

UNITED STATES PATENT AND TRADEMARK OFFICE

TRADEMARK PUBLIC ADVISORY COMMITTEE (TPAC)

QUARTERLY MEETING

Alexandria, Virginia

Friday, August 2, 2024

1 PARTICIPANTS:

2 TPAC Members:

3 ADRAEA BROWN, Chair

4 AMY HSIAO, Vice Chair

5 DANA BROWN NORTHCOTT

6 VALERIE L. CALLOWAY

7 RODRICK J. ENNS

8 DONNA GRIFFITHS

9 NEHAL MADHANI

10 DOUGLAS N. MASTERS

11 Union Members:

12 JAY BESCH

13 PEDRO FERNANDEZ

14 HAROLD E. ROSS

15 USPTO:

16 KATHI VIDAL, Under Secretary of Commerce for
17 Intellectual Property and Director of the
USPTO

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

20 AMY COTTON, Deputy Commissioner for Trademark
21 Policy

22 SHARON ISRAEL, Chief Policy Officer

1 PARTICIPANTS (CONT'D):

2 GREG DODSON, Deputy Commissioner for Trademark
Administration

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4 DAVID GOODER, Commissioner for Trademarks
SEAN MILDREW, Deputy Chief Financial Officer5 DAN VAVONESE, Deputy Commissioner of Trademark
Operations

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7 MARY CRITHARIS, Deputy Chief Policy Officer
and Director for International Affairs at the
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9 JOHN RODRIGUEZ, Attorney with USPTO

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11 TANYA AMOS, Attorney in Office of the Deputy
Commissioner for Trademark Administration12 MATT SCHWAB, Attorney with Electronic Filing
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Deputy Commissioner for Trademark
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1 P R O C E E D I N G S

2 (11:00 a.m.)

3 MS. BROWN: All right. Good morning
4 everyone. Welcome to the second public meeting of
5 2024 for the United States Patent and Trademark
6 Office Trademark Public Advisory Committee, also
7 known as TPAC. I am the chair of TPAC. I'm
8 Adraea Brown. In my day job I am the assistant
9 general counsel of trademarks at Harley-Davidson
10 Motor Company.

11 Before we get going I will take a moment
12 to introduce the rest of TPAC, starting with my
13 outstanding Vice Chair Amy Hsiao, who is a
14 partner, founding partner at Eligon IP.

15 Following in order of seniority we have
16 Dana Brown Northcott, assistant general counsel --
17 I'm sorry, associate general counsel of IP at
18 Amazon.com; Rod Enns, co-founding partner of Enns
19 & Archer; Donna Griffith, trademark specialist at
20 Schneider Electric; Deborah Gerhardt, a professor
21 of law at University of North Carolina School of
22 Law; Valerie Callaway, associate general counsel

1 of IBM -- to be fair, Valerie has many titles and
2 that's the one that we chose that I could remember
3 easiest; Nehal Madhani, CEO of Alt Legal, attorney
4 and CEO of Alt Legal; Doug Masters, a partner at
5 Loeb & Loeb and the managing partner of the
6 Chicago office. We also have joining us Jay
7 Besch, president of NTEU 245, Pedro Fernandez of
8 POPA; and hopefully virtually we have Harold Ross
9 who's the president of NTEU 243.

10 So as we're here today this is a little
11 bit different for us and it's a shorter meeting of
12 TPAC, hopefully, and we're just going to focus on
13 a few items for everyone, the public really, to,
14 kind of, give updates on pendency, give updates on
15 our new filing system, a few financial updates,
16 hear updates on scams and fraud, as well as some
17 from the Office Of Public -- OPIA, Information and
18 Affairs.

19 So from there, I think the next thing is
20 we're going to turn it over to Kathi for some
21 remarks, so thank you everyone.

22 MS. VIDAL: (Inaudible) Chair Adraea

1 Brown and all the members of the TPAC, and a big
2 thank you to everyone tuning in. We appreciate
3 your interest in trademarks and the essential role
4 they play in commerce and innovation. As our
5 economy continues to grow and as companies expand
6 globally, more and more people are recognizing the
7 importance of strong IP protection. The biggest
8 indication of the value of trademarks is that we
9 continue to see a healthy and sustained level of
10 applications, both from the United States and
11 abroad.

12 As we heard at the recent Select USA
13 Conference held by the Commerce Department last
14 month, more and more overseas companies want to do
15 business in our country. They know that a
16 USPTO-issued trademark is a first step to their
17 success. That is why it is so important for TPAC
18 members to provide us with their insight, their
19 guidance, and their knowledge.

20 So far this year we have accomplished a
21 great deal, and we look forward to seeing even
22 more progress ahead. We've hired 56 new trademark

1 examining attorneys. We are accelerating the
2 reduction in pendency. We've launched TM Search
3 and a beta version of Trademark Center. We are
4 enhancing the TM exam system and we are
5 proactively engaging in a comprehensive protection
6 of the register.

7 In all of these efforts we are working
8 closely with our union representatives on TPAC,
9 Jay Besch of 245, Harold Ross of 243, and Pedro
10 Fernandez of POPA. We owe our unions and our
11 staff a debt of gratitude for all their hard work
12 and accomplishing so much in such a short period
13 of time. Thank you.

14 A big part of our job at the USPTO is to
15 attract more people into every aspect of the U.S.
16 Innovation economy. We are excited about opening
17 our newest business unit, the USPTO's Office of
18 Public Engagement. It is designed to strengthen
19 our mission of education, outreach, and support to
20 communities throughout the country.

21 We have also launched a new diversity
22 information platform to provide a no-cost tool for

1 data- driven analyses. This new platform will be
2 a one-step shop for users to discuss and share
3 best practices in seeking protection for their
4 intellectual property.

5 Elsewhere, we are committed to
6 increasing the number of Patent and Trademark
7 Resource Centers, PTRCs, throughout the country
8 and at historically black colleges and
9 universities. And we are promoting our IT
10 educational programs to ensure that a new
11 generation of inventors and entrepreneurs know
12 about and has easy access to our IP system.

13 Within our trademarks business unit, we
14 implemented a multi-phase bundled initiative to
15 reduce our inventory of pending applications and
16 with it pendency. As I mentioned, this initiative
17 included an increase in the number of new hires.
18 We added IT teams to address latencies and bugs in
19 our systems, increased resources to eliminate bad
20 faith applications, implemented new and innovative
21 incentive awards for our staff, and realigned
22 first office action quality standards.

1 Through all of our collective effort we
2 have seen a dramatic improvement in pendency.
3 This was an all hands on deck effort and it wasn't
4 easy. Here are some of the results of that
5 effort.

6 First action pendency at the end of the
7 third quarter of the current fiscal year, 2024,
8 has been reduced to 7.87 months. Disposal
9 pendency is at 14.41 month. Inventory at the end
10 of the most recent quarter was approximately
11 454,674 classes, down approximately 13.5 percent
12 from the beginning of the fiscal year. This is
13 amazing progress.

14 Now, we know that last week's
15 CrowdStrike outage will need to be assessed and
16 will impact pendency, but I am confident that we
17 will continue to make progress in the face of new
18 challenges.

19 Commissioner Gooder and his team will
20 provide a more in-depth look into our efforts to
21 modernize our IT systems. They will discuss
22 Trademark Center and the means by which we are

1 addressing fraud, and they will cover other
2 initiatives that are under way. So, a big thank
3 you to our staff and to the TPAC for your guidance
4 and counsel.

5 To our devoted trademark stakeholders
6 and members of the public who are tuning in,
7 please provide us with your feedback and
8 suggestions. We cannot be successful without your
9 input. Thank you.

10 MS. BROWN: Thank you, Director Vidal.
11 I will now also pass the microphone to Deputy
12 Director Derrick Brent.

13 MR. BRENT: And I'm not going to have
14 much to add from my distinguished colleague's
15 opening remarks, other than to just welcome you in
16 person, to thank the TPAC for all of your help and
17 collaboration. A lot of the success that we've
18 had over the last months in turning around some
19 new programs is due to the collaboration that's
20 going on in this room, to your efforts TPAC, to
21 our friends in the unions who have stepped up
22 heartily in the pendency plan process, to the

1 other groups -- to the other BUs within, like CFO.
2 So, it's been a team effort and obviously the
3 trademarks team has really put their nose to the
4 grindstone.

5 So, everyone can, sort of, give yourself
6 a little pat on the back, but there's more work to
7 do and there's better work to do. And that's what
8 we look forward to doing. It's the blessing that
9 we get is to keep on working, so we keep it going.
10 And again, we thank you for your efforts and we
11 thank you for your time.

12 MS. BROWN: Thank you, Deputy Director.
13 And, Commissioner, right before you get started,
14 just to remind everyone out there in the public,
15 if you have questions for us as we're going
16 through today's meeting please send those in to
17 TPAC@uspto.gov, TPAC@uspto.gov and there will be
18 time for us to answer them at the end of the
19 meeting. Thank you.

20 MR. GOODER: All right, so here we go.
21 Welcome everyone, TPAC members, everyone who's
22 joining us here in person and online, I'm glad you

1 could attend today. I'm David Gooder. I'm the
2 commissioner for trademarks.

3 And today we're going to bring you up to
4 date on a number of things that have been going on
5 in the office over the last few months, and to do
6 that we're going to do it in the realm of one of
7 our primary priorities for the fiscal year. And
8 to look at that, the top priority this year has
9 been to accelerate the reduction in pendency, so
10 we've been working on reducing pendency for some
11 time. And it's a big ship to turn.

12 And but this year it's about
13 accelerating that reduction, so we'll talk about
14 the results through Q3. And I'll have an update
15 on the pendency reduction initiatives that took
16 place this fiscal year on top of the ones already
17 done, and then an update about what we're seeing
18 with quality. And Dan Vavonese will be addressing
19 those topics.

20 Essentially, with pendency reduction
21 generally we are, sort of, hyper-focused on three
22 different things. One is the inbound filings

1 because that steers not only the workload but it
2 also impacts what happens to pendency, et cetera.
3 We also focus on that resulting inventory, and
4 when we say inventory what we mean is inventory of
5 unexamined applications, so the ones that are in
6 the pipeline in essence. That's what Director
7 Vidal referred to as dropping more than 13 percent
8 this fiscal year.

