 dedicated, professional group of people everywhere  
12 throughout the agency, but especially all around  
13 trademarks, whether you're an examiner or working  
14 in services. I mean, you see the reduction in the  
15 turnaround time on the services side with amended  
16 and things like that. It's just. It's really a  
17 remarkable group of people. And so. Yeah, so I  
18 will agree and add my thanks. Before I give up  
19 the microphone, I also want to thank Dana and you,  
20 Adraea, and Rod, for the last three years on TPAC.  
21 It's been an absolute privilege. I think that the  
22 trademark community has been really well served by

1       having you all on the committee. You bring a  
2       really unique perspective. You bring a really  
3       broad perspective from very small clients to very  
4       large brand owners. And I think just adding the  
5       spirit you bring to everything. And the questions  
6       you added, who knew, Rod, you were a finance  
7       genius, but clearly today with the questions to  
8       Sean.

9               So, anyway, we will miss having you at  
10       our meetings. And the thing that's fascinating  
11       about TPAC is every year there are three new  
12       members, and the three new members for next year  
13       will be announced fairly soon. So it's great how  
14       it carries on. So, the two groups that are  
15       already here continue on or bring the next group  
16       in and keep developing how well TPAC works. But  
17       thank you very much and you've been a great chair  
18       and wonderful to work with. And I agree with a  
19       really good sense of humor, which helps when  
20       things are busy. So it's all yours.

21               MS. BROWN: Thank you very much. I  
22       almost feel like I should pay you for those words,

1 but I'm definitely not going to get in trouble  
2 that way. The last thing I will say is touching  
3 off the last point you made. This is bittersweet  
4 to leave, but the bitter part is leaving. The  
5 sweet part is knowing that the three seats that we  
6 are vacating open it up for three more people to  
7 have this opportunity. It really is a great  
8 experience. And if you ever have the opportunity  
9 or the possibility, the availability, anything, if  
10 it's ever approached, I implore you to take it.  
11 You will not regret serving on TPAC. And if you  
12 do, don't blame me. And if you don't, if you  
13 don't ever get that opportunity, the fact that  
14 you're attending today's public meeting is a great  
15 way to be engaged and I urge you to continue  
16 attending because you don't have to be a member of  
17 TPAC to engage with this office. You can always  
18 email, they are always on the road, they are  
19 always soliciting feedback. And any member can  
20 provide. Any member of the public can provide  
21 feedback. So always remain engaged. You can  
22 always have that opportunity. And with that, I

1       will say that's it. Thank you to everyone,  
2       honestly, for making this great. All right,  
3       looking forward to '25.

4                       (Whereupon, at 1:23 p.m., the  
5                       PROCEEDING was adjourned.)

6                       \*   \*   \*   \*   \*

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## 1 CERTIFICATE OF NOTARY PUBLIC

## 2 COMMONWEALTH OF VIRGINIA

3 I, Thomas Watson, notary public in and  
4 for the Commonwealth of Virginia, do hereby certify  
5 that the forgoing PROCEEDING was duly recorded and  
6 thereafter reduced to print under my direction;  
7 that the witnesses were sworn to tell the truth  
8 under penalty of perjury; that said transcript is a  
9 true record of the testimony given by witnesses;  
10 that I am neither counsel for, related to, nor  
11 employed by any of the parties to the action in  
12 which this proceeding was called; and, furthermore,  
13 that I am not a relative or employee of any  
14 attorney or counsel employed by the parties hereto,  
15 nor financially or otherwise interested in the  
16 outcome of this action.

17

18 (Signature and Seal on File)

19 Notary Public, in and for the Commonwealth of  
20 Virginia

21 My Commission Expires: September 30, 2025

22 Notary Public Number 256314

