

**DRAFT 2018-2022 STRATEGIC PLAN
UNITED STATES
PATENT AND TRADEMARK OFFICE**

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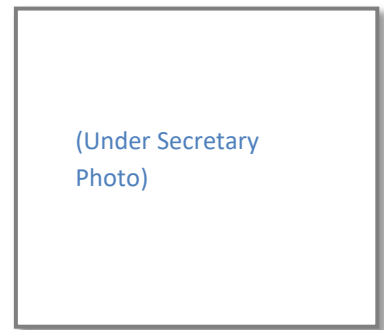
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[NOTE: The Message from the Under Secretary will not be included until after all comments have been reviewed.]



INTRODUCTION

21st century Americans are the beneficiaries of innovations that have fundamentally changed the way we live and how we work. Technological innovations have enhanced our world vision through advances in communication: society has never possessed better tools for interacting and collaborating with friends, relatives, and business partners around the world. We now have faster and more extensive access to information and entertainment through electronic media. In transportation, we can now experience the benefits of electric and even self-driving cars. Medical innovations are saving lives, delivering new treatments for illnesses and enhancing quality of life. Innovations in food production, products and delivery are making nutritious food more accessible.

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In the United States, innovation is a national resource that forms a critical part of the country's economic base. In our market-driven economy, innovation provides a catalyst for prosperity and job creation through the accumulation of scientific knowledge, continuous introduction of new products and services, and improvements in the productivity and maintenance of natural resources: land, labor and capital. American firms have incentives to develop, apply, and protect through intellectual property (IP) new discoveries and proven innovations, their brands and identities, and improvements in productivity, in order to maintain a competitive edge in the global markets. As a result, those in the marketplace for new and/or improved products and services, or simply better quality of life, benefit immensely.

MISSION and VISION

The USPTO Mission

Fostering innovation, competitiveness and job growth in the United States by conducting high quality and timely patent and trademark examination and review proceedings in order to produce reliable and predictable intellectual property rights; guiding intellectual property policy, and improving intellectual property rights protection; and delivering intellectual property information and education worldwide.

Through the accomplishment of its mission, the USPTO ensures protection for innovations, and thereby encourages businesses to risk investment for research, development and marketing. In the United States, patents (utility, plant, reissue and design), trademarks, trade secrets and copyrights are the principal means for establishing ownership rights to creations, inventions and brands that can be used to generate tangible economic benefits to their owners.

The USPTO Vision

Leading the Nation and the world in intellectual property

Our vision of *leading the Nation and the world in intellectual property* begins by achieving world class patent and trademark systems to serve our country and the global economy. The *USPTO 2018-2022 Strategic Plan* recognizes the role a strong IP system plays in helping to expand the economy and increase job creation; i.e., through the issuance of reliable patents with clear boundaries of protection and optimized patent examination pendency; and the issuance in a timely manner of high quality trademark registrations. As a world leader in shaping IP protection, the USPTO serves as an operational benchmark and strives to make America's IP system the gold standard around the world.

The potential value of IP protection in the United States is demonstrated by demand for products and services at the USPTO. Since the beginning of the 21st century, patent application filings from both domestic and foreign entities have more than doubled. Since 2001, the number of trademark application filings from U.S. residents has almost doubled while filings from foreign entities have almost tripled.

STRATEGIC GOALS

The *2018-2022 Strategic Plan* continues and expands the framework that enables the USPTO to respond to the demands of both the domestic and international economies for robust and timely IP products and services, and builds on our current level of organizational effectiveness and efficiency. Highlights include:

- Issuing reliable IP rights
- Aligning patent and trademark examination capacity with current and projected workloads
- Modernizing information technology (IT)
- Enhancing the customer experience
- Promoting a mission-oriented and quality-focused culture among our employees
- Protecting IP rights abroad
- Monitoring and helping address dynamic IP issues in Congress and in the Courts
- Maintaining a sustainable funding model
- Developing IP policy

Achievements in these areas set the platform for further work towards reaching our vision as a global IP leader that are reflected in our 2018-2022 strategic goals, objectives and initiatives. Over the planning horizon, we will continue to make progress through three strategic goals and one mission support goal that have been the foundation of USPTO operations for many years. These three goals also align with the Department of Commerce's strategic objective to: *Strengthen Intellectual Property Protection*.

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Goal I:	Optimize Patent Quality and Timeliness
Goal II:	Optimize Trademark Quality and Timeliness
Goal III:	Provide Domestic and Global Leadership to Improve Intellectual Property Policy, Enforcement and Protection Worldwide
Mission Support Goal:	Deliver Organizational Excellence

The patent and trademark goals focus on the fundamental purpose of the USPTO, which is to foster innovation, competitiveness and job growth by recognizing and securing IP rights, through the delivery of high quality and timely patent and trademark examination and review proceedings. Particular emphasis in this Plan is placed on ensuring the reliability of issued patents and high quality examination of trademark applications so that rights holders and the public have confidence in patent grants and trademark registrations when they make plans to invent and invest.

The third goal fulfills the same mandate but focuses on improving IP policy, enforcement and protection worldwide for the benefit of the American business community both here and abroad.

The mission support goal encompasses the shared responsibility, leadership, IT infrastructure, employee engagement and funding and stewardship needed to fulfill our mission-related requirements, including our commitment to education and outreach.

These goals are expanded by the objectives and initiatives that are documented in the Strategic Framework section of this Plan.

GUIDING PRINCIPLES

In carrying out our goals, the USPTO is committed to the Administration's Reform Agenda as reflected throughout this document and summarized in the following guiding principles:

- Through a culture of quality, we promote excellence throughout the organization by valuing accurate and consistent results, primarily in the examination processes
- Through timeliness, we recognize the needs of our customers and stakeholders to have our products and services delivered at a time that meets their individual needs
- Through efficiency, we are sound financial stewards of the user fees paid by our customers, and we use the lowest number of inputs to create the greatest number of outputs, maximizing results
- Through effectiveness, we listen to our customers and stakeholders, and incorporate their feedback
- Through accountability, we measure our activities, accept responsibility for them, and disclose the results in a transparent manner

External factors and strategies were also taken into consideration in the development of this strategic plan's goals, objectives, and initiatives. Some cross-cutting themes were identified during the development phase of this strategic plan. To ensure these themes were addressed in this strategic plan, several cross-cutting objectives and initiatives were developed and may appear in more than one strategic

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goal. See the appendices for additional information on external factors considered for the Strategic Plan and additional background on the Strategic Framework.

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Goal I – Optimize Patent Quality and Timeliness

The strategic goal to “optimize patent quality and timeliness” recognizes the importance of innovation as the foundation of American economic growth and national competitiveness. Through this goal, we will continually improve patent quality, particularly the reliability of issued patents, by meeting the commitments of our investments in quality. We are also committed to improving pendency to better ensure the timely delivery of innovative goods and services to market and the related economic growth and creation of new or higher-paying jobs.

Our strategic goal will be achieved via the following four objectives and their related initiatives.

