

---

# FY 2023 ANNUAL PERFORMANCE REPORT FY 2025 ANNUAL PERFORMANCE PLAN

---



UNITED STATES  
PATENT AND TRADEMARK OFFICE ®

# TABLE OF CONTENTS

About this report .....	3
Agency overview .....	3
<i>Who we are</i> .....	3
<i>Mission and vision</i> .....	6
<i>Organizational structure</i> .....	6
<i>Public advisory committees</i> .....	7
<i>Where we are</i> .....	7
<i>Budget authority</i> .....	8
<i>USPTO 2022-2026 Strategic Plan</i> .....	8
<i>Performance measurement and reporting process</i> .....	9
FY 2023 KPI results and progress.....	10
<i>KPIs by objective</i> .....	10
<i>Initiatives and results by goal</i> .....	11
Goal 1: Drive inclusive U.S. innovation and global competitiveness .....	11
Goal 2: Promote the efficient delivery of reliable IP rights .....	14
Goal 3: Promote the protection of IP against new and persistent threats .....	19
Goal 4: Bring innovation to impact for the public good.....	21
Goal 5: Generate impactful employee and customer experiences by maximizing agency operations.....	23
<i>Cross-agency collaborations</i> .....	28
Other information required in 35 U.S.C., section 13.....	29
<i>Patents training programs</i> .....	30
<i>Trademarks training programs</i> .....	31
<i>Commissioners' performance for FY 2023</i> .....	34
Performance data verification and validation.....	34
Audits and DOC OIG top management challenges .....	35
Appendix A: Detailed FY 2023 performance measures .....	38
Appendix B: Acronyms and abbreviations .....	52

## About this report

Welcome to the Fiscal Year (FY) 2023 Annual Performance Report and FY 2025 Annual Performance Plan (APPR) from the [U.S. Patent and Trademark Office \(USPTO\)](#). The APPR serves two purposes. First, it provides information on the agency's performance results and its progress toward achieving key measures supporting the strategic goals and objectives contained in the [USPTO 2022-2026 Strategic Plan](#). Second, it sets performance indicator targets—which represent the performance levels that core programs seek to achieve in the future—for the next two fiscal years.

The performance indicators and targets reflected in this report are aligned with the strategic objectives outlined in the [Department of Commerce \(DOC\) Strategic Plan | 2022-2026](#). The USPTO will report all finalized performance indicator results for FY 2023 and set finalized targets for FY 2024 and FY 2025 in consideration of the [FY 2025 President's budget](#) and the USPTO 2022-2026 Strategic Plan.

The FY 2023 APPR satisfies the annual performance reporting requirements of the Government Performance and Results Act Modernization Act of 2010 and [Office of Management and Budget \(OMB\) Circular No. A-11 \(Preparation, Submission, and Execution of the Budget\)](#). This report, along with the USPTO's FY 2023 Agency Financial Report (AFR), workload tables, and prior annual reports are posted to the [USPTO's annual reports page](#).

## Agency overview

### Who we are

The USPTO is the federal agency responsible for granting U.S. patents and registering trademarks. In doing so, the agency fulfills the mandate of article I, section 8, clause 8 of the Constitution, which grants the legislative branch the power to “promote the Progress of Science and useful Arts, by securing for limited Times to Authors and Inventors the exclusive Right to their respective Writings and Discoveries.” The USPTO registers trademarks based on the Commerce Clause of the Constitution (article I, section 8, clause 3). American industry has flourished under this system of protection, with inventors designing new products and discovering new uses for old ones. These two types of achievement have created employment opportunities for millions of Americans, and the strength and vitality of the U.S. economy depends directly on effective mechanisms that protect new ideas and investments in innovation and creativity. The continued demand for patents and trademarks underscores the ingenuity of America's inventors and entrepreneurs and positions the USPTO at the cutting edge of the nation's technological progress and success.







The USPTO advises the President of the United States, the Secretary of Commerce, and U.S. government



agencies on intellectual property (IP) policy, protection, and enforcement. In addition, the USPTO promotes stronger and more effective IP protections around the world, including by providing training, education, and capacity building programs designed to foster respect for IP and encourage U.S. trading partners to develop strong IP enforcement regimes.

There are four basic types of IP rights in the United States: patents, trademarks, copyrights, and trade secrets. The graphic below provides a brief description of each type. The USPTO is responsible for patents and trademarks. Its IP policy work, however, encompasses all IP, including copyrights and trade secrets.

 <b>PATENTS</b>	 <b>TRADEMARKS</b>	 <b>COPYRIGHTS</b>	 <b>TRADE SECRETS</b>
<p><b>GRANT</b></p> <p>rights to exclude others from making, using, or selling a Utility, Design, or Plant invention.</p>	<p><b>GRANT</b></p> <p>exclusive use to any word, phrase, symbol, or design used to distinguish you from your competitors.</p>	<p><b>GRANT</b></p> <p>protection for original works—books, music, research, and other forms of creative expression.</p>	<p><b>GRANT</b></p> <p>rights for information that has either actual or potential economic value by virtue of not being generally known.</p>
<p><b>TERM</b></p> <p>Design: 14-15 years*                      Utility: 20 years**                      Plant: 20 years**</p>	<p><b>TERM</b></p> <p>10 years                      Can be renewed</p>	<p><b>TERM</b></p> <p>70 years after author's death</p>	<p><b>TERM</b></p> <p>Continuous</p>

\*From date of issue depending on filing date \*\*From the earliest claimed date for benefit

A *patent* for an invention represents the USPTO’s granting of a right to an inventor. Generally, the term of a new patent is 20 years from the date on which the inventor filed the patent application in the United States or, in special cases, from an earlier, related application date, subject to the payment of maintenance fees. Under certain circumstances, patent term extensions or adjustments (PTAs) may be available, and U.S. patent grants are effective only within the United States, U.S. territories, and U.S. possessions.

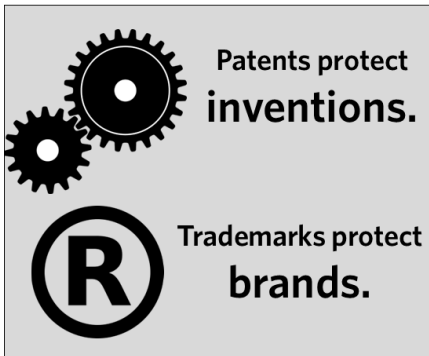
The right conferred by the patent grant is, in the language of the statute and of the grant itself, “the right to exclude others from making, using, offering for sale, or selling” the invention in the United States or “importing” the invention into the United States. A patent grant does not grant the right to make, use, offer for sale, sell, or import, but the right to exclude others from making, using, offering for sale, selling, or importing the invention. Once the USPTO issues a patent, the patentee must enforce it without assistance from the agency.

There are three types of patents:

- *Utility patents* may be granted to anyone who invents or discovers any new and useful process, machine, article of manufacture (AofM), or composition of matter, or any new and useful improvement thereof.

- *Design patents* may be granted to anyone who invents a new, original, and ornamental design for an AofM.
- *Plant patents* may be granted to anyone who invents or discovers and asexually reproduces any distinct and new variety of plant.

Visit the USPTO's [Patent Basics webpage](#) to learn more about patent application and maintenance procedures, as well as general information about patents.



A *trademark* is a word, name, symbol, device, or any combination thereof used in trade with goods to indicate the source of the goods and to distinguish them from the goods of others. Marks may take many forms: trademarks, service marks, certification marks (a type of trademark used to show consumers that particular goods and/or services, or their providers, have met certain standards), collective marks, and collective membership marks (a mark adopted by a “collective,” i.e., an association, union, cooperative, fraternal organization, or other group). A collective membership mark may be a letter or letters, a word or words, a single design, a name or nickname, or another matter that identifies the collective group.

Certification marks may be used by anyone who complies with the standards defined by the owner of the particular certification mark. Collective trademarks may be used only by particular members of the organization (the collective) that owns them. A service mark is the same as a trademark, except it identifies and distinguishes the source of a service rather than a product. The terms “trademark” and “mark” are commonly used to refer to both trademarks and service marks.

Trademark rights can prevent others from using a confusingly similar mark, but not from making or selling the same goods or services under a clearly different mark. Trademarks used in interstate or foreign commerce may be registered with the USPTO. The registration procedure for trademarks and additional general information is available on the agency's [Trademark basics webpage](#).

*Copyright* is a form of protection provided to the authors of “original works of authorship,” including literary, dramatic, musical, artistic, and certain other intellectual works, both published and unpublished. The 1976 Copyright Act generally gives the owner of a copyright the exclusive right to reproduce the copyrighted work, prepare derivative works, distribute copies or phono records of the copyrighted work, or perform or display the copyrighted work publicly. The copyright protects the form of expression rather than the subject matter of the writing. For example, a description of a machine may be copyrighted, but this protection would only prevent others from copying the description; it would not prevent others from writing a description of their own or from making and using the machine. [The U.S. Copyright Office](#), a department of the Library of Congress, registers copyrights. Learn more on the USPTO's [Copyright basics webpage](#).

A *trade secret* is information that has either actual or potential independent, economic value by virtue of not being generally known, has value to others who cannot legitimately obtain the information, and is subject to reasonable efforts to maintain its secrecy. All three elements are required; if any element ceases to exist, then the trade secret will also cease to exist. Otherwise, there is no limit on the amount of time a trade secret is protected. Learn more on the USPTO’s [Trade secrets / regulatory data protection webpage](#).

### Mission and vision

The USPTO’s mission is to drive U.S. innovation, inclusive capitalism, and global competitiveness. The agency accomplishes its mission via its vision of unleashing America’s potential by accelerating the

**USPTO MISSION:**  
**Drive U.S. innovation, inclusive capitalism,  
 and global competitiveness**

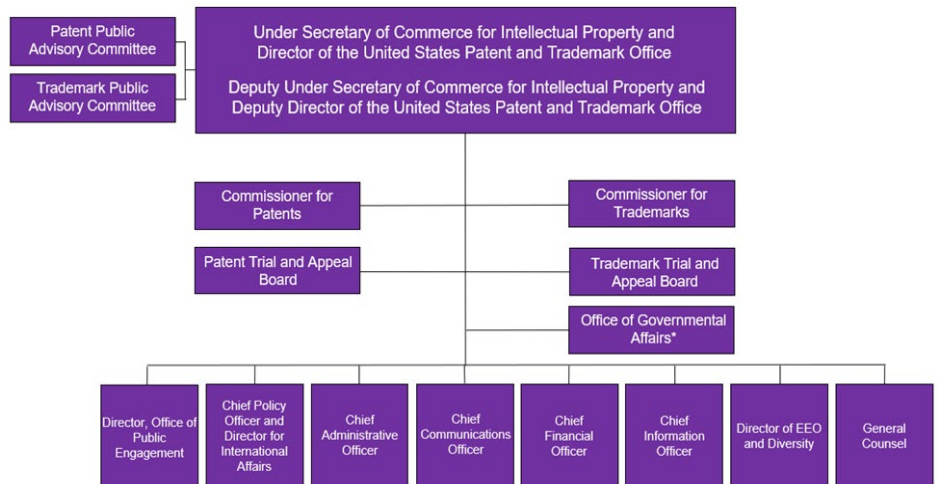
**USPTO VISION:**  
**Unleashing America’s potential**

creativity that drives U.S. innovation in all its forms, and by bolstering adoption of that innovation in key and emerging technologies while bringing more Americans into the innovation ecosystem. The USPTO’s ultimate ambition is to drive innovation, entrepreneurship, and creativity for the benefit of all Americans and people around the world. As an agency of the [U.S.](#)

[Department of Commerce](#) (DOC), the USPTO supports the department’s mission to create conditions for economic growth and opportunity for all communities by promoting accessible, strong, and effective IP rights to advance innovation, creativity, and entrepreneurship.

### Organizational structure

The USPTO executes its mission through two programs: Patents and Trademarks. The Under Secretary of Commerce for Intellectual Property and Director of the USPTO leads the agency, and the [Patent Public Advisory Committee \(PPAC\)](#) and [Trademark Public Advisory Committee \(TPAC\)](#) advise the Under Secretary on the management of patent and



trademark operations. The Commissioner for Patents is responsible for the Patents program and leads the patent organization. The Commissioner for Trademarks is responsible for the Trademarks program and leads the trademark organization. The Office of Policy and International Affairs (OPIA) formulates U.S. domestic and international policy regarding protection and enforcement of IP rights. Other units within the

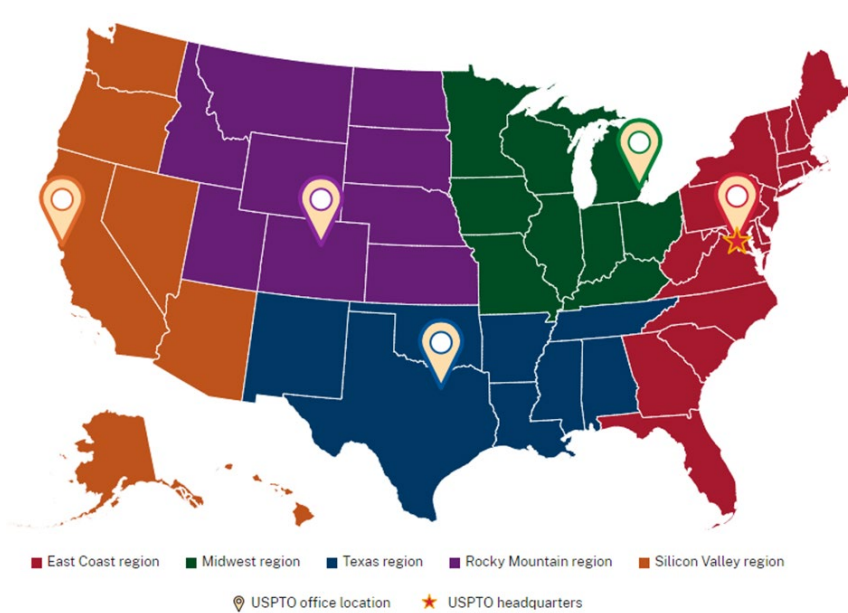
USPTO support the Patents and Trademarks programs with cross-cutting functions like information technology (IT); human resources; financial, legal, and administrative services; equal employment opportunity; and communications.

At the end of FY 2023, the USPTO workforce comprised 13,452 federal employees, including:

- 8,568 patent examiners
- 756 trademark examining attorneys
- 225 administrative patent judges
- 28 administrative trademark judges
- 3,875 other staff in areas including the Patent Trial and Appeal Board (PTAB) and Trademark Trial and Appeal Board (TTAB), international affairs, congressional relations, IT, financial management, administrative support, legal affairs, human resources, communications and public affairs, and the Under Secretary and Director’s Office

### Public advisory committees

The PPAC and TPAC were created by statute in the [American Inventors Protection Act \(AIPA\) of 1999](#) and consist of U.S. citizens appointed by the Secretary of Commerce to represent the interests of the USPTO’s diverse stakeholders. The committees review patent and trademark policies, goals, performance metrics, budgets, and user fees and advise the director accordingly, relying on feedback from IP owners and their collective insights and experience. In FY 2023, the [PPAC](#) and [TPAC](#) supported and guided the agency on critical topics including finance and fee setting, cross-government collaborations, artificial intelligence (AI), patent and trademark pendency and quality, PTAB and TTAB operations, anti-counterfeiting, international efforts, outreach, IT, strategic planning, and the expansion of inclusive innovation.



