

2013-2014 Docket Management and Pendency Award Agreement

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Dear Examiners,

As you should have heard by now from Deputy Commissioner Faile's emails, POPA and the USPTO have reached an agreement on modifications to the PAP Docket Management element and extension of the Pendency Award. Deputy Commissioner Faile and I signed the agreement yesterday and you can find it posted here .

The discussions of the USPTO/POPA PAP Task Force over the last several months attempted to address several different issues simultaneously: continuing the Pendency Award for another year with a goal of getting more examiners eligible for the award; providing for a continued 3/6 month docket of work for each examiner while facing decreasing new case inventories in many art units; reducing the RCE backlog; and, significantly reducing the number of applications in "ceiling exceeded" status. The Task Force believes these issues have been addressed with the changes set forth in the new agreement.

Training on the changes in the new agreement will hopefully be provided very soon. In the meantime, I encourage you to take a look at the agreement, including the attached memorandum from Deputy Commissioner Faile. You need to be aware of several critical time frames.

First, while RCE work credit is being increased to two counts/application, this change is only in effect until the end of FY13. It is not guaranteed to continue into FY14. Therefore, those of you with RCEs on your docket may want to concentrate some effort on moving your RCE backlog cases while they are worth more work credit.

Second, changes have been made to the parameters of the Pendency Award through the 2nd quarter of FY14. It is hoped that these changes will incentivize many more of you to participate in the Pendency Award. In this time of frozen salaries, our various performance awards provide the only meaningful opportunity for examiners to significantly increase their earnings at the USPTO.

Third, there are significant changes coming in FY14 regarding the impacts on examiners when cases go ceiling exceeded. These last two quarters of FY13 are intended to give examiners a chance to work off ceiling exceeded cases before the FY14 changes go into effect. The Agency has made it clear that it does not want to have cases go ceiling exceeded if at all possible.

Finally, changes have been made to the 3/6 month new case docket requirement. These changes will allow SPEs to consider regular new cases, special new cases and continuing new cases (including RCEs) to be considered in the total work available to an examiner for the 3/6 month docket requirement. This means that those of you with large continuing dockets may see fewer regular new cases on your docket while you work down your continuing cases/RCEs.

Again, stay tuned for the upcoming training and best of luck with the rest of FY13.

Robert Budens
POPA