Objective 1: Optimize Patent Application Pendency
<ul style="list-style-type: none">A. Optimize pendency and examination timeframes.B. Align production capacity with incoming workload.C. Leverage value obtained from international work products.D. Identify and offer additional prosecution options.
Key Performance Indicators <ul style="list-style-type: none">1. Balance pendency targets within Patent Term Adjustment (PTA) examination timeframes.2. Define and implement a process for routing utility patent applications in light of the transition from US classification to Cooperative Patent Classification (CPC).3. Provide examiners with information from an applicant’s other applications filed in the United States and internationally.4. Achieve process efficiencies and quality improvements via available prosecution options.

Through this objective, we will continue working diligently to take maximum advantage of all opportunities to address increasing workload. We will thereby optimize patent examination timeframes within the framework of Patent Term Adjustment while continuing to monitor and report traditional pendency measures. This includes engaging our customers to identify optimal pendency examination timeframes, and making sure that we have the appropriate number of examiners to generate the level of production to meet those timeframes. To do this, we will take advantage, to the greatest extent possible, of international work products, such as Global Dossier, Patent Cooperation Treaty (PCT) searches and prior art (e.g., publications); and identify and offer our customers various prosecution options to better meet their individual needs, such as deferred examination and compact prosecution.

Objective 2: Issue Highly Reliable Patents

- A. Increase examiners' ability to obtain the best prior art during examination
- B. Improve content, delivery, and timeliness of technical and legal training to achieve more predictable outcomes.
- C. Use patent quality data to identify areas for improvement to achieve more consistent outcomes.
- D. Refine production standards to achieve patent quality expectations and goals.
- E. Enhance transparency and communication of quality metrics.

Key Performance Indicators

- 1. Ensure examiners consistently apply current policies and follow established procedures.
- 2. Comprehensively study and adjust examination time goals to ensure optimal USPTO performance in patent pendency and quality.
- 3. Increase the effectiveness, evaluation, and reporting of quality.

Through our second objective, we will put in place those initiatives needed to make sure that actions taken under the first objective to optimize patent examination timeframes are synchronized with our commitment to issue highly reliable patents. Issuing highly reliable patents includes making sure that examiners are able to access the best prior art during the examination process, for example by improving searchable access to the applications and prior art as discussed under Objective 3. This also includes enhancing ongoing technical and legal training that is offered to examiners as well as to all Patent organization employees that are part of the administrative, quality or other aspects of the examination process, and maximizing our use of results from quality assessments to identify areas for improvement. By comprehensively studying examination time goals, we will evaluate the appropriate amount of examination time, and align production goals with quality expectations. Finally, we will enhance our transparency and communication of quality metrics to both employees and customers.

Objective 3: Foster Innovation through Business Effectiveness

- A. Enhance patent customer experience.
- B. Optimize development and delivery of information technology tools, including artificial intelligence and machine learning, for internal users of patent systems to ensure they have the tools they need for a thorough search and examination.
- C. Enhance information technology interfaces available to external users of patent systems.
- D. Improve searchable access to domestic and international patent application files, including the prior art and Office actions contained therein.
- E. Retain and leverage nationwide talent.
- F. Document and standardize best practices to facilitate succession planning.
- G. Coordinate patent outreach efforts across the Patent organization and evaluate the impact of these efforts on the patent ecosystem.

Key Performance Indicators

- 1. Complete initial implementation of Patent End to End (PE2E).
- 2. Enhance assistance to independent inventors and small businesses during the prosecution of

their applications.

3. Strengthen leadership values and behaviors throughout the patent organization by providing appropriate opportunities and resources for employees at all levels.

The third objective is multi-faceted and focused on how the Patent organization operates to foster business effectiveness. By fulfilling this objective, we will listen to our customers and employees, and then take patent-specific actions that will position us to meet their expectations. This objective includes patent-focused initiatives and complements similar initiatives under the Mission Support Goal that address the USPTO enterprise as a whole.

We will enhance the patent customer experience by taking steps to better understand their interactions with our organization from beginning to end, create an organization-wide shared vision to best serve each customer's needs, and ultimately determine if we delivered the responses or services customers needed from us, and whether having this information made a difference to them. A related component to improving the patent customer experience is to create clear and consistent messaging as we engage in outreach to customers around the country and around the world.

In collaboration with the work that is done by the Office of the Chief Information Officer (OCIO), we will provide the cutting edge tools needed by our employees, particularly through implementation of Patent End to End (PE2E), to efficiently carry out their jobs. We will also enhance IT interfaces that will enable our patent customers to better complete their work and interact with the USPTO. For example, this could entail the use of artificial intelligence (AI) or machine learning efforts. Another key initiative that will enhance the work capabilities of both employees and customers is to improve searchable (text) access to domestic and international patent applications, including access to non-patent literature/prior art and Office actions.

We will continue to retain and leverage nationwide talent, most notably through the use of our telework activities and regional office locations. We will use comprehensive succession planning to develop the leadership capabilities that the Patent organization needs to move forward under this strategic plan. This will be done by assessing best practices, creating a comprehensive succession plan, and creating readily accessible resources that will enable us to maximize the talent among our nationwide employees. These leadership skills will provide our employees with a path to addressing future challenges and opportunities.

We will also coordinate our patent outreach efforts across the Patent organization and evaluate the impact of these efforts on the patent ecosystem; for example, with a special emphasis on enhancing the assistance we provide to independent inventors and small businesses.

Objective 4: Enhance Operations of the Patent Trial and Appeal Board

- A. Resolve appeals and inter partes matters in a timely manner.
- B. Streamline procedures and standards where feasible and appropriate to ensure balance and predictability.
- C. Emphasize overall written quality, well supported reasoning of orders and opinions, and decisional consistency.
- D. Increase internal and external engagement on Patent Trial and Appeal Board operations to promote understanding.
- E. Develop and enhance tools to promote transparency and enable increased use of operational data.
- F. Retain and leverage nationwide talent.

Key Performance Indicators

- 1. Resolve all inter partes matters within statutory deadlines and improve appeal pendency.
- 2. Ensure quality of PTAB decisions.
- 3. Pursue formal or informal collaborations and education opportunities with examiners and external stakeholders.
- 4. Improve PTAB processes and procedures through enhanced automation tools and data use.

The Patent Trial and Appeal Board (Board), as it currently exists, was established by the Leahy-Smith America Invents Act (AIA) in September 2012. Since that time, the Board has been challenged with increased workload, which led to the need for increased Board resources to handle the workload.

The Board manages pendency for three different activities: The AIA trials which, by statute, must be adjudicated within one year of filing; re-examination petitions which, by statute, must be completed with “special dispatch”; and ex parte appeals. Our commitment is to timely resolve appeals and inter partes matters within statutory or USPTO timeframes, while streamlining our processes and procedures throughout the Board. This will entail retaining and leveraging nationwide talent through the USPTO’s telework activities and the regional office locations.

The reliability of patent grants also extends to USPTO’s decision consistency. . It is critical for us to engage our customer base on a regular basis to make sure that the complex requirements for interacting with the Board are well explained and well understood. Finally, ensuring our procedures and standards are balanced and predictable is also important with regard to patent reliability.

The complexity of our work necessitates that we rely on various IT systems that must be centralized for more efficient collection, retrieval and sharing of data.