9 And then finally on what's happening
10 with examination and the productivity of not only
11 our examiners but our entire trademark operation,
12 pre-exam, examination, policy positions,
13 everybody. Everybody has a hand in, you know,
14 productivity.

15 So filings is something that we keep a
16 keen eye on it. To, you know, a private sector
17 company it's akin to their sales, and this year so
18 far we are on track to essentially be flat with
19 fiscal year 2023, which is from a pendency
20 reduction standpoint is a good, healthy thing.
21 And as you can see on this chart, there's been
22 historic growth. You can see the huge spike that

1 occurred in fiscal 2021 that contributed largely
2 to, or multiple spikes actually, that contributed
3 to the rise in inventory. But things have calmed
4 down, which is quite good. So like I said, we're
5 projecting about 740,000 classes this year.
6 That's just less than a point difference than last
7 year.

8 When you look at it, not all months are
9 created equal and this graphic, kind of, shows you
10 if you look at, sort of, the far right side. It
11 shows you, kind of, how some months are much
12 higher than others and some are lower. Sometimes
13 they're lower because of holidays. Sometimes
14 they're higher or lower because of a differing
15 number of days, of work days in the month. Not
16 every month has the same number of work days, so
17 sometimes you see something dropping down for a
18 month and that's just because of some of these
19 anomalies that happen.

20 But the red line that's, kind of,
21 rolling over the top of that shows you how fairly
22 stable new filings have been in the last couple of

1 years, which has been a huge help.

2 The other thing we look at is where
3 filings come from in the world. At the top line
4 is the U.S. and it's obviously the largest player
5 by a considerable margin and is 60 some odd
6 percent of our filings. You can see the, sort of,
7 the ups and downs. It's on a bit of an upswing
8 lately. I'm going to go to the bottom three lines
9 now which is Europe in the broadest definition of
10 that term, so the European Union plus the
11 countries that are not part of the union who are
12 geographically in the same area. And then you see
13 Asia- Pacific without China and then the Americas
14 without U.S. And they are fairly stable, although
15 in the last quarter so we've noticed that they are
16 declining some. But it's a fairly small base.

17 The line in the middle is filings that
18 originate in China and overall the filings from
19 China this year have been on a slight rise. They,
20 as you can see, have had some significant ups and
21 downs, but for the time being that they are on the
22 rise. And that's actually commensurate with

1 what's happening with filings in China as well,
2 domestic filings. So this is something that as we
3 look for the future about where do we think
4 filings are coming from or are they increasing,
5 decreasing, et cetera, this is something our
6 financial people and economists keep a close eye
7 on.

8 Inventory is this very significant thing
9 that we watch because the higher it gets the older
10 the inventory gets, the more pendency increases,
11 so it's a key thing to be able to reduce. You can
12 see on the far right that we have been able to
13 bring this down steadily and it's flattened a bit
14 right now partly because of the summer, partly a
15 little bit because of the CrowdStrike.

16 What you see also is the green bar in
17 the middle. That is our target area and we're
18 closing on it fairly fast, but that for the future
19 purposes is where we're headed. That's the goal
20 that would get us into the four months plus or
21 minus pendency range.

22 One thing you can also see from this is

1 people have been, and the trademark community has
2 been, I think, very understanding about the
3 pendency problem we've been dealing with since the
4 spike in late 2020 and 2021, and what you see
5 that's interesting and I wanted to just point out
6 is this ship of ours moves, turns slowly. So with
7 the rise in filings it took about 16 months give
8 or take for it to peak. So it doesn't just go up
9 because we've had many months where the filings
10 not -- they weren't a big spike month but they
11 were still bigger than the prior year. That was,
12 kind of, one of the anomalies of the early part of
13 the pandemic.

14 It then took about the same amount of
15 time to flatten that growth curve. And
16 effectively over time you can see ups and downs
17 and those tend to be the quarterly ends of
18 quarters, things like that. And now we're in this
19 decline and it has accelerated, which is exactly
20 what we were aiming for. So when you think about
21 this whole phenomenon that we've been dealing with
22 over the last few years, if you think about it in

1 those, sort of, phases it helps understand, kind
2 of, what an organization of this size with that
3 kind of inbound application can do when they're
4 aggressively -- even being really aggressive about
5 it, it just takes time and effort.

6 This is a slightly different look at
7 inventory. And what this is showing you is the
8 squiggly line is the actual day-to-day inventory
9 of what's going on. The reddish line, color
10 blind, sorry about that -- is start smoothing that
11 out a bit and the green line, though, is the
12 three-month average. And that's the one that we
13 watch a great deal because of so many variations
14 in months and weeks, et cetera, but you could tell
15 and see how that green line has been descending
16 consistently over the last months. And that's
17 what Dan talks to you more about pendency here in
18 a minute, that's what's helping drive that.

19 People ask sometimes, well, how far down
20 do you take pendency? Is pendency ever going to
21 be zero? And the answer is no, it can't be zero
22 because that's what it provides the baseline of

1 work. And there's from the management perspective
2 you just wouldn't want to have zero inventory.
3 You just couldn't do that.

4 So anyway, I want to move for just a
5 little bit, but the other two areas we'll talk
6 about today are some things to do with our IT
7 mountain, which a lot of you have followed along
8 with us for ages of seeing what's happened there,
9 especially with the retirement of TRAM and the
10 development of something called the Trademark
11 Center. And we'll demo that more for you today.

12 And then finally -- oh, before we get to
13 that, yeah, let's talk about the CrowdStrike
14 outage just for a minute. So, as many of you
15 know, as many of your organizations had varying
16 impacts, if you were travelling on, let's see, it
17 was Friday you experienced it. We -- basically,
18 the strike hit on the 19th. The agency itself had
19 about 1,000 people affected. In trademarks it was
20 about half our workforce, so we had a
21 proportionally different hit than the rest of the
22 agency had. So that for us was about 500 people.

1 What swung into action was this ability
2 of our CIO and our financial office colleagues,
3 patent colleagues, everybody in the agency trying
4 to assess what happened, what's involved, how do
5 you fix it? And as many of you know with this
6 outage, it wasn't like your IT support people
7 could just remote into your computer. It just
8 wasn't running. So we swung into action over the
9 weekend and started putting in motion more
10 resources at the help desk. One of the biggest
11 things that was done that proved to be the most
12 effective at getting people back up was to have to
13 support people in-person at the agency where
14 employees could come in, because what we learned
15 very quickly was to repair someone's computer
16 online took about 30 to 40 minutes. By 8,000
17 people that's a long time wait, way too far. But
18 by doing it in-person it would be in the maybe 10
19 to 15-minute range.

20 So we started getting all of our people
21 to come into the office. We deputized lots of
22 people, IT people from around the agency to help

1 with that process and happy to report by Thursday,
2 literally, all the impacted employees had been
3 back online. And for trademarks it was really,
4 kind of, by late Tuesday, Wednesday.

5 You know, there will be an impact to
6 some extent. Our estimate at this point is it's
7 very low on impact on pendency. The examining
8 corps has been fantastic at getting, sort of, back
9 up to speed and literally of the whole part of the
10 Trademark Office. So it probably will be one of
11 those things we all talk about for a while of
12 where were you when you discovered your computer
13 didn't work anymore? But it was, I think, for the
14 agency generally actually quite a shining moment
15 in the face of a really huge outage that everybody
16 was experiencing. Glad that's in the rearview
17 mirror.

18 Okay. So then we're going to talk a
19 little bit about register protection, which has
20 been a hot topic ever since I started as
21 commissioner and continues to come up as we put
22 more and more effort against fighting all these

1 problems with scams, et cetera. And we'll share
2 an update about that.

3 So before though we get to that, we
4 talked about filings, et cetera and to set, kind
5 of, the stage across all of this I want to invite
6 Sean Mildrew, who is the deputy chief financial
7 officer, to give you an update briefly about the
8 financial aspects of this because then as you hear
9 everything else you have that context. Sean's
10 update this meeting is very short and condensed
11 because of where we are in the fiscal year,
12 however, in the meeting that we'll have in
13 November, which is after the end of the fiscal
14 year when we have a far more understanding of the
15 entire year, he will have a much more in-depth
16 update. So today's will be fairly short.

17 So I'm going to turn it over to you,
18 Sean, and I think you need the --

19 MR. MILDREW: Oh, there we go. Thanks,
20 Commissioner Gooder. It's good to be with the
21 TPAC here, and I will keep my remarks brief as
22 requested. And I'm going to try to channel that

1 Olympic spirit and go for the gold here and make
2 this a five-minute presentation, which most of you
3 know that's a high challenge and a high bar for me
4 to reach, but I'm going to go for it. And I hope
5 I get that gold medal.

6 So I'll talk really briefly about three
7 data points: 2024, which is the fiscal year we're
8 in right now; 2025, which starts October the 1st;
9 and then 2026. So at a high level the good news
10 story here is that our financial position in
11 trademarks is strong. And you can see by that
12 note just under the title slide there that we're
13 projected to be right at 135, \$135 million of
14 operating reserve by the end of this fiscal year.
15 So that's a very strong position. That's right
16 where we want to be. We want to be somewhere
17 between minimum and optimal operating reserve.

18 And if I can just walk you through the
19 chart very quickly, we always start with our
20 appropriation amount, and so for trademarks it was
21 just about \$500 million. We make some refinements
22 to that. That is an over two-year estimate,

1 right, for the appropriations so we're looking at
2 adjusting it for the president's budget, which was
3 submitted in March, a downward adjustment of about
4 \$39 million bringing us to a subtotal for this
5 fiscal year of \$460.7 million. And we made
6 additional adjustments to that at our mid-year
7 adding back another \$7.6 million, which brings us
8 to an estimated revenue of \$468 million. And keep
9 in mind we do have that operating reserve and some
10 additional revenue sources that come in through
11 the year, so we add back another \$215 million
12 bringing the total funds available to \$683
13 million.

14 We have projected spending through the
15 end of this fiscal year at \$548 million, leaving
16 us with a projected operating reserve at the end
17 of this fiscal year at \$134.8. We round that up
18 to 135 which, by the way, just happens to be our
19 minimum operating reserve. So good news there.

