

**TIME AND ATTENDANCE ABUSE AT THE U.S.
PATENT AND TRADEMARK OFFICE**

HEARING

BEFORE THE

SUBCOMMITTEE ON
GOVERNMENT OPERATIONS

OF THE

COMMITTEE ON OVERSIGHT
AND GOVERNMENT REFORM
HOUSE OF REPRESENTATIVES

ONE HUNDRED FOURTEENTH CONGRESS

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CONTENTS

Hearing held on December 7, 2016	Page 1
WITNESSES	
The Hon. Russell Slifer, Deputy Under Secretary of Commerce for Intellectual Property and Deputy Director, U.S. Patent and Trademark Office	
Oral Statement	3
Written Statement	5
Mr. David Smith, Acting Deputy Inspector General, U.S. Department of Commerce	
Oral Statement	8
Written Statement	10
Ms. Pamela Schwartz, President, Patent Office Professional Association	
Oral Statement	15
Written Statement	17
Mr. David Chu, Ph.D., Panel Chair, National Academy of Public Administration	
Oral Statement	25
Written Statement	27
APPENDIX	
Questions for the record, submitted by Mr. Meadows	58
Questions for the record, submitted by Mr. Connolly	102

TIME AND ATTENDANCE ABUSE AT THE U.S. PATENT AND TRADEMARK OFFICE

Wednesday, December 7, 2016

HOUSE OF REPRESENTATIVES,
SUBCOMMITTEE ON GOVERNMENT OPERATIONS,
COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM,
Washington, D.C.

The subcommittee met, pursuant to call, at 2:22 p.m., in Room 2154, Rayburn House Office Building, Hon. Mark Meadows [chairman of the subcommittee] presiding.

Present: Representatives Meadows, Jordan, Carter, Grothman, Connolly, Maloney, Norton, and Clay.

Also Present: Representative Hice.

Mr. MEADOWS. The Subcommittee on Government Operations will come to order. And, without objection, the chair is authorized to declare a recess at any time.

I want to thank all of you for being here. It was in August of this year that the Commerce Department's Office of Inspector General released what I would say is an alarming report detailing the potential time and attendance abuses at the U.S. Patent and Trademark Office. The OIG compared hours certified as worked by nearly 8,400 patent examiners with data such as records from either virtual private networks or computer workstation records or the like. This comparison actually allowed the OIG to assess whether or not the hours claimed by examiners were backed up by quantifiable data.

The results are shocking. The OIG identified some 288,479 unsupported hours by patent examiners over a 15-month period. Now, these hours equate to \$18.3 million in potential waste. 415 of the examiners covered in the analysis had 10 percent or more of unsupported hours. And, indeed, 310 of these examiners received above-average annual performance ratings and accounted for nearly 98,000 of the unsupported hours. The unsupported hours could have been helped to reduce patent application backlog, which currently stands at 540,000 or by some 15,990 cases.

What is most troubling is the numbers provided by the OIG are a conservative estimate. The OIG wanted to make sure that everything was done in an appropriate manner, and actually received the benefit of the doubt when making their analysis. By some less conservative assumptions, we could push the amount of unsupported hours to be nearly twice as high as the OIG reported. And this, indeed, is unacceptable.

The report comes on the heels of a previous OIG investigation into examiner A. This examiner would often leave work early to

play golf, and overall, examiner A committed to at least 730 hours of time and attendance abuses. This resulted in nearly \$25,500 for time not worked. And I want to add is, when we have this, it has a chilling effect on other people in the workforce. So, conveniently for examiner A, he or she resigned on the advice from the union before action could be taken against him or her. Now, when the OIG retroactively tested its methodology for the new report on examiner A's unsupported hours, it received a similar unsupported hour total. This shows that the OIG's methodology accurately measures the unsupported hours.

Now, while not necessarily widespread, the OIG's findings do show that, at the U.S. Patent and Trademark Office, internal controls for fighting time and attendance abuse are lacking. The OIG has six recommendations that would help safeguard taxpayers from fraud at that agency. They include a requirement that examiners provide their supervisors with work schedules; examiners use their ID badges to exit the agency in turnstile facilities; and all examiners log into the USPTO network during their working hours while teleworking. Now, these commonsense recommendations should be adopted now.

Now, while some may argue that the total amount of unsupported hours is less than 2 percent of the total work hours logged in by patent examiners, even 1 unsupported hour is too many. The American people deserve better. And I look forward to hearing your testimony on how we can not only address this issue but make sure that we have an accountable workforce going forward.

Mr. MEADOWS. I'm going to wait and recognize the gentleman from Virginia for his opening statements here in a few minutes. And I will hold the record open for 5 legislative days for any member who would like to submit a written statement.

The chair notes that the gentleman from Georgia, Mr. Hice, will be attending today. He was here earlier. We appreciate his interest in this particular issue. He is here now. I ask unanimous consent that Representative Hice be allowed to fully participate in today's hearing.

And, without objection, so ordered.

In addition to that, I make a unanimous request that we enter into the record the investigative report of the U.S. Patent and Trademark Office which would actually be the IG's report, the investigative report.

And, without objection, so ordered.

[The information follows]:

[This report can be found on The Department of Commerce website at: <https://www.oig.doc.gov/oigpublications/14-0990.pdf>]

Mr. MEADOWS. I'm pleased to actually welcome here the Honorable Russell Slifer, Deputy Under Secretary of Commerce for Intellectual Property and Deputy Director at the U.S. Patent and Trademark Office. Welcome.

Mr. David Smith, acting deputy inspector general at the U.S. Department of Commerce. Welcome, Mr. Smith.

Ms. Pamela Schwartz, president of the Patent Office Professional Association. Welcome, Ms. Schwartz.

And Dr. David Chu, panel chair of the National Academy of Public Administration.

Welcome to you all.

And pursuant to committee rules, all witnesses will be sworn in before they testify. So if you would please rise and raise your right hand.

Do you solemnly swear or affirm that the testimony that you're about to give will be the truth, the whole truth, and nothing but the truth?

Thank you. You may be seated. Please let the record reflect that all witnesses answered in the affirmative.

In order to allow time for discussion, please limit your oral testimony to 5 minutes. However, your entire written statement will be made part of the record.

And so, Mr. Slifer, we'll come to you for 5 minutes.

WITNESS STATEMENTS

STATEMENT OF THE HONORABLE RUSSELL SLIFER

Mr. SLIFER. Chairman Meadows, Ranking Member Connolly, and members of the subcommittee, thank you for this opportunity to discuss the United States Patent and Trademark Office's management of employees' time and attendance.

I am proud of the work that our nearly 13,000 employees, including more than 8,300 patent examiners, to help our Nation's innovators secure intellectual property rights. The overwhelming majority of these employees are hard-working, highly educated, and highly skilled professionals who perform their jobs with the utmost integrity and dedication. We take seriously any allegation of abuse in our workplace. Any abuse of time and attendance by an employee is unfair to our stakeholders who rely on our agency and to the employees who abide by the rules. It is unacceptable and will not be tolerated within the USPTO.

In recent years, we have made workforce management a critical focus and have invested a significant time and effort in improving our overall management for all employees, including teleworking employees and those stationed at our physical facilities. We have taken a number of concrete steps, including requiring new training for employees and supervisors, updating policies, adding controls, and building tools for supervisors to enable our supervisors to engage and manage their employees more effectively.

Today, at the USPTO, supervisors receive extensive training, and they have a variety of tools in place to help monitor employees' attendance and work levels, regardless of where the employees are working. We have addressed our workforce management issues by providing new tools, policies, and guidance. My written testimony provides more detail on our extensive efforts to date. In the interest of time, I'll highlight just a few of those now.

We created an IT dashboard tool to review employee-specific data to monitor examiners' production and timeliness, which can show early signs of changes in performance and potential time and abuse—time and attendance issues. We implemented a policy requiring all USPTO employees, supervisors, and full-time teleworkers to remain logged into the USPTO's IT system during working hours. We updated the overtime policy for patent examiners,

emphasizing that exceeding production goals does not excuse employees from actually working claimed hours.

We appreciate the work of the office of inspector general in preparing the August 2016 analysis of patent examiners' time and attendance. The findings and recommendations in the report serve as a valuable resource as we further enhance the extensive measures we have already taken to focus on time and attendance compliance among USPTO employees.

We also appreciate the work of the National Academy of Public Administration for their study of our telework programs and controls.

The USPTO is committed to implementing additional improvements as necessary in response to the IG's report. Because the report identified overall trends and didn't examine individual employee's cases, our team has worked to rigorously analyze the data in detail to better identify the nature of the unsupported hours. This refined analysis is helping us make tailored improvements to our overall workforce management. While the USPTO is certainly unique among Federal agencies in our ability to quantify the productivity of a majority of our employees, striking the right balance between management tools and employee productivity is a challenge faced by all employers, both public and private sector, and something that we strive to achieve in an effort to ensure the effectiveness and efficiency of our agency in order to better promote American innovation. We have and will continue to work toward ensuring proper and accurate accounting of all time and attendance. Any hour of time claimed and not worked is unacceptable.

In closing, I want to underscore our continuing commitment to detect and address all cases of abuse and hold any employee who commits that abuse accountable while also strengthening our overall management and operations. As we continue to support our Nation's innovators, we know that we owe nothing less to our hard working and dedicated employees, to the stakeholders, and to the public we serve. Thank you.

[Prepared statement of Mr. Slifer follows:]

STATEMENT OF
RUSSELL D. SLIFER
**DEPUTY UNDER SECRETARY OF COMMERCE FOR INTELLECTUAL PROPERTY
AND DEPUTY DIRECTOR
UNITED STATES PATENT AND TRADEMARK OFFICE**

BEFORE THE

**SUBCOMMITTEE ON GOVERNMENT OPERATIONS
COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM
U.S. House of Representatives**

Oversight Hearing on USPTO Employee Time and Attendance

DECEMBER 7, 2016

Chairman Meadows, Ranking Member Connolly and Members of the Subcommittee:

Thank you for this opportunity to discuss the United States Patent and Trademark Office's (USPTO) management of employees' time and attendance.

I am proud of the work done by our nearly 13,000 employees – including more than 8,300 patent examiners – to help our nation's innovators secure intellectual property rights. The overwhelming majority of these employees are hard-working, highly- educated and highly-skilled professionals who perform their jobs with the utmost integrity and dedication.

We take seriously any allegation of abuse in our workplace. Any abuse of time and attendance by an employee is unfair to our stakeholders who rely on our Agency and to other employees who abide by the rules. It is unacceptable and will not be tolerated within the USPTO.

In recent years, we made workforce management a critical focus and have invested significant time and effort on improving our overall management for all employees including teleworking employees and those stationed at our physical facilities. We have taken a number of concrete steps – including requiring new training for employees and supervisors, updating policies, adding controls and building tools

for supervisors – to enable them to engage and manage their employees more effectively. Today at the USPTO, supervisors receive extensive training and have a variety of tools in place to help monitor employees' attendance and work levels, regardless of where the employees are working.

Some of our recent efforts include:

- Guidance to all patent supervisors to regularly utilize their IT dashboard tool to review employee-specific data to monitor their examiners' production and timeliness performance, which can show early signs of changes in performance and potential time and attendance issues;
- Focused training for all supervisors and employees on USPTO time and attendance policies;
- Implementation of a policy requiring all USPTO supervisors and full-time teleworkers to remain logged on to the USPTO's IT system during working hours; to use collaboration tools including instant messaging and presence indicator; and to provide advance notice of intended work schedules to supervisors;
- Guidance to all patent and trademark supervisors to specifically monitor indicators of potential time and attendance issues, such as responsiveness to supervisory communications; inconsistent workload activity (*e.g.*, claiming 80 hours of examining time in a bi-week, without documentation of corresponding work); and customer complaints;
- Issuance of a policy requiring poor performing employees and employees with time and attendance related misconduct to provide their supervisors with more specific work schedule information;
- Issuance of an agency-wide refresher on time and attendance obligations and a policy on expanded use of networking and collaboration tools;
- Updating the *Overtime Policy for Patent Examiners* emphasizing that exceeding production goals does not excuse employee from actually working claimed hours; this updated policy prohibits overtime for examiners serving suspension in given pay period and states that examiners under investigation or proposal for disciplinary or adverse action for time and

attendance, work schedule, or production credit abuse may be prohibited from working overtime;

- Launch of a program to improve supervisory mentoring of patent examiners with low or inconsistent production levels; and
- Recent recertification of agreements with all our teleworking employees.

We appreciate the work of the Office of Inspector General (OIG) in preparing the August 2016 *Analysis of Patent Examiners' Time and Attendance*. The findings and recommendations in the report serve as a valuable resource as we further enhance the extensive measures we have already taken that focus on time and attendance compliance among USPTO employees.

The USPTO is committed to implementing additional improvements as necessary in response to the report. Because the OIG identified overall trends and did not examine employees' individual cases, our team has worked to rigorously analyze the data in detail to better identify the nature of the unsupported hours. This refined analysis is helping us make tailored improvements to our overall workforce management.

While the USPTO is certainly unique among Federal agencies in its ability to quantify the productivity of a majority of its employees, striking the right balance between management tools and employee productivity is a challenge faced by all employers – both public and private sector – and something that we strive to achieve in an effort to ensure the efficiency and effectiveness of our Agency in order to better promote American innovation. We have and will continue to work toward ensuring proper and accurate accounting of all time and attendance. Any hour of time claimed and not worked is unacceptable.

In closing, I want to underscore our continuing commitment to detect and address all cases of abuse and hold any employees who commit that abuse accountable, while also strengthening the efficiency and effectiveness of our overall management and operations. As we continue to support our nation's innovators, we know that we owe nothing less to our hard working and dedicated employees, to our stakeholders and to the public we serve.

Thank you.

Mr. MEADOWS. Thank you.
Mr. Smith, you're recognized for 5 minutes.

STATEMENT OF DAVID SMITH

Mr. SMITH. Chairman Meadows, Ranking Member Connolly, and members of the subcommittee, I appreciate the opportunity to testify today. First, it is important to mention that our investigation found the vast majority of patent examiners' claimed hours were supported by evidence contained in the various records of computer activity that we examined. Our findings do not indicate this is a widespread problem, which echoes the NAPA report.

Second, I would like to thank the employees at USPTO who reviewed our analysis and findings and helped us achieve the more accurate results contained in our report. It's rare that such a collaborative effort on such an investigation occurs, which is testimony to the professionalism of those employees.

Even though it may not be widespread, the data establishes that claiming hours not actually worked is a problem at USPTO. An earlier OIG investigation uncovered paralegals at the Patent Trial and Appeal Board being directed by management to falsify hours over several years, and totaled more than \$5 million in waste.

Next, OIG reported on patent examiner A, who falsely claimed to work at least 730 hours in 2014 alone, which amounted to more than \$25,000 of waste.

Lastly, in August 2016, my office issued a report that identified over a 15-month period approximately 288,000 hours not supported by the data, which equates to over \$18 million in potential waste. The analysis compared the time examiners asserted as computer-related work on their time sheets against four sets of data that evidenced computer work. For the hours examiners claimed but lacked any supporting data, we considered those hours to be unsupported. Our analysis included a separate 9-month period when a policy change required full-time teleworkers to be logged into the USPTO network for all the hours claimed as teleworking. Evidence of substantial abuse by some patent examiners is particularly troubling, especially considering my office analyzed the data in a light most favorable to the patent examiners. OIG assumed for examiners working on campus that all computer-related worktime claimed supported from the time of arrival until the time they left or 10 p.m., whichever occurred first, regardless of when they actually left the office.

I want to emphasize again that the vast majority of patent examiners had few, if any, unsupported hours, and appeared to be working the hours certified on their time sheets. However, our approach identified 415 examiners who accounted for approximately 124,000 unsupported hours over a 15-month period. That amounted to almost 45 percent of the total unsupported hours we found.

Of additional concern, approximately three-quarters of those 415 examiners received above-average performance ratings, and 30 percent of the unsupported hours for these high performers was claimed as overtime. Fifty-six of the 415 examiners averaged 24 or more unsupported hours per 80 hours of analyzed time, which equates to 3 or more days of work for every 2 weeks of analyzed

time. Seventy other examiners averaged between 16 and 24 unsupported hours per 80 hours of analyzed time.