Goal II – Optimize Trademark Quality and Timeliness

The USPTO benefits trademark owners primarily by registering their marks, which facilitates their protection in the marketplace. In addition, through reliance on federally registered trademarks, consumers can identify the source of products and services, and rely on the marks as indicators of the consistent quality of the associated goods and services.

Trademark application filings strongly correlate with the general state of the economy, including the use of venture capital investment trends. Currently, trademark filings are projected to average an annual growth rate of between six and eight percent over the next five years. Foreign filings represent 30 percent of these applications. Over the past decade, the USPTO has registered trademarks in less than 12 months, and provided initial reviews of registrability via a first action in less than 3.5 months, on average. During this same period the first and final action compliance rates have been more than 95 percent, and today, more than 87 percent of trademark applications are processed electronically.

The Office will maintain this high and sustained performance level even in the face of growth rates for application filings that are forecast to continue under the *2018-2022 Strategic Plan*. The following objectives and their related initiatives focus on the actions required to continually ensure that staffing, resources and refined processes are aligned with demand for products and services.

Objective 1: Optimize Trademark Application Pendency
<ul style="list-style-type: none">A. Align production capacity with incoming workload and inventory.B. Work with customers to develop pendency goals that increase examination efficiency, maintain an optimal pendency level, and meet the expectations of the intellectual property community.C. Optimize pendencies for all types of actions throughout the trademark process.
Key Performance Indicators <ul style="list-style-type: none">1. Maintain first action pendency between 2.5 and 3.5 months with 12 months or less for disposal pendency.2. Continue to evaluate timeliness.3. Use forecasting and analytics to align staffing to pendency goals.

We are committed to continuing to provide an indication of registrability and a final decision on registration in a timely manner meeting the business needs of our customers. Because the volume of trademark application filings can be volatile, we will continue to align trademark examination capacity with incoming workload and current inventory through various management techniques, such as the use of forecasting and analytics to align staffing to pendency goals.

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Although the current pendency targets appear to serve the trademark community well, we will continually work with our customers to develop long-term pendency targets that recognize the changing needs of existing and new trademark customers. We will also focus on optimizing pendencies for all types of actions throughout the Trademark organization.

Objective 2: Issue High Quality Trademarks

- A. Continually improve quality measurements.
- B. Provide targeted training (including legal training and education) to address quality issues.
- C. Leverage analytics to drive training, process improvements and consistency.
- D. Leverage state of the art technologies that support high quality examination and registration.

Key Performance Indicators

- 1. Maintain high quality targets of 95.5% for first actions, with 97% for final compliance and 45% for exceptional office action.
- 2. Adopt data driven analytics to enhance quality.

Quality measurement takes into consideration adherence to registrability standards, comprehensive excellence of search, evidence, writing, and trademark attorney decision-making. We have routinely achieved our trademark quality targets, and are committed to sustaining these high performance levels by providing targeted training, including legal training and education, to address specific quality issues.

We will also adopt and leverage data-driven analytics to influence training, process improvements and consistency. Finally, we will take advantage of state of the art technologies to support quality examinations and registrations, for example by allowing us to identify targeted training issues and best practices.

Objective 3: Foster Business Effectiveness

- A. Develop innovative recruitment strategies for staffing trademark positions.
- B. Develop leadership programs for succession planning, knowledge management, and employee engagement.
- C. Develop a workforce equipped to leverage information technology modernization.
- D. Focus information technology efforts on improving efficiencies in core business operations.
- E. Enhance the customer experience.
- F. Explore artificial/business intelligence to assist trademark customers.
- G. Partner with customers to define and address needs.

Key Performance Indicators

- 1. Create a customer focused organization.
- 2. Strengthen workforce competencies (includes education in diversity, talent, skills, empathy).

3. Align process and service to improve the customer experience and efficiency.

To foster business effectiveness throughout the Trademark organization, we will listen to our customers and employees, and then take trademark-specific actions that will position us to meet appropriate expectations regarding the Trademark Act and Rules. The initiatives under this objective specifically address trademark-focused actions and complement related initiatives under the USPTO's enterprise-wide Mission Support Goal.

Under this objective, we recognize our projected growth over the planning horizon and will develop innovative recruitment strategies to ensure that trademark examining capacity is aligned with that workload and is able to meet pendency and quality performance commitments.

We will use succession planning to develop the leadership that our organization needs to move forward under this strategic plan. By creating a comprehensive succession plan, we will maximize the talent among our employees to provide them with the needed abilities to address future challenges and opportunities.

Another component to success is working with our internal and external stakeholders as we continue to replace and update our IT systems and transform our processes to enhance the customer experience.

In collaboration with the work of the OCIO, we will focus our IT efforts on improving efficiencies in core trademark business operations. This includes building, educating and maintaining a capable workforce that can take advantage of all aspects of IT modernization.

We are committed to enhancing the trademark customer experience by taking steps to better understand our customers' interactions with our organization from beginning to end, and to create an organization-wide shared vision in order to best serve each customer's needs. Finally, we plan to take advantage of recent advances in AI that will be capable of delivering high value analyses to better assist our trademark customers.

A related component to enhancing the trademark customer experience is to partner with professional organizations and bar groups to address their needs for access to legal resources. Our program to provide access to pro bono trademark legal services through our Law School Clinics is a good example of this type of collaboration.

Objective 4: Enhance Operations of the Trademark Trial and Appeal Board

- A. Resolve appeals and inter partes matters in a timely manner.
- B. Streamline processes and procedures where feasible and appropriate; and ensure procedural predictability.
- C. Emphasize overall written quality, well supported reasoning of orders and opinions, and decisional consistency.
- D. Maintain increased internal and external engagement on Trademark Trial and Appeal Board operations to promote customer understanding of process and procedure.
- E. Document clear and comprehensive business requirements to facilitate enhancement of legacy information technology systems and prepare for next generation information technology systems.
- F. Retain and leverage nationwide talent.

Key Performance Indicators

- 1. Maintain a customer focused organization.
- 2. Strengthen workforce competencies (includes diversity, talent, skills, empathy).
- 3. Align process and service to improve customer experience and efficiency.

The Trademark Trial and Appeal Board (Board) is an administrative tribunal of the USPTO, and is empowered to determine the right to register. The Board has jurisdiction over four types of inter partes proceedings, namely, oppositions, cancellations, interferences, and concurrent use proceedings, as well as ex parte appeals.

This fourth objective under this strategic goal focuses on the operations of the Board that deal with timeliness, primarily resolving appeals and inter partes matters in a timely manner, and streamlining our processes and procedures. Board information on pendency measures and workloads is included on the USPTO Data Visualization Center, which provides transparency to our customers.

Board decisions deemed precedential provide procedural and substantive guidance to examining attorneys, trademark owners and the trademark bar. We will, therefore, maintain our focus on decisional consistency by emphasizing overall written quality and well supported reasoning of orders and opinions, and on the annual issuance of an appropriate number of precedential decisions.

A key component in fulfilling this objective entails increasing engagements with our customers and stakeholders, for example, by taking proactive measures to promote thorough understanding of the nuances of processes and procedure, by all users of the trademark system, particularly those users engaged in Board proceedings.