20 This next slide, just to orient you to
21 the slide and the bars, the red are the revenue.
22 The blue are the spending. The solid is actual.

1 The striped is projected. You can see the trend
2 through the months starting in the beginning of
3 the fiscal year in October and every month, we are
4 actually spending more than the revenue we're
5 taking in. That was planned for, but this trend
6 really drives the need for our fee setting changes
7 that we're proposing through the rulemaking
8 process.

9 And so if I can flip to this slide very
10 quickly, this is a quick snapshot of our operating
11 reserve, and you can see the operating reserve is
12 that blue area on this chart. And as of June 30th
13 we were at \$172 million of operating reserve, and
14 you see the dotted line continues to approach our
15 minimum of \$135 million. That's the minimum
16 operating reserve that we want to maintain and
17 operate within. And that line continues to draw
18 down from the \$172 million down to the end of the
19 year because the previous chart, the bar chart
20 that I showed you, we're spending more than we're
21 collecting and so that's eating up more and more
22 of our operating reserve. And again, that's the

1 rationale for why we really need to go forward
2 with a fee setting through the rulemaking process.

3 Okay, so a quick -- so that's enough on
4 2024. So 2025 both the House and Senate have
5 acted now on our appropriations bill. The
6 president sent his budget request in March of this
7 year and both House and Senate now have acted,
8 House on July the 9th and the Senate on July the
9 26th. Both have given us the request in the
10 president's budget, which is great news.

11 And then on the horizon for 2026, we are
12 working on the budget formulation putting the
13 final touches on that. The PACs, both PPAC and
14 TPAC will receive our draft budget, as well as the
15 department later on this month, and we're
16 scheduled to submit our OMB submission on
17 September the 10th.

18 And just an update on fee setting, we
19 expect to publish our final rule in the fall of
20 fiscal year 2025 this fall. And then revised fees
21 will go into effect in the winter.

22 And I think with that, I am done. Yes,

1 Valerie?

2 MS. CALLOWAY: Hi, Sean. Thank you so
3 much for that great overview. Just wondering if
4 it's the additional IT expense through the
5 retirement of TRAM that's causing us to spend a
6 bit more than what we're bringing in?

7 MR. MILDREW: It's a good question.
8 It's a number of various factors. I wouldn't
9 suggest that IT was a driver for that. Those are
10 planned expenditures against the revenue that we
11 receive, right, so we have an idea of how much
12 revenue we're going to take in but it always, you
13 know, that plan meets reality. And so the planned
14 spend incorporates a lot of changes that really
15 are outside the realm of the agency's control,
16 including pay raise.

17 As you know, you know, at this agency
18 pay and benefits eat up about 70 percent of our
19 budget so when we get cost of living increases
20 government-wide across the board that also impacts
21 how much the agency, USPTO, has to pay for
22 salaries and benefits. We don't have an easy out

1 from that. Once the pay is determined we have to
2 pay those salaries and benefits at the rate of the
3 federal government's determination. So those were
4 unplanned factors that don't go into our
5 long-term, five-year planning so that's I think
6 you're seeing in near term a little bit of that
7 happening and shaking out.

8 MR. GOODER: You indeed get the gold
9 medal for staying on time.

10 MS. CALLOWAY: Not just the gold, but I
11 think that's, like, a TPAC record as well. So you
12 get both, yeah. Thank you.

13 MR. MILDREW: Thank you. I'm honored
14 and I'm ready for the national anthem now.

15 MR. GOODER: Okay. We'll start it just
16 in a little bit out on the concourse there. All
17 right. Thank you, Sean.

18 All right. Now, we're going to swing
19 back into the nuts and bolts of trademark
20 operations and pendency and quality, et cetera,
21 and I'll turn it over to Dan Vavonese, our deputy
22 commissioner for trademark operations. Dan?

1 MR. VAVONESE: That will be difficult to
2 follow up. I'll do my best. So I'm going to
3 cover, you know, productivity, pendency, inventory
4 quality, and pendency reduction plan updates
5 through the third quarter.

6 So, you know, we've talked a little bit
7 about the pendency reduction plan in prior TPAC
8 meetings. You know, we've put several initiatives
9 into place this fiscal year after leveling off the
10 inventory as Commissioner Gooder talked about.
11 And first -- one of the first things we did was
12 with our IT resources we -- at the beginning of
13 this fiscal year we were a little less than one
14 year into a new examination system for the
15 examining attorneys, so we still had improvements
16 and fixes to make in that system. So we added
17 additional resources for, specifically for that
18 system and also to prepare for transition for the
19 rest of our employees into TM Exam.

20 We had to shift some of those resources
21 in order to get TRAM retirement on schedule and
22 done by the end of May. And then when TRAM

1 retirement completed we shifted the resources back
2 to TM Exam. And our focus for the rest of this
3 fiscal year and onward is on prioritizing our
4 transactions, our workflow, and office action
5 fixes and improvements that will help with the
6 efficiency of getting our work out quicker and not
7 running into any issues in the internal processing
8 of these applications.

9 The other thing we did was we shifted
10 our excellent action standard from first action to
11 final action. We had a very heightened standard
12 on first action for examination and we shifted
13 back to a prima facie case, which is the standard,
14 the general legal standard for review. And it
15 doesn't -- what it just means is that instead of
16 the longer, larger office actions with a lot of
17 evidence we cut back to support the case. Support
18 the case with the level of evidence necessary on
19 that first action and then upon response get to
20 that excellent standard on final.

21 We -- I'll talk about quality in a
22 couple minutes. We think it's gone very well so

1 far. Had a heightened focus on first actions,
2 incentivizing getting more first actions out in
3 this fiscal year, which I'll show you some of the
4 results of that in a minute.

5 Hiring. We did a lot of hiring this
6 year both for FY24 but also speeding up some
7 hiring in order to deal with some other processing
8 within the office. Fifty-six examining attorneys
9 this fiscal year we will -- we're in the current
10 -- we're currently in a hiring cycle for hiring
11 for the fall for more examining attorneys. LIE is
12 the specialists. We have hired two LIEs to handle
13 our amended processing, one LIE in intent to use,
14 three LIEs in our pre-examination unit plus a new
15 supervisor. And we also sped up the hiring of
16 more specialists and post-registration of recently
17 hiring seven specialists in that area as well to
18 handle a lot of the processing issues that we
19 have, the pendency issues we have other than just
20 in the first action.

21 Search training. We all got a new
22 system internally just like external, just like

1 the external system changed. So we just did
2 recently within the last two months we did
3 training for all the examining attorneys on the
4 new system, including how to get more efficient
5 searching completed within the system and making
6 sure they're catching all the correct cites for
7 the applications they're reviewing.

8 Streamlining bad faith processing. This
9 has been a running theme we've been working on and
10 identifying early and moving flagged bad faith
11 applications to the register protection office so
12 they are out of the general examination cycle for
13 the examining attorneys. Those are moved over so
14 they can be investigated without the examining
15 attorneys having to work on that.

16 Finally, incentivizing complete
17 applications, the more complete that application
18 is when it comes in the door the more efficiently
19 the examining attorneys can review that
20 application and focus on the substantive parts of
21 the application rather than the administrative or
22 procedural parts.

1 Two things that are going to really help
2 us a lot coming up is the TM Center, so I'll
3 continue to promote everybody trying out the new
4 TM Center application. And then also we'll be
5 preparing for the new fee rule coming up as well.

6 MS. BROWN: Dan, right before you move
7 on --

8 MR. VAVONESE: Yeah?

9 MS. BROWN: -- really quick question.
10 Can you remind me of the acronym L-I-E?

11 MR. VAVONESE: Sorry?

12 MS. BROWN: L-I-E?

13 MR. VAVONESE: Oh, sorry, legal
14 instruments examiners.

15 MS. BROWN: Thank you.

16 MR. VAVONESE: One very positive that
17 we've seen this fiscal year is a big increase in
18 productivity among our examining attorneys. We
19 put several initiatives into place in December and
20 what you'll see is that first in the second
21 quarter of FY24 we saw an 11 percent increase in
22 productivity. But the big thing I want to point

1 out is in third quarter, which is April to June,
2 we saw a 28 percent increase in productivity from
3 our examining attorneys compared to the
4 productivity in FY23. That amounts to over 50,000
5 first action classes that were going out.

6 When you look at the inventory drop, a
7 lot of that is based on the increased productivity
8 that we've seen from our examining attorneys and
9 also from our supervisors in the law offices that
10 have stepped up. So I do want to -- I really want
11 to thank our examining attorneys for really
12 stepping up and helping with this, helping with
13 getting our pendency and our inventory improved.

14 You've seen this. You've seen this
15 slide already. You know, what I really want to
16 point out here is that, you know, at the -- near
17 the end of FY23 our inventory was at 550,000 first
18 action class. So we have improved by almost
19 100,000 classes in about a year. We do expect
20 this to go up slightly, you know, for the next
21 month or so. Summer is a tiny bit slower but not
22 by much, but we do expect to be well below our

1 projection for this fiscal year and really we will
2 be in a good position to continue to have this
3 curve going downward going into FY25.

4 And pendency as well, just to remind,
5 you know, we measure pendency based on annual
6 average first action pendency, so we started this
7 fiscal year closer to 8.2 months first action
8 pendency. We have been -- we went up slightly in
9 the first quarter, but we've been going down ever
10 since. We're actually closer at this point to 7.8
11 months first action pendency right now, and that's
12 averaged against the entire fiscal year.

13 But if you look at the monthly first
14 action pendency for July itself, our average was
15 actually right at 6.9 to 7 months for first action
16 pendency. So that's the number, the average that
17 we're really focused on because that shows our
18 real trend downward, which is just such an
19 improvement compared to where we were at the
20 beginning of this fiscal year.

21 And I just want to emphasize, too, there
22 were questions about disposal pendency as well.

1 That was something that we were catching up on.
2 We are now below our 14.4 month goal, and we are
3 going down. We're actually at this point closer
4 to 14.3 months and continuing to go downward.