Our methodology may have been actually overly generous. When we analyzed the data for examiners, we switched to a router that provided more precise indication of online activity, the OIG found that the total number of unsupported hours actually doubled. In addition, the use of a less conservative methodology for on-campus examiners, using computer logoffs and other activity to determine work stoppage, increased the total unsupported hours by an additional 327,000.

The OIG recognizes that examiners could conceivably perform examiner-related work offline. However, that would mean that those examiners are working offline for the entire day without logging into the USPTO network, without logging any activity in the patent examining application, and without checking their email. However, during the initial 6-month period where there was no requirement for them to be logged on, we found almost 1,300 days in which full-time teleworking examiners had zero computer activity, not even checking their email once for 2 or more days in a row. Therefore, we recognize that it's possible on an individual basis; we believe it's just not a plausible explanation for the volume of unsupported hours.

While we acknowledge the changes USPTO management has implemented in response to the previous OIG reports, there's still a lot of work yet to be done to improve internal controls over time and attendance reporting. Some of those improvements include empowering supervisors with the tools needed to enable them to properly monitor work performed by employees, a recommendation also contained in the NAPA report.

In closing, we note that the OIG interpreted the exceptions to the Computer Matching and Privacy Protection Act of 1988 to prohibit pursuing criminal prosecution or civil remedies in recommending that the agency take administrative action against those examiners engaged in misconduct. In a September 13, 2016, hearing, the question was asked if the OIG report would be more accurate if the OIG had interviewed individuals. And the correct answer was yes. Therefore, if POPA and the other unions would encourage their members to voluntarily be interviewed by the OIG, we would be happy to interview the examiners to determine if any evidence exists to support their claims of hours worked. This would be done with the understanding that those results of the interviews would be made available to the USPTO to take appropriate action against any examiners found to have claimed hours where there was no actual work performed.

I want to thank the subcommittee for the opportunity to testify today. And I look forward to your questions.

[Prepared statement of Mr. Smith follows.]



Testimony of
David Smith
Deputy Inspector General

U.S. Department of Commerce
Office of Inspector General

before a hearing of the
Committee on Oversight and Government Reform
Subcommittee on Government Operations

U.S. House of Representatives

*Time and Attendance Abuse at the U.S. Patent and
Trademark Office*

December 7, 2016

Chairman Meadows, Ranking Member Connolly, and Members of the Subcommittee:

I appreciate the opportunity to testify today about the Office of Inspector General (OIG) report on the time and attendance recording by patent examiners at the United States Patent and Trademark Office (USPTO).

In August 2016, my office issued a report detailing a minute-by-minute review of the work habits for virtually all of USPTO's patent examiners. We conducted an extensive analysis of potential time and attendance abuse within the patent examiner ranks and offered insights to assist USPTO in preventing and detecting future abuse. The analysis compared the time examiners claimed for computer-related work on their certified time and attendance records against four sets of data that evidenced such work. For the hours that examiners claimed but lacked any supporting data—such as turning on their computer or using a government-issued ID to enter a USPTO building—we considered those hours to be “unsupported.” The OIG included the data for around 8,400 examiners. Approximately 50% of the examiners analyzed teleworked full-time, 30% teleworked part-time, and 20% did not telework at all. Our analysis focused on two overlapping periods: a 9-month period and a 15-month period. Over the 15-month period, the report identified approximately 288,000 hours not supported by the data, equating to over \$18 million in potential waste.

Evidence of substantial abuse by some patent examiners is particularly troubling, because my office analyzed the data in a light most favorable to the patent examiners. As a result, we excluded a significant amount of time in order to ensure that the methodology did not make unfair assumptions regarding examiner work habits. For example, the OIG assumed that for examiners working on-campus, such as non-teleworkers and examiners who telework part-time, all computer-related work time was supported from the time of arrival until 10:00 p.m., the permissible end of the examiner workday, regardless of when they actually left the office. We also dropped several hundred employees from the analysis when we encountered what appeared to be errors in USPTO's datasets. Overall, our methodology combined digital data with logical inferences favorable to examiners when determining the amount of time supported by the data.

Although these numbers are disconcerting, I want to emphasize that most patent examiners covered in the analysis had few unsupported hours. In other words, most examiners appeared to be working the hours certified on their timesheets. This conclusion corroborates the findings of a July 2015 National Academy of Public Administration (NAPA) report on telework independently commissioned by the USPTO, as neither report found evidence of widespread abuse. However, our approach also identified pockets of substantial abuse. Specifically, 415 examiners accounted for approximately 124,000 unsupported hours over a 15-month period. This group of examiners accounted for almost 45 percent of the total unsupported time my office identified in our analysis. Of additional concern, approximately three

quarters of the 415 examiners received above-average annual performance ratings, and 30 percent of unsupported hours for these high performers were overtime hours.

To place this in context, at least 10% of the time analyzed for each of these 415 examiners lacked support. Fifty-six of the 415 examiners averaged 24 or more unsupported hours per 80 hours of analyzed time, which equates to three days of work for every two weeks of analyzed time. Seventy other examiners averaged between 16 and 24 unsupported hours per 80 hours of analyzed time. Although we found that this potential abuse, which could amount to millions of wasted dollars, was not widespread, it was significant enough to warrant strengthening USPTO's internal controls.

There is substantial evidence that our methodology was actually overly generous. When we analyzed the data for examiners who switched to a router that provided more precise indication of on-line activity, the OIG found that the total number of unsupported hours doubled. In addition, we found that the use of a less conservative methodology for on-campus examiners—using computer logoffs and other online activity to determine work stoppage—also increased the total unsupported hours by an additional 327,000 unsupported hours. This change in the methodology, on its own, more than doubled the reported figures.

The OIG recognizes that examiners could conceivably perform examination-related work offline. Our analysis took extensive measures to account for such a possibility. For example, we excluded a large swath of examiners from the analysis because the USPTO did not require examiners teleworking part-time to log into the USPTO network while teleworking. We also used two analytical periods — one period in which every full-time teleworker was required to login to the USPTO network when performing any type of work, and another that showed a more comprehensive trend analysis. Considering the modifications we made to our methodology regarding this issue, we are comfortable that our analysis treats fairly those examiners who may have worked offline.

In light of our finding that pockets of the workforce appeared to be committing time and attendance abuse, the OIG made six recommendations to the agency. First, due to the substantial amount of regular and overtime unsupported hours uncovered by the analysis, we recommended that the USPTO reevaluate its examiner production goals for each group of examiners, called an art unit, and revise them to the extent necessary. Production goals were last set by art unit in 1976 and much has changed since then. Reviewing certain types of patent applications may be far more complicated, necessitating additional time, while technological improvements may help reduce the time required for a review in other areas. We do not have an opinion as to whether production goals should be increased or decreased for any given art unit, only that a reevaluation appears necessary. We also recommended that the USPTO consider deploying USPTO

routers to all teleworkers so that the agency could more accurately account for the time teleworkers claim to be performing online examination-related work.

Our report also included policy recommendations to help the USPTO prevent and detect time and attendance abuse. We recommended that the USPTO require all examiners in a telework status to log on to the USPTO network when teleworking. Currently, the USPTO does not require examiners teleworking part-time to log on to their computers on telework days even though examiners teleworking full-time, performing the same job function, must log on regardless of the type of work they are performing. We do not believe that the USPTO should treat examiners in full-time telework programs differently from examiners in part-time telework programs in this regard. Moreover, without extending the policy to examiners teleworking part-time, it is difficult, if not impossible, for the agency to track when those examiners are working, and complicates the process by which the USPTO monitors time and attendance abuse.

We also recommended that the USPTO require all examiners to provide their work schedules to their supervisors in advance. The data indicates that the majority of examiners with unsupported hours received average or better performance ratings. However, under USPTO's current policy, only the worst performers and problematic employees are required to provide their schedules in advance. Advance knowledge of *all* patent examiners' weekly work schedules allows supervisors to cross-reference those schedules with the examiners' actual work status, and gives the supervisors an additional tool to monitor time and attendance abuse.

In addition, we recommended that the agency require examiners to use their USPTO-issued ID cards to swipe out of the building when working on the USPTO campus during normal working hours. While the USPTO removed this requirement in 2008, we believe that reinstating the policy will assist the agency in deterring time and attendance abuse.

Finally, we recommended that the USPTO review its policies, procedures, and practices pertaining to overtime hours to identify and eliminate the areas susceptible to abuse.

I am aware of both the July 2015 NAPA report on telework internal controls and the June 2016 GAO report on patent quality. Each report had a slightly different focus and adopted different methodologies for analyzing issues related to time and attendance abuse, patent quality, and examiner productivity. Despite these differences, it is notable that each report recommended that the USPTO conduct a review of the production standards to ensure that they are set appropriately.

Our report and the NAPA report offer different recommendations to strengthen internal controls, but agreed that the vast majority of examiners are not time and attendance abusers. Additionally, the OIG and NAPA agreed that both teleworkers and on-campus examiners could commit time and attendance abuse. However,

unlike NAPA, we analyzed USPTO datasets and claimed work hours, and uncovered hundreds of thousands of hours without evidence supporting work. That finding prompted us to make more fulsome recommendations that will help USPTO strengthen its internal controls regarding time and attendance recording and monitoring.

Overall, the GAO report and our report are complementary. However, while GAO surveyed a sample of examiners and found that some examiners felt they needed more time to perform their work, our investigation reviewed work data and found that some examiners were able to spend less time working while meeting their production targets. Both reports concluded that the USPTO needs to reevaluate its production goals – some art units may need more time, while others may need less. We recommended that USPTO strengthen their supervisory controls and reevaluate the system it uses to monitor productivity.

In closing, we note that the OIG interpreted the exceptions to the Computer Matching and Privacy Protection Act of 1988 to prohibit pursuing criminal prosecution or civil remedies, naming those examiners engaged in misconduct, and recommending administrative action. However, we were able to share our methodology and algorithm with the USPTO so that the agency could run the analysis and look for indicators of time and attendance abuse on its own.

I want to thank the Subcommittee for the opportunity to testify today, and I look forward to your questions.

Mr. MEADOWS. Thank you, Mr. Smith.
Ms. Schwartz, you're recognized for 5 minutes.

STATEMENT OF PAMELA SCHWARTZ

Ms. SCHWARTZ. Chairman Meadows Ranking Member Connolly, and members of the subcommittee, thank you for inviting me to present the views of the Patent Office Professional Association, POPA, on the inspector general's report on patent examiners' time and attendance.

The OIG's conclusions contradict those of the National Academy of Public Administration, which reported in 2015 that it is, quote, "unlikely that time and attendance abuse is widespread or unique to teleworkers, and it does not appear to reflect the activity of the workforce as a whole. The USPTO has requisite procedures in place to monitor time and attendance," closed quote.

The OIG's analysis is based on flawed methodology and faulty assumptions. Reliance on turnstile, VPN, and workstation records does not reliably capture all the work performed by the examiners. The OIG did not account for unrecorded, uncompensated overtime regularly worked by examiners to meet their production goals, which far exceeds the 2 percent unsupported time. The GAO recently issued a report on patent quality in which it concluded that 70 percent of examiners must work extra uncompensated hours to meet their required production quota. A companion GAO report found that examiners worked between 5 to 10 hours of uncompensated overtime each pay period on average. Even the OIG's report acknowledges that there were, quote, "many days where the evidence of computer-related work activity appeared to exceed the time claimed for the day," closed quote.

Even if a teleworker was not connected to the agency's computer system, this doesn't mean that she wasn't working. Many aspects of an examiner's job can and are routinely done offline, like working from printed application documents and studying printed copies of prior art patent and nonpatent literature. Furthermore, there was no policy requiring teleworkers to be logged into the agency's servers during all their working hours for a substantial portion of the 15 months studied.

The OIG acknowledges that there was a statistically significant reduction in the number of unsupported hours following the issuance of the agency's full-time teleworker policy in February 2015. To the extent that some teleworkers did not consistently log into the agency's servers in the 9 months immediately following the issuance of the policy, it only means that they were not yet conscientious about complying with the new policy.

Buried in the OIG's report on page 17, footnote 39, is this important concession that undermines the report's conclusions, quote: "Since the OIG methodology uses VPN and workstation records to support worktime for teleworkers, this approach could incorrectly determine that certain hours were unsupported if the examiners were working but did not connect to the USPTO network," closed quote.

Even assuming that the OIG's methodology was accurate, the ostensibly unsupported hours equal only 1.6 percent of overall time, less than 8 minutes a day on average. A 98.4-percent time account-

ing efficiency rate demonstrates an extraordinarily high level of productivity for any employer. As a result of this extraordinary productivity, the examining corps has reduced both the backlog of unexamined patent applications as well as the average time for completing examination by 25 percent in the last 5 years.

While potential amount of loss estimated by the OIG was \$18 million over 15 months, the USPTO saves over \$100 million a year due to its extensive telework program, including over \$38 million in real estate savings. According to the USPTO, in fiscal year 2015, the 2,000 full-time teleworkers who participate in the Telework Enhancement Act pilot program were actually 6 percent more productive than other examiners in terms of annual production units, resulting in a revenue gain of over \$35 million, far more than the alleged potential loss estimated by the OIG.

Nonetheless, POPA is in full accord with the agency's efforts to ensure that all employees work their full 80 hours each pay period. POPA has worked with our management regularly to achieve full compliance with time and attendance requirements, and we will continue to do so. Thank you.

[Prepared statement of Ms. Schwartz follows:]

**TESTIMONY OF
PAMELA R. SCHWARTZ
PRESIDENT, PATENT OFFICE PROFESSIONAL ASSOCIATION**

before the

**COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM
SUBCOMMITTEE ON GOVERNMENT OPERATIONS
UNITED STATES HOUSE OF REPRESENTATIVES**

December 7, 2016

Chairman Meadows, Ranking Member Connolly, and Members of the Subcommittee, thank you for inviting me to present the views of the Patent Office Professional Association on the Inspector General's August Report, "Analysis of Patent Examiners' Time and Attendance." We appreciate this opportunity to testify on behalf of the nearly 9,000 USPTO employees we represent not only because the OIG's analysis contains incomplete and inaccurate information and reached conclusions that contradict those reached by both the GAO and the National Academy of Public Administration in their own recent studies, but also because the OIG's report was wildly distorted and sensationalized in the Washington Post.

The OIG's conclusions contradict those of the National Academy of Public Administration which found that it is "unlikely that T&A abuse is widespread or unique to teleworkers, and it does not appear to reflect the activity of the workforce as a whole... The USPTO has requisite procedures in place to monitor T&A. The Patent Organization has taken significant action to improve the management of time and attendance." *The United States Patent and Trademark Office: An Internal Controls and Telework Program Review*, 4, 69 (July 31, 2015).

Nonetheless, POPA recognizes that there are additional improvements to be made in time and attendance administration at our Agency and we are in full accord with the Agency's efforts to ensure that all employees work their full 80 hours each pay period. POPA has worked with our management regularly to achieve full compliance with time and attendance requirements and will continue to do so.

A Patent Examiner's work

In order to understand why the OIG's analysis of patent examiners' time is faulty, it is important to appreciate the nature and complexities of the examiners' work and how much of that work can be and often is performed off-line. The vast majority of patent examiners are physical scientists, engineers or computer scientists and all have a positive educational requirement for their position.

Examiners are assigned a docket of patent applications for examination. At any time there are applications awaiting initial examination and applications awaiting subsequent examination. When examiners pick up a new application for examination, they initially review the technical specification which describes an invention sought to be patented followed by a number of claims. The claims set forth what applicants seek to protect through the grant of a patent. There are usually numerous claims of varying scope. The specification is frequently written to provide just enough description to satisfy disclosure requirements. The disclosure may be minimal and may not be written in language normally used in the technology being examined so as to make it difficult for the examiner to understand the invention.

After analyzing the application, the examiner searches available documentation which is referred to as the "prior art" in order to ascertain whether the claimed invention is novel and non-obvious. Prior art may include previously granted U.S. patents and published applications, foreign patents, technical journals and trade publications, educational source materials and scientific texts. For the experienced examiner, this is solitary work and requires a level of attention to detail and analysis similar to the level of concentration needed to take a standardized examination in reading comprehension or logic.

Once this analysis is completed, the examiner organizes her findings and adds additional determinations concerning the adequacy of the specification and claims at meeting other statutory requirements. She then drafts a "first office action on the merits," which is a document that usually ranges from five to 75 pages. It may allow the application or, it may reject the application and notify the applicant of its inadequacies.