We will continue to work with the OCIO staff in enhancing our legacy systems and preparing for the next generation systems. This entails, for example, documenting clear and comprehensive business

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requirements, and increasing knowledge of OCIO staff about Board operations, to facilitate efficient execution of those requirements.

Finally, to fulfill this objective, we are committed to retaining and leveraging nationwide talent by taking full advantage of the telework program and opportunities for collaboration with the regional offices.

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Goal III – Provide Domestic and Global Leadership to Improve Intellectual Property Policy, Enforcement and Protection Worldwide

To keep competitive in an increasingly globalized economy, large and small American businesses need as much certainty as possible in the creation, enforcement and protection of their IP, both domestically and abroad. Under this strategic goal, the USPTO advocates U.S. Government IP policy by increasing our presence and activities domestically and internationally, and partnering with international counterparts in pursuit of strong IP policies, enforcement and protection worldwide. In this regard, we focus on all aspects of IP – patents, trademarks, design rights, copyright, trade secrets, and plant variety protection, as well as enforcement.

The third strategic goal focuses on our responsibilities that are critical to economic and innovation policy, primarily the overall IP policy leadership and education roles that we carry out through our legislative mandate to advise the President, through the Secretary of Commerce, and all Federal agencies on national and international IP policy issues, including IP protection in other countries.

In addition to advising the President and other Federal agencies on matters of IP policy and certain international IP policy issues, we provide guidance that assists foreign governments and international intergovernmental organizations on matters of IP protection; conduct programs and studies regarding domestic and international IP law and the effectiveness of IP protection domestically and throughout the world; advise the Secretary of Commerce on programs and studies relating to IP policy that are conducted cooperatively with foreign IP offices and international intergovernmental organizations; and conduct programs and studies in coordination with the State Department.

We provide technical assistance to the Office of the U.S. Trade Representative (USTR) in trade negotiations and in identifying priority foreign countries that deny adequate protection or market access for U.S. IP rights. We also provide expertise to the U.S. Agency for International Development in designing and implementing assistance programs, and contribute to the development of the Annual Report and the triennial Joint Strategic Plan of the Intellectual Property Enforcement Coordinator.

The activities carried out under this goal rely on empirical research and fact finding, which we carry out through long-term, economics-based research. The results of this research are then used to guide USPTO policy recommendations with respect to broader functioning of IP systems, including the following objectives and initiatives.

Objective 1: Provide Leadership and Education on Domestic Intellectual Property Policy and Awareness

- A. Provide domestic policy formulation and guidance on key issues in all fields of intellectual property enforcement and protection.
- B. Engage other U.S. government agencies, stakeholders and Congress on legislation that improves the intellectual property system.
- C. Provide domestic education on intellectual property at all levels, including to U. S. Government agencies, stakeholders, the public, and state and local communities.
- D. Provide input to ongoing court considerations on key intellectual property issues.
- E. Advocate for the value of intellectual property as a critical driver of innovation and creativity.

Key Performance Indicators

- 1. Provide IP education to U.S. businesses, educators and audiences at all levels, including through increased participation in USPTO domestic education and outreach partnerships with other U. S. Government (USG) agencies.
- 2. Facilitate USG interagency efforts and lead stakeholder engagement on key IP issues and actively participate in USG interagency efforts.
- 3. Provide expert legal and technical advice on key IP issues to internal and external decision makers.

Our work under this objective involves extensive interaction with the White House, other parts of the Department of Commerce and other Federal agencies, the Congress, and stakeholder groups. We will continue to serve as the Executive Branch's technical expert on all types of IP issues, a role that is valued by and important to U. S. companies and other entities involved in any aspect of IP.

We will engage other U. S. government agencies, stakeholders and Congress to represent the administration's priorities in all areas of IP. For example, we will engage with the Legislative Branch through testimony and technical assistance on legislation. We also will proactively identify opportunities to build and maintain relationships that support USPTO's mission with officials at the federal, state and local levels and with stakeholder groups that may engage Congress or advocate for changes to IP laws.

We will continue to provide domestic education on a range of IP issues for U.S. government officials, small and medium-sized enterprises, universities, and other sectors of the public, including state and local communities. To this end, we will enhance the end-user experience by continuing to provide meaningful IP content that is up to date, accurate and engaging. For example, we will maximize the use of distance learning, whereby educational programs are conducted over the Internet without the traditional logistical costs associated with in-person training.

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Our emphasis under this objective is to provide domestic education that continually advocates for IP as a critical driver of innovation and creativity, and demonstrates how the resulting benefits drive our IP policies.

We will continue actions that shape IP law through litigation, both as a party and as an amicus or “friend of the court”. We will continue defending the agency’s IP policy and procedures before the United States Court of Appeals for the Federal Circuit (CAFC) and the Federal District courts. Such litigation encompasses a broad spectrum of legal issues that affect both agency practice and substantive patent and trademark law; for example, decisions of our two administrative boards, decisions of the Director, and the agency’s rulemaking and policies.

Objective 2: Provide Leadership and Education on International Intellectual Property Policy and Awareness

- A. Provide international policy formulation and guidance on key issues in all fields of intellectual property enforcement and protection.
- B. Provide leadership, support and advice to the administration in negotiating and monitoring compliance with the intellectual property provisions in trade agreements.
- C. Lead administration efforts at the World Intellectual Property Organization (WIPO) and other international organizations to improve intellectual property enforcement, protection, and cooperation worldwide.
- D. Engage other governments to improve their intellectual property enforcement and protection, including by providing education and capacity building.
- E. Work with Congress on matters pertaining to international agreements and their implementation.
- F. Work with the administration to improve intellectual property enforcement and protection in countries of interest, including through the intellectual property Attaché Program.
- G. Advocate for the value of intellectual property as a critical driver of innovation and creativity.

Key Performance Indicators

1. Develop country-specific action plans to monitor priority economies’ progress along the following dimensions: (a) Institutional improvements of IP office administration for advancing IP rights; (b) Improvements in IP laws and regulations; (c) Institutional improvements of IP enforcement entities; (d) Establishment of government-to-government cooperative mechanisms.
2. Provide training and information on best practices to protect and enforce IP.
3. Further international work sharing opportunities and cooperation through memoranda of understanding (MOU) agreements with other IP offices and relevant authorities
4. Provide substantive input and expert legal and technical advice on key IP issues, and in agreement/treaty negotiations.
5. Provide technical assistance and advice to Members of Congress and key staff on key international IP issues.

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The second objective under this goal focuses primarily on the USPTO's activities in the international IP system, which includes multilateral and bilateral activities worldwide.

We will utilize our in-house cross-disciplinary teams of IP experts to focus on countries and regions around the world to advance the full range of U.S. IP interests on a global playing field. This includes promoting the development of IP systems internationally, and advocating improvements in and more effective means of protecting and enforcing IP rights of U.S. nationals. This also includes consulting with foreign governments on the substantive technical analysis of legal and judicial regimes, civil and criminal procedures, border measures, and administrative regulations relating to the enforcement of IP laws.

When appropriate, we will work jointly with Congress on legislation related to treaty obligations.