5 And I wanted to emphasize quality as
6 well. You know with this increased productivity
7 we still look very closely at the quality of the
8 work that we're putting out, especially are we
9 making the correct substantive decisions both on
10 first action and on final determination, which
11 includes both final office action as well as
12 approval for publication. And we are still well
13 meeting both of those goals. We're doing
14 incredibly well at the final stage, but we are
15 also well meeting our first action compliance goal
16 as well. And thanks to the hard work of our
17 examining corps.

18 All right. I guess I did pretty good on
19 time with that. Dana?

20 MS. BROWN NORTHCOTT: Dan, first,
21 congratulations to you and your team on the
22 astounding, astounding work. Great progress.

1 Could you please tell us a little bit more about
2 what's going on with statements of use and amended
3 processing pendency?

4 MR. VAVONESE: We got a similar question
5 from the public on this so it's a timely question.
6 So when we prepared for TRAM retirement, we also
7 had to remember the TRAM retirement not only got
8 everybody off of our TRAM database, but we also
9 were transitioning by the end of this May all of
10 the rest of our employees to a new examination
11 system as well. Some got a brand new system, some
12 got a modified system, but everybody had to move
13 to this new database. There were a lot of things
14 that had to be fixed behind the scenes so many of
15 our -- the majority of our employees, especially
16 in trademark services, and that's everybody from
17 the exam support unit to IT, to intent to use, to
18 pre-exam, Madrid, and post- registration, they
19 were all learning new systems or new tools as
20 well.

21 So the other thing with TRAM retirement
22 was after TRAM retirement was completed we also --

1 there were certain gaps in our internal processing
2 that had to be fixed. So, we have been over the
3 last couple of months been working on getting
4 those gaps closed and fixed. With intent to use
5 we did have a gap in processing statements to use
6 so we had to manually process those to get those
7 to the examining attorneys. The good news is that
8 we have a fix in place in the next two weeks that
9 should close that gap finally, so that's good news
10 on statements to use.

11 On our amended processing, that has been
12 a challenge for the past year, and I know I get a
13 lot of questions about that almost every day from
14 our stakeholders. And I want to continue to
15 apologize for the delays on that. We are -- we
16 just hired, as I said, in our exam support unit to
17 support that processing to get those applications,
18 to get the responses processed quicker. We also
19 have an improvement, a processing improvement and
20 an IT improvement coming in the next month about
21 to speed up some of that automated processing of
22 some of those responses as well. So, we hope to

1 see a turn around and amended processing going
2 into the new fiscal year as well.

3 MS. BROWN: Dan, I have another
4 question. If you don't mind going back I think
5 two slides showing the -- yes, right here. So
6 right, if you're looking at this slide, first of
7 all, agree with Dana. This is outstanding the
8 efforts that have been made, right, to reduce
9 pendency. Obviously, it's been on everyone's mind
10 for the past several years so this is great to see
11 the ship turning.

12 But when you're looking at these
13 numbers, these look like drastic drops, right,
14 especially that red number. You know, like a half
15 a month -- losing a half of a month per month,
16 right, like, if I'm looking at that? And that
17 doesn't -- that's not the goal, right? I mean,
18 the goal is obviously to reduce pendency but
19 eventually we want that deep curve I presume to
20 level out a bit and then start to go more slowly
21 because if I'm looking at this I might think we're
22 going to get down to that four or five months in

1 about three or four months. And that's --

2 MR. VAVONESE: That's right.

3 MS. BROWN: -- I don't think that's
4 realistic, right? So I guess the question is what
5 is the realistic timeframe, right? What's the
6 expectation because this is an extreme pace which
7 I think that's the purpose of the plan, but we
8 also want to level out. So what's the general
9 expectation of when it will start to level out and
10 get back to that (inaudible)?

11 MR. VAVONESE: I mean, we're -- you
12 know, the slide previously where Commissioner
13 Gooder was looking at the, you know, four to five
14 months first action pendency closer to four
15 months, I mean, that's our goal. We're still
16 looking at probably a couple years to get to that
17 point. We don't expect this kind of drastic drop
18 to continue. We've put -- our examining attorneys
19 have been really cranking it out this year and,
20 you know, we expect this to level off a little bit
21 in FY25 but to continue to drop. Maybe not at
22 this drastic rate.

1 We had a huge tail. I think maybe
2 others have talked about this before. We had a
3 huge tail of very old applications that were
4 making the averages look even higher than
5 necessary. That tail is not as old as it used to
6 be so now we're looking at a tail in the 7 to 8-
7 month range. So as we continue to get through
8 that we won't be going through that like we were
9 before, whereas before we were talking in 9 to 10
10 months. So we do see this level up happening over
11 the next fiscal year, but it will be continuing to
12 go down.

13 We'll be starting -- I don't want to
14 project too far ahead, I mean, but we'll be
15 starting in the probably low sevens at the
16 beginning of FY25. You know, we'll have to see
17 how the next two months go.

18 MS. BROWN: Got you. And thank you. By
19 no means did I -- was I trying to imply that it
20 should not keep going down.

21 MR. VAVONESE: No, no, no.

22 MS. BROWN: I just meant the pace.

1 Like, I understand --

2 MR. VAVONESE: Yeah.

3 MS. BROWN: -- it's all hands on deck
4 but it's unrealistic to expect the pace to
5 continue.

6 MR. VAVONESE: And we have -- we're
7 hiring more. We're going to be training more and
8 yeah. We have to continue to balance it.

9 MS. BROWN: Right, right, thank you.

10 MR. GOODER: Any other questions for
11 Dan? All right. So that makes two gold medals in
12 a row. We're doing really well here.

13 All right. Now, we'll turn it over to
14 Tanya Amos, who is here on behalf of Amy Cotton,
15 who's the deputy commissioner for trademark
16 examination policy. In that office is Tanya's
17 group and Tanya is the person who directs all our
18 efforts with regard to communications and
19 marketing and register protection and things
20 related to all that. So she's going to hear --
21 talk a bit about register protection. Tanya?

22 MS. AMOS: Good morning, everyone. I

1 wanted to tell you a little bit about trademark
2 scams and what we're doing to combat them. So
3 over the past few years we've seen an increase in
4 scams across the entire application and
5 registration process. It's impacted owners,
6 attorneys, even those that haven't yet filed with
7 us.

8 So I want to start by telling you about
9 three solicitation scams that we're seeing target
10 attorneys. The first is the attorney sponsorship
11 scam. This is where scammers for reaching out to
12 attorneys to use their attorney role in the
13 uspto.gov account to sponsor support staff. And
14 then once these scammers are sponsored they're
15 able to file whatever they want without any
16 supervision.

17 The second scam we're seeing is where
18 scammers are reaching out through gig site or
19 freelance web pages asking to rent attorney
20 credentials. And they're not reaching out to
21 these attorneys for their professional
22 credentials, but merely because they have a bar

1 membership number.

2 And the third type of scam that we're
3 seeing on the rise is scams where scammers are
4 reaching out and using attorneys' names and bar
5 information without the attorney's knowledge.

6 Let me tell you what we're doing to
7 combat these types of scams. On the attorney
8 sponsorship scam front. In January, we required
9 mandatory electronic -- sorry, mandatory identity
10 verification for all sponsors (inaudible). This
11 gave us greater visibility into who is using our
12 filing system and what they're doing. And it also
13 let us shut down accounts that were being used by
14 the scammers.

15 We're also on the filing firm front
16 continuing to raise awareness. We have web pages
17 dedicated to the challenges that customers face
18 when they use a filing firm where we have
19 registered the USPTO trademarks. And our
20 solicitor's office is combatting scams by taking
21 action against them. And if we see complicit
22 attorneys that are engaging in these scams, we're

1 sending them over to our office of enrollment and
2 discipline. We're also issuing sanctions against
3 filing firms. And if you're interested you can
4 see a full list of firms that are sanctioned on
5 our website.

6 On the fake correspondence scam we've
7 been posting updates to our web page on a regular
8 basis to show you all the new scams that we're
9 receiving from customers that are emailing us at
10 scams@USPTO.gov. We're developing new web pages
11 with content, and we're also encouraging our
12 customers to report these scams to the Federal
13 Trade Commission. I'll show you what that looks
14 like in just a minute.

15 I want to first talk to you about two
16 scams that we're where they're targeting
17 applicants, and the first scam is where scammers
18 are falsely stating that they are associated with
19 the USPTO. We're seeing it on web pages with
20 advertisements where the scammer is saying that
21 they either work for us or they're somehow
22 connected to the USPTO.

1 We're also seeing a rise in government
2 impersonation. We have scammers that are spoofing
3 our very own USPTO telephone numbers like the
4 trademark assistance center. It's really hard to
5 catch them all. We're playing whack-a-mole.
6 Sometimes these scammers, in addition to using our
7 telephone numbers, they're looping in fake USPTO
8 employees to entice victims to pay them more
9 money.

10 Let me tell you what we're doing about
11 these types of scam. On the false association
12 with the USPTO, we're working with the search
13 engine companies like Google and Bing to report
14 misleading trademark filing ads, and we're also
15 encouraging our customers to do the same thing.
16 We, like I said, we've registered our USPTO
17 trademark and the solicitor's office is actively
18 engaging in enforcement of USPTO marks in domains
19 and web pages. And then, of course, we're
20 updating our web content.

21 On the government impersonation front,
22 we've recently added a new warning to our

1 electronic forms. It's on the owner telephone
2 number field, and I'll show you what that looks
3 like in just a minute, advising them that these
4 types of scams are occurring. We're continuing to
5 conduct outreach with other agencies to try and
6 raise awareness of scams, and we're increasing
7 reporting to the Federal Trade Commission.

8 MS. GERHARDT: So, a lot of private
9 attorneys have clients that routinely receive
10 letters that come in, and we just tell our clients
11 to ignore them. But I'm wondering, given that the
12 USPTO is not an enforcement agency, if there's
13 something that you would recommend that private
14 counsel do with those letters or tell their
15 clients to do with those letters to help you solve
16 this problem?

17 MS. AMOS: Absolutely. We'd love for
18 you to reach out to the Federal Trade Commission
19 and report these letters and notices because they
20 have a database where they're collecting. They've
21 just given us a dedicated USPTO link that our
22 customers can use to report trademark scams. So

1 it's put into a cyber tool where there's over
2 2,800 law enforcers available that are using it to
3 bring action against the scammers. So the more
4 that you can do to help us would be greatly
5 appreciated.