Applicants receive these findings and have the opportunity to respond with amendments to their claims, with arguments why the examiner's findings are incorrect and with supporting evidence. The examiner must then determine if the rejections should be maintained, modified or withdrawn in light of applicant's submission. This decision-making process is solitary and intense although an examiner may consult with other examiners or supervisors during this process.

Examiners have productivity and pendency goals that add time pressure to this difficult process. If the examiner continues to reject applicant's claims, applicant may request an interview with the examiner, may have additional opportunities to respond to subsequent office actions and eventually may appeal to the Patent Trial and Appeal Board.

Interruptions and distractions detract greatly from this process. Having to shift focus to whether a collaboration tool is up and running or to remember to update the supervisor on a small shift in when hours are worked takes time and concentration away from quality examination.

The OIG's analysis is based on flawed methodology and faulty assumptions.

First, the OIG erroneously assumes 100% accuracy of the "billions" of USPTO's electronic records that were the basis of the study (p. 4). The OIG's Report itself concedes that:

"[T]he precise number of unsupported hours and ratio of unsupported time for a specific employee *could be affected by a USPTO system breakdown*. For example, the *USPTO may not have collected workstation logs for an individual on a given day*. Moreover, some employees may be exceptions because of *errant data entry* or atypical work circumstances."

Report at 7, [emphasis added].

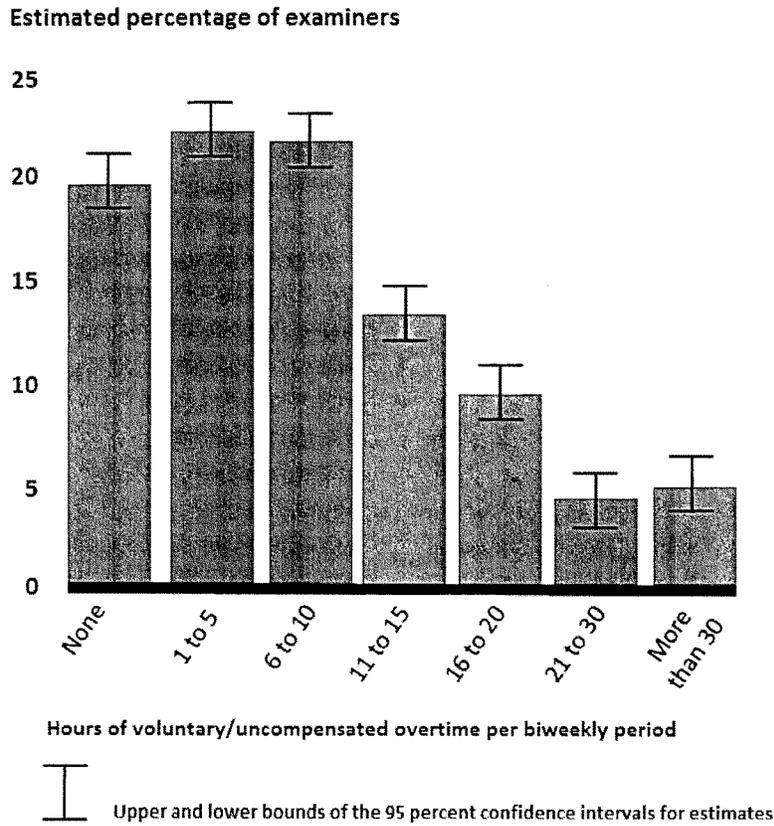
Second, the OIG's own report reveals that *reliance on turnstile, VPN and workstation records does not reliably capture all the work performed by the examiners*. The Report concedes on page 6 that there were 2,100 examiner days where there were PALM data timestamps but no turnstile, VPN or workstation records confirming that the employee was working. (Although the OIG allegedly gave the employee "credit" for those particular days, not all examiner work results in a PALM data timestamp.)

Similarly, *the OIG did not account for unrecorded, uncompensated overtime regularly worked by examiners to meet their production goals*, which far exceeds the 2% "unsupported" time. The GAO recently issued a report on patent quality, in which it concluded that most Examiners must work extra, uncompensated hours to meet their required production quota:

"[W]e estimate that, given a typical workload, about 70 percent of examiners have less time than needed to complete a thorough examination. In addition, we estimate that more than 70 percent of examiners worked voluntary or uncompensated overtime in the past 6 months to meet their minimum production goals."

GAO, *Patent Office Should Define Quality, Reassess Incentives, and Improve Clarity*, 25- 26 (June 2016). A companion report, GAO-16-490, contained the results of a survey of the amount of *uncompensated* overtime Examiners typically work to meet their productions quotas:

Figure 6: Estimated Biweekly Voluntary/Uncompensated Overtime Worked by Patent Examiners in the Past 6 Months



Source: GAO survey of U.S. Patent and Trademark Office patent examiners. | GAO-16-479

Even the OIG’s report acknowledges that “the analysis found many days where the evidence of computer-related work activity appeared to exceed the time claimed for the day.” Report at 5.

Third, even if a teleworker was not connected to the agency’s computer system (VPN), this doesn’t mean that he wasn’t working – as described above many aspects of an examiner’s jobs can be done off line, like working from printed application

documents, studying off-line prior art copies of patent and non-patent literature such as technical journals that have been printed previously, and drafting the first and subsequent office action memos. An examiner can easily and productively fill up a full workday without the necessity of being on-line.

The OIG's report acknowledges that Examiners perform work on the computer before logging into the agency's system via VPN:

“When using a traditional VPN connection, workstation data does not transmit until a secure connection to the VPN is established. Thus, *any work performed on the workstation prior to connecting to the VPN* would not be transmitted to, nor record [sic] on USPTO's servers.”

Page 14, footnote 33 (emphasis added). The OIG's report notes that logging in is necessary for “using the examiner suite of software necessary to perform the *majority* of their work,” (report at 17; emphasis added). Thus, even the OIG recognizes that it is not necessary for an examiner to be logged in to perform all of her work.

Furthermore, *there was no policy requiring teleworkers to be logged into the agency's servers during all their working hours for a substantial portion of the 15 months studied by the OIG* (August 10, 2014 through February 22, 2015). The OIG acknowledges that there was a “statistically significant” reduction in the number of unsupported hours following the issuance of the agency's Full-Time Teleworker Policy in February, 2015. Report at 16. *To the extent that some teleworkers did not log into the agency's servers via the VPN in the nine months that followed the issuance of this policy, it does not mean that they were not working; it only means that they were not yet consistently conscientious about complying with this new policy.* Buried deep in the OIG's report is this important concession, which undermines the Report's conclusions:

“The OIG recognizes, however, the possibility that those examiners may have worked offline and that, as a result, the total number of unsupported hours for full-time examiners could be lower over the 15-month period. ³⁹

³⁹ Since the OIG methodology uses VPN and workstation records to support work time for teleworkers, *this approach could incorrectly determine that certain hours were unsupported if the examiners were working but did not connect to the USPTO network.*”

Report at 17 (emphasis added).

The fact that examiners who had “unsupported time” earned bonuses by exceeding production goals does not indicate that they were cheating, but rather it proves

the opposite - that the OIG's methodology does not fully capture all the work that examiners do – since they met and exceeded their production goals.

While the OIG suggests that the production goals are too lax, more thorough studies of this issue by the GAO cited above concluded that Examiners actually need more time to conduct examinations. According to the OIG, the amount of time allocated for each examination should be reduced due to increase in technology and on-line search ability since those goals were established in 1976. However, the number of U.S. patents to be searched has doubled since then, and the availability of electronic searching has made far more prior art that must be consulted as part of the search accessible, including technical journals and databases of foreign patents.

Even assuming that the OIG's methodology was accurate, *the ostensibly "unsupported" hours equal only 1.6% of overall time - less than 8 minutes a day on average.* A 98.4% efficiency rate of time accounting demonstrates an extraordinarily high level of productivity for any employer. As a result of this extraordinary productivity, the Examining Corps has reduced both the backlog of unexamined patent applications as well as the average time for completing examination by 25% in the last five years. As noted above, the amount of voluntary, uncompensated overtime work routinely performed by the examining corps far exceeds the number of so-called "unsupported" hours identified by the OIG.

Finally, while "potential" amount of loss estimated by the OIG was \$18 million over 15 months, the USPTO has determined that it saves over \$100 million dollars a year due to its extensive telework programs, including over \$38 million in annualized real estate savings. According to the USPTO, in FY 2015 the 2,000 full-time teleworkers who participate in the Telework Enhancement Act Pilot program were actually 6% more productive than other examiners in terms of annual production units, resulting in a revenue gain of over \$35 million – far more than the alleged potential loss estimated by the OIG. U.S. Patent and Trademark Office, *FY 2015 Analysis of Costs and Benefits and Criteria for Evaluation of Effectiveness Pursuant to the Telework Enhancement Act of 2010*, 10, 19-20 (April 29, 2016).

POPA's Response to the OIG's Recommendations

Recommendation 1. POPA supports and is assisting with a reevaluation of the outdated examiner production goals. The USPTO in fact began a comprehensive review called the "Examination Time Analysis" several months ago and is obtaining the input of not only the examining corps but also academics and outside stakeholders. We expect that the final result of this evaluation will result in a finding that, for most technology areas, the examining corps is currently being provided insufficient time to conduct their examinations. This has resulted in the extraordinary amount of uncompensated overtime work that patent examiners are performing to meet the existing goals. Technology has grown far more complex, application specifications have more than doubled in length and the amount of prior art that must be searched has grown by the millions since the present

goals were established. Although computerized searches have now facilitated *finding* prior art, this has resulted in more prior art available that must be studied by the examiner.

Recommendation 2. POPA is willing to explore with agency management a workable means for examiners to notify their supervisors of their expected work schedules. We have an excellent working relationship with management and have consistently reached agreements when there is a need to do so.

Recommendation 3. POPA is not opposed to reinstating the use of badges to exit the USPTO facilities, but would like employees to have access to these electronic records in order to more accurately report their biweekly time and attendance. We expect this to result in improved time and attendance records throughout the Agency.

Recommendation 4. POPA has just begun discussions with management about requiring all teleworking examiners to remain logged into the VPN during working hours. Although we have only had a couple of conversations with our management, we feel that we are already close to reaching an agreement on this recommendation.

Conclusion

At a time when our management has made improving quality the priority, the OIG Report has been a distraction. It has harmed quality examination by demoralizing the entire Patent Corps. I have heard from many hard-working examiners about how frustrated and unhappy they are because of the OIG Report and the reckless reporting by the Washington Post that created the false impression that examiners were not doing their jobs and were not being held responsible for doing their work by our management. That is simply not the case.

The employees POPA represents have certain rights including transparency and fairness. None of the employee records used by the OIG in preparing the report are available to the employees themselves. Employees do not have the ability to check their time records for accuracy against the security gate records, the VPN records or computer usage records. This leaves the employees vulnerable when they make simple recordation mistakes or simply forget to keep track of their time. In the latter situation, employees have to guess when they worked even though the Agency has records that it may use against the employees at a later date. POPA would like employees' records to be made available to the employees so that they can use the records in preparing their time sheets and can avoid making mistakes. This is a step the Agency can take to assist the employees in improving time and attendance recordation.

There is a lesson to be learned from the OIG Report. It is that if employees are going to be monitored for time and attendance using security gates, computer usage records and VPN records, none of which are intended for monitoring time, employees have to be aware that it is important to create an electronic footprint when they are working. Therefore, we have urged the Agency to reach out to all patent examiners and

share their individual results from the OIG study with them. We expect that there are many examiners who believe that they are fulfilling time and attendance requirements, but due to the methodology of the OIG, still showed up as having unaccounted for time under the study.

Mr. MEADOWS. Thank you, Ms. Schwartz.
Dr. Chu, you're recognized for 5 minutes.

STATEMENT OF DAVID CHU, PH.D.

Mr. CHU. Thank you, Mr. Chairman. Members of the subcommittee, it is indeed a privilege to appear before you to summarize the report by the National Academy of Public Administration on the telework program of the United States Patent and Trademark Office.

I should emphasize the report was undertaken in response to the issues you identified earlier in this time period, really work in the fall of 2014, the spring of 2015. I should also emphasize that I'm appearing today as a fellow of the academy and not in my position with the Institute for Defense Analyses.

The National Academy effort comprised two parts, an internal controls review undertaken in partnership with Grant Thornton, an accounting firm, and a program review on the efficacy of the telework program. The conclusions of the internal controls review were generally positive in character. Several essentially small deficiencies were identified that could easily be corrected. Much of the report is focused on the program review: How well does this program actually perform? And it's our conclusion that it is a valuable program from the perspective of managing the United States Patent and Trademark Office. Indeed, it's a foundational element of its business model as we're all aware. We conclude there's no difference in productivity between those who telework and those who do not. And our further conclusion was the telework program at USPTO ought to continue.

We did have a series of recommendations to strengthen the ability of the program to perform effectively. And I'd like to touch very briefly on four of those recommendations. First, we felt there should be stronger tools in the hands of supervisors with regard to their ability to manage the examiners for whom they are responsible. We did a survey of supervisors. An important minority reported that they thought they needed more instruments in order to be effective as managers. It's a very simple step and which I'm pleased to understand that the office has taken—at least up to a certain point—is requiring a presence indicator be used. And the office now requires that of full-time teleworkers. We recommend it be done for all PTO employees. It's valuable, not only for the purpose of time and attendance, but also from the perspective of encouraging a more collaborative approach to the patent process.

Second, the one difference we found between the Patent and Trademark Office telework program and telework programs elsewhere, both in governmental units and the private sector, is, in most other programs, telework is emphasized as a privilege, not a right. And we thought it would be useful for the office to signal that important distinction by requiring employees to re-sign their agreements every 2 years. It's my understanding that the agency has undertaken that step.

Third, we believed it was timely to begin reviewing what standards for productivity we expect by art unit. These art units differ significantly in terms of their complexity and nature of the applications. Many of these standards date back to the 1970s and have not

been substantially reviewed since that time. And, again, I'm pleased to understand that that series of reviews has just started. That is not a short-term fix. It will take time to understand what kind of productivity standards should Patent and Trademark Office employees sustain.

And, finally, we felt there should be more attention not just to the volume of output but the quality of the patents that are granted. Ultimately, as we all understand, the ability to protect intellectual property correctly is a foundational element for the success of the American economy. That turns on the quality of the patents that are granted.

Much of our discussion is today about inputs and outputs in the terminology of the government performance community. What really counts here are, what are the outcomes? And that importantly does turn on the quality of the patents that are granted.

Thank you, Mr. Chairman. I look forward to your questions.
[Prepared statement of Mr. Chu follows:]



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**WRITTEN STATEMENT
OF
DAVID S.C. CHU
PANEL CHAIR
NATIONAL ACADEMY OF PUBLIC ADMINISTRATION

BEFORE THE
U.S. HOUSE COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM
SUBCOMMITTEE ON GOVERNMENT OPERATIONS

DECEMBER 7, 2016**

Good afternoon Mr. Chairman and Members of the Subcommittee. Thank you for providing me the opportunity to summarize a review conducted by an Independent Panel of the National Academy of Public Administration (the Academy) of the U.S. Patent and Trademark Office's (USPTO) telework program. The review focused on internal controls for time and attendance, and the administration of USPTO's telework program.

The Panel members were all Fellows of the Academy. An independent, nonpartisan, and nonprofit organization chartered by the U.S. Congress, the Academy counts over 850 Fellows selected for membership through their distinguished contributions to government at all levels. I likewise participated as a Fellow; the views expressed here of those of the Panel, and have no connection with my employer, the Institute for Defense Analyses.

As Members of the Subcommittee know, the USPTO, an agency of the Department of Commerce employing nearly 13,000 individuals, has been the federal leader in utilizing telework as a critical element of its organizational and workforce strategy. Its telework program started in 1997, with 18 trademark attorneys working several days a week from home and sharing office space when they returned to headquarters. The program expanded significantly in the two decades that followed, buttressed most recently by the Telework Enhancement Act of 2010 (Public Law 111-292), which further clarified the Agency's authority and granted additional flexibility. Now, most of the USPTO workforce—including trademark and patent examiners and many of their supervisors—can work off-site and, within certain parameters, choose a work schedule that accommodates personal and family needs.