### Where we are

The USPTO operates a [headquarters](#) and [Eastern Regional Outreach Office](#) in Alexandria, Virginia, and four additional regional offices across the nation:

- [Texas Regional Office](#), Dallas, Texas
- [Rocky Mountain Regional Office](#), Denver, Colorado
- [Elijah J. McCoy Midwest Regional Office](#), Detroit, Michigan
- [Silicon Valley Regional Office](#), San Jose, California



In December 2023, in accordance with provisions of the [Unleashing American Innovators Act of 2022](#), the USPTO announced Atlanta, Georgia, as the site of its new Southeast Regional Office. The agency also announced it will establish a new community outreach office in Strafford County, New Hampshire.

### **Budget authority**

The USPTO is a distinctive government agency. The Omnibus Budget Reconciliation Act of 1990 mandated that USPTO operations be funded completely by user fees, a change implemented in 1991. In 1999, the AIPA incorporated performance-based attributes into USPTO operations (e.g., clear mission statement, measurable services, performance measurement systems that provide customers the agency's performance expectations, and known funding sources). In 2011, the [America Invents Act \(AIA\)](#) gave the USPTO temporary fee setting authority that is essential to the agency's sustainable funding model.

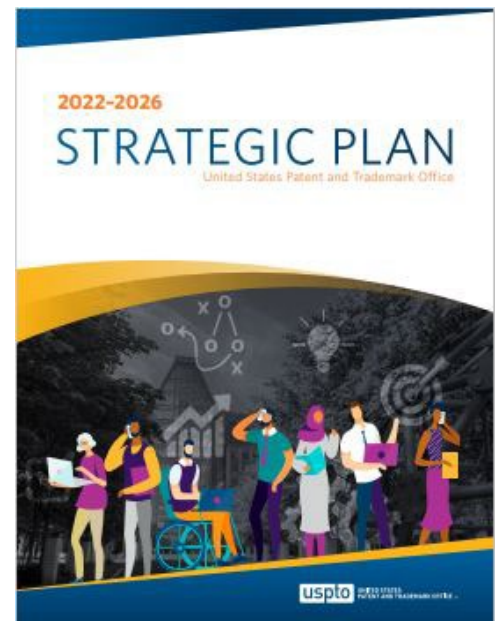
The USPTO's FY 2023 appropriation level was approximately \$4,253 million. The USPTO's FY 2024 appropriation level is approximately \$4,326 million. For FY 2025, the USPTO's requested appropriation is approximately \$4,555 million.

### **USPTO 2022-2026 Strategic Plan**

This APPR is aligned with the [USPTO 2022-2026 Strategic Plan](#), which reflects leadership of the Under Secretary and input from USPTO leaders, the PPAC and TPAC, and the public. As defined in the plan, the USPTO's mission is to drive U.S. innovation, inclusive capitalism, and global competitiveness. The agency is working to first accelerate the creativity that drives U.S. innovation in all its forms, and second, to bolster the adoption of that innovation in key and emerging technologies while bringing more Americans into the innovation ecosystem. The USPTO's ultimate goal is to propel innovation, entrepreneurship, and creativity for the benefit of all Americans and people around the world. Guided by the USPTO's mission and vision, the plan outlines five agency goals:

- Goal 1:** Drive inclusive U.S. innovation and global competitiveness
- Goal 2:** Promote the efficient delivery of reliable IP rights
- Goal 3:** Promote the protection of IP against new and persistent threats
- Goal 4:** Bring innovation to impact for the public good
- Goal 5:** Generate impactful employee and customer experiences by maximizing agency operations

The plan offers three key components for each strategic goal: objectives, strategies, and key performance indicators (KPIs). Objectives describe a measurable, specific initiative that the USPTO will take to accomplish a goal. Strategies are more targeted and define specific activities the USPTO will perform to





accomplish an objective. Finally, KPIs are change indicators the agency will use to monitor and measure its progress toward each objective.



The USPTO is committed to making evidence-based decisions as required by the Foundations for Evidence-Based Policymaking Act of 2018. The agency crafted the USPTO 2022-2026 Strategic Plan with these requirements in mind, and it will use both strategies and KPIs to map progress toward corresponding objectives and goals (see chart). In late 2023, the USPTO launched a new [Strategic plan accomplishments webpage](#) that provides a comprehensive list of achievements by strategic goal. It also

includes achievements by:

- Administration-wide work
- Rulemakings
- Policies and procedures
- Work in the courts
- Public feedback
- USPTO milestones

### ***Performance measurement and reporting process***

The USPTO uses a comprehensive strategic performance framework to guide and monitor implementation of the mission, goals, and objectives outlined in the 2022-2026 Strategic Plan. This APPR, in conjunction with the FY 2023 President’s budget request, includes performance measures and annual targets used by the agency to track progress toward its strategic goals and objectives. Many agency metrics are viewable online in the [USPTO’s Data Visualization Center](#). While formulating the annual budget, USPTO subject matter experts review and adjust performance measures to adequately capture progress toward the agency’s strategic goals and facilitate improvements to program performance, objectives, and outcomes. Senior leadership tracks, monitors, and discusses implementation and performance quarterly.



# FY 2023 KPI results and progress

## KPIs by objective

The agency’s FY 2023 Operating Plan includes performance measures and annual targets for tracking progress toward the goals and objectives outlined in the USPTO 2022-2026 Strategic Plan. Each quarter, the USPTO’s business units are responsible for reporting actual progress for each performance measure. The following table provides a summary of the USPTO’s FY 2023 key measures and their corresponding goals and strategic objectives; FY 2023 targets and results from the previous four years; and FY 2024 and FY 2025 targets. The majority of these measures are reflected in the DOC’s FY 2023/2025 APPR and the USPTO’s FY 2025 President’s budget submission. More information on each of these measures may be found in [appendix A](#) of this APPR.

Key performance indicators (KPIs) and USPTO strategic objective	FY 2019 Actual	FY 2020 Actual	FY 2021 Actual	FY 2022 Actual	FY 2023 Target	FY 2023 Actual	FY 2023 Status	FY 2024 Target	FY 2025 Target
<b>Patent Total Patent Term Adjustment (PTA) Compliance - Mailed Actions</b>									
Goal 2, Strategic Obj. 2.3	N/A	83.0%	83.0%	80.0%	80.0%	81.0%	Exceeded	80.0%	80.0%
<b>Patent Total PTA Compliance - Remaining Inventory</b>									
Goal 2, Strategic Obj. 2.3	N/A	88.0%	86.0%	85.0%	86.0%	82.0%	Not Met	81.0%	81.0%
<b>Patent Statutory Compliance Metrics (percent)   35 U.S.C. Section 101 (including utility and eligibility)</b>									
Goal 2, Strategic Obj. 2.1	97.7%	97.7%	98.3%	98.3%	94.0%	98.2%	Exceeded	94.0%	94.0%
<b>Patent Statutory Compliance Metrics (percent)   35 U.S.C. Section 102 (prior art compliance)</b>									
Goal 2, Strategic Obj. 2.1	94.4%	94.3%	95.1%	95.3%	94.0%	96.0%	Exceeded	94.0%	94.0%
<b>Patent Statutory Compliance Metrics (percent)   35 U.S.C. Section 103 (prior art compliance)</b>									
Goal 2, Strat. Obj. 2.1	89.9%	88.9%	90.7%	91.5%	91.0%	92.2%	Exceeded	92.0%	92.0%
<b>Patent Statutory Compliance Metrics (percent)   35 U.S.C. Section 112 (35 U.S.C. Section 112(a), (b), including (a)/(b) rejections related to 35 U.S.C. section 112(f))</b>									
Goal 2, Strat. Obj. 2.1	92.2%	90.6%	92.2%	94.6%	92.0%	94.4%	Exceeded	94.0%	94.0%
<b>Trademark Average First Action Pendency (months)</b>									
Goal 2, Strat. Obj. 2.4	2.6	3.0	6.3	8.3	8.5	8.5	Met	8.4	7.5
<b>Trademark Average Total Pendency (months)</b>									
Goal 2, Strat. Obj. 2.4	9.3	9.5	11.2	13.8	14.5	14.6	Not Met	14.4	13.5
<b>Trademark First Action Compliance Rate*</b>									
Goal 2, Strat. Obj. 2.2	96.4%	95.7%	96.3%	96.2%	95.5%	96.8%	Exceeded	95.5%	95.5%
<b>Trademark Final Compliance Rate *</b>									
Goal 2, Strat. Obj. 2.2	97.4%	98.1%	98.7%	98.5%	97.0%	98.6%	Exceeded	97.0%	97.0%
<b>Percentage of prioritized countries for which IP country teams have made progress on at least three of the four performance criteria: (1) Institutional improvements of IP office administration for advancing IP rights; (2) institutional improvements of IP enforcement entities; (3) Improvements in IP laws and regulations; (4) establishment of government-to-government cooperative mechanisms</b>									
Goal 4, Strat. Obj. 4.3	66.0%	100.0%	100.0%	100.0%	66.0%	100.0%	Exceeded	66.0%	66.0%

Key performance indicators (KPIs) and USPTO strategic objective	FY 2019 Actual	FY 2020 Actual	FY 2021 Actual	FY 2022 Actual	FY 2023 Target	FY 2023 Actual	FY 2023 Status	FY 2024 Target	FY 2025 Target
<b>Number of people, including Foreign Government Officials and U.S. Stakeholders, trained on best practices to protect and enforce IP *</b>									
Goal 4, Strat. Obj. 4.3	9,854	10,688	17,841	18,633	5,000	10,126	Exceeded	N/A	N/A
<b>Percentage of customers who indicate positive satisfaction with designated priority services</b>									
<b>Patents: Seeking assistance when filing a patent application</b>									
Goal 5, Strat. Obj. 5.2	N/A	N/A	N/A	N/A	82.0%	82.0%	Met	70.0%	70.0%
<b>Percentage of customers who indicate positive satisfaction with designated priority services</b>									
<b>Trademarks: Filing an initial application form for a trademark registration</b>									
Goal 5, Strat. Obj. 5.2	N/A	N/A	N/A	N/A	70.0%	80.0%	Exceeded	70.0%	70.0%
<b>Percentage of customers who indicate the employees they interacted with were helpful - Patents</b>									
Goal 5, Strat. Obj. 5.2	N/A	N/A	N/A	N/A	82.0%	85.0%	Exceeded	75.0%	75.0%
<b>Percentage of customers who indicate the employees they interacted with were helpful - Trademarks</b>									
Goal 5, Strat. Obj. 5.2	N/A	N/A	N/A	N/A	75.0%	86.0%	Exceeded	75.0%	75.0%
<b>Percentage of customers who trust USPTO to grant patents and register trademarks in accordance with U.S. laws and regulations</b>									
Goal 2: Strat.Obj. 5.2	N/A	N/A	N/A	N/A	N/A	N/A	N/A	65.0%	65.0%

### Initiatives and results by goal

In accordance with the USPTO 2022-2026 Strategic Plan, the agency is continuously developing and launching multiple projects across business lines, including the Patent and Trademarks programs, to deliver the IP mission. This section highlights specific initiatives introduced by the agency during FY 2023 to meet each of its goals.

### Goal 1: Drive inclusive U.S. innovation and global competitiveness

Throughout FY 2023, the USPTO conducted activities to support and empower underrepresented independent inventors, entrepreneurs, and small businesses in underserved communities. Programs



included the [Women’s Entrepreneurship \(WE\)](#) initiative, with its Women’s Entrepreneurship Symposium event series; the [Council for Inclusive Innovation \(CI<sup>2</sup>\)](#), with IP leaders in corporate, academic, professional, and government organizations; and the USPTO’s [Innovator events for everyone](#). More than 2,000 attendees across these programs heard from diverse, successful innovators who shared how they used IP to reach their full potential (e.g., starting or growing a business or achieving commercialization of their product or service). In addition to hearing inspirational stories and learning best practices, participating audiences gained access

to resources from the USPTO, other government agencies, and national organizations that serve underrepresented communities.

The USPTO—in collaboration with the Intellectual Property Owners Association (IPO)—also launched the [Women Entrepreneurs MENTEE Pilot Program](#), a cooperative effort bringing together mentors and mentees to encourage community building and the empowerment of women inventors and entrepreneurs. The program provides participants an opportunity to connect with members of the IPO, an international trade association made up of diverse companies, law firms, service providers, and individuals in all industries and technology fields who own, or are interested in, IP rights.

The USPTO receives approximately 40,000 patent applications per year that name at least one inventor who is a first-time filer. For the smaller subset of first-time micro entity filers, including those in historically underserved geographic and economic areas, wait times for the patent application process may act as a barrier. Under the CI<sup>2</sup>, the USPTO created a pilot program that provides expedited examination to applicants in underserved populations. Specifically, the [First-Time Filer Expedited Examination Pilot Program](#) strives to increase accessibility for inventors new to the patent application process. This program accelerates the first office action for pilot participants, increasing the possibility of an early indication of patentability and allowing inventors to make business decisions earlier in the patent process. If the invention is patentable, a faster patent grant can get the innovation to market more rapidly than average.

The USPTO is committed to connecting underresourced inventors and entrepreneurs to legal assistance through a variety of programs that are featured on a [dedicated webpage that highlights resources and programs by state or regional office](#). These resources and programs include the Patent Pro Bono Program, no-cost PTAB and TTAB services, and law school clinics that offer free legal assistance.

The USPTO is increasing access to free legal services by expanding its [Law School Clinic Certification Program](#) to more law schools and welcomed three new institutions in FY 2023. The program now comprises over 60 participating law school clinics that provide free services to patent and trademark applicants, including help with application filing and trademark registration. Its benefits are twofold; in addition to assisting inventors and entrepreneurs, the program also allows the next generation of lawyers to gain hands-on experience in patent prosecution and trademark registration. The program's expansion means more Americans, including those from underrepresented communities, are better able to access legal services—both today and tomorrow.

The [Patent Pro Bono Program](#) is one of the USPTO's primary entry points to the innovation ecosystem for independent innovators, and the agency nearly doubled its budget to \$1.2 million during FY 2023. The program's network of regional programs matches volunteer patent professionals with financially underresourced inventors and small businesses. To date, the program has matched patent professionals with more than 4,200 financially underresourced inventors, reaching communities with historically low patent participation rates. In fact, since 2015, participating attorneys have volunteered almost 110,000 hours



of their time and assisted applicants in the filing of more than 2,100 patent applications. The work of the program’s professionals is critical to ensuring equity and economic growth in traditionally underserved communities.