6 MS. GERHARDT: That link is accessible
7 on your website?

8 MS. AMOS: That link is accessible on
9 our website, and I'll show you the exact link.
10 It's right here on the screen. And you'll also be
11 able to click to it from many of our pages. We
12 embedded it into a lot of different web pages so
13 that it makes it easy for you to click on it.

14 Another tool that we have in our toolbox
15 is the Federal Trade Commission just implemented a
16 new rule which makes it a rule violation too
17 impersonate a government official. So that is
18 something that we're looking to use along with
19 this new special link that they've set up. This
20 is one of our web pages. It's a web page with 12
21 tips on what to do if you've been scammed, and
22 this is where you'll see tip number four is

1 reporting to the Federal Trade Commission. So
2 when you report, the screen on the right is
3 exactly what the report looks like and then that's
4 sent to the database with over 2,800 law
5 enforcers.

6 This is the example of the warning that
7 we've added to the forms. This is a TEAS form.
8 And as you can see, in the owner field the phone
9 number is optional and we also let our customers
10 know that scammers are impersonating the USPTO.

11 And finally, we're continuing our
12 outreach and to raise awareness for customers to
13 identify scams and what they can do to stop them.
14 We're hoping to run a social media campaign in the
15 near future to continue that awareness.

16 And I'll stop here if anyone has other
17 questions?

18 MR. GOODER: Any questions?

19 MS. BROWN: Yes. I just wanted to add
20 thank you, Tanya, for the update. I know I see it
21 in terms of, and I'm sure many on TPAC see a lot
22 of frustrations in relation to, you know,

1 receiving these, like, fraudulent communications.
2 And I really want to commend you. I want to
3 commend the USPTO for their work in being as
4 proactive as you can in relation to the scams, and
5 I really want to encourage the public to pay
6 attention to this slide to go to the reporting
7 that Tanya just mentioned in relation to the FTC.

8 I think your number one misconception
9 slide is truly the number one misconception. I
10 often hear why isn't the PTO going after these
11 fraudulent actors, right? And you're not an
12 enforcement agency, but there are things that we
13 can do as a public to help and the reporting is
14 certainly key to that. So I'm certainly
15 encouraging everyone to, like you said, Deborah,
16 forward those scams along, communicate with the
17 PTO and really try to assist in reducing these
18 because it's a big problem. And we appreciate all
19 that you're doing to tackle it.

20 MS. AMOS: Thank you. It's huge and it
21 just seems to be growing.

22 MR. MADHANI: Tanya, I know you

1 mentioned the enforcement coordination but from
2 investigative standpoint are you working with
3 other agencies or organizations to help surface up
4 as many of these as possible?

5 MS. AMOS: Yeah, that's a great
6 question. We've been doing a lot of outreach with
7 the small Business Association, the Social
8 Security office, and the National Association of
9 Attorney Generals to really raise awareness of
10 scams and trying to get some assistance.

11 MR. MADHANI: Thank you.

12 MR. GOODER: Yeah, in many circles it's,
13 kind of, been an unknown to the trademark
14 community. We've been seeing this for years and
15 watching it, et cetera, but to a lot of law
16 enforcement agencies, consumer protection, this is
17 not such a fairly new thing. And the more they
18 can understand that the size of the problem the
19 better -- easier it is to get resources. But
20 yeah, the misconception issue about our
21 enforcement authority is really something that we
22 need people to, A, understand, but think about how

1 we work with that. So thank you, Tanya.

2 Okay. Now, at this point I'm going to
3 turn it over to Greg Dodson, who's the deputy
4 commissioner for trademark administration, and
5 he's got something exciting to show everybody.

6 MR. DODSON: Thank you, Commissioner
7 Gooder, Chairperson Brown, Vice Chairperson Hsiao.
8 TPAC, thank you. It's great to see everybody
9 again, and I think it's still morning so good
10 morning to all.

11 Hey, if I could take just a moment, I'd
12 be remiss if I didn't mention that we had some
13 members of our WIPO IT group behind us today, and
14 they're visiting the USPTO all this week, so we're
15 very excited to have them join us today. This is
16 quite an international public meeting. They came
17 here during the hottest week of the year. I'm
18 sure when they invite us back it'll be the coldest
19 week of the year in Geneva so they'll pay us back.
20 But thank you very much for joining us today.

21 So, Dave, thanks really quickly for the
22 opportunity to do this. As you heard from Under

1 Secretary Vidal, and the commissioner has
2 mentioned it and Dan did as well, we are really,
3 really excited about our Trademark Center
4 capability. It's out there. It is on the TEAS
5 page. You have an opportunity to take a look at
6 it. We're highly encouraging our folks, our
7 customers to take a look. I think it's going to
8 be mentioned in the presentation that you're going
9 to get here in just a moment that in the next few
10 weeks there's going to be some more tuning of it
11 and it will be for our attorney customers as well,
12 too. Right now it's, kind of, our pro se
13 applicants. We're asking them to take a good hard
14 look at it, but we would highly encourage some
15 more beta testing. We want the feedback. We want
16 everybody to, kind of, give us some indication on
17 how they're feeling about it, what they're seeing,
18 things that we can do the best. I know that we've
19 got a lot of feedback loops to us and we're just
20 really wanting to encourage everybody to take a
21 look at it and let us know. We're really, really
22 excited about this.

1 on all our customers to help make the product
2 better. We spent more than a year and countless
3 rounds testing and getting feedback from our
4 stakeholders, but we always want more. As a
5 result of this testing, we've developed a mobile
6 friendly guided application, and it's been a hit
7 with our less experienced filers. Those filers
8 represent more than three-quarters of the
9 individual users who access our filing systems on
10 any given day. And so they have given us 97
11 percent positive survey results so far, and that's
12 why this beta focuses on core filing
13 functionality. We wanted to give those customers
14 access to an alternative to TEAS as soon as we
15 could.

16 We've also listened to practitioners
17 closely and we are working on bigger upgrades just
18 for them and these take a little more time. After
19 all, attorneys and their support staff are
20 responsible for the vast majority of our filing
21 volume. So that's why our focus right now is on
22 releasing advanced features that go beyond the

1 core application functionality that we debuted the
2 beta with. So this includes online draft sharing
3 between attorneys and their sponsoring support
4 staffs. Coming soon.

5 We also want to help practitioners fill
6 out forms faster by enabling template creation and
7 draft cloning, and there's much more to come. So
8 we know that practitioners have made a major time
9 investment in learning how to use TEAS over the
10 last 25 plus years and our goal is to ease that
11 transition to a new system so that everyone can
12 enjoy the benefits of more uptime and more
13 reliability, safe drafts, status updates, and
14 more. So we still need your help.

15 Come try out Trademark Center and leave
16 feedback using that tab on the right side of the
17 screen. And e-mail TEAS@uspto.gov if you have any
18 questions or if you spot an issue. When we roll
19 out draft sharing let us know if it's meeting your
20 needs. This is the time to come and help and
21 shape the next generation of filing at the USPTO.

22 And so here to show you a little more

1 about that next generation of filing is Jason
2 Lott. He's the managing attorney for trademarks'
3 customer outreach and he's also a subject matter
4 expert for Trademark Center. So, Jason?

5 MR. LOTT: All right. Well, thank you
6 very much, Matt. Appreciate it. I'm going to go
7 ahead and share my screen here so you can, kind
8 of, take a peek at what all we have going on here.
9 So, before we jump into looking at all the
10 different aspects of Trademark Center, I want to
11 give you a brief look for those of you who aren't
12 working in the old version of TEAS every single
13 day. This is what we have right now, right. This
14 is the -- are, sort of, the standard that we have
15 we've had for about 20 years now. It's very much
16 a, sort of, you know, old school wizard sort of
17 approach to it. You're going through. It's
18 pretty cramped at times. You know there's a lot
19 of language, a lot of different fonts, a lot of
20 different sizes and shapes and things like that.
21 So, this is, obviously, for those of you who are
22 familiar with it, this is what you've been using.

1 So let's take a peek and see what
2 Trademark Center is going to look like in
3 comparison to that because what we really wanted
4 to do is make sure from the user's point of view,
5 whether it's a pro se or a paralegal or a or
6 practitioner that it's clear, right? We're always
7 about clarity. We want to make sure that you
8 understand exactly what needs to happen at any
9 point in the form.

10 So this is what Trademark Center, at
11 least this basic, basic version of Trademark
12 Center looks like right now. Let me orient you to
13 a couple of things that you'll find here. First
14 of all, you'll see that -- look at this up in the
15 top right corner, I am logged in. Okay? So I'm
16 logged in through my.uspto.gov account and from
17 Trademark Center I have the opportunity to do
18 multiple things. So if I wanted to conduct a
19 search before filing, hey, look at this, the link
20 is right here. I can jump out to the trademark
21 search system, conduct a search, and then come on
22 back in when I feel like oh, yes, I'm good to go.

1 I want to file that application.

2 So clearly, there are two big old blocks
3 right here. You can click one of them to start
4 that new application and you can also click this
5 one over here to check out your trademark docket.
6 I'm going to show you that here in a couple of
7 minutes, but just, kind of, wanted to show you
8 around a little bit. For those of you who say,
9 hey, you know what? I've done a couple things
10 here in Trademark Center, I think I want to use
11 TEAS for this instead or if it's a more complex
12 application you're trying to do something that the
13 beta version of the form doesn't allow you to do,
14 no problem. You can just select the block right
15 down here and it's going to take you over to the
16 TEAS forms and you can choose the one that you
17 want.

18 For example, if it's not an initial
19 application that you want to file, you're trying
20 to do something else, then you could just use TEAS
21 for that. And if you're one of our newer folks,
22 whether you're an unrepresented applicant, you're

1 a brand owner, or maybe you're someone who is new
2 to the practice area, no problem. We have a
3 couple of links right here to trademark basics.
4 And if you want a little refresh on how much
5 things cost these days then you can check out the
6 trademark fee information block.

7 So that's everything you see on the main
8 part of the page. And as you can see up here in
9 the top left- hand corner, yeah, there's some
10 duplicates, right? So you can quickly and easily
11 use this blue bar up at the top to jump to where
12 you want to go, whether it's starting an
13 application, jump into your drafts and docket.
14 We do have some resources available up here if you
15 want to jump into the ID manual or the design
16 search code manual.