THE ACADEMY STUDY

At the request of the USPTO, the Academy formed an Independent Panel to examine the Agency's operations and management as it relates to telework, with an emphasis on its patent operations. Specifically, this Panel of five Fellows, of which I served as Chair, conducted:

- An **Internal Controls (IC) Review**, which evaluated the Telework and T&A management controls, pursuant to Office of Management and Budget (OMB) Circular A-123, *Management's Responsibility for Internal Control*. The Panel examined whether the appropriate management guidance was issued, available, and followed, and whether the telework programs complied with Federal laws and regulations. The IC review was conducted by a team from Grant Thornton. These findings were incorporated into the Panel's report.
- A **Program Review**, which evaluated the effectiveness and efficiency of the USPTO's telework program, including whether the current telework structure achieves the objectives of strengthening recruitment and retention; ensuring continuity of operations during emergency conditions (COOP); reducing management and operations costs; and improving productivity without negatively impacting quality.

Over the course of a nine-month review culminating with a public report in July 2015, the Academy team interviewed officials throughout the USPTO, telework experts and other federal stakeholders; reviewed internal memoranda, reports, and a wide array of production, human capital and operational data; and analyzed data related to costs savings as a result of telework

(i.e., Real Estate and COOP). It examined human capital trends, benchmarking the USPTO telework program with those of the private and public sectors.

For the internal controls review, the team:

- Interviewed over 15 key Telework and T&A stakeholders in order to create 4 internal control process narratives;
- Went through several iterations of the process narratives prior to finalizing with the process owners;
- Identified 17 Telework and 34 T&A key controls;
- Developed test plans and created over 50 individual Prepared by Client (PBC) requests for required testing;
- Reviewed over 1,000 data samples;
- Documented test results and identified 3 deficiencies;¹ and
- Reported assessment results in a stand-alone IC report to PTO and a final Academy report.

For the program review, the Academy team:

- Conducted and analyzed a survey that was administered to all Supervisory Patent Examiners (SPEs) to develop a current picture of the SPEs' perspective on whether recent training and policy improvements were beneficial to the Patent Organization;
- Examined specific metrics regarding telework across the Agency, as well as recruitment and retention data for both the Patent and Trademark Organizations;
- Examined how the USPTO engaged with its various stakeholders on such issues as improving service to patent applicants, granting patents in a timely manner, and supporting the workforce, among other things;
- Conducted a benchmarking study to validate a previous USPTO study on best practices

¹ The three deficiencies are described here. First, during the comparison of separated/terminated employees to the active teleworkers, it was noted that twenty-four (24) employees from the list of 515 separation/terminations dated between 4/1/2014 - 3/31/2015 were included as active teleworkers in the Patent telework database as of 4/1/2015. The Panel recommended that USPTO should inform the Business Units (BUs) to input separations in the telework database in a timely manner and set a specific timeframe within which to take this action. The Panel also suggested that this requirement should be documented in an official memorandum or policy. Second, during the comparison of 45 separated employees and their final timecards, it was noted that one employee had a separation date of 6/29/14 but they still submitted a timecard for work performed on 8/1/14. Further testing showed that the employee did not separate from USPTO until after 8/1/14 and did not separate from the Department of Commerce. The employee instead had transferred to another DOC agency. The Panel recommended that the Office of Human Resources (OHR) and the National Finance Center (NFC) should address the reporting issue when pulling data for employees who separate from USPTO but transfer to another agency within DOC. Instead of pulling the last action USPTO processed as the "Actual Separation Date" for reporting purposes, it should pull the transfer date as the separation date. Third, out of the 45 Patent employee records sampled, 5 Patent employee's CD-81s could not be located. During the comparison of the remaining CD-81s, the maximum number of hours listed for one Patent employee was .05 lower than the amount on the timecard. For another Patent employee, the CD-81 noted that this person did not have approval to work the overtime that was recorded and approved on the timecard. The Patent Organization should consider using the automated premium pay request, which is currently available in WebTA, as a way to further automate the collection (and maintenance) of accurate information contained in the Form CD-81. In addition, the Patent Organization should consider updating its overtime policies to revisit current processes.

for teleworking and compared them to other public and private sector organizations that used telework broadly;

- Completed a general review of other issues related to the efficient and effective management of the workforce; and
- Examined data from the USPTO on the Quality Index Report (QIR), which uses a series of variable metrics, one of which determines patent quality for individual examiners.

Individual patent decision work products were not examined as part of this study; thus, the Panel did not try to determine whether working on-site or teleworking affected the quality of individual examiner decisions. Quality Index Report (QIR) data, however, separate examiners who hotel (that is, those who work permanently offsite and use USPTO physical office space rarely if ever) and those who do not hotel (that is, telework only 2-3 days per week and use USPTO physical office space on other days). The data show that hotelers and non-hotelers produce work at the same level of quality. These data are part of USPTO's broad quality assessment, but are not currently used to evaluate individual examiner work.

KEY PANEL FINDINGS

Based on the research conducted for this review, the Panel offered six overarching observations:

- 1) The workers who were found to have committed T&A fraud by the USPTO in the internal report were disciplined. The USPTO addressed all but one recommendation listed in its final internal investigation report (that the Agency review its awards to patent examiners).
- 2) Suspected Time and Attendance abuse began to be reported a bit more often during our review: there were 46 suspected cases in 2014, and 58 cases in 2015, albeit just one-tenth of one percent of examiners (and some of these cases could be for the same individual).
- 3) It would appear unlikely that T&A abuse is widespread or unique to teleworkers, and it does not appear to reflect the actions of the workforce as a whole. Working on-site is no different (and should not be different) than teleworking in needing to keep track of someone's whereabouts and work performance.
- 4) The IC review confirms that the T&A policies and controls in place are the same for both on-site and teleworking employees and comply with the A-123 guidelines.
- 5) The Agency's teleworking and hoteling program should continue.

The Panel also offered findings on a series of broader issues:

- Operational and Human Capital Benefits of Telework;
- Productivity;
- Effective Practices;
- Performance and Conduct;
- Productivity and Quality;
- Patent Production System; and
- Supervisory Perspectives.

These are discussed briefly in the sections below.

Operational and Human Capital Benefits of Telework

USPTO's telework program has produced a number of important operational and human capital benefits. The program saves USPTO money on real estate, transit, IT, and other fixed costs—in a typical year, an estimated \$26 million. It is also one of several factors that help USPTO recruit and retain employees. Others include the higher salary (23 percent start as GS-5 and 7, and 17 percent start at a GS-9) for entry-level patent examiners, an attractive federal benefits package, and substantial financial awards for high production levels. From an operational standpoint, the use of a virtual workforce maintains productivity during weather-related and other emergency closures. COOP savings vary year to year, but are estimated to average \$7 million per year.

Productivity

Production is about the same, by grade level, for on-site examiners as for part-time teleworkers and full-time hotelers. Overall, hotelers complete, on average, 1–1.5 more patent applications per year than those who work on-site, primarily because they are at higher-grade levels, therefore more experienced and able to work faster. Examiners' performance in production and docket management is comparable between hotelers and non-hotelers.

In general, the USPTO has used its production-based awards program successfully to achieve various objectives. For example, the Pendency Award has helped the Agency reduce the number of cases that are active beyond their ceiling control days. Special Achievement and Gainsharing have incentivized patent examiners to go beyond the fully successful level of performance. The Trademark Organization has used awards effectively to incentivize higher production and increase quality.

Effective Practices

The Panel found that the USPTO policies are in line with many best practices in the public and private sector. One of the biggest differences, however, is that the other public and private organizations interviewed as part of this review said that they consider telework a privilege, and as such can adjust teleworking arrangements if they are not working effectively for either the employee or the organization. By contrast, the USPTO telework eligibility criteria are defined in agreements with USPTO unions and changes would therefore be the subject of negotiation. Strong supervisor/employee relationships, especially with respect to regular visual communication, are critical to successful telework programs. Personal communication (e.g., video conferencing), not just e-mail, is an effective practice used to effectively manage a remote workforce. Although visual collaboration tools are readily available to USPTO employees, they are not used as regularly as they should be to provide (virtual) face-to-face communication among employees, and between employees and supervisors.

Performance/Conduct & Productivity/Quality

The Panel found no differences between the teleworkers and non-teleworkers in their performance and conduct. Production is the same by grade level for on-site examiners and teleworkers/hotelers. The current system for patent examination system and incentives

emphasize quantitative performance (production) over qualitative performance, however, even though production and quality are rated equally in the examiners appraisal plan. A new pilot program called the consistent credit initiative (CCI) worked well as a pilot, but may not be as successful corps-wide, because the penalties for not complying that were used in the pilot no longer exist.

Patent Production System

The Production system, which is used to determine output in the Patent Organization, provides data sufficient to verify work output. While this is an allowable method of verifying time worked in a flexible work environment, it does raise the question of whether the quota itself is appropriate.

External organizations and the USPTO have reviewed the production standards at various times in the past, yet the USPTO has not made significant changes to the standards for decades. The DOC OIG recommended a review of production standards in 2004, and the Office employed consultants to examine this issue as recently as 2010. Many of the current standards for art units were established as long ago as 1976. Instead of reviewing each art unit individually, the Office's most recent changes were to add 2.5 hours for all art units to complete the examination of a patent application. While this additional time may be necessary in certain art units, this one-size-fits-all approach may provide more time than necessary for patent applications of lower complexity. The Panel believes that USPTO should consider the impact of technological advances as it revises production standards, including search engines and collaborative models being employed elsewhere.

Supervisory Perspectives

The Supervisory Patent Examiner (SPE) survey² results showed that 80 percent of respondents reported that they had sufficient resources to certify T&A, but about 17 percent of SPEs stated they did not have the resources they need to manage T&A, and 10 percent said they did not have the same ability to verify T&A for both on-site and teleworking employees. SPEs surveyed also reported that they had to wait several months to conclude an investigation of T&A abuse, because of delays in the Employee Relations Office (ER). This delay dilutes a supervisor's ability to quickly discipline employees who abuse T&A, and hampers the speedy resolution of employee issues.

Supervisors also faced challenges because (1) they needed to be familiar with the complex details of 29 different telework agreements (written as the program evolved over time) and (2) an electronic presence indicator was not required for all employees, showing when employees are available to work. In addition, examiners do not have a defined work schedule, because they only have to notify their supervisors of how many hours they plan to work, not the actual hours they

² The Academy Survey was sent to all 631 SPEs and more than 66 percent, 379 out of 631 responded. The survey results are considered statistically valid with a margin of error of +/- 4 percent at a 95 percent confidence level. NAPA received a 27 percent response rate to the question asking for further written comments (100 out of the 379 respondents). The response rate varied by question, but the Academy views the rate of response as a positive indicator that many supervisors are invested in and committed to the Agency.

will be at work (e.g. 9:30 AM -6:00 PM), and they can change their schedules at any time.

The Panel also noted that the supervisory review and certification of time is subjective in nature, meaning that each supervisor uses different communication methods during the bi-weekly reporting period to validate that employees are working. Some supervisors review reports to verify production and some verify time by having constant communication with the employee, while others do not. USPTO has no requirement to maintain evidence and documentation to support how supervisors verify T&A before they certify an employee's timecard.

Overall Conclusion

Despite some of the challenges identified, the Panel's overall conclusion is that it would appear to be unlikely that T&A abuse is widespread or unique to teleworkers, and it does not appear to reflect the actions of the workforce as a whole. The Panel recommended that the USPTO should continue its Telework and Hoteling Programs, while enhancing the tools it uses in strengthening their management practices as recommended in the report.

KEY PANEL RECOMMENDATIONS

Based on its conclusion that the management of the telework program should be strengthened, the Panel issued over 30 recommendations for USPTO's consideration, including:

- Management should continue to review the procedures with supervisors to ensure that they are using available tools to confirm that employees are actively engaged in patent examination, and should examine impediments and concerns raised by supervisors about being able to do their jobs effectively.
- The USPTO should continue to provide refresher training on the management guidance concerning Time and Attendance.
- The USPTO should establish separate probationary/conditional periods for beginning full-time teleworkers. Full-time teleworkers should be required to maintain "fully successful" status for two years after completing their training in order to continue being eligible for full-time telework.
- Teleworkers should re-sign their teleworking agreements every two years to acknowledge acceptance of current telework policies and procedures.
- The USPTO should continue to focus on developing ways to measure the quality of the examination process to target areas for training and to provide indicators of activities in the process that might lead to improvements in the quality of patents. The USPTO can leverage its new Patent Quality Initiative as the foundation for this review. Quality should be continually assessed.

- The USPTO should perform an in-depth review of production standards for all of the 600-plus art units to determine if they are set at appropriate levels, and make adjustments, as needed.
- The USPTO should continue to explore more collaborative methods of conducting patent examinations, especially the search process. This should include continuing to collaborate with other countries to improve patent prior art searches and to explore whether crowdsourcing or other methods would improve the quality of prior art searches.

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Mr. Chairman, USPTO has the critical mission of protecting intellectual property by examining applications for patents and trademarks. Quality and timeliness in issuing patents and registering trademarks are integral to the successful long-term performance of the U.S. economy.

In its 2015 review, our Panel determined that the telework program has provided important benefits to the USPTO, potentially strengthening recruitment and retention, and ensuring ongoing work during emergencies. The Panel recommended that the USPTO continue its Telework and Hoteling Programs, while enhancing oversight mechanisms and improving its management practices.

Mr. Chairman, that concludes my prepared statement, and I would be pleased to answer any questions you or the Subcommittee Members may have.

Mr. MEADOWS. Thank you so much.

The chair recognizes the gentleman from Virginia, Mr. Connolly, for his opening statement.

Mr. CONNOLLY. Thank you, Mr. Chairman. I thank you for holding this hearing on the penultimate day of the 114th Congress. There is no human problem that cannot be improved with another hearing.

Looking at the findings in the recent Department of Commerce IG report on time and attendance issues of patent examiners at the U.S. Patent and Trademark Office—and I want to thank the IG for his report—who found that 1.6 percent of the total hours that PTO examiners claimed they worked during a 9-month period in 2015 lacked supporting computer evidence of actual work activity. The IG concluded that this could have resulted in potential waste of \$8.8 million. The IG also looked at an overlapping 15-month period and concluded that the unsupported hours could have resulted in potential waste of \$18 million. However, the IG has found no proof of actual misconduct in this latest report. Let me be clear about my views on time and attendance abuse. It's unacceptable. Any amount of fraud, whether it's 1.6 percent of total claimed hours cited in the IG report or twice that amount, is unacceptable if proved true. The IG found that, for about 10 percent of the hours worked by a small fraction of patent examiners, apparently no evidence of work activity from an evaluation of their computer use could be found. The IG notes that this problem was not widespread. The National Academy of Public Administration conducted a review of PTO's internal controls and came to that same conclusion. The IG's audit is valuable but incomplete. The IG's approach does not reflect any offline work done by patent examiners. The Patent Office Professional Association has already testified that many examiners routinely spend a portion of their work hours working offline, and even work overtime without claiming it.

I understand that the IG has provided its data and algorithms to PTO to allow the agency to determine whether there in fact were cases of actual abuse of the agency's time and attendance policy.

Another question raised by the IG's findings was whether there is a reasonable explanation for why the most unsupported time is associated with PTO's highest performing examiners. Do the findings suggest an indication of a complex managerial problem? A conflict between an examiner's production goals and time and attendance requirements? How can we resolve these conflicts to incentivize the agency's most efficient examiners to take work beyond their production goals?

Lastly, I'd like to know, Mr. Chairman, as an original cosponsor of the Telework Enhancement Act of 2010, I take a special interest in PTO's telework program, which many agencies have viewed as a model. I understand some of my colleagues may suggest that the IG's report indicates a problem with PTO's telework program. But the IG's analysis does not make a comparison between teleworkers and on-campus workers. However, NAPA's 2015 study of PTO's telework program found no difference in the performance or conduct between these two groups of employees.

The benefits of telework are significant. PTO's telework program has saved the agency more than \$7 million during government clo-

tures, and the agency avoided more than \$38 million in rent in this last fiscal year alone.

In addition, there's potential for traffic congestion relief—and as somebody who represents this area, we need it—and widespread adoption of telework policies governmentwide.

I want to thank the witnesses for being here today, and thank you for your indulgence in my being here a little bit late. Thank you, Mr. Chairman.

Mr. MEADOWS. Thank you.

The chair recognizes the gentleman from Ohio, Mr. Jordan, for a series of questions.

Mr. JORDAN. Thank you, Mr. Chairman.