**Since 2015, practitioners with the USPTO Patent Pro Bono Program have logged 110,000 volunteer hours and assisted in the filing of 2,100 patent applications.**

The Patent Pro Bono Program also offers “[pathways](#)” events for current and aspiring inventors and entrepreneurs. These virtual and in-person sessions connect participants with information and resources regarding IP protection, funding options, and inventor networks. The agency conducts pathways events in coordination with the Pro Bono Advisory Council and

the Small Business Administration (SBA). In addition, both the PTAB and TTAB coordinate no-cost legal assistance for qualifying inventors and entrepreneurs with proceedings before their respective jurisdictions.

Last year, the USPTO surveyed its pro bono users and found that, of those who chose to respond, 35% identified as African American or Black, 14% identified as Hispanic, 5.7% identified as Asian American or Pacific Islander, and 1.5% identified as Native American. While only 13% of all inventors named on U.S. patents are women ([per the USPTO’s 2020 Progress and Potential Report](#)), 43% of those who received assistance in the Patent Pro Bono Program identified as female. Additionally, 7.9% identified as a veteran. These high rates of participation demonstrate that the Patent Pro Bono Program is raising awareness of this valuable resource in traditionally underserved communities and helping foster a more inclusive and equitable innovation ecosystem. The USPTO will add new patent pro bono programs across the United States in FY 2024 and beyond to continue this encouraging trend of engagement.

The USPTO established its [entrepreneurship resources for the military community](#) initiative to empower more veterans, military spouses, and service members to participate in the innovation ecosystem and to support their entrepreneurial pursuits. During FY 2023, the USPTO, in partnership with the SBA and other entrepreneurial



**FROM SERVICE  
TO SUCCESS**

Entrepreneurship Resources for the Military Community

support organizations, conducted road shows at eight military bases and delivered startup resources to nearly 500 individuals from four service branches. The USPTO also worked with the SBA to revamp IP modules in SBA’s [Boots to Business](#) curriculum, enhancing IP education for transitioning service members and military spouses. In addition, the agency’s [one-day patents and trademarks boot camps](#) provided

comprehensive IP information to pro se filers (customers filing applications without the assistance of counsel) and underrepresented communities.

Finally, the USPTO continued its [Journeys of Innovation](#), an online series that chronicles the stories of inventors and entrepreneurs. The series shares how and where inventors got their start, the challenges they faced, and what it took to bring their ideas and brands to impact. The stories also emphasize the importance of creating and protecting IP and the critical role it plays in innovation.

### ***Actions to advance progress through FY 2025***

The USPTO believes that all Americans—regardless of race, gender, geography, or economic conditions—should have the opportunity to innovate and reap the rewards of innovation through entrepreneurship and commercialization. Ensuring equitable access to the U.S. IP system is a critical part of fueling America’s economic engine. The USPTO is expanding its efforts to increase participation in the innovation ecosystem by encouraging, empowering, and supporting all future innovators. The USPTO will improve available data to identify and address inequities in the IP ecosystem and engage the public to increase diversity and accessibility via its [inclusive innovation efforts](#), [CI<sup>2</sup>](#), [WE](#), [internships](#), [legal assistance](#), [K-12 training](#), and many other outreach programs.

## **Goal 2: Promote the efficient delivery of reliable IP rights**

As America’s innovation agency, the USPTO understands the importance of delivering timely, efficient services that help innovators, creators, entrepreneurs, and brand owners bring their ideas to impact more quickly and efficiently. Robust and reliable patents and trademarks offer meaningful, enforceable IP protection to those who hold them and those around them who operate in the same competitive landscape.

### ***Patents***

In FY 2023, the USPTO received 462,215 serialized patent applications (new patent filings), an increase of 1.0% over the number received in FY 2022. Patent grants totaled 346,152, a 2.0% decrease from FY 2022. While the quantity of patent applications (filings) increased, processing time remained relatively stable with some fluctuations. Design patent applications surpassed 53,000, slightly below the USPTO’s FY 2023 projection of 60,000.

The USPTO established its patent timeliness goals based on PTA, the agency’s overall adherence to statutorily defined time frames. Reducing issued PTAs provides consistently shorter processing time for all applications and gives applicants greater certainty of timeliness in their own cases. The USPTO exceeded its FY 2023 PTA target of 80%, achieving 81% total compliance for mailed actions (i.e., office actions the agency mailed to applicants). An office action is an official letter from the patent examiner to the patent applicant during the patent examination process (i.e., patent prosecution). The USPTO did not meet its PTA compliance target for remaining inventory (i.e., cases awaiting action from the agency); total PTA compliance was 82%, 4% below the target of 86%. The agency has implemented numerous approaches to

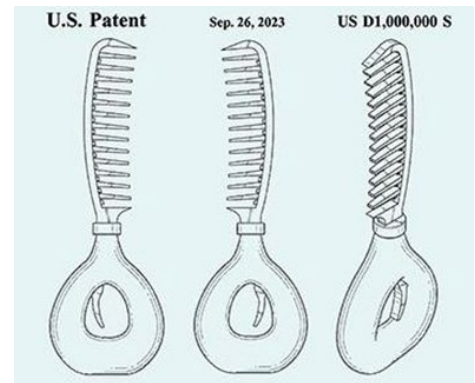
address remaining inventory, including catch-up overtime, revisions to the examiner award program, and increased hiring targets.

In September 2023, the USPTO issued [U.S. design patent 1 million](#), an important milestone in American innovation and creativity. The agency continues to address patent application inventory and focus on investments in patent examination quality, including application readiness, continuation practice, prior art and searching, training, and prosecution changes and enhancements to improve patent durability.

The USPTO released several external surveys throughout FY 2023 to capture customer perceptions of its work quality. These surveys focused on respondent opinions regarding patent examiners' adherence to rules and procedures; the correctness, clarity, and consistency of rejections; and overall examination quality. The agency invited more than 3,000 randomly selected frequent customers to participate, and results showed a quality net promoter score of 58, above targeted performance. This survey cycle marked the agency's fifth consecutive reporting period and its highest results on record, with over 60% of customers rating the agency's work quality as good or excellent.

The cornerstone of the USPTO's work is the quality of its IP protections. Emerging technologies using AI, machine learning (ML), and robotic process automation (RPA) bring potential opportunities to maximize both the USPTO's operations and workforce. These tools can serve as catalysts for operating efficiencies and cost savings, enhancing the work of patent examiners and increasing access to prior art. For example, all patent examiners are now using the Patents End-to-End (PE2E) Search suite, and more than half regularly engage the suite's AI search features. To date, these examiners have run about 1.5 million queries, an indication of their adoption and acceptance of AI technology. Further, over 67% of patent examiners have used Similarity Search, a PE2E addition launched in October 2022 that uses trained AI models to produce a list of domestic and foreign patent documents based on examiner-selected application criteria (e.g., specification).

Agency technical teams perform rigorous testing on these tools, collect real-time examiner feedback, and make continuous improvements to the underlying AI and ML models to meet performance standards and foster effectiveness. Ongoing assessments have yielded positive results, and the human element of AI remains the USPTO's guiding principle in these endeavors. Human input is critical to model improvement; in fact, AI empowers, rather than replaces, human experts by exposing relevant information and suggesting new avenues of investigation. In turn, this capability allows patent examiners to find more relevant prior art that strengthens office actions and improves the reliability of patentability determinations.



*U.S. design patent 1 million, issued to Agustina Huckaby of Fort Worth, Texas, for a dispensing comb*

# fiveIPoffices

European Patent Office /// Japan Patent Office ///

Korean Intellectual Property Office ///

National Intellectual Property Administration, PRC ///

United States Patent and Trademark Office

Recognizing that patent applications are becoming increasingly complex and that technologies are converging, the USPTO will ensure patent examiners have access to the best prior art as early as possible in the prosecution process. To that end, the USPTO continues its stewardship of the Global Dossier—

another tool that improves the reliability of determinations of patentability. The dossier, delivered by the Five IP Offices or IP5 (USPTO, European Patent Office, Japan Patent Office, Korean Intellectual Property Office, and China National Intellectual Property Administration), enables agency examiners to view work from any IP5 agency, including prior art references cited in related patent applications.

## Trademarks

The USPTO received 737,018 trademark application classes for registration in FY 2023—50,777 classes fewer than FY 2022. Although the rate of new trademark applications declined, FY 2023 trademark filings were roughly in line with the 738,112 new applications filed in FY 2020, marking a return to historical growth rates. Two important metrics for measuring the Trademarks program are first action pendency and total pendency. First action pendency is the average time from the date an application is filed to the examining attorney's first office action. Total pendency is the average time between the date an application is filed and the notice of abandonment, notice of allowance, or registration.

Trademark pendency is a top USPTO priority. For over a decade, the agency maintained trademark first action pendency between 2.5 and 3.5 months. An unprecedented surge in trademark filings during FY 2020 and FY 2021 resulted in a backlog that, in turn, increased pendency. Although new trademark application filings have since declined and inventory is stabilizing, the backlog remains high and will likely remain so for the foreseeable future. Accordingly, the USPTO did not meet its total pendency target of 14.5 months for FY 2023, finishing the year instead at 14.6 months (0.1 months higher than goal). First action pendency, however, was 8.5 months, which met the planned target. During FY 2023, the USPTO launched the following initiatives to reduce trademark pendency and enhance customer communication:

- *Hiring examining attorneys and specialists.* The USPTO hired 86 examining attorneys—a class of 46 in October 2022 and another class of 40 in April 2023—all of whom trained virtually. The Office of Trademark Services also hired additional specialists to support examination of maintenance filings.
- *Enlisting paralegal support.* The USPTO established the TMFlex program after analyzing paralegal support in the Register Protection Office (RPO). Paralegals hired under the program support investigative tasks, primarily for anti-scam work. TMFlex has streamlined anti-scam efforts and had a positive effect on final (disposal) pendency. The agency is also discussing possibilities for nonlawyers to assist in the application process.



- *Publishing a website pendency widget.* Based on stakeholder feedback, the USPTO added a [pendency widget](#) to several Trademarks webpages showing the date of applications currently in examination, thereby increasing transparency.
- *Exploring opportunities for efficiency.* The USPTO hired a third-party management consulting firm to identify changes that could improve efficiency and effectiveness. Trademarks also holds regular internal ideation sessions with the union and USPTO leaders to brainstorm additional improvements and make the examination process more efficient. In addition, Trademarks is exploring opportunities to automate processes wherever possible.

The table below highlights the USPTO’s progress toward its Goal 2 KPIs.

Class	Performance Indicator	FY 2019 Actual	FY 2020 Actual	FY 2021 Actual	FY 2022 Actual	FY 2023 Target	FY 2023 Actual	FY 2023 Status	FY 2024 Target	FY 2025 Target
Current/Recurring	Total Patent Term Adjustment (PTA) Compliance, Mailed Actions	n/a	83%	83%	80%	80%	81%	Met	80%	80%
Current/Recurring	Total PTA Compliance, Remaining Inventory	n/a	88%	86%	85%	86%	82%	Not Met	81%	81%
Current/Recurring	Patent Statutory Compliance Metrics (percentage), Statute 35 U.S.C. 101 (including utility and eligibility)	97.7%	97.7%	98.3%	98.3%	>94%	98.2%	Exceeded	>94%	>94%
Current/Recurring	Patent statutory compliance metrics (percentage), Statute 35 U.S.C. 102 (prior art compliance)	94.4%	94.3%	95.1%	95.3%	>94%	96.0%	Exceeded	>94%	>94%
Current/Recurring	Patent statutory compliance metrics (percentage), Statute 35 U.S.C. 103 (prior art compliance)	89.9%	88.9%	90.7%	91.5%	>91%	92.2%	Exceeded	>92%	>92%
Current/Recurring	Patent statutory compliance metrics (percentage), Statute 35 U.S.C. 112 (35 U.S.C. 112(a), (b), including (a)/(b) rejections related to 35 U.S.C. 112(f))	92.2%	90.6%	92.2%	94.6%	>92%	94.4%	Exceeded	>94%	>94%
Current/Recurring	Trademark Average First Action Pendency (months)	2.6	3.0	6.3	8.3	8.5	8.5	Met	8.4	7.5

Class	Performance Indicator	FY 2019 Actual	FY 2020 Actual	FY 2021 Actual	FY 2022 Actual	FY 2023 Target	FY 2023 Actual	FY 2023 Status	FY 2024 Target	FY 2025 Target
Current/Recurring	Trademark Average Total Pendency (months)	9.3	9.5	11.2	13.8	14.5	14.6	Not Met	14.4	13.5
Current/Recurring	Trademark First Action Compliance Rate	96.4%	95.7%	96.3%	96.2%	95.5%	96.8%	Exceeded	95.5%	95.5%
Current/Recurring	Trademark Final Compliance Rate	97.4%	98.1%	98.7%	98.5%	97.0%	98.6%	Exceeded	97.0%	97.0%

**Actions to advance progress through FY 2025**

The USPTO remains committed to processing patent applications in a timely manner, consistent with established goals based on PTA. Reducing the number of issued PTAs provides shorter pendency for all applications, reduces uncertainty in the marketplace, and ensures patents expire and become available to the public at the statutorily defined time of 20 years from filing. The USPTO continues to align its examination capacity with the inventory of unexamined patent applications. The agency’s efforts toward its long-term PTA compliance goals will help optimize patent application pendency and enhance predictability in the patent application process.

Continued investment in patent examination remains a top agency priority. Because patent-related jobs require a highly educated and technical science, technology, engineering, and mathematics (STEM) workforce, in 2007, the agency set a special patent pay table above the federal General Schedule (GS) pay table. Upon its implementation, the table exceeded the Washington, D.C., area GS locality pay table by 11.4-31.4% (depending on employee grade), with lower grades receiving the higher end of the supplement. The differential above the GS scale has since diminished. Currently, GS pay tables for five localities, including Washington, D.C., exceed the special rate table for grade 12 and above, resulting in nearly 50% of covered employees no longer receiving a specialized supplement above their GS counterparts. Should the special rate table become obsolete, the agency will lose its competitive edge among other federal agencies and the private sector. As such, the USPTO, in accordance with 5 CFR 530.304, submitted a special salary rate increase request during FY 2023 for implementation in FY 2024. These



compensation investments will assist the USPTO in meeting hiring goals and retaining the tenured examination workforce necessary to keep pace with performance demands, while also attracting qualified candidates in the highly competitive STEM job market and ultimately realizing reductions in PTA.