17 I will point out here the trademark
18 videos link. The videos that are up there now are
19 the TEAS nuts and bolts videos, which are really
20 tied to the old version of the form, not the
21 Trademark Center. We do have demos that are
22 available for those of you who want to see a quick

1 walk through of how to file an initial application
2 through Trademark Center. Those aren't on the
3 trademark videos page. That's just TEAS nuts and
4 bolts. More will be coming, all right? We're
5 still in beta phase. We still have more materials
6 that we're putting together to help you along.

7 The other thing I want to point out up
8 here along this blue bar is the help. So you can
9 see there's some good links here, and as you can
10 see, yeah, it's still a beta. There is an extra
11 apostrophe here next to FAQs, which we need to get
12 rid of. Hey, that'll happen soon. That's part of
13 the beta process, right? So, there's lots of
14 different links here for you.

15 And one of the things that Matt
16 mentioned is that we're working on additional
17 customization options for you, certainly for you
18 folks that are our paralegal and attorney friends.
19 You want to be like, oh, I only want to do this.
20 I don't want this in the way. Well maybe, just
21 maybe, there will be something else that'll be up
22 here which will allow you to select various things

1 that will help you customize your view. Okay?
2 More to come on that as we get deeper into the
3 beta phase.

4 Okay. So that's enough talking about
5 that. Oh, my goodness, Jason, let's jump in and
6 just see what it's like to actually fill out a
7 form. So go ahead and -- you go ahead and select
8 the button there. It's going to open up. You're
9 going to have this screen here which is a couple
10 of warnings and understandings that you need to
11 have before you use Trademark Center beta. So
12 you, obviously, are going to read everything that
13 you see on the screen before you select that check
14 box and hit agree. And once you do, it's going to
15 open up the form.

16 And it's, of course, going to look very
17 different from the old version of the TEAS
18 application. Let me orient you to a couple of
19 things right here. So you might notice that it's
20 pretty narrow. There's lots of white on either
21 side. In many ways that is for our mobile
22 friendly friends that are out there who want to

1 file on their phones and on their tablets. And
2 the interesting thing is, yes, there were some of
3 you who were filing TEAS forms using your mobile
4 device, but we're certainly seeing an uptick in
5 the number of people who are filing through the
6 Trademark Center using their mobile device. And
7 I'm sure Matt Has stats at the ready, or if not,
8 he's going to scramble and grab some right now if
9 you have questions about what the increases that
10 we have seen in that regard.

11 So, hey, look, you're in the back of a
12 rideshare. You're on the train. You're sitting
13 on the tarmac waiting for your plane to take off.
14 Well guess what? You could pop into Trademark
15 Center and quickly fire off an application before
16 your flight leaves.

17 So as you can see up here at the top, we
18 have different ways to let you know where you are
19 inside the form. Across the top here is a little
20 bit of a tracker. No, it is not when your pizza
21 is going to arrive. It is actually, kind of,
22 showing you where you are in the process. Also

1 here on the left-hand side is something very
2 similar to that. The top section is not
3 clickable. The section on the left here and your
4 left NAV is clickable so you can see the various
5 components of all of these different sections.

6 And if you want to jump around you can.
7 So, let's say you have a client who's given you
8 some information but not all of the information,
9 yeah, you can go ahead and pop in there and fill
10 out some of the things and come back to later --
11 some things later on. As you will see here, there
12 are some blocks that, you know, for example,
13 before you get to the declaration and signature,
14 yeah, you got to take care of the other stuff in
15 the form first folks before you get there. So
16 there are some things that will be locked until
17 you fill in the rest of the form, but this is a
18 great way to, sort of, navigate around.

19 So let's take a real quick peek here and
20 what this looks like. You still have your TEAS
21 plus and TEAS standard options. TEAS plus is
22 going to be pre-selected for you but if you want

1 to go TEAS standard, and I know a lot of our
2 attorney friends prefer to use standard, you can
3 select that. We're going to keep it on TEAS plus.
4 And before we hit continue one thing I do want to
5 highlight, one of the big things that we heard
6 was, like, oh, my goodness, you guys. Why is it
7 in TEAS the only place to save is at the very end?
8 Well guess what? This is auto saving every single
9 minute and so you don't have to worry about that.
10 If you're a belt and suspenders person you can go
11 ahead and hit save draft anytime you want to and
12 make sure it's going to save this draft into your
13 docket. And also, every single time you move
14 forward in the form and you hit, for example, that
15 continue button it's going to save there as well.
16 So there's lots of auto save stuff that is
17 happening here.

18 You'll notice that there are some
19 explanations up at the top. This is in many ways
20 just to make sure that our pro se friends are
21 aware of what they're doing on the page, but if
22 you're one of those folks who's, like, no, I got

1 it, hey, no problem. All you have to do is hide
2 that explanation; it's going to move out of the
3 way. And we are working on something to allow you
4 to customize and so you can set it so you never
5 have to see those things if they annoy you or they
6 just, sort of, get in the way. So, at the current
7 moment you're going to have to hide them on every
8 single page but trust me. You guys are going to
9 get so used to the form you're just going to not
10 see it and you'll move on to what you want to do.

11 So, I'm just very quickly going to jump
12 through here because I know I only have five more
13 minutes before Dave pulls the plug on my camera.
14 So, I'm quickly going to fill this in here as if I
15 were an individual, just to sort of show you how
16 it works. I'm just putting in my country of
17 citizenship. I'm putting in my name, putting in
18 my mailing address here. Let's just say it's 123
19 Elm Street, and this happens to be in the United
20 States. Let's go with Atlanta, which is in
21 Georgia 30303, something like that, and let's say
22 that's where my mail goes and it's also where I

1 happen to live. So it's also my domicile address.
2 All I have to do is select the box there and it's
3 going to be the same. If I want to keep that
4 private and I have a different address for my
5 domicile, no problem. All you have to do is have
6 the box unchecked. Putting your domicile address
7 in that will be kept private.

8 But here for the sake of expedience, I'm
9 going to go ahead and click it. I'm just going to
10 pop in a little e-mail address here, not true but
11 that's what we're putting here just so we can move
12 on. I want to highlight this. Tanya was talking
13 about this. We already have it in the TEAS form.
14 We also have it here in Trademark Center. And
15 this is a warning, hey, be aware, be aware. We
16 would love to have your phone number so that our
17 examining attorneys can quickly contact you for
18 those examiner's amendment, get you moving on to
19 pub, but we also are aware that scammers do pull
20 that information and just want you to be aware you
21 will be contacted by a scammer if you include your
22 phone number here, right? Could be that phone

1 call, could be a text.

2 Look, I don't know how many federal
3 agencies are sliding into people's DMs, but
4 apparently the scammers seem to think that a text
5 is a great way to reach people, even though USPTO
6 we don't text, okay? Kind of Luddites when it
7 comes to that, but we're not sending you texts.
8 So, just something to keep aware of. We do have
9 that little warning in there to hopefully keep
10 people, if they don't want to include that number
11 they don't have to.

12 Selecting continue and as you can see
13 here this is just double-checking correspondence
14 name. I could have put in a docket or reference
15 number if I was an attorney. There's a separate
16 page for that. Here's where you can if you want
17 to put in some courtesy copy e-mail sent to
18 people you can. If you don't, you just select no
19 and you hit continue.

20 This is a little bit different here.
21 So, what I'm going to do here is I'm going to
22 submit the standard character version so I'm going

1 to select that I want to protect the wording
2 alone, not what it looks like. All right? If I
3 want to protect what it looks like I would choose
4 this one down here -- whoops. I'm just going to
5 hit cancel. And, obviously, if there's more
6 uncommon stuff we have something for that at the
7 bottom. I'm going to select continue.

8 A little reminder here to search before
9 filing, folks. And all you have to do, as you
10 know for a standard character mark, is just pop it
11 into the box. So I just type in our mark,
12 T-Markey. I hit continue and here we get into
13 some of the questions that really come into play
14 if you're filing a TEAS plus application, right?
15 You don't want to get booted out of TEAS plus and
16 into TEAS standard if you want to take advantage
17 of the lower filing fee. So we have the questions
18 integrated in in here, unlike you used to have in
19 TEAS where there was an additional statement
20 section and you had to open it up and answer those
21 questions down at the bottom. Here it's
22 integrated in here so you don't miss it.

1 So here my trademark does not include
2 non- English wording so I select no. I hit
3 continue. Same thing with name or likeness, no.
4 There's no consent things I need to take into
5 account so I select no, and I move on. And here's
6 the thing for your basis. We could go through if
7 we had more time and take a look at the 1A, but
8 I'm just going to select 1B for my intent to use
9 basis. I hit continue.

10 And as you'll see up here, I forgot to
11 point this out earlier, you had this summary up in
12 the top right-hand corner of the screen. This to
13 help you keep in mind, oh, what's the form I'm
14 working on? Oh, yeah, that's right. It's my
15 standard character T-Markey. Oh, and you'll see
16 how that changes here in just a couple of minutes
17 when we add in our goods and services.

18 So as you can see, the good -- the ID
19 manual is integrated right in here. You type in
20 the goods that you want to include. Again, it's
21 pretty narrow, right, because it's optimized for
22 mobile but no worries. If you want that more

1 detailed view you can just select and open it and
2 you can see what looks more like the ID manual
3 over here. You will also have some options if you
4 want to get rid of, oh, my goodness I don't
5 necessarily need the term ID. I can remove that
6 so it doesn't bother me and I can do that here.

7 And so as you can see here, all I have
8 to do is, let's see, I didn't add it yet. Here we
9 go. I wanted to add shirts. I could just select
10 a button right there for an add. I scroll down I
11 can see it's been added. I look over here on the
12 right-hand side of my summary it's been added. I
13 hit continue. These are some of those more random
14 questions. They're not random. They're mostly
15 uncommon. Most of the time you're not going to
16 select any of these about disclaimers and meanings
17 and prior registrations and whatnot unless you're
18 an attorney who has those things with your client.