Dr. Chu, what does NAPA stand for again?

Mr. CHU. The NAPA report was—

Mr. MEADOWS. Hit your red button there. Or make it red.

Mr. CHU. My apologies. That report was based on work—

Mr. JORDAN. What's the organization? What's the acronym stand for?

Mr. CHU. I'm sorry?

Mr. JORDAN. What's the acronym stand for, NAPA? What's it—

Mr. CHU. Oh, National Academy of Public Administration.

Mr. JORDAN. National Academy of—okay. And you guys did a study that reaches a different conclusion than the IG's report. Is that right?

Mr. CHU. Well, our study is for a period prior to the most recent IG report.

Mr. JORDAN. You reached a different conclusion, different—different—your report—

Mr. CHU. I believe the IG testified that he did not think it was widespread, time and attendance abuse. That is also—was also our conclusion. We did not see it as a widespread issue.

Mr. JORDAN. Well, the USPTO cites it as showing that different conclusion than the IG's report. Is that fair?

Mr. CHU. I think we're all agreed that the fraction of time that is believed to be abusive is small. A goal, as I think the chairman emphasized—

Mr. JORDAN. Is your report different—is your report different than the IG's report?

Mr. CHU. Excuse me?

Mr. JORDAN. Is your report different than the IG's report?

Mr. CHU. Our report is different from the IG report in the following sense: we did not do the kind of analysis the IG undertook. What we sought to do was two things: First, look at the internal controls structure. That seemed basically sound. There were some small tune ups that came out of that process. Second, look at, how well does the program as a whole work? Yes, there have been abuses. Those were the product of earlier controversy that led to the NAPA report. There are anecdotes that we recommended. I'm delighted that the IG found that one of those anecdotes, the use of the presence indicator, has had some helpful effect.

Mr. JORDAN. All right. Thank you.

Mr. CHU. You could go further in that direction, and we did so recommend.

Mr. JORDAN. Okay. Let me change the direction. What's the Elliot Richardson Prize?

Mr. CHU. I'm sorry?

Mr. JORDAN. What's the Elliot Richardson Prize?

Mr. CHU. It's a prize given by the academy for extraordinary public service to the United States.

Mr. JORDAN. Your academy. Right? NAPA? The one you just told me about. Right?

Mr. CHU. Right.

Mr. JORDAN. Okay. And who was the recipient of last year's Elliot Richardson Prize.

Mr. CHU. I don't remember who last year's recipient was. But I do remember it was Bob Gates a couple years before that.

Mr. JORDAN. What about the 2016? Who won the 2016 prize?

Mr. CHU. I apologize. I don't recall.

Mr. JORDAN. Do you know what the criteria is that is used in selecting who's going to win this Elliot Richardson Prize?

Mr. CHU. It is sustained excellence to the service of the United States, essentially.

Mr. JORDAN. Okay. And you don't know who won last this current year, 2016.

Mr. CHU. I should remember, but I don't remember.

Mr. JORDAN. Are you on the board who selects that person?

Mr. CHU. No. I do not select.

Mr. JORDAN. Okay. But you're here representing today NAPA. Right?

Mr. CHU. I'm here as chair of the panel that did the United States Patent and Trademark Office review of the telework program.

Mr. JORDAN. Are you of—and you're part of NAPA, correct?

Mr. CHU. I'm a fellow of NAPA. Right.

Mr. JORDAN. You're a fellow at NAPA, and they have this award, the Elliot Richardson Prize, and last year's winner—and you don't know who this year's winner of that prize was.

Mr. CHU. I don't, sir. I'm terribly sorry.

Mr. JORDAN. Would it surprise you if it's the IRS Commissioner, John Koskinen? Would you be surprised that that's the guy who was selected for outstanding public achievement?

Mr. CHU. I think that was—I think you're right, sir. I think they did select Mr. Koskinen.

Mr. JORDAN. Oh, you can remember now, right? So it was Mr. Koskinen.

Mr. CHU. You refreshed my memory.

Mr. JORDAN. I refreshed your memory. Good. And I look at the criteria for that award and it says "significantly advancing the public good." You all felt that John Koskinen significantly advanced the public good last year?

Mr. CHU. That was the conclusion of the selection panel. I'm not part of that process.

Mr. JORDAN. Do you know who else might have been considered for last year—for this year's 2016 award? Who else may have been in the running for that?

Mr. CHU. I don't, sir.

Mr. JORDAN. I'd be curious to see who was turned down, who was not given that award and Mr. Koskinen was selected over them.

Do you understand, Dr. Chu, that Mr. Koskinen gave false statements to this very committee? Do you understand that happened?

Mr. CHU. I know there's been considerable exchange between this committee and Mr. Koskinen, yes, sir.

Mr. JORDAN. Do you understand, when Mr. Koskinen was brought in as Commissioner of the IRS, that 422 backup tapes containing 24,000 emails were destroyed under his watch? Do you understand that fact? Or did the folks at NAPA understand that fact? I'd be curious to know.

Mr. CHU. I know the public discussion between this committee—

Mr. JORDAN. Do you know that he withheld information from Congress? After he learned in February, he waited 4 months before he told Congress about missing Lois Lerner emails. And you come in here and tell us your organization, which reaches different conclusions or slightly different conclusions than the inspector general, and last year, you gave the outstanding public achievement by—the achievement says significantly advancing the public good. You gave that award to John Koskinen?

Mr. CHU. I didn't, sir. The—

Mr. JORDAN. No, the organization. But you're representing NAPA, right?

Mr. CHU. I'm a fellow of the organization. That's correct. I'm not part of the award process. I would point out—

Mr. JORDAN. Do you know if John Koskinen was a contributor to NAPA? Do you know if he's given money to that organization?

Mr. CHU. I don't know, sir.

Mr. JORDAN. Okay. Okay. All right. And you don't know who was passed over so that Mr. Koskinen could receive this outstanding public servant award last year.

Mr. CHU. I'm sorry. What's this?

Mr. JORDAN. And you don't know who was passed over, who was not given the award, who was under consideration and not given the award so that Mr. Koskinen could—

Mr. CHU. Sir, no, I have no insight into the process.

Mr. JORDAN. All right.

Mr. Chairman, I yield back.

Mr. MEADOWS. The chair recognizes the gentleman from Virginia, Mr. Connolly.

Mr. CONNOLLY. Well, Mr. Chu, for a different point of view, congratulations on naming an honorable public servant, Mr. Koskinen, as your outstanding awardee last year. And no amount of innuendo or smear is going to tarnish his reputation. I've known him for a long time. And I consider him one of the most honorable public servants I've known in a long time. So I guess we're all entitled to our point of view. But I wanted you to know right away there is a different point of view. And congratulations. He deserves it. And I thank you for doing it.

Mr. Smith, I'm looking at your report. And I want to be real clear. You found potential waste in roughly 1.6 percent of the time and attendance records you looked at. Is that correct?

Mr. SMITH. Yes, sir. That is correct.

Mr. CONNOLLY. You did not in fact document actual waste. And I'm not—I mean, it's out there potentially, but there's no dollars or cents to actual documented waste. Is that correct?

Mr. SMITH. Well, Mr. Connolly, as I was mentioning in my opening statement—you might have missed it—that we would be more than happy to interview these employees with POPA encouraging their employees to come be interviewed. The problem is we ran against the Computer Matching Act, which does not allow the combination of information from various computer databases to then proceed and contain any kind of disciplinary reaction. However, I would like to read for you a quote that was in one of the IP Watchdog newspapers or articles. It says: Some patent examiners have contended on IP Watchdog and attempted to explain their actions are innocent but have actually admitted to committing fraud. These patent examiners have explained that, because of their superior talents, they're capable of doing their work in a fraction of the time the office thinks it should take them to do the work. Multiple examiners have said here on IP Watchdog that if they are, for example, allocated 3 hours to do a task and can do it in 2 hours, then there's absolutely nothing wrong with them claiming all 3 hours on their timesheet. One examiner actually said that he or she is capable of doing work twice as fast, using an example where the office allocates 20 hours to complete a task, presumably an entire application, but the examiner's able to get it done in 10 hours. Of course, that examiner explained he's completely justified in claiming all 20 hours worked on his timesheet.

So I have a confession here by at least one that they did fraudulently fill out their timesheet.

Mr. CONNOLLY. Well, are you contending, Mr. Smith, that that one so-called confession somehow characterizes widespread fraud within PTO?

Mr. SMITH. Sir, there is nowhere in our report that we use word "widespread." And as I said in my opening—

Mr. CONNOLLY. I'm asking you, sir, a question on what you just said. What conclusion are you drawing from one person, one interview?

Mr. SMITH. That was not one person. The author cited multiple people—

Mr. CONNOLLY. Who admitted to fraud? Excuse me. Who admitted to fraud?

Mr. SMITH. Yes.

Mr. CONNOLLY. Multiple people?

Mr. SMITH. Multiple people.

Mr. CONNOLLY. What did you do with that? Did you refer it to legal authorities?

Mr. SMITH. As I mentioned, the Computer Matching Act does not allow us to go after these individuals. Now that the IP—Empowerment Act has been passed that exempts us from the Computer Matching Act, we can now go forward under this. But for right now, our hands are tied unless the individuals want to come in voluntarily for an interview.

Mr. CONNOLLY. Well, I think one needs to be a little bit careful about drawing broad conclusions from particular incidents. None of us want to see timecard fraud. And in fact, if you uncover it, we

want to see it pursued. But I am concerned that it comes to characterize an agency where it may or may not in fact be at all characteristic of normal practice.

Mr. SMITH. And, sir, I stated that twice in my opening statement.

Mr. CONNOLLY. Good. But you know how this works, Mr. Smith. That's not what the story will be.

Mr. SMITH. Sir, I can't control what people do with the facts we've reported.

Mr. CONNOLLY. No. No, I know. You have no responsibility for that. I've seen a lot of IGs take the same position as they do damage to the reputations of individuals and agencies.

Mr. Slifer, do you want to comment on that, that people apparently in your organization admitted to fraud, according to Mr. Smith?

Mr. SLIFER. Well, thank you. I certainly can't comment on the anecdotal article in a blog that was just quoted as being evidence or admission of a particular examiner.

Our examiners have a very difficult job. Our examiners have got scientific, engineering, advanced degrees and have a very difficult job to examine patent applications and understand prior art, legal arguments, and synthesize all of that data into an examination for—

Mr. CONNOLLY. All right. All right. I got it. But you're sitting next to the acting deputy inspector general, who, through his words, is clearly making a statement about a practice, not widespread, but it's occurring, and it's fraud. That's the word he uses. I want you to respond to that. Is it in fact a big problem or a contained problem, but nonetheless a problem, from your point of view?

Mr. SLIFER. No. It's not a widespread problem.

Mr. CONNOLLY. I didn't say "widespread." Mr. Smith corrected me properly. Their report doesn't say "widespread," nor do I. I'm asking you, is it a contained problem? Is it something you're worried about? Is it something you recognize as in fact a practice that has to be addressed by these examiners who are specialized and doing difficult work?

Mr. SLIFER. The Patent Office takes—

Mr. CONNOLLY. I can't hear you.

Mr. SLIFER. I'm sorry. The Patent Office takes any—

Mr. CONNOLLY. I know. Yes, yes. I know; we all take it seriously. But I'm asking you to comment on what Mr. Smith said in his findings. Is that consistent with what you know about your agency?

Mr. SLIFER. It is not consistent—

Mr. CONNOLLY. It is not consistent.

Mr. SLIFER. Yes.

Mr. CONNOLLY. Why is that?

Mr. SLIFER. Because I know that our examiners are working. I know, looking at their production requirements. I know, talking to our—

Mr. CONNOLLY. Would you take issue with Mr. Smith that people, according to him, self-admitted fraud, timecard fraud?

Mr. SLIFER. If we had an examiner who self-admitted—that admitted to fraud, we're certainly going to—

Mr. CONNOLLY. Well, he gave one example, but he claims there were more than one.

Mr. SLIFER. I'm not aware of any.

Mr. CONNOLLY. Thank you.

Mr. MEADOWS. I thank the gentleman.

The chair recognizes himself for a series of questions.

Mr. Slifer, let me come to you, because I find this fascinating. You're saying that you do not have a problem, in spite of what the inspector general's report suggests, that you do not have a problem. That's your sworn testimony here today?

Mr. SLIFER. It is.

Mr. MEADOWS. With 400—in at least 400 different cases, you don't have a problem?

Mr. SLIFER. The data that the inspector general looked at—

Mr. MEADOWS. That's not my question. You just testified that you do not have a problem. Is that your sworn testimony here today? Because I'm going to drill down on it if that's your sworn testimony.

Mr. SLIFER. It is.

Mr. MEADOWS. So what you're suggesting, there is no time and abuse problems with regards to reporting?

Mr. SLIFER. I did not say there's no time and abuse problems. We have disciplined 30 people.

Mr. MEADOWS. So how many people have you let go?

Mr. SLIFER. We have either—

Mr. MEADOWS. Because of this.

Mr. SLIFER. We're not—

Mr. MEADOWS. I know the answer. You go ahead. I mean, how many people have you let go because of this?

Mr. SLIFER. Because of the inspector general report?

Mr. MEADOWS. Yes.

Mr. SLIFER. Zero.

Mr. MEADOWS. Yes. That's the answer.

Mr. SLIFER. We're not allowed—

Mr. MEADOWS. So how are you taking it seriously? So what other kind of punishment have—here's my problem, is I go to Federal agencies, and I find that we have some of the greatest Federal workers, truly, in not only just in the public sector but in the private sector. And so you've got over 8,000 great employees, and you've got 400 or so who are taking advantage of the system and perhaps giving a bad report because—and actually giving a bad taste to teleworking, which I don't know that that is a hypothesis that I would support, because of the 400 that don't log in. Are you suggesting that it's okay to not log into their computer for 2 days and actually they're doing work? Because according to Mr. Smith, he said, even if they checked their email in a 2-day period, he'd give them the benefit of the doubt. So do you think that you can actually do your work without checking an email or actually going—do you think you can actually do that for 48 hours and actually be working, Mr. Slifer?

Mr. SLIFER. The nature of the examination process, yes, there can be.

Mr. MEADOWS. For 2 days?

Mr. SLIFER. Yes. Is that the best practice? No. And we instituted a change——

Mr. MEADOWS. So have you implemented all the recommendations there that the IG——

Mr. SLIFER. In the current report?

Mr. MEADOWS. —recommended? Have you implemented all of those?

Mr. SLIFER. I'd be happy to walk through them with you, each one.

Mr. MEADOWS. Just yes or no. Have you implemented all of them?

Mr. SLIFER. We have addressed each one, and we are close to implementing all of them.

Mr. MEADOWS. When will you be done with implementing all of the recommendations?

Mr. SLIFER. There is a significant capital investment in some of the requirements. Our budget is not at this——

Mr. MEADOWS. So you're saying this is a cashflow problem.

Mr. SLIFER. I'm not saying it's a cashflow, but some are multi-million dollar investments.

Mr. MEADOWS. Okay. Because I'm going to allow you a little bit of flexibility here. But let me tell you the trouble that I have with some of your testimony. I read the report. And what I find in the report is, is there is no logical conclusion that you could come to, other than someone is gaming the system. There is no explanation for it. And what I'm going to do is, in support of the 8,000 good employees that you have, I'm not going to let the 300 or 400 get by with it. Do you follow me? And neither should you. Are you going to hold everybody accountable to the same standard? Because what I saw was that you gave bonuses, significant bonuses, to some of the people that actually were perhaps the most troublesome in this report. Would you agree with that, that you gave them above-average performance review and bonuses?

Mr. SLIFER. Some of the individuals identified in the top by the inspector general did both receive bonuses and have——

Mr. MEADOWS. So what kind of message of giving a bonus and good reviews to someone who does not act the way that the other 8,000 would act, what kind of message does that send to the good employees?

Mr. SLIFER. Well, I would prefer to dig into the data and find out exactly why there's a difference between the digital——

Mr. MEADOWS. I would prefer that you dig into the data too, Mr. Slifer, but it doesn't look like you're digging into it.

Mr. SLIFER. Well, we have been for several months working on this.

Mr. MEADOWS. But you've fired no one. And what other disciplinary actions have you had?

Mr. SLIFER. I'm not allowed to fire anybody as a result of this.

Mr. MEADOWS. What other—we have already established that you fired no one. What other disciplinary actions have you had?