We will continue playing a key role in the IP aspects of U.S. trade relations, working closely with the USTR in negotiating trade agreements and assessing their implementation. We will also assist USTR in trade disputes and in examining the adequacy and effectiveness of IP rights protection under the Special 301 provisions of the Trade Act of 1974.

The USPTO will continue leading the U. S. delegation in substantive discussions at WIPO, representing the United States at the General Assemblies and in numerous committees, negotiating treaties and other instruments, and working with the State Department on management and organizational matters.

We will continue to engage other governments and provide education, outreach and capacity building on all aspects of IP, for example, to judges, prosecutors, police, custom officials, and foreign policymakers. These programs are designed to further U.S. policy goals in both IP and trade, and to improve IP enforcement and the IP environment abroad for U.S. businesses. Our emphasis under this objective is to provide IP-related education internationally that demonstrates the benefits of IP as a critical driver of innovation and creativity.

In addition, our IP attachés will continue to advocate for U.S. IP policy positions with foreign governments, assist U. S. stakeholders in obtaining effective IP protection and enforcement abroad.

Mission Support Goal: Deliver Organizational Excellence

As a performance-based organization, accomplishment of our organizational goals, objectives and initiatives requires strong and diverse leadership through collaborative management. Delivering organizational excellence is a shared responsibility. Establishing a mission-oriented culture built on quality customer experiences, sound resource management, reliable workforce planning, and modernized IT systems and services is critical.

Delivering organizational excellence requires a culture that understands and embraces a shared commitment to the USPTO mission, sees collaboration with fellow employees as a path to success, and is dedicated to providing a superior customer experience. Through this goal, we envision a workforce that is connected to the mission and each other. Objectives under this goal serve as the foundation to all objectives throughout this strategic plan.

Objective 1. Enhance Human Capital Management and Foster Employee Engagement

- A. Optimize the performance culture.
- B. Leverage best practices to attract, recruit and retain an engaged, diverse, mission focused and talented workforce.
- C. Optimize workspace to meet workforce needs.
- D. Continue to strengthen our telework environment.
- E. Enhance leadership capabilities to better develop, sustain, lead, and foster engagement and advocacy in the agency's diverse workforce.
- F. Identify and deploy an engagement strategy that ensures all employees understand how their work relates to the USPTO mission.

Key Performance Indicators

- 1. Increase in USPTO employee engagement, cultural, and environmental metrics.
- 2. Development of and continued improvement in human capital management metrics and analytics.
- 3. Improvement in space efficiency and quality metrics.
- 4. Enhanced quality and quantity of leadership programs and activities.
- 5. Improved telework management and participation methods, controls and practices.

Our first objective continues to focus on the agency's human capital priority, namely *shaping the future of innovation with highly engaged employees*. Under this objective, we will align our human capital strategies with our mission, goals and objectives through analysis, planning, investment, and management of human capital programs to optimize our performance culture with accountability and a focus on results.

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Our highest priorities are to ensure that our strategies and processes foster a culture of engagement and collaboration; that we maintain a diverse, results-oriented, high-performing nationwide workforce; and that our performance management system requires regular feedback, and links individual performance to organizational goals.

The USPTO is a business that charges a fee for products and services. As such, quality and timeliness are paramount and we must continually ensure that our production capacity is in alignment with incoming demands. At the USPTO, work is technically demanding, and the skills needed to do work are marketable throughout the private and public sectors. Leveraging best practices, including data analytics and innovative recruitment strategies to attract highly skilled, top nationwide talent and hire the right people for the right jobs is the focus of the second initiative.

A modern, functional and safe work environment in a high-performing organization is critical for meeting the needs of employees who work from our office spaces on a regular basis as well as those teleworkers who come into the office intermittently. We will develop an overall space strategy for all offices that optimizes space utilization and meets the needs of an evolving nationwide workforce.

We continue to demonstrate our strong commitment to telework, with nearly 11,000 employees from all business units and the regional offices now participating, to some extent, in the overall USPTO telework program. This objective highlights our commitment to continuous improvement in the telework program; making management opportunities attractive to our teleworkers; and developing skills for our managers that will enhance their effectiveness in managing in a telework environment.

We will continue to enhance and strengthen knowledge and leadership capabilities by providing development opportunities for all USPTO employees. This objective will focus on ensuring that employees are able to avail themselves of opportunities that provide a pathway to career success, with a focus on leadership succession planning and knowledge management.

Objective 2. Optimize Speed, Quality, and Cost Effectiveness of Information Technology Delivery to Achieve Business Value

- A. Involve the business unit experts in the information technology acquisition source selection process.
- B. Refine the agency-wide information technology prioritization process.
- C. Foster information technology innovation from our highly skilled workforce.
- D. Maintain effective legacy systems during transition to their retirement.
- E. Establish agency-wide data governance.
- F. Strengthen the information technology development and implementation lifecycle.

Key Performance Indicators

- 1. Strengthen key stakeholder relationships.
- 2. Develop and implement the USPTO Data Roadmap including guidelines for data architecture

- and data management.
3. Develop an IT portfolio status dashboard.

The underlying purpose of this objective is to make sure that our legacy IT systems and our modernized next generation systems enable USPTO employees to accomplish their important work. We are fine-tuning our business processes for greater efficiency and building excellent tools to buoy these processes while enabling our employees and the public to garner maximum business value. Supported by more robust, updated IT systems, USPTO employees will be better equipped to issue reliable, high-quality patents and register trademarks.

All aspects of the IT development process, particularly the IT acquisition source selection process, are best served by ongoing and honest conversations between the OCIO and business unit experts. We are committed to consistent engagement between internal and external IT customers and value-seeking product owners.

As a production-oriented entity, the USPTO relies upon IT as a mission-critical enabler; i.e., the quality, efficiency, and productivity of patent and trademark operations correlate to the performance of their IT systems. It is critical, therefore, that we refine our agency-wide IT prioritization process to continually focus on those projects that are efficiently resourced and managed.

The USPTO has a large number of very talented individuals who are knowledgeable about technology. The challenge of this initiative is to tap into that expertise, which may be beyond formally assigned duties. Under this initiative we would create a "sandbox" – or multiple sandboxes – which is an environment for experimentation and trying new things. This initiative also will enhance development of user requirements for ongoing system modernization efforts.

The USPTO currently relies on multiple legacy systems that support nearly every aspect of operations. Our plans are to retire these legacy systems as quickly as practicable, which generally is compatible with the development and deployment of next generation systems. However, until modernization is achieved, we will ensure stability of the legacy systems to meet both internal and external user needs; improve their scalability to support a growing user base and data requirements; upgrade legacy systems to meet legislative and federal mandates and international treaty agreements; and develop legacy system retirement plans.

The USPTO is a data-driven organization. We continually collect, analyze and compare data for most business operations. There is a need to enable joining of systems across the organization and to establish agency-wide data governance, which will include establishment of a governing body, procedures to ensure consistent standards, and an execution plan. It also will focus on information needs, such as data analytics tools and skill sets.

Finally, we will continue to refine and improve the way we develop IT, which includes strengthening the IT development and implementation lifecycle.