Additionally, the USPTO will emphasize quality and training to enable its issuance of reliable and predictable patents. The terms “reliable” and “predictable” apply to patents the USPTO issues in compliance with all requirements of 35 U.S.C., as well as relevant case law at the time of issuance. The USPTO will develop the examining corps by investing in a range of opportunities for technical and legal training. For example, these opportunities include training on subjects relating to 35 U.S.C. 101, 35 U.S.C. 102, 35 U.S.C. 103, 35 U.S.C. 112, and search. Additionally, the USPTO will run programs to train stakeholders on USPTO practices and procedures to improve applicant submissions, including initial filings and USPTO action responses, and to improve collaboration between applicants and examiners. Further, the USPTO’s Quality Assurance Program remains the agency’s foundation for assessing its multiple efforts to improve reliability and consistency. Under this program, the USPTO reviews a random sample of patent examiners’ work products to provide timely, reliable, and meaningful indicators of examination quality.

The USPTO plans to continue introducing initiatives aimed at reducing trademark pendency, including further hiring of examining attorneys, enhancing training in the Trademark Academy, evaluating retention, and fully reviewing details and work projects. Trademark professionals will advance anti-scam work, and the agency will evaluate their use in balancing the workload of examining attorneys and the general workforce against uncertain demand. The Trademarks program will increase productivity by optimizing examination time and exploring award production incentives. The agency will also reevaluate the effectiveness of examination quality standards, change the current comprehensive excellence standard for arguments and evidence, and streamline bad faith processing by moving suspicious files out of examination and into administrative review. Moreover, the USPTO will direct additional investments to IT improvements to minimize system downtime.

### **Goal 3: Promote the protection of IP against new and persistent threats**

The USPTO is committed to protecting patent and trademark owners from fraud, theft, and abuse by those intent on stealing their proprietary ideas, designs, brand identities, and livelihoods. The scope of counterfeited and pirated products seeking entry into the U.S. market is significant. In FY 2021, U.S. Customs and Border Protection made more than 27,000 seizures with an estimated retail value in excess of \$3.3 billion, an increase of 152% over the previous year. By reinforcing IP protections and deterring fraudulent practices, the USPTO will bolster confidence in America’s innovation ecosystem.

The USPTO has noted an uptick in fraudulent patent application filings the past few years. The problem is particularly acute among requests for expedited examination of design applications, which translates to longer wait times for all design patent applicants, loss of USPTO revenue, and unnecessary expenditure of agency resources. The USPTO is taking proactive steps to address questionable filings, including mailing

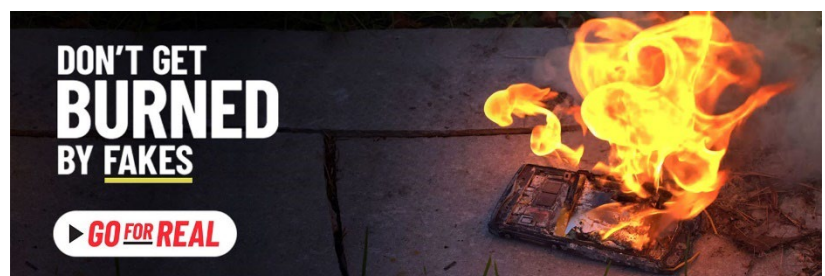
applicants notices that request information to resolve irregularities. Section 7(b)(1) of the [Unleashing American Innovators Act of 2022](#) authorized the USPTO to issue fines for falsely asserting entity status, and the agency awaits further action from Congress to clarify certain provisions before implementation.

The number and sophistication of scams targeting trademark applicants and registrants has also risen significantly. These fraudulent applications and maintenance filings include fake or digitally created specimens of use or false information designed to circumvent agency rules and policies. In response, the agency established the RPO, a new organization staffed with trademark examining attorneys, paralegals, and investigators that resides within the trademark examination policy team. The RPO is dedicated to combating scams, particularly those involving fraudulent trademark applications, to protect the Trademark Register. Additionally, the USPTO published two scam awareness webpages regarding trademark auction sites and specimen farms with an accompanying Trademark Alert and internal staff email during FY 2023. The agency is likewise working to shut down USPTO.gov accounts established by a holder but controlled by a scammer.

In December 2022, the USPTO implemented phase two of the [Trademark Modernization Act \(TMA\)](#) and shortened response times for preregistration office actions from six months to three months, with a possible extension to the full six months. This initiative has significantly shortened the time for applicants to respond before their applications undergo examination. Expediting the examination process better enables the Trademarks program to prevent scammers from obstructing the progress of legitimate applicants. The agency also introduced identity verification for USPTO.gov account holders using the Trademark Electronic Application System (TEAS) and TEAS International applications, and leveraged technology from [ID.me](#) for identity verification and authentication.

**STOPfakes.gov** In FY 2023, the USPTO supported [STOPfakes.gov](#), the multiagency IP portal, by publishing a new edition of the [China Intellectual Property Rights Toolkit](#). The USPTO restarted its in-person [China IP Road Show series](#), a one-day event coordinated with a variety of organizations including universities, the USPTO's regional offices, business groups, state and local governments, and other federal agencies. These programs bring to local businesses and stakeholders the expertise and knowledge of the USPTO's China specialists, as well as that of special invited guests who often include local businesspeople.

The USPTO continues to partner with the National Crime Prevention Council on the [Go For Real campaign](#) to educate young people, caregivers, and educators on spotting counterfeit products and avoiding the harms associated with fake goods. Targeted messaging includes radio, television, and online public service announcements combined with ads and short videos on social media platforms.





## **Actions to advance progress through FY 2025**

The USPTO will continue investigating anomalies as they appear and explore more efficient and effective ways to identify suspect filings. The agency expects to implement Phase 3 of the TMA (flexible response times for post-registration) by FY 2025, after upgrades to databases, public search systems, and internal examination systems that will provide greater efficiencies for customers and staff. This change will align response times for both pre-registration and post-registration office actions. By shortening response times, overall disposal pendency is likely to decrease, and bad faith applications—as well as applications to maintain a registration—will be moved to disposition more quickly.

The Trademarks program will pursue a process redesign to enhance user experience and improve system capacity, effectiveness, and efficiency. It will also advance the integration and use of AI, ML, RPA, and natural language processing. These endeavors will keep the USPTO at the forefront of the international IP community, support internal needs to reduce pendency, improve quality, enable data-to-information processes, and help trademark applicants submit better-quality applications to increase their chances for quick and efficient examination.

The USPTO will also provide training to foreign government agencies and conduct capacity building activities with a variety of audiences to promote the protection and enforcement of IP rights in the United States and abroad. Live STOPfakes road shows will continue with speakers from the International Trade Administration, USPTO, Federal Bureau of Investigation, Customs and Border Protection, and Department of State.

## **Goal 4: Bring innovation to impact for the public good**

During FY 2023, the USPTO expanded its offerings and partnerships to help innovators pursuing IP protection identify available funding sources—public and private—to bring their innovations to impact for the public good. The agency continued to support a strong IP system that encourages innovation in high-impact sectors, including incentivizing innovation in key technology areas such as healthcare, manufacturing, and climate protection. To further promote U.S. competitiveness and economic growth, the USPTO partnered with agencies that fund research and development and provided IP education and outreach to drive federally funded innovations to the American people. These efforts have included annual programs on the protection of IP for businesses that have been awarded grants under the federal Small Business Innovation Research and Small Business Technology Transfer programs. These highly competitive programs encourage domestic small businesses to engage in federal research and development with the potential for commercialization.

In collaboration with the Federal Lab Consortium and AUTM, the USPTO hosted a Green Energy Innovation Expo during FY 2023. This one-day program gave participating businesses the opportunity to showcase their innovation portfolios in front of key industry representatives and to build



collaborative relationships with other organizations operating in the green technology field. It included a pitch competition and presentations from industry licensees about green technology needs.

As a result of the success of the USPTO's Cancer Immunotherapy Pilot Program, as well as the renewed national Cancer Moonshot initiative, in December 2022 the agency announced its new [Cancer Moonshot Expedited Examination Pilot Program](#). The program broadens the scope of qualifying technologies to include methods of treating or reducing the incidence of a cancer using immunotherapy, certain additional methods of treating or detecting a cancer, certain methods of treating nicotine dependence to promote smoking cessation, and certain products and apparatuses used in these methods.

The USPTO also expanded and extended its [Climate Change Mitigation Pilot Program](#), a replacement for the Green Technology Pilot Program that ended in 2012. By affording more opportunities for participation through a broader pool of eligible innovations, this program supports the USPTO's ongoing commitment to addressing climate change by encouraging and accelerating innovations that lead to net-zero emissions.

In 2023, the USPTO launched the latest iteration of its Patents for Humanity program, the [Patents for Humanity: Green Energy awards competition](#), to recognize and reward innovators and inventions that are addressing climate change through clean energy technologies in the green energy sector. This new award category aligns with the Administration's priority to incentivize innovations in this sector. The Patents for Humanity awards competition was recently codified into law with passage of the [Patents for Humanity Act of 2022](#).

The USPTO hosted the annual meeting of the [IP5 during summer 2023, with the theme "addressing climate change through an accessible and inclusive IP system."](#) The agency also hosted a "[sustainable innovation dialogue](#)" prior to the meeting, where IP5 leaders shared information on initiatives that encourage patent filings in climate technologies, streamline patent examination, and encourage eco-friendly efforts like paperless filing and energy efficiency. The IP5 issued a [special report](#) detailing the five offices' initiatives on climate change, and the office heads conducted related meetings with industry and stakeholder groups.

Throughout FY 2023, the USPTO represented the United States and the interests of U.S. rights holders at more than 45 high-level meetings of international organizations. In August 2023, the agency signed a memorandum of understanding (MOU) with Mexico that will allow for accelerated patent grant procedures to benefit U.S. patent holders. The USPTO concluded 15 other agreements and MOUs in FY 2023 with IP offices and partner organizations including Canada, Mongolia, and Panama.

Lastly, the USPTO provided capacity-building and training workshops around the globe in FY 2023. These programs focused on IP enforcement and were targeted to audiences that included police, prosecutors, and customs and border enforcement officials. The USPTO conducted some of these programs in partnership with other federal agencies, foreign governments, and nongovernmental organizations, including those conducted pursuant to an MOU with INTERPOL, the International Criminal Police Organization. Throughout

FY 2023, the USPTO provided policy advice and technical training on domestic and international IP matters in partnership with multiple federal agencies.

The following table highlights the USPTO’s progress toward its Goal 4 KPIs.

Class	Performance Indicator	FY 2019 Actual	FY 2020 Actual	FY 2021 Actual	FY 2022 Actual	FY 2023 Target	FY 2023 Actual	FY 2023 Status	FY 2024 Target	FY 2025 Target
Current/Recurring	Percentage of prioritized countries for which IP country teams have made progress on at least three of the four performance criteria	66.0%	100.0%	100.0%	100.0%	66.0%	100.0%	Exceeded	66.0%	66.0%
Current/Recurring	Number of people, including Foreign Government Officials and U.S. Stakeholders trained on best practices to protect and enforce IP	9,854	10,688	17,841	18,633	5,000	10,126	Exceeded	5,000	5,000

**Actions to advance progress through FY 2025**

The USPTO will expand its offerings and partnerships to help individuals pursuing IP protection bring their innovations to impact for the public good. These efforts include incentivizing innovation in key technology areas such as healthcare, manufacturing, climate protection, and those that align with the [White House critical and emerging technologies list](#). The USPTO will also continue partnerships with other federal agencies to resource initiatives in research, development, education, and outreach to promote federally funded innovations. In addition, the agency will improve international IP protection and administration, capacity building, and policy programs, including the creation of country and regional strategic plans and specific action plans related to prioritized countries of interest.

**Goal 5: Generate impactful employee and customer experiences by maximizing agency operations**

Recognizing the importance of customer experience (CX) and its impact on the Patents and Trademarks programs, the USPTO strives to provide exceptional service by continuously seeking stakeholder feedback. Per [OMB Circular A-11, section 280](#), the USPTO maintained its high impact service provider (HISP)-designated services during FY 2023. As a HISP, the USPTO focuses on service assessments, collecting customer feedback, and making measured improvements for two designated services: applying for a patent, and applying to register a trademark. Visit the [USPTO’s 2023 HISP CX Action Plan](#) to discover what the USPTO has committed to deliver in 2024.



## United States Patent and Trademark Office

Greetings,

Thank you for taking your first step in federally protecting your trademark (or service mark) by filing your application. We encourage you to take advantage of the resources listed below to support your trademark journey.

**New to the trademark application process?** The [Trademark Basics page](#) covers information about trademarks, applying to federally protect your trademark, and maintaining your federal trademark registration once received. Also, read the [protect against scams section](#) on our website.

**Want to see if you have other intellectual property to protect?** Check out our [IP Identifier tool](#).

**Thinking about bringing your idea to market?** We offer a number of resources such as our [Empowering Women's Entrepreneurship](#) initiative. Email [we@uspto.gov](mailto:we@uspto.gov) to join. Protect your IP with [resources from across the Department of Commerce](#).

**Need more help?** We have [Patent and Trademark Resource Centers](#) in libraries across the country, with specialists standing by to help you find the information you need. Also, whether or not you had a U.S.-licensed attorney's help with your application, you may want legal assistance later in the process. If you don't have the resources to pay for legal assistance, you may qualify for free or reduced-fee legal services. The [hiring a U.S.-licensed attorney webpage](#) has several pro bono options.

**Questions?** The Trademark Assistance Center is the main support center for all trademark customers. You can contact them at [TrademarkAssistanceCenter@uspto.gov](mailto:TrademarkAssistanceCenter@uspto.gov) or call 1-800-786-9199 and select option 1. You can find additional contact information on our [contact us webpage](#).

**Want to learn more?** Connect with us on [Instagram](#), [LinkedIn](#), [Twitter: @uspto](#), [Facebook: @uspto.gov](#), and [YouTube: USPTOvideo](#). Hear about the great things we are doing by [subscribing to newsletters and alerts](#). The USPTO also offers many [free in-person or virtual events](#)! You can access all our content and free programming and choose what applies to you.

Best,



Kathi

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



Derrick

Derrick Brent  
Deputy Under Secretary of Commerce for  
Intellectual Property and Deputy Director  
of the United States Patent and  
Trademark Office

P.O. Box 1450, Alexandria, VA 22313-1450 • [www.uspto.gov](http://www.uspto.gov)

The USPTO's research shows that trademark applicants who file without the assistance of experienced professionals have lower levels of success; similarly, women sole inventors persist beyond a first office rejection at lower rates than men, an indicator of other potential disparities in the patent process. To help bridge these gaps and further improve CX, in FY 2023 the agency began sending "welcome letters" to patent and trademark applicants. These letters provide information on free trainings and resources, including the no-cost options noted in the previous discussion on Goal 1, to help recipients learn more about the application process and navigate the IP ecosystem.