Mr. SLIFER. We have actually disciplined and terminated 30 of the individuals listed in the top 300. But that was done independent of the inspector general's report.

Mr. MEADOWS. So you fired them for another reason.

Mr. SLIFER. No. We had fired them independent of the report. Our internal controls had already identified those individuals before the report was published.

Mr. MEADOWS. So now you can't have it both ways, Mr. Slifer. Your testimony was that you didn't have a problem. And now you're saying that you do have a problem, that you got rid of 30 people. So which is it? Do you have a problem, or you don't have a problem?

Mr. SLIFER. Sir, 30 out of—

Mr. MEADOWS. Because 30 people may have a grievance that you fired them for no problem. Do you follow me?

Mr. SLIFER. I understand that any agency of our size will have individuals that need to be disciplined. And we have policies and procedures to address that. I don't believe that it is systemic, as identified by NAPA and agreed to—

Mr. MEADOWS. I'm saying it's systemic within 400-plus employees that the inspector general's report pointed out. I'm not saying the other 8,000. In fact, I give them great rewards for what they're doing. And if they're watching right now, let me just tell you, I'm telling them that I've got their back. I'm looking forward to whistleblowers telling me about other issues. And if they'll call, I promise you I will personally follow up on it because it's apparent that you're not willing to do that.

Mr. SLIFER. I disagree. The agency has taken substantial steps and continues. We don't take this lightly ourselves. But I will—

Mr. MEADOWS. Okay. You don't take it lightly. So help me reconcile the two parts of testimony. You don't take it lightly, but you don't have a problem. So which is it? Because you just in the last 6 minutes you said you don't have a problem and now you're saying you don't take it lightly. So which is it?

Mr. SLIFER. I believe my testimony is that we don't take it lightly, while we recognize that there's always going to be individuals in an agency of 13,000 who don't follow our rules, don't follow our procedures, that are going to require discipline. We take it seriously, and we discipline those individuals.

Mr. MEADOWS. So you do have a problem. All right.

I'll recognize the gentlewoman from the District of Columbia, Ms. Norton.

Ms. NORTON. Thank you, Mr. Chairman.

This is an important hearing because, of course, abuse of time and attendance is always unacceptable, whatever the amount. The amount here seems low, but it's worthy of some oversight.

I do have to say something about what the chairman indicated. He wondered whether or not anyone had been let go because of the IG report. Of course, you cannot be let go because of a report, even of an IG. Under civil service law, it's an accusation, and you'd have to go through the process for independent substantiation. That is the law so that, of course, we do have to understand when you can take action and when you cannot, and of course, you couldn't take it, whatever the outcome of this report.

And I also have to say, Mr. Chairman, that I was amazed in the wake of the recent report not to impeach Mr. Koskinen, that that issue would be raised in an effort to relitigate it at this hearing. There has just been an overwhelming vote. There was a privilege

resolution on the floor to impeach Mr. Koskinen based on the findings, I might add, of this committee and overwhelmingly voted to send it back to committee, to the Judiciary Committee, which, of course, kills it. You can't kill some things. They just refuse to die.

And if I may say, for the record, if Mr. Koskinen was given a reward, it probably had to do with the fact that he has been called in time and again by Democratic and Republican Presidents to straighten out troubled agencies, just as he was summoned to straighten out the IRS. And I'm sorry I had to take some of my time for that. It seemed to me that those two issues deserved a response.

What intrigued me about Mr. Smith's report was the number of those with the best annual ratings who had these time and attendance issues. I think 81 percent of the unsupported hours, if I have the record correct—

Mr. SMITH. Forty-three percent of the hours, ma'am.

Ms. NORTON. Forty-three percent?

Mr. SMITH. Yes, ma'am.

Ms. NORTON. Thank you. Now, Mr. Smith, your testimony, your report says: The existence of highly rated examiners with large unsupported regular and overtime hours indicates that these examiners are likely exceeding their performance goals in less than the time allotted.

I had staff get me your testimony, and they brought me your printed testimony. I appreciate it. And on page 3, because my first question was, when was the last time these performance goals were looked at? How timely is the data on which we are relying? And here I am quoting from your report on perhaps the most important recommendation: We recommended that the USPTO reevaluate its examiner production goals for each group of examiners and revise them to the extent necessary.

And here's the operative sentence: Production goals were last set by art unit, as it is called, in 1976, and much has changed since then.

I'm astonished. We're working off of goals that—when I wasn't even thinking of coming to Congress. Could this account for why so many of the highest performers—in fact, I must ask, what makes you a high performer? How are you even judged—who are high performers if 43 percent of the hours were from these high performers, how are they evaluated?

Mr. SMITH. I'd have to defer that to PTO, ma'am. It's a management issue.

Mr. SLIFER. I'd be happy to address that. While the time that is allocated for an examiner to spend examining an application based on either the technology or their seniority and experience hasn't been fully reviewed since the 1970s, we are undertaking that massive project right now.

But the performance goals for each individual have been adjusted, and we have looked at it over the course of even the last couple of years to set those standards. And the GAO recently came out with a study that indicated that 70 percent of our employees don't have enough time to reach the production goals that they have.

We understand that, on a bell curve of individuals, we'll have some that have the ability to understand the data, synthesize it, produce their work product faster than others. We still expect them to finish their full 80 hours. We expect them to put in all of their time, whether they've completed that or not. We even have an incentive program to incentivize them to produce additional work product for the agency to help us reduce our backlog in pendency, which I'm happy to say, over the course of the last 6 years, has dropped from over 700,000 cases to the 500,000 we have now.

Ms. NORTON. So are these performers moving on to take on additional work?

Mr. SLIFER. That is what—

Ms. NORTON. These best annual performers—

Mr. SLIFER. Yes.

Ms. NORTON. Who apparently have some of the poor ratings time and attendance ratings.

Mr. SLIFER. I want to be careful and I believe—

Mr. MEADOWS. The gentlewoman's time is expired, but please do answer the question.

Mr. SLIFER. The inspector general is looking at digital data, security data, security entering our building, security entering our IT, and looking at that to see if it provides a verification of an examiner's timecards that they filled out. Where there's a mismatch, there's a question because there's no way at that point to verify whether an examiner was or wasn't working. We have looked at that data and looked at other data in the agency, and I can say that, of some of those individuals that are highlighted, I can show that they worked Monday through Thursday, 10 hours a day but entered 8 hours a day on their timesheet, showing that they did not work on Friday, when, in fact, they worked the full 40 hours that week.

So I know that the data is not 100 percent accurate as a verification of the veracity of the timesheet, and that's something that the agency is digging into so that we can make changes, not only reminding our employees of their requirements to abide by filling out the timesheet properly, putting in their full 80 hours, but narrowing up the gap between that data and their timesheet so that we can more accurately identify any areas in the agency where we do have time fraud, instead of losing it in a large analysis like this. Thank you.

Mr. MEADOWS. I thank the gentlewoman.

The chair recognizes the gentleman from Wisconsin, Mr. Grothman.

Mr. GROTHMAN. Sure. A couple questions for Mr. Smith. First of all, the information here says we have 415 patent examiners responsible for 93—or 43 percent of the unsupported hours. But I want you to talk a little bit about the methodology as to whether you think that's a hard number or what it takes to be considered, I guess, not showing up.

If I come in and I stand there for 5 minutes and document that I'm there for 5 minutes a day and then I go out golfing for the day, how do you record that?

Mr. SMITH. We did not take an overly harsh look at the time records that were or the time periods that the employees actually

claimed. If an employee swiped in and said they were there for 8 hours, then we gave them credit for 8 hours. If we were to take a more harsher view and go back and look at actual computer time spent, some type of activity on their computer, it would increase the number of unsupported hours for the on-campus employees by 327,000 unsupported hours.

The PTO requires their employees to only swipe out between 10 p.m. and 5:30 a.m., so the employee could go in, swipe his badge, claim 8 hours, not even turn on his computer at all, not even do any work. He could be another examiner A.

Mr. GROTHMAN. So this just means that you were basically in the building, not working?

Mr. SMITH. Yes, that is correct.

Mr. GROTHMAN. And only in the building for 5 or 10 minutes.

Mr. SMITH. But yet I affirmatively charged 8 hours, saying I was working on my computer.

Mr. GROTHMAN. And even then, if you checked that, could they be hardworking at their computer playing video games or something?

Mr. SMITH. Potentially.

Mr. GROTHMAN. Okay. Wow, it's shocking, shocking, shocking, shocking. Well, I don't know. I guess it confirms what a lot of people think about the Washington, D.C., work ethic for some people.

We'll give you a question here. Now, how many of these people have been prosecuted, even under your relatively low standards? I realize you have time constraints yourself. Under the relatively low standards that you're laying out here, how many have been prosecuted?

Mr. SMITH. We have presented these time and attendance cases to U.S. Attorney's Office in the past, and they have declined because they say they have to actually go hour by hour and prove that the employee was not physically working, and that's a bit of a burden for them, so they decline all the T&A cases we present to them. So the answer to your question: none.

Mr. GROTHMAN. If I had to just put a dollar amount, say on when some of the guys or gals don't show up, you know, you'd have to know how many hours they're not showing up, assuming they're working when they're in, but how many hours they're not showing up and what their salary is. Can you guess on some of the most egregious cases over the last few years how much they're taking the government for?

Mr. SMITH. We found that examiner A was taking the government, on a conservative estimate, for \$25,000 just in 2014 alone. And the total of these 415 individuals we figured was about \$18 million just in pay and benefits.

Mr. GROTHMAN. Wow, I remember back home sometimes people would be caught stealing, some public officials, and they wound up going to prison for years. So how many of these that you mention of the golden 415 we have here, how many have been subject to administrative action?

Mr. SMITH. I would have to defer that to PTO, sir.

Mr. GROTHMAN. Okay. But nobody prosecuted. Why not? Can you tell us, are there any proposals out there that you're aware of float-

ing through Congress that may do something to improve the environment a little bit?

Mr. SMITH. Yes, sir. As I mentioned earlier, we got word that both the House and the Senate have approved the IG Empowerment Act, which exempts the IGs from the Computer Matching Act so that if we were to do this exercise again, we would be able to turn that information over to the agency to take administrative discipline.

Mr. GROTHMAN. Do you have any reason why we wouldn't pass that bill?

Mr. SMITH. I don't currently see any reason. CIGI is in full support of that bill. However, I do understand there is a hold on that right now.

Mr. GROTHMAN. Okay—do we know who's putting the hold on it?

Mr. SMITH. I don't recall the person's name, sir.

Mr. GROTHMAN. Okay. We should talk about that a little bit and see who that is. Well, I have a little bit of time left, only a few seconds, and I know how much Chairman Meadows covets these seconds.

So I yield them back to him.

Mr. MEADOWS. I thank the gentleman from Wisconsin.

The chair recognizes the gentleman from Georgia for 5 minutes.

Mr. HICE. Thank you, Mr. Chairman.

Ms. Schwartz, how long have you worked at the USPTO?

Ms. SCHWARTZ. Thirty-four years.

Mr. HICE. Thirty-four years. That's a long time. Your current pay grade, you're GS-14, ballpark \$150,000?

Ms. SCHWARTZ. Yes.

Mr. HICE. Okay. It's my understanding that your particular area of expertise is as a patent examiner for chemical engineering patents. Is that correct?

Ms. SCHWARTZ. Yes. But for full disclosure, as president of the union, I have worked for the union for several years without patent examining.

Mr. HICE. Okay. So how long have you been doing that?

Ms. SCHWARTZ. This is not going to be accurate. I'm going to say approximately 8 years.

Mr. HICE. Approximately 8 years. So, as an individual to be looking after chemical engineering patents, you've not been doing that for 8 years?

Ms. SCHWARTZ. For approximately 8 years, yes.

Mr. HICE. Okay. So you're on official time. Is that correct?

Ms. SCHWARTZ. Yes.

Mr. HICE. So official time means you were hired to work with patents and chemical engineering patents, but instead of doing the job for which you were hired, you're doing union work. Is that correct?

Ms. SCHWARTZ. I'm doing union work. That's correct.

Mr. HICE. Okay. But that's not what you were hired to do. You were hired as a chemical engineer patent examiner?

Ms. SCHWARTZ. Yes.

Mr. HICE. Okay. So the American people are paying you to do something that you were not hired to do. Was anyone hired in your place to do the work that you're not doing?

Ms. SCHWARTZ. I can't tell—

Mr. HICE. Mr. Slifer, was anyone hired? Do you know?

Mr. SLIFER. I left private industry 2 years ago, so I can't speak to what happened 8 years ago.

Mr. HICE. What's happening now? Has anyone been hired to do the job that Ms. Schwartz was hired to do that she's not doing?

Mr. SLIFER. I don't believe I can speak directly to that, but—

Mr. HICE. Do you know how many people are doing official time who were hired to work at the Patent Office but they're doing union work?

Mr. SLIFER. I do not, but I would be happy to—

Mr. HICE. Would it surprise you that there's 154 such individuals?

Mr. SLIFER. Again, I wasn't aware of how many.

Mr. HICE. It would seem to me that being entrusted with the good faith of the American taxpayer, that you would have an understanding of how many people have been hired to do work that they're not doing. This just absolutely is astounding to me, Ms. Schwartz, that you are hired to work with folks seeking a patent, but you're not doing that. So the American people are subsidizing union work and paying you \$150,000 to do union activity rather than to do the work you are hired to do.

Ms. SCHWARTZ. Congressman, a lot of the work I do is assisting the agency in implementing its—

Mr. HICE. But that is not what you were hired to do. You were not hired to do union work.

Ms. SCHWARTZ. I am assisting the agency in meeting its mission by assisting them in developing and implementing programs. For example, last year—

Mr. HICE. How many clients have you worked with in the last 8 years?

Ms. SCHWARTZ. I'm sorry?

Mr. HICE. How many people who are seeking a chemical engineering patent have you worked with?

Ms. SCHWARTZ. None in the last 8 years.

Mr. HICE. But that's what you were hired to do. So I'm really curious about your daily schedule. What do you do on a daily basis?

Ms. SCHWARTZ. On a daily basis, I deal with a number of different issues. Many of them are assisting the agency in developing and implementing programs to meet the mission of reducing pendency and increasing quality. Over the last year, my organization has reached many agreements to help the agency with its—

Mr. HICE. That's fine, Ms. Schwartz, and I'm glad your agency is doing it. I'm not attacking your union, nor am I attacking your union work. The problem I have is that you are using the time that the American taxpayer paid you to do as a patent examiner, and you're doing zero of that. You've done none of that in 8 years, and instead, you've been doing union work on the time that the taxpayers have asked you to be a patent examiner. You can do your union work, just not during this. I would like, I'm really curious about your daily schedule. I would like for you to provide this committee with a copy of your daily schedule, just your work hours—not interested in your personal time—but what you do from your

clock-in official time for the last 6 months. Will you provide that for us?

Ms. SCHWARTZ. I will try to provide that.

Mr. HICE. When can we expect to have that calendar?

Ms. SCHWARTZ. I can probably provide this—I'm going to have to—I can probably provide this in a reasonable time, but I can't assure that everything on this—I have a calendar that I keep. I can't assure that everything on it is accurate, and it won't have hour by hour because there are hours that are open that I have not written down every activity during those—

Mr. HICE. But everything that you have written down, I would like to have submitted to this committee for the last 6 months.

Ms. SCHWARTZ. I will do that.

Mr. HICE. Thank you very much.

And, Mr. Chairman, I yield back.

Mr. MEADOWS. I thank the gentleman.

And we are going to go into our second round of questioning at this point, and so we will recognize the gentleman from Ohio for 5 minutes.

Mr. JORDAN. Thank you, Mr. Chairman.

It seems to me if you could summarize, Mr. Smith does his investigation and finds there are folks cheating the timecard, 415 of them to be exact, accounting for 43 percent of total unsupported hours. Mr. Slifer says that is not a problem because it wasn't everyone. And Ms. Schwartz agrees with him and cites the report done by Dr. Chu, a report that he co-authored and a report produced by an organization that this year gave its top public servant prize to a guy who was censured by this committee. Now if that's not a story line, I don't know what is. I mean, think about that. Think about that. Top public servant, they're citing as evidence that it's not a problem; cheating the timecard is not a problem. They're citing the NAPA report as evidence to support their claim it's not a problem, even though it was 43 percent of all unsupported hours, even though it was 415 individuals. They said an organization that gave an award to a guy who was censured by this very committee as support for their position. I just find this—if you wonder why people have had it with Washington, D.C., just look at that. Look at the fact pattern in front of us, Mr. Chairman. So I appreciate you having this hearing.