19 Select continue and here's your
20 opportunity to review everything, just like you
21 used to be able to do before. Oh, it looks like I
22 have one error here, so not quite sure what that

1 is so I might not be able to move on. I guess I'm
2 moving too quickly. So, as you can see here, you
3 can review and edit. This might not let me go all
4 the way, but anyway here's the declaration.

5 So again, for those of you folks who
6 need to -- who want to use something like a
7 DocuSign or some sort of third-party electronic
8 signature program, no problem. You can do it here
9 just like you can in TEAS. If you want to send it
10 to your client for them to sign, no problem. You
11 can do it. But if you're someone who is the owner
12 and you're going to sign directly all you have to
13 do is select that boom, boom, boom. You're, of
14 course, reading everything that's on the page
15 before you check those check boxes, and just like
16 before all you're going to do is put in your
17 electronic signature, the date you're signing it.
18 You're going to put in your name. You're going to
19 pop down here and put in your position, in this
20 case owner. And then, hey, look at that I'm done.
21 And now I'm ready to move on to pay and submit,
22 right?

1 So, pretty quick and easy even though it
2 took me a little bit more time. I'll be honest
3 with you folks. I've gone all the way through
4 before and I did it in about two minutes. So you,
5 too, once you get used to the form, are going to
6 be able to rock it pretty quickly through that.

7 I see that I'm one minute over so I know
8 I don't get a gold. I don't get a silver,
9 probably not even going to give me a bronze, but I
10 want to very quickly show you this is what your
11 docket is going to look like once you have a
12 couple of applications that you've put through
13 there. So you can see a little bit more about
14 each of these. You can also change this around to
15 see if you want to have different columns that are
16 available to you. And for you attorney and
17 paralegal folks you're like, where's my sharing
18 capability, Jason? I want to be able to send, you
19 know, my file to my paralegal and have them work
20 on it. And this is where all that will be.

21 It is in the works. It is coming. We
22 have heard you. We know that you want it. It's

1 just not here yet so keep an eye out for that.
2 We're going to be upgrading. And as always,
3 please, please, please include your feedback as
4 much as you possibly can because we want to hear
5 from you. The way we are best going to be able to
6 make upgrades to the system is if you tell us what
7 you want. Great if you want to talk about it with
8 your friends and your colleagues, too. The better
9 thing to do is to pop it into the feedback and let
10 us know and that way we will see it. The
11 developers will absolutely be able to take it into
12 account as we continue to upgrade.

13 All right. So, I'm two minutes over. I
14 have lost the race and I'm going to stop sharing
15 the screen and throw it on back to you folks. I
16 guess maybe going back to you, Dave. I'm not
17 sure.

18 MR. GOODER: Yeah, thanks, Jason. We'll
19 still give you, you know, maybe a bronze minus
20 memo or maybe, you know --

21 MS. BROWN: He gets a bronze.

22 MR. LOTT: Paper. I get a paper medal.

1 MR. GOODER: That's right because you
2 covered a lot of ground, so thank you. Thanks
3 very much. Any questions for Jason --

4 MR. LOTT: You're welcome.

5 MR. GOODER: -- about that? As he was
6 saying, this is constantly developing just like
7 the search system has been constantly developing.
8 And credit to the team who keeps on top of all
9 that.

10 So, okay. At this point I want to turn
11 the mic over to the Office of Policy And
12 International Affairs and is it --

13 MR. MADHANI: Sorry.

14 MR. GOODER: -- Sharon or Mary or who's
15 --

16 UNKNOWN SPEAKER: Mary.

17 MR. GOODER: It's Mary? Okay. And
18 Chris --

19 MR. MADHANI: Sorry. Is Jason still --

20 MR. GOODER: What's that?

21 MR. MADHANI: Is Jason still on the
22 line? I had one quick question for him.

1 MR. GOODER: Oh, yeah, sure. Sorry, no.

2 MR. LOTT: Yeah, I'm here.

3 MR. MADHANI: Jason, I know you alluded
4 to some of the things on the roadmap like the
5 share capabilities. Anything else that's got you
6 excited?

7 MR. LOTT: Well, I got to be honest with
8 you, that is one of the big ones, that and the
9 ability to more easily customize your experience
10 with the form. Because we've heard from a lot of
11 people that they want to get rid of the
12 explanations. There's too much wording. I don't
13 need it. I'm an expert. Those are the two big
14 things to allow attorneys and their sponsored
15 paralegals to share documents back and forth, that
16 and the more customization options, so -- and plus
17 there's a lot more things they're working on in
18 the background. But those are the two big things
19 I would say.

20 MR. MADHANI: Sounds great, thank you.

21 MR. LOTT: Yeah, you're welcome.

22 MR. GOODER: Thanks, Jason. Okay. Now,

1 over to Mary, who is deputy director for
2 international affairs in the Office of Policy and
3 International Affairs. Mary?

4 MS. CRITHARIS: Thanks, Dave. Good
5 morning, well, maybe good afternoon, everyone.
6 It's a pleasure to be here. I'm filling in for
7 Sharon Israel who sends her regrets that she
8 couldn't be here in person. She is the chief
9 policy officer of the deputy chief policy officer
10 and deputy director for international affairs.
11 I'm joined by my colleague, John Rodriguez, who
12 has been with the Office of Policy and
13 International Affairs for over two decades and is
14 a true trademark expert. So --

15 MR. GOODER: Mary, can you pull the
16 microphone a little closer to you? Thanks.

17 MS. CRITHARIS: Okay. Is that better?

18 MS. BROWN: Perfect.

19 MS. CRITHARIS: Okay, great. So, we're
20 going to talk about a few things today. We're
21 going to give you an update on our recent Madrid
22 training program, as well as on our upcoming NIL,

1 name, image and likeness roundtable that's
2 scheduled for this Monday, August, 5th. And John
3 will provide an ICANN update.

4 So first, I wanted to highlight our
5 recent Madrid training program. This week OPIA
6 hosted a partnering with WIPO at our global
7 intellectual property academy here at the USPTO
8 headquarters the Madrid program accession
9 implementation and administration, the U.S.
10 Model. We hosted individuals from 13 different
11 countries who are planning on joining the Madrid
12 protocol or that have recently joined to help them
13 to assist them in the implementation of the Madrid
14 system. Obviously, these are great programs.
15 This provides us a significant opportunity for us
16 to exchange information, hear concerns from new
17 implementers of the Madrid system, and it was a
18 very successful program. And we are very grateful
19 for applicants for coming.

20 And one of the real benefits is not just
21 helping them implement but building the
22 relationships with our foreign IP offices. So,

1 for future implementation issues and technical
2 issues they can reach out to us, so that was a
3 very successful program this week.

4 So, next I'll turn to another really
5 important event, obviously, that's taken attention
6 on a lot of different IP fronts. This particular
7 roundtable that we're hosting on Monday, August
8 5th, is directed to name, image, and likeness or
9 if we want to include a voice image and likeness.
10 I've heard it being referred to as VNIL. So we're
11 having this roundtable in order to gather
12 stakeholder input as to whether the existing
13 federal and state laws are sufficient to address
14 unauthorized digital replicas that implicate a
15 person's voice, name, image, and life. This is
16 part of the PTO's ongoing efforts to address the
17 executive order to really highlight the role of IP
18 and AI. We're doing similar sessions with respect
19 to patents, copyrights, and trademarks. And this,
20 obviously, is relevant choose a lot of trademark
21 holders.

22 This roundtable, interestingly enough,

1 is coming on the heels of the Copyright Office's
2 report which was issued on Wednesday this week,
3 coincidentally, and that report, this particular
4 first report they issued focused on unauthorized
5 digital replicas. In respect in particular, the
6 report focused on recommendations to have a new
7 legislative redress to provide a cause of action
8 for unauthorized digital replicas relating to an
9 individual's voice and appearance. So, the focus
10 was a little more narrow than what we're talking
11 about. We're also talking about name and image
12 likeness as well.

13 But the report, you know, focused on
14 some of the gaps in the patchwork of different
15 state and federal laws with respect to addressing
16 harm caused by unauthorized use of someone's image
17 and voice. And so the report focused on those
18 differences and made a recommendation that the
19 existing laws are really not sufficient. They
20 provide, for example, a commercial component
21 requirement. There's a requirement in many states
22 that it has to be well-known or famous, to more of

1 a right of publicity. So, they recommended, you
2 know, specific federal legislation to address this
3 issue.

4 Once we host our roundtable and we
5 gather our stakeholder input we will review the
6 comments that were initially submitted as well.
7 And just to highlight, the Copyright Office
8 received 10,000 comments with respect to AI and
9 copyright law, so we will be reviewing that as
10 well as the Copyright Office's report and provide
11 a summary and recommendations to USPTO. The
12 Copyright Office report triggers a 180-day period
13 for us to provide a response. So, obviously, very
14 exciting area in the AI space and we're looking
15 forward to this roundtable, as well as other
16 sessions with respect to patents and copyrights.

17 And next I'm going to turn it over to
18 John to talk about some ICANN developments.

19 MR. RODRIGUEZ: Thank you, Mary, and
20 good afternoon everyone. Yeah. So, I also wanted
21 to give a brief update related to ICANN that we
22 thought would be important for your awareness

1 related to ICANN's registration data request
2 service, or RDRS for short. So, the RDRS is a
3 relatively new system for requesting non-public
4 registration data related to generic top level
5 domains, or GTLDs. And remember, this data, this
6 registrant data or WHOIS information became
7 unavailable when the E.U. passed their general
8 data protection regulation, the GDPR, back in
9 2018. So, the RDRS is meant to be used by
10 requesters who have a legitimate need for this
11 data, such as IP owners, to address online
12 infringement, cybersecurity researchers, and
13 especially law enforcement.

14 And as part of the process, registrars
15 do balance a requester's interests with those of
16 the data subject in deciding whether the data can
17 be disclosed or not. And this project, this RDRS
18 project, is a pilot project for two years to
19 assess the need for developing a more permanent
20 framework for handling these types of requests.

21 We are aware of some of the challenges
22 that parties are facing when using this service,

1 but we are a little bit concerned that if IP
2 owners especially and others do not use this
3 system, then ICANN could mistakenly conclude that
4 there is no need, there is no legitimate need for
5 this type of data and that there is no need for a
6 system to address requesting this type of data.
7 So, we are encouraging interested parties to try
8 it out if they have it and especially to stay in
9 touch with myself or my colleague, Susan Anthony,
10 on your experience in using this service. Let us
11 know how it's working for you, how it's not
12 working for you. We would be happy to receive any
13 anecdotal information you have when you are using
14 this service.