The USPTO completed its CX action plan items, which included implementation of the [Stakeholder Application Readiness Training](#), Patents Customer Ambassador

Pilot, and analysis supporting trademark customer survey responses. This survey, designed to identify ways to improve the trademark filing experience, informed the design of the Trademark Center beta application. Subsequent prototype testing with customers indicated the agency has made improvements to navigation, fee calculation transparency, and the expanded save functionality. The USPTO also enhanced the functionality of Patent Center, which allows patent filers to use a single interface instead of multiple legacy tools for submitting and managing patent applications. The enhancements provide a more streamlined process for all aspects of handling the over half-million patent applications submitted to the USPTO each year. The agency solicited feedback in a variety of ways, investing time and resources to gather input from all customers—including independent filers—and deliver accessible and exceptional CX.

Staffing, especially in the Patents and Trademarks programs, is critical to the USPTO's achievement of its



strategic performance goals. During FY 2023, the agency implemented improved hiring practice initiatives and generated impactful experiences by supporting and advancing recruitment opportunities across a wide range of candidate groups and demographics.

In compliance with recommendations listed in section 4f of [Executive Order 14035, “Diversity, Equity, Inclusion, and Accessibility in the Federal Workforce,”](#) the USPTO hired its first-ever diversity officer in FY 2023. This position exercises broad managerial responsibility for planning, developing, coordinating, and evaluating initiatives designed to promote and expand DEIA in employment, pay, benefits, and services in the USPTO workplace. The agency’s diversity officer conducted 32 live instruction sessions on the topic of unconscious bias during summer and fall 2023, with nearly 12,500 employees out of 13,000 completing the mandatory training—a 93% completion rate.

A key factor in the USPTO’s status as a best federal workplace is its strong labor management partnership dedicated to improving working conditions across the agency. In early FY 2023, the USPTO collaborated with the agency’s three unions—the Patent Office Professional Association, National Treasury Employees Union (NTEU) Chapter 243, and NTEU Chapter 245—to reestablish the Labor Management Forum (LMF). The LMF supports the USPTO’s commitment to working with its labor partners to find solutions to employee issues for the entire agency’s benefit. Since the kickoff meeting on December 19, 2022, the LMF has continued its momentum with monthly leadership meetings and dedicated working groups focused on a multitude of employee matters.

During FY 2023, the USPTO established the Data as an Enterprise Asset (DaaEA) initiative to expand opportunity, discovery, and accountability through greater data maturity. The DaaEA team works across the entire USPTO to establish and implement principles, processes, and procedures that enable a transparent data and analytics culture through shared practices. Its milestones include formation of a Data and Analytics Council with representation from all USPTO business areas, completion of an enterprise data maturity assessment, creation of a data strategy and roadmap, and establishment of additional initiative teams to develop and implement other key aspects of the overall program. Near-term plans include building a data governance operating model with well-defined roles and responsibilities, developing literacy plans and skills assessments, and conducting an inventory of USPTO data assets with an accompanying catalog.



One of the USPTO’s top priorities is the deployment of powerful business software products and services to employees and agency customers. During FY 2023, the agency moved critical systems to a new, state-of-the-art data center in Manassas, Virginia, that enhances disaster recovery and ensures secure, resilient, and

stable systems as an operational foundation. Longer-term benefits include the ability for teams to launch new systems easily and move critical applications to the cloud. To date, the agency has moved hundreds of software components to the new data center, with critical infrastructure services available on site and through public cloud providers. These measures ensure that if a mishap or disaster occurs in either location, critical services will continue to function. The agency regularly simulates unplanned outages and failovers to minimize business disruptions.

The USPTO’s commitment to cloud adoption drives greater operational excellence and IT modernization. Successful cloud migrations can improve the agency’s efficiency, speed, and resilience in building, deploying, and scaling its IT products and systems. The USPTO has more than 500 active cloud developers and engineers working on 50 software components at various migration stages. Thirty software components now run in the cloud across three platforms, including Patent Public Search, EventHub, Cooperative Patent Classification, Global Dossier, Trademarks International, the USPTO financial system, and more. The USPTO recently



established “Cloud Smart Services,” through which its cloud team provides consulting, testing environment support, and co-prototyping with its business product teams. Two critical patent systems, Official Correspondence and Document Application Viewer, will leverage this new service going forward. In addition to Amazon Web Services, both Microsoft Azure and the Google Cloud Platform received cybersecurity authorizations during FY 2023.

The USPTO has a long and successful history of more than 25 years of relying on telework to reduce costs and accomplish the mission. The agency’s reliance on telework continued in FY 2023, and the [USPTO’s telework program](#) continues to grow, enabling reductions in physical leased space. It relinquished one auxiliary facility in Northern Virginia during FY 2023, and leases on two main campus and two auxiliary buildings in Alexandria will expire in late FY 2024. When fully implemented, the resulting footprint reductions—which exceed one million square feet—will net an annual savings of approximately \$50 million in lease and operational costs.

The following table highlights the USPTO’s progress toward its Goal 5 KPIs.

Class	Performance Indicator	FY 2019 Actual	FY 2020 Actual	FY 2021 Actual	FY 2022 Actual	FY 2023 Target	FY 2023 Actual	FY 2023 Status	FY 2024 Target	FY 2025 Target
Current/Recurring	Percentage of customers who indicate positive satisfaction with designated priority services - Patents: Seeking assistance when filing a patent application	N/A	N/A	N/A	N/A	82.0%	82.0%	Met	70.0%	70.0%
Current/Recurring	Percentage of customers who indicate positive satisfaction with designated priority services - Trademarks: Filing an initial application form for a trademark registration	N/A	N/A	N/A	N/A	70.0%	80.0%	Exceeded	70.0%	70.0%
Current/Recurring	Percentage of customers who indicate the employees they interacted with were helpful - Patents	N/A	N/A	N/A	N/A	82.0%	85.0%	Exceeded	75.0%	75.0%
Current/Recurring	Percentage of customers who indicate the employees they interacted with were helpful - Trademarks	N/A	N/A	N/A	N/A	75.0%	86.0%	Exceeded	75.0%	75.0%
New	Percentage of customers who trust USPTO to grant patents and register trademarks in accordance with U.S. laws and regulations	N/A	N/A	N/A	N/A	N/A	N/A	N/A	65.0%	65.0%

**Actions to advance progress through FY 2025**

The USPTO requires a diversely talented workforce that is equipped to deliver high-quality, exemplary service. The agency will continue to support professional development by providing employees with best-in-class training and opportunities to grow as leaders who value health, wellness, community connections, and innovation. The USPTO will ensure its leaders pursue ongoing learning regarding management and leadership best practices aimed at attracting and retaining the workforce of the future. It will equip employees with the tools, training, equipment, and knowledge they need to be successful in their careers, while remaining able to invest time in and attention to their health and personal pursuits.

Implementing a modern IT infrastructure will increase the accessibility and quality of the agency’s patent and trademark services for employees, applicants, and rights holders, among other stakeholder groups. The agency’s IT team will continue to move software components to the cloud where it makes solid business sense. The USPTO is working to mature its data analytics capabilities and optimize its financial management

practices to better align its resources, achieve its strategic goals, provide exceptional service, and demonstrate organizational excellence.

Due to a change in its CX management platforms and the survey methodology in calculating scores, the USPTO is adjusting its CX targets for FY 2024 and FY 2025 for the following key measures:

- Percentage of customers who indicate the employees they interacted with were helpful (Patents)
- Percentage of customers who indicate positive satisfaction with designated priority services (Patents)

As of August 2023, an update to [OMB Circular A-11 Section 280](#) requires that HISPs modify their surveys to a new model that includes a trust question. This change seeks to reduce public burden and assist in developing comparable, government-wide CX measures that may be shared publicly. Based on this update, the USPTO has added a trust measure to its list of performance indicators for FY 2024 and FY 2025. The USPTO will develop a CX governance plan that provides CX support and training across all business units. Additionally, the USPTO intends to enhance employee skills through training in CX concepts, principles, best practices, and human-centered design.

The USPTO will further enhance Patent Center by conducting usability testing of wireframes prior to development, enabling feedback through forms and surveys, and analyzing customer support tickets to identify current pain points. The agency will also further enhance the Trademark Center beta application by involving customers through human-centered design practices. These practices include usability testing, closed beta volunteer participation, and feedback collection at different stages. The USPTO will use a survey of the legacy system to inform the design of the Trademark Center beta application and analyze customer support tickets to identify current pain points. Through these efforts, the agency will provide multiple channels for customer feedback. Using these inputs, the agency will continue to simplify its navigation and online filing tools and develop educational programs for applicants. Lastly, as the remote work environment evolves, the USPTO will further evaluate future space needs.

### ***Cross-agency collaborations***

The USPTO has collaborated with many federal agencies to enhance the IP ecosystem; a few highlights from FY 2023 are listed below. To learn more about the agency's collaborations and milestones, visit the [USPTO's Strategic plan accomplishments page](#).

- In support of the President's July 2021 [Executive Order on Promoting Competition in the American Economy](#), the USPTO collaborated with the [U.S. Food and Drug Administration \(FDA\)](#) to incentivize innovation and reduce potential misuse of the patent system to improperly delay competition. This collaboration included cross-training events where discussions involved public resources and information from the FDA that patent examiners may use as prior art during patent application examination.



- The U.S. Department of Agriculture (USDA), in consultation with the USPTO, published a report on competition and innovation in seeds and other agricultural inputs, “[More and Better Choices for Farmers](#).” The report outlined a series of recommendations received in response to public comments regarding competition and market power, IP, and other business practices in the seed industry that could affect American farmers’ ability to participate in a fair and competitive market. In addition to the report, a newly established [USDA-USPTO Working Group on Competition and Intellectual Property](#) will strengthen cooperation between the USPTO and the USDA and expand resources available for assessing the patentability of seeds, while addressing the use of patents to unnecessarily reduce competition.
- The USPTO assisted the United States Trade Representative (USTR) in preparing its annual review of global developments in trade and IP, the “[Special 301 Report](#).” This report is the outcome of a congressionally mandated annual review of the global state of IP protection and enforcement. The USPTO also provided substantive information that the USTR used in compiling its annual [Notorious Markets List](#), which highlights prominent online and physical marketplaces that reportedly engage in and facilitate substantial copyright piracy and trademark counterfeiting.
- The USPTO, in collaboration with the Federal Laboratory Consortium and AUTM, held the [Green Energy Innovation Expo](#) in Alexandria, Virginia, to highlight the impact of green energy in the fight against climate change. The event was attended by more than 300 members of the technology development and commercialization community who work in the green energy sector.

## Other information required in 35 U.S.C., section 13

Per 35 U.S.C., section 13, “The Director shall report to the Congress, not later than 180 days after the end of each fiscal year, the moneys received and expended by the Office, the purposes for which the moneys were spent, the quality and quantity of the work of the Office, the nature of training provided to examiners, the evaluation of the Commissioner of Patents and the Commissioner of Trademarks by the Secretary of Commerce, the compensation of the Commissioners, and other information relating to the Office.” The following topics were covered in the [FY 2023 Agency Financial Report](#):

- Moneys received and expended by the Office
- Purposes for which the moneys were spent
- Quality and quantity of the work (both AFR and APPR)

The remaining required topics are:

- Nature of training provided to examiners
- Evaluation of the Commissioner of Patents and the Commissioner of Trademarks



## Patents training programs

- *New Patent Examiner Training*: This two-phase, year-long examiner training program is mandatory for new patent examiners. During the training, patent examiners receive an in-depth introduction to U.S. legal statutes and rules pertaining to patent examination, technical subjects, and soft skills needed to succeed as a patent examiner. The first phase of this program is a four-month “residency” in the Office of Patent Training. In the second phase, patent examiners work in their technology centers and receive just-in-time training throughout the rest of their first year. In FY 2023, the USPTO conducted 423,400 hours of patent examination training for 644 newly hired patent examiners.
- *Training for Experienced Examiners*: This optional training is for examiners with one year of experience. It is designed to keep an examiner’s skills sharp through courses taught by subject matter experts on examination, automation, and soft skills that target workload management and stakeholder communication. This training also provides opportunities for participants to learn about other areas within the USPTO from subject matter experts. In FY 2023, the USPTO provided 189 patent examiner topics to 14,985 participants for a total 26,193 hours.
- *Practice and Procedures Across Technologies*: A recent course was titled “Case Law Review: Recent Federal Circuit and Supreme Court Decisions.” In FY 2023, the USPTO provided a cumulative 25,767 hours of this training.
- *In-house Patent Law and Evidence Course*: This mandatory training is required for all GS-12 patent examiners. It covers authoritative court decisions concerning statutory issues under 35 U.S.C. sections 101, 102, 103, and 112 and decisions concerning the handling of evidence during the examination of applications. In FY 2023, the USPTO provided 5,565 hours of this training to 159 participants.
- *Patent Examiner Technical Training Program*: This program provides examiners the opportunity to engage with and learn from experts in their field to stay up to date on the latest developments and trends. Scientists, engineers, professors, industrial designers, and other technology experts from dozens of Fortune 500 companies and educational institutions volunteer to teach patent examiners about their areas of expertise. These presenters cover technological advances, emerging trends, and recent innovations in their respective fields. The USPTO hosts these trainings in the virtual environment to allow the experts to present from anywhere, including their office or even their own home. In FY 2023, the agency hosted 104 events with 31,502 participants for a total 44,957 hours (5.49 hours on average per examiner).
- *Site Experience Education (SEE)*: This unique program provides technology education at its source. It affords groups of patent examiners the opportunity to visit sites of innovation within the continental United States, where they receive updates on current and emerging technologies and view technology firsthand. In FY 2023, the USPTO coordinated 19 SEE trips and sent 242 participants to 80 commercial, industrial, and academic institutions across 10 states.
- *Aspiring Managers Program*: This cohort-based program combines five types of developmental

practices, including assessments, classroom training, interactive workshops, shadowing, and mentoring, to assist in developing the leadership, interpersonal, and technical skills necessary to become a manager within the Patents organization. This five-month training program for experienced Patents operations employees with full signatory authority incorporates all 10 USPTO Leader Profile Qualities to enhance employees' leadership development as they establish their career path. The USPTO has conducted five sessions with 135 participants since the program's introduction in December 2017, resulting in the selection of 26 participants into managerial positions as either supervisory patent examiners (SPEs) or SPE trainers. In FY 2023, the USPTO delivered 1,833 hours of this training to 30 participants.

- *Non-duty Hours Legal Studies Program*: This program allows the USPTO to reimburse eligible employees for tuition at accredited law schools to broaden their legal knowledge. Courses must be mission related and required to earn a juris doctor degree. In FY 2023, the USPTO covered 100% of tuition for 93 active participants in this program.
- *Non-duty Hours Technical Training Program*: With an aim of enhancing the patent workforce's knowledge, skills, and abilities, this program allows the USPTO to reimburse eligible employees for technical courses taken at accredited colleges and universities. In FY 2023, there were 24 active participants in this program.
- *Patent Administrative Continued Education (PACE)*: The USPTO launched PACE in FY 2019 to provide critical educational opportunities for administrative staff. The program includes a dynamic curriculum that focuses on employee engagement and adult learning opportunities to enhance personal and professional development. During FY 2023, the USPTO provided 28,713 hours of this training to 961 participants.
- *Upward Mobility Program (UMP)*: The largest component of PACE is the UMP, an important tool for succession planning that helps USPTO managers and supervisors ensure appropriate talent exists to carry out the USPTO mission. The UMP provides specific career development opportunities and appropriate training to employees in positions or occupational series that offer limited advancement. In FY 2023, the USPTO delivered 20,316 hours of this training to 485 participants.