One other question if I could for you, Dr. Chu. Are you a fellow at the organization at NAPA?

Mr. CHU. Yes, I'm a fellow.

Mr. JORDAN. And who nominates people for consideration for the Eliot L. Richardson Prize?

Mr. CHU. I don't know, sir.

Mr. JORDAN. It's my understanding that fellows nominate them, nominate those individuals who are considered by the organization to receive this prestigious award. You didn't nominate him?

Mr. CHU. No, sir, I did not.

Mr. JORDAN. Do you know who did?

Mr. CHU. I don't, sir.

Mr. JORDAN. Again, Mr. Chairman, I just find this remarkable. People cheating the timecard, 415 of them, almost half of all unsupported hours that accounts for. Mr. Slifer tells you in your

round of questioning “not a big deal because it wasn’t everybody.” And Ms. Schwartz says we’re going to rely on this NAPA report co-authored by Dr. Chu, this report by an organization that gives its most prestigious award to a guy who’s been censured by the very committee now looking at this issue. I think it’s important that we had this hearing. I appreciate the chairman’s indulgence. I yield back.

Mr. MEADOWS. The chair recognizes the gentlewoman from the District of Columbia for 5 minutes.

Ms. NORTON. Thank you, Mr. Chairman.

And one more clarification. When it comes to the use of official time by union representatives, like Ms. Schwartz, it’s not a gift to the union. It’s not a gift to the worker. If, in fact, these matters, which, of course, are recognized in our country, once there has been an election and a union has been certified and grievances are filed, if, in fact, these matters were not processed during official time, then they would have to be done, sir, during overtime, which would mean overtime to the government for all of those involved. So this is a carefully worked-out matter.

Once you recognize that, in our country, there still is a right and certainly in Federal agencies to elect a union and to process grievances.

I want to get further into the bottom of this matter involving—what is it?—43 percent of the hours from the best performers because that doesn’t seem to belong together, that you found that the most unsupported work that the inspector general found was being claimed by what had otherwise been declared the most efficient workers. That just doesn’t jibe. They don’t fit together. And, of course, raises questions, I raised some of them about the way in which the Patent Office measures and rewards its workforce.

Dr. Chu, do these highly efficient examiners have enough incentive, do you believe, to take on additional work beyond their productive goals? I’d ask that of Mr. Slifer as well? Are there enough incentives to take on additional work beyond their production goals?

Mr. CHU. As Mr. Slifer has testified, the office does have a set of incentives to encourage staff members to produce more than is normal and uses those as a judgment for its award program.

Ms. NORTON. Mr. Slifer, what needs to be done about production incentives to encourage more output by patent examiners?

Mr. SLIFER. If I may, there’s an interesting question to be asked when you look at the high performers that are on the list, and the first assumption is that they’re not actually working. The other assumption can be that one reason those individuals are able to be such high producers is that they’re putting in the extra effort. They’re taking documents home. They’re working on their—just like I take home a briefing book every weekend, individuals have different work habits, and they’re putting in extra effort.

Our incentive program that you’re asking about has actually saved the agency over 1.1 million examiner hours a year. It’s the equivalent of over 800 additional examiners that we would have to hire to meet the same production. So we do have incentives, and it is paying dividends for the agency without having to hire close to additional 1,500 additional examiners a year, and it provides us

the flexibility when filing may drop, the revenue for the agency may, so that we can adjust our workforce without either having to hire more or fire more. So I am comfortable that our incentive program does incentivize those individuals who are capable of producing more work during their work hours to go ahead and produce more.

Ms. NORTON. So do you believe that your production goals, your production targets rather, and time and attendance requirements get the most work effort out of the patent examiners?

Mr. SLIFER. We work hard to optimize the balance between those, including the investment we are making over the last 2 years and improving quality at the agency. The quality of the time the examiners are spending, the incentives that we put in place to get them to work harder, not only in quantity but the quality and the timeliness of their work, are working in harmony, and we are always tweaking it and trying to find ways to improve it. The inspector general's report and recommendations are very informative for us in helping us focus on additional improvements in areas that he's highlighted.

Ms. NORTON. There seems to be some suggestion that the system in use discourages highly efficient and effective workers rather than incentivizes them. I'm trying to resolve this tension between time and attendance and production records so it doesn't look like we're punishing some of the most efficient members of our Federal workforce.

Mr. SLIFER. It is a concern of mine to jump to the conclusion that unsupported hours looking at digital data equates to work that wasn't done. That's why we're digging in as an agency and trying to answer the question of, why is there a mismatch between digital data and the certified time records? When we look at production records for these individuals, the quality and the quantity of what they're producing doesn't point to the same result, and we want to get to the bottom of this so that third parties that are looking at our certified time and questioning whether our employees are actually working when they say they are and producing what they say they are is accurate so that we can resolve the question of whether we have any systemic problems or whether we have individual issues that any agency would have with individuals. So we are digging deeper and continue to work on this and have taken the recommendations to heart and will work with that and the inspector general to make improvements going forward.

Ms. NORTON. Mr. Chairman, I do want to thank you, but I do want to indicate that the indication of a systemic problem comes from these figures showing the best performers have the worst data. That has to be explained. Contraindicated, not what you'd expect as you look at the Federal workforce, and I hope we can get to the bottom of that dilemma.

Thank you very much, Mr. Chairman.

Mr. MEADOWS. I thank the gentlewoman. And so the best performers, according to what matrix? Their supervisor?

Mr. SLIFER. It's not just their supervisors. We have multiple levels of review for the work products that examiners provide. We do do audits. We do do quality checks, so it's not simply—

Mr. MEADOWS. Okay. So here's I guess my—I was in the business world for a long time. If you did not change your goals and perspective since the 1970s, as my good friend from the District of Columbia mentioned, you've got a problem. Do you realize, in the 1970s, cutting-edge technology was a Texas Instrument little tiny computer that did nothing? Do you realize DOS was just being developed as an operating system? Do you realize that computers the way that we have it, we have got more computing power in my iPhone today than we had in a mainframe computer at that particular point, and yet you're saying your goals and objectives haven't changed since the 1970s? Do you not see a problem with that?

Mr. SLIFER. As an electrical engineer who grew up through that time period, understand, I want to try to clarify if given a moment.

Mr. MEADOWS. You're an engineer?

Mr. SLIFER. I am.

Mr. MEADOWS. I love engineers because they've always got a matrix. What performance matrix would an engineer put forth in terms of helping the gentlewoman and I figure out this whole problem of productivity? Is there a rule matrix there, or is it just some guess on who the best performers are? Do you have a real matrix?

Mr. SLIFER. There are matrix, and with regard to the production requirement that hasn't been adjusted, shall we say, since the 1970s, the question is, how much time does it take an examiner in a particular art, let's say pacemakers, to read an application provided by the applicant, understand the invention, study the claims, do a prior art search for that particular invention, understand the art from their search, and apply it, and apply the laws to determine whether an application should be changed? A lot has changed over this time, including the accessibility using computers, the efficiencies of that.

Mr. MEADOWS. So we would assume that, because on those efficiencies, that we would have a greater output from the 1970s, wouldn't we?

Mr. SLIFER. The only flaw to that assumption would be that we also have billions of additional pieces of prior art that are now readily available, so the examiner now, while maybe more efficient in extracting that data, has much more data to—

Mr. MEADOWS. Okay. That is valid. I'll give you that one. So let me come back to you, Ms. Schwartz, to quote the Washington Post. And by the way, I want to give them a shout out because they've done some good work on this. I don't know that they're watching today, but to quote them: "The Patent and Trademark Office has an unusually close relationship with its unions. Under its labor contracts, the agency does not require employees who work from home to log into their computers if they do telework full-time. It allows them to take up to 24 hours to respond to a call or email from their boss." It really only requires poor performers to give a work schedule.

So you were mentioning how you spend 100 percent of your time helping the agency implement things to make it more efficient. Is that correct? Did I understand you correct?

Ms. SCHWARTZ. Not 100 percent of my time, but—

Mr. MEADOWS. But a lot of your time?

Ms. SCHWARTZ. A big portion of my time, yes.

Mr. MEADOWS. So would you be willing to work with the agency on this strengthening of time and attendance requirements for its examiners?

Ms. SCHWARTZ. Yes.

Mr. MEADOWS. So would you be willing to require all people to give their schedule to their supervisors?

Ms. SCHWARTZ. We would have to look at it terms of what the agency is asking for.

Mr. MEADOWS. What do you mean? You're willing to give your schedule to us. Why would you not give a schedule—I can tell you that my scheduler knows almost every minute of where I am, and so do you not think that that would be a reasonable request, is to have the schedule given to their supervisors?

Ms. SCHWARTZ. It depends on what the requirements are for doing it. It's something we're willing to discuss and—

Mr. MEADOWS. It's not the question. What is it—you say it depends. Depends on what, on how you feel on that given day, or what does it depend on?

Ms. SCHWARTZ. We would like to look at what it is they're actually asking for with respect to their work.

Mr. MEADOWS. Their work schedule. Is it a ridiculous request to ask a supervisor to have access to a work schedule for someone who works for them?

Ms. SCHWARTZ. Are we talking about a minute-by-minute schedule? Because then we have a concern that employees are going to have to spend a lot of time—

Mr. MEADOWS. I'm not asking them for a "5-minute, I'm going to go get a cup of coffee." What I am saying is a real work schedule that they're accountable to that provides a good basis for where they are while they're working. Is that a reasonable request?

Ms. SCHWARTZ. It sounds like a reasonable request, yes.

Mr. MEADOWS. Okay. So, since it's a reasonable request to you and me and since you're committed to making sure that the agency works well, is that something as the head of POPA, that you're willing to advocate on behalf, could that be an action item that we have coming out of this hearing that we're going to get the work schedules given to supervisors of all those people who do work?

Ms. SCHWARTZ. We're willing to work with the agency on what they ask.

Mr. MEADOWS. Yes or no. Are you willing to do that or not? I mean, it's a pretty simple question.

Ms. SCHWARTZ. I would need to see the details of what we're being asked to—

Mr. MEADOWS. Okay. Well, let me give you some details. How about a work schedule, between 8 and 5, if that's when they work, or between 10 and 7, if that's when they work, and saying that they're working on this case for this many hours and this case for this many hours or a full case for the full-time and that they took an hour off for lunch and whatever the appropriate breaks. I mean, is there any kind of a schedule that they keep?

Ms. SCHWARTZ. Not the kind of schedule you're talking about where they need to provide which applications they're working on.

Mr. MEADOWS. So they could give us a schedule that says I was not golfing? Is that what you're telling me?

Ms. SCHWARTZ. They could give a schedule of—

Mr. MEADOWS. The American people don't understand this, Ms. Schwartz. What they've seen is they've seen 400-plus people that an IG says has not actually accounted for their time according to computer and other logouts. We have got Mr. Slifer who says he's working on it, but he's not really sure what it is, and we have got you who says there's really not a problem, according to your written testimony and your oral testimony, and you're basing that on what?

Ms. SCHWARTZ. The IG report—

Mr. MEADOWS. I didn't ask about the IG. You're basing, your assumption based on what, that you don't have a problem?

Ms. SCHWARTZ. I didn't represent that we don't have a problem—

Mr. MEADOWS. So you do agree that we have some waste, fraud, and abuse with regards to time and attendance?

Ms. SCHWARTZ. There can always be improvements in time and attendance.

Mr. MEADOWS. Do we have a problem with time and attendance reporting with some of your union employees? Yes or no?

Ms. SCHWARTZ. Are you asking if there are any employees for which there is an issue?

Mr. MEADOWS. Sure. Let me give you a softball. Are there any employees that have a problem?

Ms. SCHWARTZ. I don't have personal knowledge of any right now, but we received proposals with evidence that—

Mr. MEADOWS. Ms. Schwartz, so let me be a little bit more direct. Is it true when we found examiner A with a problem, is it true that your organization encouraged them to retire so that they couldn't have any kind of backlash or, quote, "mark" on their record? Did you recommend that to examiner A, you or anybody within your organization?

Ms. SCHWARTZ. Examiner A came to us and after discussing the issue with examiner A, it seemed that there was going to be significant evidence, which there was in the OIG report, about examiner A. And according to the way government protocol works, we suggested if examiner A wanted to keep their OPF cleaner, that examiner A could resign.

Mr. MEADOWS. So answer the question. Did you recommend to examiner A that they resign in order to make it look better on their record?

Ms. SCHWARTZ. On their OPF, yes.

Mr. MEADOWS. Do you think the American people would have a problem with that?

Ms. SCHWARTZ. I'm not sure. This employee should not have been working for the agency so having the employee resign was appropriate. There's no doubt that there was wrongdoing and losing—

Mr. MEADOWS. Having them resign and face the consequences—and not face the consequences is not appropriate, Ms. Schwartz. Because here's the whole thing is, you had them resign so that the IG or anybody else investigating it couldn't follow that because

they had resigned. You know this. You know it well. Was that not the motivation?

Ms. SCHWARTZ. The motivation was—the decision was the employee's decision. We were—

Mr. MEADOWS. But you advised the employee.

Ms. SCHWARTZ. We advised the employee that their OPF would have less information in it if they resigned.

Mr. MEADOWS. Mr. Slifer, is that something that you would recommend to the 30 people that you've taken action against?

Mr. SLIFER. From the agency's perspective, Chairman, we seek out to find the individuals that are taking advantage of their fellow employees and the agency and seek to discipline those individuals.

Mr. MEADOWS. And you've disciplined, you said either terminated or disciplined 30 people. Is that correct?

Mr. SLIFER. That's correct.

Mr. MEADOWS. And you will send to this committee a breakdown of who those 30 people are and what kind of disciplinary actions?

Mr. SLIFER. I'm not sure by law if I'm allowed to. If I am, I certainly will.

Mr. MEADOWS. Well, we'll keep it confidential. And I can tell you from an oversight standpoint, here's what we need to see. So what you're saying is not based on an IG report, but based on your own internal investigation, you let 30 people go?

Mr. SLIFER. I'm not sure of the discipline for each of the 30. I know it ranges anywhere from the whole suite of discipline up to termination.

Mr. MEADOWS. All right. So how many other people are under investigation out of the 400?

Mr. SLIFER. I'm not sure at this moment sitting here what the nature of—

Mr. MEADOWS. More than 10?

Mr. SLIFER. I can't speculate. I believe the inspector general and our internal investigation teams would have a better—

Mr. MEADOWS. All right. Will you get to this committee the number of people that are currently under investigation, internal investigation?

Mr. SLIFER. We will.

Mr. MEADOWS. All right. So, Ms. Schwartz, do I have your sworn testimony here today that you will be supportive of efforts to discipline anyone who has taken advantage of the situation, because in my mind, it's the other 8,000 good employees that we're not being fair to. Are you willing to work in a way that actually promotes some kind of disciplinary action?

Ms. SCHWARTZ. I'm not sure what POPA can do to support disciplinary action.

Mr. MEADOWS. So it's your sworn testimony here today that you think that anybody that is not performing properly or are falsifying records, that they shouldn't be punished?

Ms. SCHWARTZ. We believe if people are falsifying records and the agency has the evidence of that and takes action against them, that that's appropriate.

Mr. MEADOWS. So you would support their termination if they were falsifying records?

Ms. SCHWARTZ. If that's what the agency proposed to do and it was the appropriate level of discipline.

Mr. MEADOWS. You added the little caveat on the end of that, and that wasn't the question. If they falsified records, are you willing to support their termination?

Ms. SCHWARTZ. Are we talking about falsifying their time and attendance? I would need clarification on that.

Mr. MEADOWS. So it's okay to falsify some records, just not time and attendance?

Ms. SCHWARTZ. It's not necessarily okay, but it's possible that you could falsify some records and the correct discipline level would not be termination.

Mr. MEADOWS. Okay. Valid. So if they falsified time and attendance records, would you support their termination?

Ms. SCHWARTZ. Once again, if it was the appropriate level of discipline—

Mr. MEADOWS. If they falsified more than 8 hours, would you support their termination?

Ms. SCHWARTZ. I don't—

Mr. MEADOWS. Give me a number then, Ms. Schwartz. I'm not going to keep guessing. What is appropriate?