Objective 3. Ensure Financial Sustainability to Facilitate Effective USPTO Operations

- A. Extend the authority for fee setting beyond September 2018.
- B. Obtain authority to spend all fees collected.
- C. Ensure the USPTO fee structure continuously meets the needs of the intellectual property environment of the future.
- D. Optimize the management of financial resources.
- E. Achieve optimal value from resources deployed to support USPTO operations.

Key Performance Indicators

- 1. Demonstrate progress towards legislative solutions.
- 2. Complete comprehensive assessment of USPTO fee structure.
- 3. Ensure resources are continuously available to sustain operations.

While we have made significant progress in attaining full and sustainable funding, we must work to maintain a funding model that leverages innovative financial management practices and helps ensure secure funding streams that support mission operations. To this end, we will continue to pursue the extension of fee setting authority beyond the September 2018 expiration date, seek full access to all fees collected, maintain prudent operating reserves, optimize the fee structure under existing authorities, and work to optimize the management and strategic use of USPTO's financial resources.

Although the AIA gave the USPTO authority to set fees through regulation, it also includes a 7-year sunset provision that expires in September 2018. We are committed to continue taking steps necessary to extend fee setting authority beyond the statutory sunset date.

A primary consideration for the USPTO and its fee-paying customers is to ensure access to, and authority to use, all fees collected. Although the AIA established the Patent and Trademark Fee Reserve Fund (PTFRF) where collections in excess of approved spending levels are deposited for later use, this, does not guarantee that the USPTO will gain access to those fee collections. For example, the USPTO remains vulnerable to government-wide spending caps or reductions, such as sequestration. Under this objective, we will continue addressing this issue, which takes into consideration the public policy issue of overall management of government spending, as well as the need for continued support from our fee-paying customers.

As the USPTO's needs and the economic and legal environment in which we operate continually evolve, we must regularly analyze our fee structure and make adjustments to ensure that the fee schedule both supports sound public policy and generates sufficient revenue to fund agency operations. Under this objective, we will reevaluate our fee structure to make sure it provides for future revenue sustainability, and assess how fees are collected and credited to make sure that our processes remain current with customer behaviors.

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As the USPTO matures, we are looking beyond just ensuring sustainable funding, toward optimizing the *management* of our financial resources. Under this objective, we will assess how/when we expend resources throughout the year to ensure sufficient funding is continually available to support our mission, and that we get maximum returns from our investments in IT another critical assets.

Objective 4. Enhance USPTO's Interactions with Internal and External Stakeholders, and the Public at Large

- A. Strengthen relationships with the Department of Commerce, the Office of Management and Budget, and other Federal agencies, and Congress.
- B. Foster a culture across the USPTO for providing an outstanding customer experience.
- C. Foster relationships with internal and external stakeholders.
- D. Meet customer needs by timely delivery of intellectual property information and education to support and encourage growth of an innovation-based economy.
- E. Strengthen the public's understanding of intellectual property, including increasing the public's knowledge of how intellectual property, and the product and services that the USPTO offers, support our innovation-based economy.

Key Performance Indicators

- 1. Improved quantity and quality of, and return on, internal and external stakeholder relationships.
- 2. Enhancement of customer experience programs and metrics and improvement of the customer experience for internal and external USPTO customers.

This objective will be achieved by focusing on our interactions with internal and external stakeholders, including the public at large.

We will continue our commitment to strengthen relationships with the Department of Commerce (DOC), the Office of Management and Budget (OMB), other Federal agencies and entities, and Congress.

Outstanding customer experience is a theme that crosses all goals and all offices for each USPTO employee. We are striving to be a leader and provide ease of doing business with the USPTO by focusing on areas such as value, good service, quality, reliability and consistency.

We will continue to work collaboratively with our unions, affinity groups and other organizations as a key component of our commitment to strong employee engagement, and to recognize the contributions and efforts of all employees. Continuing to support and leverage good relationships with all internal stakeholders is another component of our strong commitment to diversity and inclusion.

A key component of our mission is to deliver IP information to promote an innovation-based economy. We will continue to provide public access to both patent and trademark information and services on a timely basis, ensuring that the public gets information at the knowledge level they seek, as well as to proactively educate the public on how to take maximum advantage of such information.

We will continue to refine our messaging and delivery logistics to increase access to and awareness of USPTO programs and initiatives by utilizing our regional offices and nationwide resources. In doing

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this, we are introducing the importance of IP to the scientists, engineers, attorneys, etc. of the future. Because IP is ever evolving, the USPTO is committed to continuing to educate IP professionals so they stay current on emerging issues that affect their business and the economy as a whole.

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ACCOMPANYING INFORMATION

STRATEGIC PLANNING PROCESS

The USPTO launched a collaborative process to formulate the *USPTO 2018-2022 Strategic Plan*, which consisted of:

Organizational Assessment

- We conducted an environmental scan and assessment of our strengths, weaknesses, opportunities and threats (SWOT) analysis under the auspices of our Deputies Council and involving representatives from all parts of the USPTO. In addition, we collaborated with the Enterprise Risk Management division in the Office of Finance to collectively identify and prioritize risks. For more information about external factors and challenges, see Appendix A.

Strategy Development

The information gathered from the organizational assessment led to the following results:

- Executives validated and updated the USPTO mission, vision and goals that drove the strategic planning process.
- All Business units participated in sessions to develop objectives and initiatives. These were reviewed and validated by the Deputies Council and then the Management Council.
- Key Performance Indicators were identified for each objective.

For more information about strategies and themes that resulted from the strategy development process, see Appendix B.

Alignment with Department of Commerce Strategic Plan

- The USPTO's strategic goals are directly aligned to the Department's Strategic Objective for the USPTO, i.e., *Strengthen Intellectual Property Protection*.

Budget and Performance Integration

- The USPTO's FY 2019 President's Budget is in alignment with the *USPTO 2018-2022 Strategic Plan*.
- Performance accountability cascades from the strategic plan to the yearly performance agreements between the Secretary of Commerce and the Commissioners for Patent and Trademarks, respectively, to senior executives, office directors, managers and supervisors.
- The Key Performance Indicators included with this plan align USPTO goals and objectives with the associated performance indicators that will provide meaningful information on the status and performance of every objective in this plan.

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Evaluations

- Consistent and timely program evaluations are critical to making informed decisions based on analysis of how the USPTO is carrying out its activities to examine patent and trademark applications, to guide international IP policy, and to deliver IP information.
- Recently completed research, reports and evaluations were reviewed and taken into consideration in the development of this plan. These include the Patent and Trademark Public Advisory Committees' respective annual reports to Congress.
- Initiatives identified in this plan may be tested on a pilot basis and subjected to evaluation to ensure that the USPTO successfully implements changes to patent laws and rules, makes changes to internal processes that provide benefits and increased efficiency, and makes sound investment decisions. Evaluation plans will incorporate, where appropriate, measurable objectives, critical measures of success, baseline data, and conditions for full implementation.