## **Trademarks training programs**

- *New Trademark Examining Attorney Training—Trademark Academy*: This two-phase, nine-month training program is mandatory for new trademark examining attorneys. During the training, participants receive an in-depth introduction to U.S. legal statutes and rules pertaining to trademark examination, technical systems, and soft skills needed to succeed as a trademark professional. The first phase of this program is a two-month foundational training. In the second phase, trademark examining attorneys work in the academy's law offices and receive continuing training throughout the academy time frame. In FY 2023, the USPTO delivered 28,900 hours of trademark examination training to 85 newly hired trademark examining attorneys.

- *Identification and Classification Training:* In FY 2023, the Trademark Classification Policy and Practice Unit (ID/Class) provided “Identification and Classification Refresher” training to Law Office 129, consisting of examining attorneys with at least one year of trademark examining experience. This training program provided a refresher on identification and classification principles, reminders of common identification and classification errors queried in the Electronic Official Gazette, and guidance and tips on avoiding these errors. The ID/Class unit also conducted an “Intro to ID/Class” presentation for five Trademark Academy offices, which addressed the nuts and bolts of the USPTO’s identification and classification policies. This presentation also introduced the ID/Class unit to these new examiners and described its key duties and responsibilities, particularly with regard to Nice Agreement obligations. It also included an overview on the basics of ID/Class policy and recommendations on how to approach identifications and classifications. During FY 2023, the USPTO provided these one-hour training sessions to more than 125 examining attorneys. An ID/Class staff attorney also served as an expert in collaboratively delivering an experienced practitioner webinar—“Registering Trademarks for Newer Technologies: NFTs, Blockchain, Cryptocurrency, and Virtual Goods,” in December 2022. In addition, Trademarks presented “Noteworthy Changes in USPTO Trademark Classification Policy and Practice Under the Nice Classification, Twelfth Edition, Version 2023 (Nice12-2023)” training, an optional one-hour program designed to keep trademark examining attorneys, managing attorneys, senior attorneys, examination policy attorneys, and paralegals current on changes to identifications and classification practice after adoption of the Nice Classification, Twelfth Edition, Version 2023, effective January 1, 2023. More than 500 participants attended this training.
- *Examining Attorney Training:* In FY 2023, Trademarks identified areas of examination that contain new or novel concepts and, in response, developed live and virtual training sessions and modules. The majority of this training revolved around the implementation of two new systems: TM Exam and new X-Search. When combined with TM Refresh, these programs resulted in 6,141 hours of training. The USPTO seeks to incorporate continuing legal education credits, as required by various state bars, in its examining attorney training.
- *TM Refresh:* In FY 2023, Trademarks used data from an analyzed quality review of trademark work product to identify decided areas of examination that benefit from refresher training. The agency developed and released live and virtual training sessions and modules that covered disclaimers vs. unitary marks and configurations. Combined with Examining Attorney Training, TM Refresh resulted in 6,141 training hours.
- *Trademark Law Library Training:* The Trademark Law Library offers webcast training to attorneys on evidence gathering resources, as well as tools and techniques used in the course of application examination. In FY 2023, librarians delivered 11 group and individual trainings to examining attorneys, petition office attorneys, and others who support information gathering for office actions. The agency provided this training at the TM Academy and law office and library staff meetings, and as 15-minute “flash trainings.” Topics for FY 2023 included:



- New library resources
- Trademark Manual of Examining Procedure research skills
- Configuration and design searching for librarians
- *International Trademark Association (INTA) Industry Training*: Trademarks partners with the INTA to provide industry-specific training on current issues in trademark examination practice. These programs are webcast live and recorded for later viewing by trademark examining attorneys. Recent topics include the alcoholic beverages industry, cannabis industry, blockchains and cryptocurrencies, and the chocolate industry.
- *Law Office Training*: Law office managing and senior attorneys train examining attorneys on administrative processes and procedures specific to the examination of trademark applications, as well as skills focused on improving their role as examining attorneys.
- *Trademark Office Professional Staff Training*: This program provides webcast training to professional staff and new employees regarding the entire application process, focusing on the roles and responsibilities of individual business units throughout Trademarks, as well as an overview of the trademark examination process.
- *TM Talks Supervisor Training*: The USPTO launched TM Talks in FY 2017 to provide on-the-job training and development for Trademarks supervisors. The training is tailored specifically to Trademarks' organizational goals. Each year, the trainings highlight topics of relevance to new and existing supervisors, including merit system principles, labor relations, managing virtual employees, business processes, problem solving, project management, and dealing with difficult situations. In FY 2023, the Leadership Development Committee held three TM Talks sessions reaching more than 175 live attendees over the course of the programs. Sessions were also recorded for later viewing by interested supervisors and covered use of OneNote, performance action plan and position description writing, and labor relations. The committee also developed a session related to individual development plans, which was postponed due to operational needs. The committee is working on additional live and recorded programming slated to begin in the second quarter of FY 2024.
- *Leadership Journey Series*: During FY 2023, the Leadership Development Committee relaunched and expanded its Leadership Journey Series, which is designed to highlight leadership stories and lessons learned from Trademarks and agency leaders. The series consists of hour-long moderated sessions each quarter and leverages the institutional knowledge and real-world experiences of USPTO employees, focusing on their career paths, aspirations, leadership theories, and the situations that shaped their journeys. The purpose is to inspire others and provide insights on serving as a leader at the USPTO. The series became available to all trademark employees in 2022, including those who currently serve as a leader, aspire to a leadership position, or choose to lead without a formal title. In 2023, the Leadership Development Committee held two talks, one with TTAB judges and interlocutory attorneys and another with Trademark leaders who served in the military. The committee also began planning for three additional 30-minute sessions with new Trademarks supervisors and transferred responsibility for these activities to the Workforce Programs team.

- *Trademark Service Units Training:* Legal instrument examiners and legal specialists in the trademark service units are given new employee training and ongoing educational training regarding specific business units within Trademarks. Offerings include the Pre-Exam, Legal Instruments, Intent to Use, Madrid Processing, and Post Registration units.

### **Commissioners' performance for FY 2023**

The AIPA's title VI, subtitle G, also known as the Patent and Trademark Office Efficiency Act, requires the establishment of annual performance agreements between the Commissioner for Patents, the Commissioner for Trademarks, and the Secretary of Commerce. Each commissioner has annual performance agreements with the Secretary of Commerce that outline the measurable organizational goals and objectives for which they are responsible. They may be awarded a bonus (up to 50% of their base salary, so long as it does not exceed the aggregate salary limitation equivalent to the Vice President's salary) based on a performance evaluation defined in the agreement. Bonus information for FY 2023 was not available during publication of this report, but it will be included in the FY 2024 APPR. During FY 2022, the Commissioner for Trademarks received a bonus of 9.82% of base salary. The Commissioner for Patents resigned prior to the end of the evaluation period and received no bonus for FY 2022.

## **Performance data verification and validation**

The USPTO requires complete, accurate, and reliable performance data to assess the agency's progress toward its strategic objectives and performance goals, and to make sound management decisions. Most USPTO employees work under production-based performance management systems to meet demand and achieve organizational performance goals. The agency measures employee performance by comparing the amount and quality of work produced in a given period to the amount and quality of work expected to have been produced. The USPTO's performance-based process uses quantitative and qualitative measures and standards to evaluate cost effectiveness. Employee production data (plan and actual) feed complex organizational production models used to determine the resources and costs required to deliver performance commitments.

The USPTO's approach to verification and validation of performance data, intended to improve accuracy and reliability, includes:

- Development of performance measures through strategic planning and annual performance planning.
- Confirmation, via the USPTO's program managers, that procedures are in place to ensure data are accurate and that performance measurement sources are complete and reliable. Agency program managers follow a standard reporting procedure to document detailed information about each performance measure, with information including (but not limited to):
  - Performance measure definitions
  - Performance measure rationale

- Data sources
- Data collection and computation methods
- IT solutions in data monitoring. USPTO program managers, IT product owners, and Agile teams monitor and maintain automated systems and databases that collect, track, and store performance indicators. Systems including Docket and Application Viewer, Official Correspondence, Patent Application Location and Monitoring, and Trademark Reporting and Application Monitoring incorporate internal program edits to control the accuracy of supporting data. These automated systems typically evaluate data against expected results for reasonableness, consistency, and accuracy. Cross-checks between other internal automated systems also provide assurances of data reasonableness and consistency. In addition to internal monitoring of each system, experts outside the business units routinely monitor the data collection methodology.
- Annual reviews. The USPTO Office of the Chief Financial Officer (OCFO) monitors the agency's performance, providing direction and support on data collection methodology and analysis, ensuring that data quality checks are in place, and reporting performance management data. During FY 2023, in collaboration with agency program managers, the OCFO reviewed the processes and internal controls in place over the verification and validation of performance measures, with no issues noted.
- Periodically verifying and validating performance measures to ensure quality, reliability, and credibility. At the beginning of each fiscal year and at various points during the reporting or measurement period, the USPTO reviews and adjusts sampling techniques and sample counts to ensure data are statistically reliable for making inferences about the population as a whole. Teams also conduct data analyses to assist the business units in interpreting program data, such as the identification of statistically significant trends and underlying factors that may affect a specific performance indicator.
- Analyzing progress toward performance measurement targets and broader progress toward achieving the agency's strategic goals and objectives. The USPTO also discusses program risks and develops mitigation strategies. These procedures help ensure that performance data reported by the agency are complete, accurate, consistent, and reliable, as appropriate to their intended use, and that internal controls are maintained and functioning as intended.

## Audits and DOC OIG top management challenges

The DOC Office of Inspector General (OIG) completed and issued one final audit report pertaining to the USPTO for FY 2023, "[USPTO Needs to Improve Oversight and Implementation of Patent Classification and Routing Processes](#)." In this report, the OIG recommended seven corrective actions to mitigate audit findings. The USPTO concurred with all recommendations and is working with the OIG to implement corrective actions.

The Government Accountability Office (GAO) issued one new audit report for the USPTO during FY 2023,

Patent Trial and Appeal Board: Increased Transparency Needed in Oversight of Judicial Decision-Making, which includes four open recommendations. There are no open recommendations from previously issued GAO reports.

The DOC OIG identified 12 management challenges within the department for FY 2024. The report noted the USPTO in “Challenge 9: Safeguarding intellectual property to promote innovation and economic prosperity.” The agency submitted the following table in response.

Key Actions	Performance Indicators/Milestones	Links to Key Public Updates and References
<p><b>Adapt to emerging technologies:</b></p> <ul style="list-style-type: none"> <li>• Create policies to advance and govern the development and use of AI</li> <li>• Educate the public on rights on creating/using objects in the metaverse for design patents</li> <li>• Develop policies/promote regulations that encourage and incentivize U.S. innovation in emerging technologies (ET)</li> <li>• Track critical/emerging technology vital to national security/economic development</li> <li>• Drive AI search output capability on patent documents</li> <li>• Develop AI image search for design patents</li> <li>• Develop NexGen ML for AI classification of utility patent applications</li> </ul>	<ul style="list-style-type: none"> <li>• Draft AI policy</li> <li>• Provide stakeholder training on inventions and designs in the metaverse that can be protected</li> <li>• Issue guidance on graphical user interfaces</li> <li>• Track prioritized examination programs for ET</li> <li>• Track CET filings/underperforming technologies</li> <li>• Ensure patent search collection accuracy</li> <li>• Acquire AI search system, obtain authority to operate, and deploy to examiners</li> <li>• Monitor and report on AI classification transition (finalize NexGen ML models and test performance, investigate user acceptance, and measure business impacts)</li> </ul>	<p><a href="https://www.uspto.gov/initiatives/artificial-intelligence">www.uspto.gov/initiatives/artificial-intelligence</a></p> <p><a href="https://www.uspto.gov/initiatives/artificial-intelligence/artificial-intelligence-resources">www.uspto.gov/initiatives/artificial-intelligence/artificial-intelligence-resources</a></p>
<p><b>Maintain the integrity of the patent application system and the trademark register:</b></p> <ul style="list-style-type: none"> <li>• Monitor and prevent fraud in utility, plant, and design patent applications</li> <li>• Provide patent applicants with a secure digital identification verification option</li> <li>• Promptly publicize changes to policies</li> <li>• Increase clarity in AIA trial proceedings</li> <li>• Increase public outreach and communications to aid understanding of PTAB proceedings</li> <li>• Complete all corrective actions identified in the USPTO Plan of Action and Milestones</li> <li>• Increase use of register protection tools by increasing capacity and engagement</li> </ul>	<ul style="list-style-type: none"> <li>• Draft rulemaking/implement penalty for false assertions/certification provision of UAIA section 107</li> <li>• Launch ID.me for patent applicants</li> <li>• Provide patent examiner training to the public</li> <li>• Issue guidance/rules/decisions</li> <li>• Increase communications/engagements on AIA trials.</li> <li>• Complete corrective actions by due date</li> <li>• Expand the register protection team</li> <li>• Number of petitions/director-initiated TMA proceedings</li> <li>• Number of applications/registrations and USPTO.gov accounts implicated in issued administrative orders</li> <li>• Number of emails reporting scams</li> </ul>	<p><a href="https://www.uspto.gov/patent/laws-and-regulations/examination-policy/examination-guidance-and-training-materials">www.uspto.gov/patent/laws-and-regulations/examination-policy/examination-guidance-and-training-materials</a></p> <p><a href="https://www.uspto.gov/patents/patent-quality/public-patent-examination-learning-center">www.uspto.gov/patents/patent-quality/public-patent-examination-learning-center</a></p> <p><a href="https://www.uspto.gov/sites/default/files/documents/ptab_sop_4-2023-oct.pdf">www.uspto.gov/sites/default/files/documents/ptab_sop_4-2023-oct.pdf</a></p>