15 And I did want to highlight one
16 particular upcoming event regarding the RDRS.
17 ICANN, as part of its effort to publicize the use
18 of the RDRS, will be offering a webinar next week
19 on Thursday, August 8th, explaining the purpose
20 and benefits of the service and providing a
21 general overview of how to use the service. And
22 more information on the webinar, including how to

1 register for the webinar, can be found at ICANN's
2 website, ICANN.org.

3 And again, I just want to conclude that
4 USPTO is an active participant at ICANN, and
5 again, we welcome any information, any anecdotal
6 information on this particular issue regarding
7 RDRS or any issues related to domain names that
8 are the subject of discussion within the ICANN
9 space. And with that, I will end our presentation
10 and happy to take any questions on any of these
11 topics. Thank you.

12 MR. GOODER: Any questions?

13 MS. BROWN NORTHCOTT: I had just a quick
14 one for Mary circling back. Thank you for the
15 invitation this week to participate in the WIPO
16 program. It's wonderful to see the WIPO
17 colleagues in the room, and it was a thrill for
18 TPAC to participate.

19 Can you tell us a little bit more about
20 what other programs that the USPTO has planned for
21 global stakeholders?

22 MR. RODRIGUEZ: Happy to address this

1 question. So, we offer a wide variety of
2 programming here at the USPTO. Our programming
3 varies. We can cover different topics based on
4 interests, as well as based on our assessment of
5 what are the specific issues that stakeholders are
6 facing in particular regions. So, we can cover
7 content, for example, addressing trademark
8 examination, policies, and procedures highlighting
9 specific issues such as nontraditional marks,
10 configuration marks, the importance of a
11 disclaimer practice, sharing information on how
12 registration systems for geographical indications
13 should respect due process and transparency.

14 So, again, subject matter can vary and
15 also the way we deliver the programming can vary.
16 We can organize programs here at our Global IP
17 Academy, at GIPA. We can also organize programs
18 in-country there at the IP office in their
19 respective country. And also, we can organize
20 events virtually, conduct webinars focusing on
21 certain specific targeted issues.

22 And our main goal really is to address

1 issues that we believe are issues for our
2 stakeholders and help provide information on the
3 U.S. perspective, share information on the USPTO
4 experience with our foreign counterparts. So that
5 is really the main goal that we're trying to
6 accomplish with these programs.

7 MS. CRITHARIS: Thanks so much, John. I
8 just also wanted to add that we also do trademark
9 enforcement programs and a lot of counterfeiting
10 programs. And I just also wanted to offer that if
11 you had any suggestions or you're seeing
12 particular problems in the regions or programs
13 that you think would be helpful, we're happy to
14 take those suggestions. As John mentioned, when
15 we really try to determine what kind of
16 programming we do we look at the different
17 regions. We look at the different issues. We
18 work closely with our attaches who are in those
19 particular regions, what we're hearing from, you
20 know, stakeholders and also, you know,
21 implementing different treaties or free trade
22 agreement. So, we work on a host of different

1 issues but also happy to take any kind of feedback
2 that you have that you think would be valuable.

3 MS. BROWN: Just quickly, thank you for
4 that. Just the only other question is where do --
5 where should people send that feedback or where do
6 we send that feedback?

7 MS. CRITHARIS: Yeah, normally Nancy
8 Omelko and Branden Ritchie, kind of, lead the TPAC
9 stuff, but happy to send it to John or me. We'll
10 make sure. We all work very closely together and,
11 yeah, either one of us is fine. We'll make sure
12 it reaches, you know, the whole team.

13 MS. BROWN: Got you. Or utilize
14 TPAC@uspto.gov for anyone else out there.

15 MS. CRITHARIS: Yeah, perfect.

16 MS. BROWN: Thank you.

17 MR. GOODER: Okay? All right. Thank
18 you very much.

19 At this point in the agenda we'll take a
20 short break, just five minutes so we can organize
21 some questions that we've received and we can be
22 able to address those. So we'll come back in

1 about, let's say, about five minutes. Thanks.

2 (Whereupon the PROCEEDING went off
3 the record at 12:33 p.m. and back
4 on the record at 12:40 p.m.)

5 MR. GOODER: Okay. We can go ahead and
6 finish off here. We have a number of questions, a
7 couple of which got answered in the course of the
8 conversation today. A question we have is, "Over
9 the last few months, especially as we've been
10 returning TRAM, there's been some anomalies in the
11 normal processing, et cetera." A, thank you for
12 passing them along when you get it -- when you see
13 them. Send them as you get them or see them send
14 them to TEAS@uspto.gov. That mailbox is monitored
15 by the people who work on those areas so it goes
16 -- it's literally going straight into them to get
17 on it. That's a lot of that is tied to some of
18 the so-called technical debt following TRAM
19 retirement, which is the big focus for this rest
20 of this fiscal year and next fiscal year is to get
21 all of that stuff back up to par. So, sending
22 them there will be great.

1 Next question, oh, yeah. "Has the
2 office observed trends regarding the use of
3 extension requests by applicants in responding to
4 office actions and, you know, the period shortened
5 this year." And, Dan, I think you've got some
6 information on that.

7 MR. VAVONESE: Yeah. So, we're tracking
8 on a monthly basis what we're seeing in the
9 responses that come in, the extensions to the
10 three-month response period, petitions revive, et
11 cetera. We're generally seeing that about 16
12 percent of the total responses that are coming in
13 they're asking for extensions, you know. So,
14 that's -- and that trend is pretty steady. I
15 mean, we're in the 15 to 17 percent range
16 generally month-to-month. It's just, you know,
17 each month it's a little different, but we're not
18 seeing any trend upward or downward. It's just
19 steadily in around that range.

20 MR. GOODER: Yeah, okay. There's a
21 question about that there are a lot of
22 applications that are very old that are

1 effectively getting in the way of later filed
2 applications and, kind of, what's causing that, et
3 cetera, and what are we doing with that? We're
4 aware of it. Most of them, if not all of them,
5 are being investigated by the register protection
6 office and they are trying to get those processed
7 as fast as they can. Some of them may be the
8 subject of various orders that you'll see coming
9 up at some point.

10 So, we're aware of the problem and we're
11 trying to get through it as fast as we can because
12 I know it's frustrating from later filed
13 applications if they are legit and the one in
14 front of it is not, how we get through that. So,
15 it's a good question. Thank you.

16 Next question. There are three of
17 these. Do we expect the increase in fees to
18 impact inventory and pendency in some way that's
19 out of the ordinary? I think the term here used
20 was giant spike. And the answer is it's hard to
21 predict what people are going to do. We suspect
22 there will be a spike in, well, I'm not sure I

1 would call it a massive spike or a giant spike,
2 but there'll be a jump certainly in December prior
3 to whatever the date the application -- the fees
4 go into effect.

5 But our view of it at this point is it's
6 more a bit too people may accelerate filing and
7 therefore the months following the fee increase
8 will be somewhat lower. So, over a two to three
9 or four-month period it will surge and then come
10 back down. We're also more equipped now to deal
11 with that type of thing than we were pre- pandemic
12 so that should help it. So, if there is an impact
13 it should be contained in a fairly short period of
14 time, I think.

15 Second question. What, if anything, has
16 been the impact of the shortened office action
17 response periods, if there's been any impact on
18 pendency or on inventory?

19 MR. VAVONESE: And that's what I was
20 talking about with the disposal pendency. We
21 actually thought we were going to see the benefit,
22 for lack of a better word, from the three-month

1 shorter response period sooner rather than what
2 we're seeing now. But I think that's what we're
3 starting to see. I mean, we were in about the 14
4 and a half month range. Now, we're below 14
5 months. We should start to see that disposal
6 pendency period continue to go -- the average
7 disposal pendency to continue to go down with that
8 three month response period that we've been -- had
9 in place for well, you know, well over a year,
10 year and a half now.

11 MR. GOODER: Also there were, well, give
12 or take, six different initiatives that we
13 launched in December of 2023 so there's -- it's
14 very difficult to isolate each one and say, well,
15 this one had this impact and this one had this
16 impact. So, there's not a really good way to
17 answer that in that sense, but I think the more
18 general view is, yeah, it's going to have a
19 positive impact. The question is just you can't
20 really define how much.

21 Next question. "Should private practice
22 counsel be providing the direct FTC link for

1 reporting scams?" Absolutely use it everyone,
2 public, you know, brand owners, counsel, however.
3 The more we report the better off we are.

4 And last question, "Will the
5 presentation slides be available now or later?"
6 Not quite right now but later yes. How long does
7 it usually take just to get those? Yeah, I was
8 going to say plus or minus. It's a few business
9 days so about a week they should be up on the
10 website.

11 So, that is the last question so I will
12 turn it back to Adraea.

13 MS. BROWN: Thank you, Commissioner
14 Gooder. Well, let me just say it was great to see
15 so many questions coming through. I think that's
16 the most I've seen in my time at TPAC, so really
17 happy that the public is engaged. So thank you
18 for those questions.

19 And I also want to say thank you to the
20 entire USPTO for your time and your effort in
21 pulling together this meeting. We know that it's
22 a large lift, or at least a decent lift, not just

1 in addition to your everyday jobs but for to have
2 to host TPAC here. So, thank you to you,
3 Commissioner Gooder, your leadership team, Dan,
4 Greg, Amy, and everyone else, Chet (phonetic sp.),
5 Tanya, Kathi, Curtis (phonetic sp.), especially
6 Jessica over there who helps to make sure that we
7 have everything that we need. So thank you for
8 that.

9 And with that, I will say that is it for
10 this public meeting and we will talk to everyone
11 again in November. Thank you.

12 (Whereupon, at 12:47 p.m., the
13 PROCEEDING was adjourned.)

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1 CERTIFICATE OF NOTARY PUBLIC

2 COMMONWEALTH OF VIRGINIA

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

17

18 (Signature and Seal on File)

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

21 My Commission Expires: September 30, 2025

22 Notary Public Number 256314