Consultation Process:

- A draft *USPTO 2018-2022 Strategic Plan* was posted on July 26, 2018 for employee review and feedback. A Town Hall meeting was held with employees on July 24, 2018. A dedicated email address was used for the purpose of obtaining employee comments.
- A draft Plan was posted on the USPTO Web site on August 22, 2018 and comments were solicited from customers and the general public. A dedicated email address strategicplan1@uspto.gov was used for the purpose of obtaining comments.
- Review and comments were also solicited from the USPTO's Patent and Trademark Public Advisory Committees, and three bargaining unit Presidents.
- The proposed strategic plan was shared with the DOC, OMB and Congress.
- The USPTO received XX sets of comments, which were reviewed by senior managers from all business units, and appropriate changes were made to the final plan.

Communications

- In conjunction with the development of the strategic plan, the USPTO is committed to making execution of the strategic plan an express responsibility of USPTO executives. This includes monitoring implementation of the plan, and keeping employees, stakeholders, and the public informed of progress. The [USPTO Web site](#) and the [Data Visualization Center](#) are key components of this communications commitment.

STRATEGIC FRAMEWORK SUMMARY MATRIX

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GOAL I: OPTIMIZE PATENT RELIABILITY AND TIMELINESS			
Objective 1: Optimize Patent Application Pendency	Objective 2: Issue Highly Reliable Patents	Objective 3: Foster Innovation Through Business Effectiveness	Objective 4: Enhance Operations of the Patent Trial and Appeal Board (PTAB)
<ul style="list-style-type: none"> A. Optimize pendency and examination timeframes. B. Align production capacity with incoming workload. C. Leverage value obtained from international work products. D. Identify and offer additional prosecution options. 	<ul style="list-style-type: none"> A. Increase examiners' ability to obtain the best prior art during examination. B. Improve content, delivery, and timeliness of technical and legal training to achieve more predictable outcomes. C. Use patent quality data to identify areas for improvement to achieve more consistent outcomes. D. Refine production standards to achieve patent quality expectations and goals. E. Enhance transparency and communication of quality metrics. 	<ul style="list-style-type: none"> A. Enhance patent customer experience. B. Optimize development and delivery of information technology (IT) tools for internal users of patent systems to ensure they have the tools they need for a thorough search and examination. C. Enhance IT interfaces available to external users of patent systems. D. Improve searchable access to domestic and international patent application files, including to prior art and Office actions. E. Retain and leverage nationwide talent. F. Document and standardize best practices to facilitate succession planning. G. Coordinate patent outreach efforts across the Patent organization and evaluate the impact of these efforts on the patent ecosystem. 	<ul style="list-style-type: none"> A. Resolve appeals and inter partes matters in a timely manner. B. Streamline procedures and standards where feasible and appropriate to ensure balance and predictability. C. Emphasize overall written quality, well supported reasoning of orders and opinions, and decisional consistency. D. Increase internal and external engagement on PTAB operations to promote understanding. E. Develop and enhance tools to promote transparency and enable increased use of operational data. F. Retain and leverage nationwide talent.

GOAL II: OPTIMIZE TRADEMARK QUALITY AND TIMELINESS			
Objective 1: Optimize Trademark Application Pendency	Objective 2: Issue High Quality Trademarks	Objective 3: Foster Business Effectiveness	Objective 4: Enhance Operations of the Trademark Trial and Appeal Board (TTAB)
<ul style="list-style-type: none"> A. Align production capacity with incoming workload and inventory. B. Work with customers to develop pendency goals that increase examination efficiency, maintain an optimal pendency level, and meet the expectations of the intellectual property (IP) community. C. Optimize pendencies for all types of actions throughout the trademark process. 	<ul style="list-style-type: none"> A. Continually improve quality measurements. B. Provide targeted training (including legal training and education) to address quality issues. C. Leverage analytics to drive training, process improvements and consistency. D. Leverage state of the art technologies that support high quality examination and registration. 	<ul style="list-style-type: none"> A. Develop innovative recruitment strategies for staffing trademark positions. B. Develop leadership programs for succession planning, knowledge management, and employee engagement. C. Develop the workforce to support information technology modernization. D. Focus IT efforts on improving efficiencies in core business operations. E. Enhance the customer experience. F. Explore artificial/business intelligence to assist trademark customers. G. Partner with customers to define and address needs. 	<ul style="list-style-type: none"> A. Resolve appeals and inter partes matters in a timely manner. B. Streamline processes and procedures where feasible and appropriate, and ensure procedural predictability C. Emphasize overall written quality, well supported reasoning of orders and opinions, and decisional consistency. D. Maintain increased internal and external engagement on TTAB operations to promote customer understanding of process and procedure E. Document clear and comprehensive business requirements to facilitate enhancement of legacy IT systems and prepare for next generation IT systems. F. Retain and leverage nationwide talent.

GOAL III: PROVIDE DOMESTIC AND GLOBAL LEADERSHIP TO IMPROVE INTELLECTUAL PROPERTY POLICY, ENFORCEMENT AND PROTECTION WORLDWIDE	
Objective 1: Provide Leadership and Education on Domestic Intellectual Property (IP) Policy and Awareness	Objective 2: Provide Leadership and Education on International IP Policy and Awareness
<ul style="list-style-type: none"> A. Provide domestic policy formulation and guidance on key issues in all fields of IP enforcement and protection. B. Engage other U.S. government agencies, stakeholders and Congress on legislation that improves the IP system. C. Provide domestic education on IP at all levels, including to stakeholders, the public, and state and local communities D. Provide input to ongoing court considerations on key IP issues. E. Advocate for the value of intellectual property as a critical driver of innovation and creativity. 	<ul style="list-style-type: none"> A. Provide international policy formulation and guidance on key issues in all fields of IP enforcement and protection. B. Provide leadership, support and advice to the administration in negotiating and monitoring compliance with the IP provisions in trade agreements. C. Lead administration efforts at the World Intellectual Property Organization (WIPO) and other international organizations to improve IP enforcement, protection, and cooperation worldwide. D. Engage other governments to improve their IP enforcement and protection, including by providing education and capacity building. E. Work with Congress on matters pertaining to international agreements and their implementation. F. Work with the administration to improve IP enforcement and protection in countries of interest, including through the IP Attaché Program. G. Advocate for the value of intellectual property as a critical driver of innovation and creativity.

MISSION SUPPORT GOAL: DELIVER ORGANIZATIONAL EXCELLENCE			
Objective 1. Enhance Human Capital Management and Foster Employee Engagement	Objective 2. Optimize Speed, Quality, and Cost Effectiveness of Information Technology (IT) Delivery to Achieve Business Value	Objective 3. Ensure Financial Sustainability to Facilitate Effective USPTO Operations	Objective 4. Enhance USPTO’s Interactions with Internal and External Stakeholders, and the Public at Large
<ul style="list-style-type: none"> A. Optimize performance culture. B. Leverage best practices to attract, recruit and retain an engaged, diverse, mission focused and talented workforce. C. Optimize workspace to meet work force needs. D. Continue to strengthen our telework environment. E. Enhance leadership capabilities to better develop, sustain, lead and foster engagement and advocacy in the agency’s diverse workforce. F. Identify and deploy an engagement strategy that ensures all employees understand how their work relates to the USPTO mission. 	<ul style="list-style-type: none"> A. Involve the business unit experts in the IT acquisition source selection process. B. Refine the agency-wide IT prioritization process. C. Foster IT innovation from our highly skilled workforce. D. Maintain effective legacy systems during transition to their retirement. E. Establish agency-wide data governance. F. Strengthen the IT development and implementation lifecycle. 	<ul style="list-style-type: none"> A. Extend the authority for fee setting beyond September 2018. B. Obtain authority to spend all fees collected. C. Ensure the USPTO fee structure continuously meets the needs of the intellectual property (IP) environment of the future. D. Optimize the management of financial resources. E. Achieve optimal value from resources deployed to support USPTO operations. 	<ul style="list-style-type: none"> A. Strengthen relationships with the Department of Commerce (DOC), Office of Management and Budget (OMB), and other Federal agencies, and Congress. B. Foster a culture across the USPTO for providing an outstanding customer experience. C. Foster relationships with internal and external stakeholders. D. Meet customer needs by timely delivery of IP information and education to support and encourage growth of an innovation-based economy. E. Strengthen the public’s understanding of IP, including increasing the public’s knowledge of how IP, and the product and services that USPTO offers, support our innovation-based economy