Key Actions	Performance Indicators/Milestones	Links to Key Public Updates and References
<p><b>Improve patent/trademark quality and timeliness:</b></p> <ul style="list-style-type: none"> <li>• Drive an evidence-based, problem-solving, and critical-thinking culture</li> <li>• Test initiatives identified by customers and examiners to improve quality/pendency</li> <li>• Expand internal survey and data monitoring programs to gauge patent examiner experiences and infrastructure impacts on achieving pendency and quality targets</li> <li>• Integrate feedback from stakeholders and applicants when making decisions</li> <li>• Provide coaching/mentoring opportunities to increase examiners' technical/legal skills</li> <li>• Measure and assess patent utility application actions for compliance with quality and pendency metrics</li> <li>• Update Master Review Form and implement new sampling strategy for design patent applications</li> <li>• Gain efficiency using technology/training</li> <li>• Optimize examination workflow for productivity</li> </ul>	<ul style="list-style-type: none"> <li>• Evaluate Patents Innovation Lab's impact on problem-solving and key challenges</li> <li>• Employee net promoter scores</li> <li>• Customer trust and confidence in patent processes/interactions at key touchpoints</li> <li>• Evaluate patent examiner satisfaction with coaching/mentoring in technical and legal skills development</li> <li>• Measure customer satisfaction on timeliness/quality</li> <li>• Report PTA results</li> <li>• Patent examination education for all examiners</li> <li>• Process rocket docket (expedited design) applications within six months from filing to first office action</li> <li>• Hague Treaty compliance of 93% or more</li> <li>• Improve examination systems with IT resources</li> <li>• Hire 66 examining attorneys in FY 2024</li> <li>• Stimulate the production of first actions</li> <li>• Develop AI and RPA to enhance examination process</li> <li>• Deploy eFile</li> </ul>	<p><a href="http://www.uspto.gov/patent/patent-quality">www.uspto.gov/patent/patent-quality</a></p> <p><a href="http://www.uspto.gov/dashboard/patents/">www.uspto.gov/dashboard/patents/</a></p>
<p><b>Improve critical mission support functions:</b></p> <ul style="list-style-type: none"> <li>• Implement six recommendations from the patent legacy systems audit</li> <li>• Retire vulnerable patent legacy IT systems</li> <li>• Address cyber vulnerabilities as they occur</li> <li>• Include noncompetitive procurements in the Patent and Trademark Acquisition Guidelines (PTAG) desktop guide</li> <li>• Train customers on procurement planning responsibilities</li> <li>• Eliminate overdue Contractor Performance Assessment Reporting System evaluations</li> </ul>	<ul style="list-style-type: none"> <li>• Improve IT cost estimate documentation</li> <li>• Establish a training plan to improve agency IT cost/schedule estimates</li> <li>• Retire nine patent legacy IT systems</li> <li>• Prioritize cyber vulnerabilities in product development sprint activities</li> <li>• Publish PTAG desktop guide</li> <li>• Conduct training by September 2024</li> <li>• CPARS compliance reports</li> </ul>	<p><a href="http://www.cpars.gov/">www.cpars.gov/</a></p>

# Appendix A: Detailed FY 2023 performance measures

Indicator	Total PTA compliance, all mailed actions						
Strategic Goal	Goal 2: Promote the efficient delivery of reliable IP rights						
Strategic Objective	2.3: Improve patent application pendency						
Program Activity Name/Theme	Patents Program						
Lead Office	Patents						
Indicator Class	Current/Recurring						
Source	<a href="#">Patents Dashboard   USPTO</a>						
Description	<p>The AIPA of 1999 established PTA, which provides day-for-day adjustment of patent term (i.e., the time period a patent is in force) for certain USPTO administrative delays (“14-4-4-4-36 timeframes”) for certain patent applications. The specified timeframes are to: issue an office action within 14 months after application filing; respond to a reply or appeal within four months; act on the application within four months after a PTAB or federal court decision; and issue the patent within four months after issue fee payment. A 36-month time frame applies if the USPTO does not issue a patent within three years of the filing date or national stage commencement, with certain exceptions. Further, time consumed by interference or derivation proceedings, delays caused by placing the application under a secrecy order under 35 U.S.C. 181, or time consumed by a successful appellate review may result in positive PTA. Any positive PTA is offset by any period that an applicant failed to engage in reasonable efforts to conclude prosecution. This measure reports the PTA for all mailed actions.</p>						
FY 2023 Results	<p>The USPTO exceeded its FY 2023 target of 80%, achieving 81% total PTA compliance for mailed actions (i.e., office actions the agency mailed to applicants). An office action is an official letter from the patent examiner to the patent applicant during the patent examination process (i.e., patent prosecution).</p>						
Performance Information Gaps	None						
Fiscal Year	FY 2019 Actual	FY 2020 Actual	FY 2021 Actual	FY 2022 Actual	FY 2023 Actual	FY 2024 Target	FY 2025 Target
Target	n/a	n/a	84.0%	80.0%	80.0%	80.0%	80.0%
Actual	n/a	n/a	83.0%	80.0%	81.0%		
Status	n/a	n/a	Not Met	Met	Exceeded		

Indicator	<b>Patents total PTA compliance, remaining inventory</b>						
Strategic Goal	Goal 2: Promote the efficient delivery of reliable IP rights						
Strategic Objective	2.3: Improve patent application pendency						
Program Activity Name/Theme	Patents Program						
Lead Office	Patents						
Indicator Class	Current/Recurring						
Source	<a href="#">Patents Dashboard   USPTO</a>						
Description	<p>The AIPA of 1999 established PTA, which provides day-for-day adjustment of patent term (i.e., the time period a patent is in force) for certain USPTO administrative delays (“14-4-4-4-36 timeframes”) for certain patent applications. The specified timeframes are to: issue an office action within 14 months after application filing; respond to a reply or appeal within four months; act on the application within four months after a PTAB or federal court decision; and issue the patent within four months after issue fee payment. A 36-month time frame applies if the USPTO does not issue a patent within three years of the filing date or national stage commencement, with certain exceptions. Further, time consumed by interference or derivation proceedings, delays caused by placing the application under a secrecy order under 35 U.S.C. 181, or time consumed by a successful appellate review may result in positive PTA. Any positive PTA is offset by any period that an applicant failed to engage in reasonable efforts to conclude prosecution. This measure reports the PTA for all mailed actions.</p>						
FY 2023 Results	<p>The USPTO did not meet its PTA compliance target for remaining inventory (i.e., cases awaiting action from the agency); total PTA compliance was 82%, 4% below the target of 86%. The USPTO has recently seen an increase in pendency and inventory driven mainly by attrition, reduced production, and unexpectedly steady filing rates during the COVID-19 pandemic. While the agency met its PTA mailed actions target, PTA remaining inventory grew during FY 2023. The agency has implemented numerous approaches, including catch-up overtime, revisions to the examiner award program, and increased hiring targets, to address remaining inventory.</p>						
Performance Information Gaps	None						
Fiscal Year	FY 2019 Actual	FY 2020 Actual	FY 2021 Actual	FY 2022 Actual	FY 2023 Actual	FY 2024 Target	FY 2025 Target
Target	n/a	n/a	86.0%	87.0%	86.0%	81.0%	81.0%
Actual	n/a	n/a	86.0%	85.0%	82.0%		
Status	n/a	n/a	Met	Not Met	Not Met		

Indicator	<b>Patent statutory compliance metrics (percentage)</b>						
Strategic Goal	Goal 2: Promote the efficient delivery of reliable IP rights						
Strategic Objective	2.1: Issue and maintain robust and reliable patents that incentivize and protect innovation						
Program Activity Name/Theme	Patents Program						
Lead Office	Patents						
Indicator Class	Current/Recurring						
Source	<a href="#">Quality metrics   USPTO</a>						
Description	Efficient and effective patent application examination is paramount to the IP ecosystem. The USPTO evaluates patent quality by measuring and assessing its work products. Specialists from the USPTO Office of Patent Quality Assurance review a random sample of employee work products for compliance with <a href="#">Title 35 U.S.C.</a> and relevant case law at the time of determination of patentability.						
FY 2023 Results	<p>In FY 2023, the USPTO exceeded its patent quality targets:</p> <ul style="list-style-type: none"> <li>• Statute 35 U.S.C. 101, Inventions patentable (including utility and eligibility): 98.2%, target 94%</li> <li>• Statute 35 U.S.C. 102, Conditions for patentability, novelty (prior art compliance): 96.0%, target 94%</li> <li>• Statute 35 U.S.C. 103, Conditions for patentability, nonobvious subject matter (prior art compliance): 92.2%, target 91%</li> <li>• Statute 35 U.S.C. 112 (a)/(b), including (a)/(b) rejections related to 35 U.S.C. 112(f), Specification: 94.4%, target 92%</li> </ul> <p>The agency's 103 and 112 targets for FY 2024 and FY 2025 were recently adjusted from the long-term goal of &gt;94% for all statutory categories by FY 2026. The 103 target of 92% for FY 2024 and FY 2025 will continue to push for the long-term target of &gt;94% and reflects gains attained in recent years (e.g., sustained performance &gt;91%). The USPTO has shown a sustained ability to perform above the long-term target of &gt;94% in 112 actions; the new short-term targets reflect that performance.</p>						
Performance Information Gaps	None						
Fiscal Year	FY 2019 Actual	FY 2020 Actual	FY 2021 Actual	FY 2022 Actual	FY 2023 Actual	FY 2024 Target	FY 2025 Target
<i>Statute 35 U.S.C. 101 (including utility and eligibility)</i>							
Target	97.0%	97.0%	97.0%	94.0%	94.0%	94.0%	94.0%
Actual	97.7%	97.7%	98.3%	98.3%	98.2%		
Status	Exceeded	Exceeded	Exceeded	Exceeded	Exceeded		
<i>Statute 35 U.S.C. 102 (prior art compliance)</i>							
Target	95.0%	95.0%	95.0%	94.0%	94.0%	94.0%	94.0%
Actual	94.4%	94.3%	95.1%	95.3%	96.0%		
Status	Not Met	Not Met	Exceeded	Exceeded	Exceeded		
<i>Statute 35 U.S.C. 103 (prior art compliance)</i>							
Target	93.0%	93.0%	93.0%	91.0%	91.0%	92.0%	92.0%
Actual	89.9%	88.9%	90.7%	91.5%	92.2%		
Status	Not Met	Not Met	Not Met	Exceeded	Exceeded		
<i>Statute 35 U.S.C. 112 (35 U.S.C. 112(a), (b) including, (a)/(b) rejections related to 35 U.S.C. 112(f))</i>							
Target	93.0%	93.0%	93.0%	92.0%	92.0%	94.0%	94.0%
Actual	92.2%	90.6%	92.2%	94.6%	94.4%		
Status	Not Met	Not Met	Not Met	Exceeded	Exceeded		



Indicator	<b>Trademark average first action pendency (months)</b>						
Strategic Goal	Goal 2: Promote the efficient delivery of reliable IP rights						
Strategic Objective	2.4: Improve trademark application pendency						
Program Activity Name/Theme	Trademarks Program						
Lead Office	Trademarks						
Indicator Class	Current/Recurring						
Source	<a href="#">Trademarks Dashboard   USPTO</a>						
Description	This measure reflects timeliness of the first office action as measured from the date of application filing (or notification date for 66(a) filings) to the first office action in months.						
FY 2023 Results	<p>The USPTO met its trademark first action pendency target of 8.5 months. For over a decade, the USPTO maintained first action pendency between 2.5 and 3.5 months. An unprecedented surge in trademark filings during FY 2020 and FY 2021 resulted in an unprecedented backlog that, in turn, increased pendency. Although new trademark application filings have since declined and inventory is stabilizing, the backlog remains high and will remain so for the foreseeable future. Additional trademark successes in FY 2023 included:</p> <ul style="list-style-type: none"> <li>• Met and exceeded all quality targets</li> <li>• Moved all trademark examining attorneys TM Exam, a new, web-based trademark examination system</li> <li>• Retired approximately 85% of the legacy Trademark Reporting and Application Monitoring system while modernizing other systems in parallel</li> </ul>						
Performance Information Gaps	None						
Fiscal Year	FY 2019 Actual	FY 2020 Actual	FY 2021 Actual	FY 2022 Actual	FY 2023 Actual	FY 2024 Target	FY 2025 Target
Target	2.5-3.5	2.5-3.5	2.5-4.5	2.5-7.5	8.5	8.4	7.5
Actual	2.6	3.0	6.3	8.3	8.5		
Status	Met	Met	Not Met	Not Met	Met		

Indicator	<b>Trademark average total pendency (months)</b>						
Strategic Goal	Goal 2: Promote the efficient delivery of reliable IP rights						
Strategic Objective	2.4: Improve trademark application pendency						
Program Activity Name/Theme	Trademarks Program						
Lead Office	Trademarks						
Indicator Class	Current/Recurring						
Source	<a href="#">Trademarks Dashboard   USPTO</a>						
Description	This measure reflects timeliness of trademark application disposal, measured from the filing date to the date of registration, abandonment, or issuance of a notice of allowance, excluding applications that are suspended, awaiting further action, or involved in inter partes proceedings.						
FY 2023 Results	<p>For over a decade, the USPTO maintained first action pendency between 2.5 and 3.5 months. An unprecedented surge in trademark filings during FY 2020 and FY 2021 resulted in an unprecedented backlog that, in turn, increased pendency. Although new trademark application filings have declined and inventory is stabilizing, the backlog remains high and will remain so for the foreseeable future.</p> <p>At 14.6 months, the USPTO did not meet its total pendency target of 14.5 months for FY 2023. The USPTO launched several initiatives to reduce trademark pendency and keep customers informed during FY 2023, including:</p> <ul style="list-style-type: none"> <li>· Hiring of examining attorneys and specialists</li> <li>· Enlisting paralegal support</li> <li>· Publishing a website pendency widget</li> <li>· Exploring opportunities for efficiency</li> </ul>						
Performance Information Gaps	None						
Fiscal Year	FY 2019 Actual	FY 2020 Actual	FY 2021 Actual	FY 2022 Actual	FY 2023 Actual	FY 2024 Target	FY 2025 Target
Target	12	12	12	13.5	14.5	14.4	13.5
Actual	9.3	9.5	11.2	13.8	14.6		
Status	Met	Met	Met	Not Met	Not Met		

Indicator	<b>Trademark first action compliance rate</b>						
Strategic Goal	Goal 2: Promote the efficient delivery of reliable IP rights						
Strategic Objective	2.2: Issue and maintain accurate and reliable trademark registrations that protect brands and investments						
Program Activity Name/Theme	Trademarks Program						
Lead Office	Trademarks						
Indicator Class	Current/Recurring						
Type	Outcome						
Source	<a href="#">Trademarks Dashboard   USPTO</a>						
Description	This measure is an evaluation of all issues involved in making a first action substantive decision on the registrability of a mark. It evaluates quality based on decision-making, search strategy, evidence, and writing.						
FY 2023 Results	<p>The USPTO exceeded all trademark quality targets in FY 2023, despite an added strain on resources related to the COVID-19 pandemic filing surge. As of September 30, 2023, the agency's compliance rate for first office actions was 96.8% versus the 95.5% target. Trademarks remains committed to maintaining high compliance quality metrics and is reviewing internal standards to ensure alignment with examination efficiency goals. The USPTO's efforts to maintain trademark quality during FY 2023 included:</p> <ul style="list-style-type: none"> <li>· Standardized training and feedback</li> <li>· Promoting online tools and enhanced processes</li> <li>· Improving examination guidance</li> </ul>						
Performance Information Gaps	None						
Fiscal Year	FY 2019 Actual	FY 2020 Actual	FY 2021 Actual	FY 2022 Actual	FY 2023 Actual	FY 2024 Target	FY 2025 Target
Target	95.5%	95.5%	95.5%	95.5%	95.5%	95.5%	95.5%
Actual	96.4%	95.7%	96.3%	96.2%	96.8%		
Status	Exceeded	Exceeded	Exceeded	Exceeded	Exceeded		

Indicator	<b>Trademark final compliance rate</b>						
Strategic Goal	Goal 2: Promote the efficient delivery of reliable IP rights						
Strategic Objective	2.2: Issue and maintain accurate and reliable trademark registrations that protect brands and investments						
Program Activity Name/Theme	Trademarks Program						
Lead Office	Trademarks						
Indicator Class	Current/Recurring						
Type	Outcome						
Source	<a href="#">Trademarks Dashboard   USPTO</a>						
Description	This measure is an evaluation of all issues involved in making a final substantive decision on the registrability of a mark. The measure evaluates quality based on decision-making, search strategy, evidence, and writing.						
FY 2023 Results	The USPTO exceeded all trademark quality targets in FY 2023, despite the added strain on resources related to the COVID-19 pandemic filing surge. As of September 30, 2023, the compliance rate for final office actions was at 98.6% versus the 97.0% target. Trademarks remains committed to maintaining high compliance quality metrics and is reviewing internal standards to ensure alignment with examination efficiency goals.						
Performance Information Gaps	None						
Fiscal Year	FY 2019 Actual	FY 2020 Actual	FY 2021 Actual	FY 2022 Actual	FY 2023 Actual	FY 2024 Target	FY 2025 Target
Target	97.0%	97.0%	97.0%	97.0%	97.0%	97.0%	97.0%
Actual	97.4%	98.1%	98.7%	98.5%	98.6%		
Status	Exceeded	Exceeded	Exceeded	Exceeded	Exceeded		



Indicator	<p>Percentage of prioritized countries for which IP country teams have made progress on at least three of the four performance criteria:</p> <ul style="list-style-type: none"> <li>a. Institutional improvements of IP office administration for advancing IP rights</li> <li>b. Institutional improvements of IP enforcement entities</li> <li>c. Improvements in IP laws and regulations</li> <li>d. Establishment of government-to-government cooperative mechanisms</li> </ul>						
Strategic Goal	Goal 4: Bring innovation to impact for the public good						
Strategic Objective	4.3: Provide leadership to foster domestic and global ecosystems that support innovation						
Program Activity Name/Theme	International						
Lead Office	OPIA						
Indicator Class	Current/Recurring						
Type	Outcome						
Source	<a href="#">Office of Policy and International Affairs   USPTO</a>						
Description	The USPTO continues to engage its international partners, including the World Intellectual Property Organization and international standards bodies, to promote pro-innovation and pro-IP policies. This measure represents a percentage of prioritized countries for which IP country teams have made progress on at least three of the four performance criteria specified in Strategic Objective 1.5, Strategy 4 in the <a href="#">DOC Strategic Plan 2022-2026</a> .						
FY 2023 Results	In FY 2023, the USPTO exceeded its target of 66% in achieving a percentage of prioritized countries (Brazil, 86%; China, 76%; and India, 77%) for which IP country teams have made progress on at least three of the four specified performance criteria.						
Performance Information Gaps	None						
Fiscal Year	FY 2019 Actual	FY 2020 Actual	FY 2021 Actual	FY 2022 Actual	FY 2023 Actual	FY 2024 Target	FY 2025 Target
Target	66.0%	66.0%	66.0%	66.0%	66.0%	66.0%	66.0%
Actual	66.0%	100.0%	100.0%	100.0%	100.0%		
Status	Met	Exceeded	Exceeded	Exceeded	Exceeded		

Indicator	<b>Number of people, including foreign government officials and U.S. stakeholders, trained on best practices to protect and enforce IP</b>						
Strategic Goal	Goal 4: Bring innovation to impact for the public good						
Strategic Objective	4.3: Provide leadership to foster domestic and global ecosystems that support innovation						
Program Activity Name/Theme	International						
Lead Office	OPIA						
Indicator Class	Current/Recurring						
Type	Output						
Source	<a href="#">The Global Intellectual Property Academy   USPTO</a>						
Description	The Global Intellectual Property Academy (GIPA) offers training programs on protection, utilization, and enforcement of IP rights, patents, trademarks, and copyrights. Through its GIPA training programs, the USPTO is instrumental in achieving its objectives of advancing IP rights policies and halting IP theft.						
FY 2023 Results	The USPTO exceeded its target for this key performance indicator during FY 2023. The agency provided policy advice and technical training on domestic and international IP matters in partnership with multiple federal agencies. These efforts included more than 140 USPTO-organized programs delivered through the GIPA. Altogether, the USPTO trained over 10,000 U.S. stakeholders and foreign officials responsible for the protection and enforcement of IP, exceeding its FY 2023 target of 5,000. These programs included capacity-building initiatives with foreign IP officials such as patent and trademark examiners.						
Performance Information Gaps	None						
Fiscal Year	FY 2019 Actual	FY 2020 Actual	FY 2021 Actual	FY 2022 Actual	FY 2023 Actual	FY 2024 Target	FY 2025 Target
Target	4,500	5,000	5,000	5,000	5,000	5,000	5,000
Actual	9,854	10,688	17,841	18,633	10,126		
Status	Exceeded	Exceeded	Exceeded	Exceeded	Exceeded		

Indicator	<b>Percentage of customers who indicate positive satisfaction with designated priority services (Patents)</b>						
Strategic Goal	Goal 5: Generate impactful employee and customer experiences by maximizing agency operations						
Strategic Objective	5.2: Equitably deliver exceptional customer experiences						
Program Activity Name/Theme	CX						
Lead Office	Office of Public Engagement (OPE)						
Indicator Class	Current/Recurring						
Type	Outcome						
Source	<a href="https://www.uspto.gov/performance">doc-uspto   Performance.gov</a>						
Description	The USPTO is a HISP, as <a href="#">identified by the OMB</a> . The agency conducts yearly CX capacity assessments and service improvement action planning, and publicly reports customer satisfaction and trust data quarterly. This measure is designed to obtain the percentage of customers who indicate positive satisfaction in seeking assistance when filing a patent application.						
FY 2023 Results	The USPTO met its target for this KPI. The positive satisfaction rate for applicants filing a patent application was 82%, meeting the target of 82%. Due to a change in its CX management platforms and the survey methodology in calculating scores, the USPTO is adjusting targets for FY 2024 and FY 2025.						
Performance Information Gaps	None						
Fiscal Year	FY 2019 Actual	FY 2020 Actual	FY 2021 Actual	FY 2022 Actual	FY 2023 Actual	FY 2024 Target	FY 2025 Target
Target	n/a	n/a	n/a	n/a	82.0%	70.0%	70.0%
Actual	n/a	n/a	n/a	n/a	82.0%		
Status	n/a	n/a	n/a	n/a	Met		

Indicator	<b>Percentage of customers who indicate positive satisfaction with designated priority services (Trademarks)</b>						
Strategic Goal	Goal 5: Generate impactful employee and customer experiences by maximizing agency operations						
Strategic Objective	5.2: Equitably deliver exceptional customer experiences						
Program Activity Name/Theme	CX						
Lead Office	OPE						
Indicator Class	Current/Recurring						
Type	Outcome						
Source	<a href="https://www.uspto.gov/performance">doc-uspto   Performance.gov</a>						
Description	The USPTO is a HISP, as <a href="#">identified by the OMB</a> . The agency conducts yearly CX capacity assessments and service improvement action planning, and publicly reports customer satisfaction and trust data quarterly. This measure is designed to obtain the percentage of customers who indicate positive satisfaction when filing an initial application for a trademark registration.						
FY 2023 Results	The USPTO exceeded its target for this KPI. The positive satisfaction rate for trademark filers was 80%, exceeding the target of 70%.						
Performance Information Gaps	None						
Fiscal Year	FY 2019 Actual	FY 2020 Actual	FY 2021 Actual	FY 2022 Actual	FY 2023 Actual	FY 2024 Target	FY 2025 Target
Target	n/a	n/a	n/a	n/a	70.0%	70.0%	70.0%
Actual	n/a	n/a	n/a	n/a	80.0%		
Status	n/a	n/a	n/a	n/a	Exceeded		



Indicator	<b>Percentage of customers who indicate the employees they interacted with were helpful (Patents)</b>						
Strategic Goal	Goal 5: Generate impactful employee and customer experiences by maximizing agency operations						
Strategic Objective	5.2: Equitably deliver exceptional customer experiences						
Program Activity Name/Theme	CX						
Lead Office	OPE						
Indicator Class	Current/Recurring						
Type	Outcome						
Source	<a href="https://www.uspto.gov/performance">doc-uspto   Performance.gov</a>						
Description	The USPTO is a HISP, as <a href="#">identified by the OMB</a> . The agency conducts yearly CX capacity assessments and service improvement action planning, and publicly reports customer satisfaction and trust data quarterly. This measure is designed to obtain the percentage of patent customers who indicate the employees they interacted with were helpful.						
FY 2023 Results	The USPTO exceeded its target for this KPI. The percentage of customers who indicated the patent employees they interacted with were helpful was 85%, exceeding the target of 82%. Due to a change in its CX management platforms and the survey methodology in calculating scores, the USPTO is adjusting its targets for FY 2024 and FY 2025.						
Performance Information Gaps	None						
Fiscal Year	FY 2019 Actual	FY 2020 Actual	FY 2021 Actual	FY 2022 Actual	FY 2023 Actual	FY 2024 Target	FY 2025 Target
Target	n/a	n/a	n/a	n/a	82.0%	75.0%	75.0%
Actual	n/a	n/a	n/a	n/a	85.0%		
Status	n/a	n/a	n/a	n/a	Exceeded		

Indicator	<b>Percentage of customers who indicate the employees they interacted with were helpful (Trademarks)</b>						
Strategic Goal	Goal 5: Generate impactful employee and customer experiences by maximizing agency operations						
Strategic Objective	5.2: Equitably deliver exceptional customer experiences						
Program Activity Name/Theme	CX						
Lead Office	OPE						
Indicator Class	Current/Recurring						
Type	Outcome						
Source	<a href="#">doc-uspto   Performance.gov</a>						
Description	The USPTO is a HISP, as <a href="#">identified by the OMB</a> . The agency conducts yearly CX capacity assessments and service improvement action planning, and publicly reports customer satisfaction and trust data quarterly. This measure is designed to obtain the percentage of trademark customers who indicate the employees they interacted with were helpful.						
FY 2023 Results	The USPTO exceeded its FY 2023 CX target for this measure. The percentage of customers who indicated the trademark employees they interacted with were helpful was 86%, exceeding the target of 75%.						
Performance Information Gaps	None						
Fiscal Year	FY 2019 Actual	FY 2020 Actual	FY 2021 Actual	FY 2022 Actual	FY 2023 Actual	FY 2024 Target	FY 2025 Target
Target	n/a	n/a	n/a	n/a	75.0%	75.0%	75.0%
Actual	n/a	n/a	n/a	n/a	86.0%		
Status	n/a	n/a	n/a	n/a	Exceeded		

Indicator	<b>Percentage of customers who trust the USPTO to grant patents and register trademarks in accordance with U.S. laws and regulations</b>						
Strategic Goal	Goal 5: Generate impactful employee and customer experiences by maximizing agency operations						
Strategic Objective	5.2: Equitably deliver exceptional customer experiences						
Program Activity Name/Theme	CX						
Lead Office	OPE						
Indicator Class	New						
Type	Outcome						
Source	<a href="#">doc-uspto   Performance.gov</a>						
Description	In August 2023, <a href="#">OMB Circular A-11 Section 280</a> was updated to require HISPs to modify their surveys to a new model that includes a trust question. This change seeks to reduce burden on the public and to assist in developing comparable, government-wide CX measures that can be shared publicly. Based on this update, the USPTO has added this trust measure to its list of performance indicators for FY 2024 and FY 2025.						
FY 2023 Results	This is a new measure. Data for this measure will be available in FY 2024.						
Performance Information Gaps	None						
Fiscal Year	FY 2019 Actual	FY 2020 Actual	FY 2021 Actual	FY 2022 Actual	FY 2023 Actual	FY 2024 Target	FY 2025 Target
Target	n/a	n/a	n/a	n/a	n/a	65.0%	65.0%
Actual	n/a	n/a	n/a	n/a	n/a		
Status	n/a	n/a	n/a	n/a	n/a		

## Appendix B: Acronyms and abbreviations

AIA	America Invents Act
AFR	Agency financial report
APPR	Annual planning and performance report
AofM	Article of manufacture
AI	Artificial intelligence
CLE	Continuing legal education
CI <sup>2</sup>	Council for Inclusive Innovation
CX	Customer experience
DaaEA	Data as an Enterprise Asset
DOC	Department of Commerce
DEIA	Diversity, equity, inclusion, and accessibility
FY	Fiscal year
FDA	Food and Drug Administration
GIPA	Global Intellectual Property Academy
GAO	Government Accountability Office
HISP	High impact service provider
IT	Information technology
IP	Intellectual property
IPO	Intellectual Property Owners Association
INTERPOL	International Criminal Police Organization
INTA	International Trademark Association
KPI	Key performance indicator
LMF	Labor Management Forum
ML	Machine learning
MOU	Memorandum of understanding
NTEU	National Treasury Employees Union
NFT	Non-fungible token
OCFO	Office of the Chief Financial Officer
OIG	Office of Inspector General
OMB	Office of Management and Budget
OPIA	Office of Policy and International Affairs
OPE	Office of Public Engagement
PACE	Patent Administrative Continued Education
PPAC	Patent Public Advisory Committee
PTA	Patent term adjustment



PTAB	Patent Trial and Appeal Board
PE2E	Patents End-to-End
RPO	Register Protection Office
SEE	Site experience education
SBA	Small Business Administration
SPE	Supervisory patent examiner
STEM	Science, technology, engineering, and mathematics
IP5	Five Intellectual Property Offices—USPTO, European Patent Office, Japan Patent Office, Korean Intellectual Property Office, and China National Intellectual Property Administration
TEAS	Trademark Electronic Application System
TMA	Trademark Modernization Act
TPAC	Trademark Public Advisory Committee
TTAB	Trademark Trial and Appeal Board
U.S.	United States
U.S.C.	United States Code
USDA	United States Department of Agriculture
USPTO	United States Patent and Trademark Office
USTR	United States Trade Representative
UMP	Upward Mobility Program
WE	Women’s Entrepreneurship