APPENDICES

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APPENDIX A

EXTERNAL FACTORS

In this high-tech, innovative age, IP has become a commodity that is generating interest, controversy, and administrative/legislative attention in the United States and abroad. In carrying out its mission and goals, the USPTO is mindful of the following external factors and challenges.

Unintended Consequences from Major Changes to the U.S. Patent System – Over the past several years, the patent system has been impacted by major reform legislation, proposed legislation, major court cases, and USPTO actions to implement these changes. In addition, there have been numerous public discussions on certain faults in, or abuses of, the system. The cumulative result is a system in which the patent grant is less reliable today than it should be. A challenge for the USPTO is that U.S. patentability standards and patent opposition procedures continue to create uncertainty for rights holders.

Economic Volatility – The USPTO receives patent and trademark applications from both domestic and foreign entities and individuals. Worldwide demand for IP protection continues to increase, which has a direct impact on USPTO staffing levels and fee collections; and over the longer term, on processes and IT systems.

Court Decisions can affect USPTO practices and procedures, which could have significant implications for our operations. A recent example includes the Supreme Court's decision in *Matal v. Tam*, which struck down the disparagement provision of the Lanham Act.

External Relationships. The protection of IP rights — patents (utility, plant, reissue and design), trademarks, copyrights and trade secrets — has changed over the last two decades from an obscure national regulation issue to a hotly debated global issue. Our challenge is to guide international IP policy, improve IP rights protection, and deliver IP information and education worldwide, while recognizing the wide array of expertise and interests of our international partners and collaborators. This includes our counterpart IP offices (e.g., the European and Japan Patent Offices); foreign governments including their ministries of industry, commerce and culture; and international intergovernmental organizations, such as the World Intellectual Property Organization (WIPO).

Counterfeiting, Piracy, and Failure to Respect IP Rights continue to be significant issues, particularly in fast-growing economies such as China and India. Likewise, a major challenge facing the USPTO and the U.S. IP system is the illegal accessibility to copyrighted works through the internet.

IP Backlash -- Achieving consensus among countries advocating effective IP protection is critical for counteracting countries concerned about efforts to enhance IP standards.

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While most of these factors are outside our direct control we are engaged with four other major IP offices (EPO, JPO, SIPO, KIPO¹) in forecasting workload, we have established operating reserves that could mitigate the impact of economic volatility, and we are engaged in IP legislation, pending court decisions and international discussions.

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¹ The European Patent Office (EPO), the Japan Patent Office (JPO), the State Intellectual Property Office of the People's Republic of China (SIPO), and the Korean Intellectual Property Office (KIPO).

APPENDIX B

BACKGROUND OF STRATEGIC FRAMEWORK:

The 2018-2022 Strategic Framework consists of the four Goals, 14 Objectives and 76 Initiatives needed to meet the USPTO mission and achieve the USPTO vision. In crafting these goals, objectives and initiatives, USPTO management focused on the following strategies and recognized certain cross-cutting themes as follows.

STRATEGIES

To fulfill our goals, we have adopted the following strategies to effectively and efficiently meet our mission and achieve our vision as a model IP office for the world:

- Rely on a balanced approach of skilled human capital, application of the best technology, and continually-improved processes to achieve a quality focused, cost effective and responsive organization;
- Maintain an organization of talented staff with the technical expertise and vision to guide and support the USPTO of the 21st century;
- Achieve a sustainable funding model that provides the resources for a high-performing organization, while recognizing the need for cost containment and effective and efficient delivery of government services; and
- Enhance international cooperation and harmonization in IP legislation, regulatory requirements, policies, and procedures.

THEMES

Fulfillment of the USPTO mission requires integrated planning and collaboration among the various USPTO organizations. Although the strategic goals essentially mirror the USPTO's organizational construct, the following themes are applicable to more than one goal, which highlights the cooperation needed throughout the agency to fulfill all aspects of the USPTO mission.

Timeliness and Quality are fundamental themes found throughout the strategic plan, but most notably in the first two strategic goals that address the examination of patent and trademark applications; the issuance of patents and the registration of trademarks, and the adjudication of issues related to patentability and certain trademark cases. Timeliness is important because it enables customers to make business decisions in an opportune manner. Quality facilitates the ability for customers to identify a return on the investment for their risk of innovation. It also increases their confidence in the products and services they receive from the USPTO. For patents, quality and reliability are inextricably linked.

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International Collaboration generally falls under the third strategic goal, which focuses on our commitment to support IP policy, enforcement and protection worldwide to strengthen IP systems and benefit American individuals and businesses working globally. In addition, international collaboration leads to the engagements and agreements that are an essential component of carrying out the patent and trademark strategic goals.

Business Effectiveness focuses on the specific achievements needed to address targeted issues, such as the following:

Information Technology Modernization is both agency-wide and goal specific, and includes IT activities that are designed to move the agency forward, such as delivering cost-effective and seamless next generation IT systems, maintaining legacy systems until they can be retired, and providing advanced analytics using big data, machine learning and artificial intelligence to enhance the customer experience.

Customer Experience – USPTO is striving to be a leader in enhancing its customers’ experiences in areas such as value, good service, quality, reliability and consistency, and ease of doing business. Key aspects of providing a good customer experience include:

- Bringing customers to the center of all that we do
- Making every customer touchpoint consistent, clear, and intuitive
- Enhancing the customers’ communication with the agency
- Employees working together to amplify impact on customer experience efforts
- Measuring and tracking customer metrics, engagement, and insights
- Partnering to provide services outside core capabilities

Employee Engagement is a priority throughout the USPTO, which defines the relationship between the agency and its employees. "Engaged employees" are knowledgeable about strategic priorities and have positive attitudes towards their organization; i.e., they are absorbed by and enthusiastic about their work so that they take positive actions to further their organization’s reputation and interests.

Outreach and Education is a cross-cutting theme that is addressed in all four goals, and focuses on furthering the USPTO’s priority in advocating for the value of IP as a critical driver of innovation and creativity. The delivery of IP information and education domestically and worldwide includes the need to craft and deliver programs about the benefits and effective use of IP to inventors, business community leaders, the legal profession, students, educators and the public. Doing this will ensure a successful IP system that articulates its benefits and makes sure those benefits drive our IP policies.