Ms. SCHWARTZ. I don't have information on the correct number here.

Mr. MEADOWS. Well, you're the expert witness.

Ms. SCHWARTZ. Well, we would want to be following the factors that are normally considered in making a determination of the correct—

Mr. MEADOWS. I'm asking, from a union perspective, what would you support? Because I don't want to get sideways with you.

Ms. SCHWARTZ. I don't have the information here. I would have to go back and look.

Mr. MEADOWS. So, within 30 days, can you get the information back to this committee?

Ms. SCHWARTZ. Yes.

Mr. MEADOWS. Seeing that there is no further business before the committee, I want to thank each of our witnesses for being here today, and this subcommittee stands adjourned.

[Whereupon, at 3:55 p.m., the subcommittee was adjourned.]

APPENDIX

MATERIAL SUBMITTED FOR THE HEARING RECORD

QUESTIONS FOR THE RECORD

Submitted by Chairman Mark Meadows
For Ms. Pamela Schwartz, President of the Patent Office Professional Association
Hearing on "Time and Attendance Abuse at the U.S. Patent and Trademark Office"
Committee on Oversight and Government Reform, Subcommittee on Government Operations
U.S. House of Representatives
December 7, 2016

1. During the hearing, Representative Hice requested your daily work schedule for the last six months. Please submit your schedules to the Committee.

RESPONSE:

I do not possess or maintain any document that is called a "daily work schedule," or any document that serves as a retrospective log of my daily activities. Nonetheless, in an effort to cooperate with the Committee's request, I have attached to this response two documents within my possession in which I record some information about my daily work activities.

As I testified at the December 7, 2016 hearing, I keep a calendar with Microsoft Outlook. I have attached the last six months of records from that calendar with this response at SCHWARTZ 0001 to 0027. However, as I testified at the hearing, many of my daily activities are not recorded on the Outlook calendar. In addition, my Outlook calendar contains appointments that I did not attend, as well as, in some instances, scheduled appointments that are meant to serve as reminders to me. Please note that, consistent with Representative Hice's request at the hearing, I have redacted from these records references to personal appointments that occurred during periods of time that I was on leave during work hours, as well as personal appointments that occurred after work hours. I have also redacted the names of individual employees out of a concern for their privacy.

In addition to my Outlook calendar, I also keep handwritten time sheets. My handwritten time sheets from the last six months are attached with this response at SCHWARTZ 0028 to SCHWARTZ 0042. I have redacted personal notes that I made in the margins of my time sheets that are not responsive to the request.

2. In your oral testimony, you stated you did not know what disciplinary actions you would support for patent examiners found to have falsified time and attendance records. However, you noted you would respond with that information. Please provide to the Committee:
 - a. The number of hours a patent examiner would have to falsify in order for POPA to support his or her termination; and
 - b. The disciplinary action POPA would accept for those examiners who falsify less than those number of hours provided in (a).

RESPONSE:

Under established case law, an agency is not permitted to establish a fixed or an inflexible penalty in disciplinary cases. The U.S. Merit System Protection Board ruled in the landmark case of *Douglas v. Veterans Administration*, 5 M.S.P.R. 280, 306 (1981) that there are twelve factors to be considered in determining the propriety of a penalty, such as the nature and seriousness of the offense; the employee's past disciplinary record, performance, length of service and potential for rehabilitation; the supervisor's confidence in the employee's ability to perform his assigned duties; the consistency of the penalty with the agency's table of penalties; and the consistency of the penalty with those imposed on other employees for the same or similar offenses. *Lewis v. Department of Veterans Affairs*, 113 M.S.P.R. 657, ¶ 5 (2010). Not all of the factors will be pertinent in every instance, and so the relevant factors must be balanced in each case to arrive at the appropriate penalty. *Douglas*, 5 M.S.P.R. at 306. The United States Court of Appeals has approved the use of the so-called "Douglas factors" as a basis for determining the reasonableness of a penalty when discipline of a Federal employee is warranted. See, e.g., *Zingg v. Dep't of Treasury, IRS*, 388 F.3d 839, 841 (Fed. Cir. 2004); *Nagel v. Dep't of Health & Human Servs.*, 707 F.2d 1384, 1386-88 (Fed. Cir.1983).

Although the Patent Office Professional Association recognizes that termination may be an appropriate penalty in certain cases, POPA would not support termination in all cases, as the agency's failure to consider and apply the *Douglas* factors in mitigation may subsequently invalidate the disciplinary action. The number of hours involved is an appropriate factor to consider when evaluating the seriousness of the offense, among the other *Douglas* factors.

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Monday, June 6 ■ 11:00am - 12:00pm ER and POPA Communications w/Pamela Schwartz (Atrium) - Mendez, Anne ☺ ■ 12:00pm - 1:30pm President's Committee (POPA Office) - Schwartz, Pamela ☺ ■ 3:00pm - 4:00pm FW: PE2E and Legacy Topic Discussions with OPIM and POPA (MDE 8A45) - Grier, Laura ☺ ■ 3:30pm - 4:30pm Bi-weekly Standing meeting with Pam, Gerry and Andy (Andy's office) - Falte, Andrew ☺ ■ 5:00pm - 5:30pm Patent Coalition Call ((800) 851-0297 access code 1807696#) - Chris Israel ☺	Tuesday, June 7 ■ 8:00am - 10:30am PERSONAL APPOINTMENT ■ 10:30am - 4:00pm reserve ■ 10:30am - 11:00am Training Slide #4 (WebEx) - Campbell, Danette R. ■ 12:00pm - 1:30pm JLM Prep (Rem 4-D44) ■ 1:00pm - 3:30pm Allergy shot ☺ ■ 2:30pm - 3:30pm FW: CPC Meeting Transition/Quality and Training ☺ ■ 4:00pm - 5:00pm PPAC Quality Subcommittee/PTO monthly conference call (Valencia's office dial-in info attached below) - Lo, Jennifer ☺ ■ 5:00pm - 5:30pm Telework Recertification (WebEx) - Campbell, Danette R.		
Wednesday, June 8 ■ 9:00am - 9:30am discuss POPA (POPA office Ran 1D61) - Tung, Melanie ■ 11:00am - 11:30am POPA representative interview - Wilson, Renee ■ 11:30am - 12:00pm Meeting with Dana Colarulli (Dana's office) - Colarulli, Dana ■ 1:30pm - 2:00pm PE2E (Russ' Office (MDW 10C89)) - Slifer, Russell ■ 2:30pm - 3:30pm Update to OT Memo (Randolph - 4C09) - Lefkowitz, Edward ■ 4:00pm - 4:30pm Pam Schwartz - Eyley, Yvonne ■ 4:30pm - 5:00pm Call Pedro when finish prior meeting so we can meet - Schwartz, Pamela	Thursday, June 9 ■ 8:00am - 10:00am PERSONAL APPOINTMENT ■ 1:00pm - 2:00pm FW: TC 1600 Town Hall Meeting (REM 4D44) - Costello, Stephanie ■ 3:00pm - 3:30pm discuss POPA (POPA office RAN 1D61) - Tung, Melanie ■ 3:00pm - 4:00pm P3 Discussions (Conf_Rem_10d45(20-28 Seats)) - Campbell, Stephen ☺ ■ 3:30pm - 4:30pm Moonshot (Dan's Office) - Schwartz, Pamela		
Friday, June 10 ■ 8:30am Out of Office ☺ ■ 10:00am - 10:30am GoToMeeting Invitation - Patent Office-LCOB/CLDO-LFOB/FLDO (Go To Meeting/Phone Call) - Laurie Consoli ■ 11:00am - 2:00pm Meeting with Richard ■ 12:00pm - 1:00pm AIPLA Women in IP - June Lean In Circle Meeting Invitation (Dial In) - Ergmann, Jessica ■ 2:30pm - 3:00pm Meeting with Plitt (Tamara's Office) - Kyle, Tamara	Saturday, June 11 ■ 5:00pm Out of Office ☺ Sunday, June 12		

June 13, 2016 - June 19, 2016		June 2016 Su Mo Tu We Th Fr Sa	July 2016 Su Mo Tu We Th Fr Sa
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Monday, June 13 ■ 12:00pm - 1:30pm President's Committee (POPA Office) - Schwartz, Pamela ☺ ■ 2:30pm - 3:00pm GoToMeeting Invitation -FLDO/CLDO -Patent Office Professionals Association (FLDO/CLDO) - Laurie Consoletti ■ 4:00pm - 5:00pm meeting to discuss MR (telephonic) - Schwartz, Pamela ■ 5:00pm - 5:30pm Patent Coalition Call ((800) 851-0297 access code 1807696#) - Chris Israel ☺	Tuesday, June 14 ■ 9:00am - 1:00pm Invitation to WebEx meeting: JLM Quarterly Meeting (WebEx Online) - Epps, Georgia ■ 9:00am - 1:00pm JLM Quarterly Meeting (Jefferson 10D45) - Epps, Georgia ■ 1:00pm - 3:30pm Allergy shot ☺ ■ 2:00pm - 3:00pm PE2E Portfolio Status Meeting - PPA Code SPE2EA-0338-500000. Teleconference number is 571-270-3000 enter profile 25568# and password 1234# (Conference Room MDE 10D34) - Sheers, John ☺ ■ 2:30pm - 3:00pm Moment of silence - steps of Madison ■ 4:00pm - 4:30pm Undoubling 13's (Pam's Office REM10C75) - Coggins, Wynn		
Wednesday, June 15 ■ 9:00am - 10:00am AADA meeting (POPA office, RAN 1D61) - Tung, Melanie ■ 10:00am - 10:30am FOIA (Atrium by the Coffee place?) - Schwartz, Pamela ■ 10:30am - 11:00am Alice Training (Andy's Office) - Kyle, Tamara ■ 1:00pm - 2:00pm FW: POPA Monthly Meeting (Drew's Office (MDE 10D79)) - Hirschfeld, Andrew ☺ ■ 3:00pm - 4:00pm meeting with plitt to discuss JR (telephonic from pam's office) - Schwartz, Pamela	Thursday, June 16 ■ 8:00am - 11:00am PERSONAL APPOINTMENT ■ 11:00am - 12:00pm USPTO Innovation Challenge Planning Team Meeting (Bi-Weekly) (Remsen 3D44 or WebEx Option) - Moon, Seshu ☺ ■ 11:30am - 1:00pm POPA Meeting (Rem 10D44) ☺ ■ 3:00pm - 4:00pm Clarity of the Record Pilot - All Hands QEM #2 (Remsen Conference Center (01D04)) - ClarityofRecordPilot ■ 3:00pm - 4:00pm P3 Discussions (Conf_Rem_10d45(20-28 Seats)) - Campbell, Stephen ☺		
Friday, June 17 ■ 8:30am Out of Office ☺ ■ 10:30am - 1:00pm PERSONAL APPOINTMENT	Saturday, June 18 ■ 5:00pm Out of Office ☺		
		Sunday, June 19	

June 20, 2016 - June 26, 2016		June 2016 Su Mo Tu We Th Fr Sa 1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30				July 2016 Su Mo Tu We Th Fr Sa 1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30 31			
		Monday, June 20 ■ 11:00am - 12:00pm ER and POPA Communications w/Pamela Schwartz (Atrium) - Mendez, Anne ☺ ■ 12:00pm - 1:30pm President's Committee (POPA Office) - Schwartz, Pamela ☺ ■ 3:30pm - 4:30pm Bi-weekly Standing meeting with Pam, Gerry and Andy (Andy's office) - Faile, Andrew ☺ ■ 4:30pm - 5:00pm Post Prosecution Pilot MOU signing (Andy's Office) - Faile, Andrew ■ 5:00pm - 5:30pm Patent Coalition Call ((800) 851-0297 access code 1807696#) - Chris Israel ☺		Tuesday, June 21 ■ 10:00am - 10:30am MRF Training Documents (Tony's Office - MDW04A85) - Magargel, Elizabeth ■ 1:00pm - 3:30pm Allergy shot ☺ ■ 1:30pm - 2:30pm OPIA Focus session ■ 3:00pm - 4:00pm OPIA focus session					
Wednesday, June 22 ■ 8:00am - 9:00am QA/T (WebEx only today) - Reynolds, Deborah ☺ ■ 10:00am - 11:30am Office of Procurement Performance Appraisal Plan (PAP) Changes - Informal Discussion (Knox 6D44) - Robinson, Portia ■ 3:30pm - 4:00pm USPTO Agency-wide Mentoring Program (WebEx Only) - Robinson, Portia		Thursday, June 23 ■ 10:30am - 11:30am USPTO Innovation Challenge Planning Committee Meeting (Randolph 10D45 or WebEx) - Moon, Sesha ■ 11:30am - 12:00pm A Couple of Disciplinary Issues (Your Office?) - Schwartz, Pamela ■ 3:00pm - 4:00pm P3 Discussions (Conf_Rem_10d45(20-28 Seats)) - Campbell, Stephen ☺							
Friday, June 24 ■ 8:30am Out of Office ☺		Saturday, June 25 ■ 5:00pm Out of Office ☺							
		Sunday, June 26							

July 4, 2016 - July 10, 2016		July 2016					August 2016								
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<p>Monday, July 4</p> <p>■ Holiday</p> <p>■ 3:00pm - 4:00pm FW: PE2E and Legacy Topic Discussions with OPIM and POPA (MDE 8A45) - Grier, Laura ☺</p> <p>■ 3:30pm - 4:30pm Bi-weekly Standing meeting with Pam, Gerry and Andy (Andy's office) - Faile, Andrew ☺</p> <p>■ 5:00pm - 5:30pm Patent Coalition Call ((800) 851-0297 access code 1807696#) - Chris Israel ☺</p>	<p>Tuesday, July 5</p> <p>■ 1:00pm - 3:30pm Allergy shot ☺</p> <p>■ 1:00pm - 2:30pm PC meeting (POPA office) - Duda, Kathleen</p> <p>■ 2:30pm - 3:00pm Work schedule notification MOU signing (Andy's Office) - Faile, Andrew</p> <p>■ 4:00pm - 5:00pm PPAC Quality Subcommittee/PTO monthly conference call (Valencia's office dial-in info attached below) - Lo, Jennifer ☺</p>
<p>Wednesday, July 6</p> <p>■ 8:00am - 9:00am QA/T (WebEx and MDW 220) - Reynolds, Deborah ☺</p> <p>■ 1:00pm - 1:30pm OPIM/Long Term POPA detailees (Jeff 2D79) - Oberleitner, Robert</p> <p>■ 2:30pm - 3:30pm career development opportunity announcement for Office of Patent Quality (my office - randolph 4C09) - Lefkowitz, Edward</p> <p>■ 4:00pm - 4:30pm Meeting w/Pam (RD19) - Eyer, Yvonne</p>	<p>Thursday, July 7</p> <p>■ 8:00am - 9:00am USPTO Innovation Challenge: Round One Communications Take Down (Meet at OCCO (MDW First Floor)) - Moon, Sessa</p> <p>■ 9:00am - 10:00am Innovation Challenge (Pam's Office with Mel on phone) - Schwartz, Pamela</p> <p>■ 11:00am - 12:00pm PE2E EST Demo for POPA (Conf_Mad_East_8A45(16-24 Seats)) - Artero, Susan (Akima)</p> <p>■ 1:00pm - 2:00pm TC 1600 Town Hall Meeting (REM 4D44) - Costello, Stephanie</p> <p>■ 3:00pm - 3:30pm Pro Se Art Unit (My office? 4D85) - Matecki, Kathy</p> <p>■ 3:00pm - 4:00pm P3 Discussions (Conf_Rem_10d45(20-28 Seats)) - Campbell, Stephen ☺</p> <p>■ 4:00pm - 4:30pm Sign Cancer Moonshot (Andy's Office) - Faile, Andrew</p>
<p>Friday, July 8</p> <p>■ 8:30am Out of Office ☺</p>	<p>Saturday, July 9</p> <p>■ * 5:00pm Out of Office ☺</p>
<p>Sunday, July 10</p>	

July 11, 2016 - July 17, 2016	July 2016					August 2016									
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<p>Monday, July 11</p> <ul style="list-style-type: none"> 12:00am Vacation 12:00pm - 1:30pm President's Committee (POPA Office) - Schwartz, Pamela 5:00pm - 5:30pm Patent Coalition Call ((800) 851-0297 access code 1807696#) - Chris Israel 	<p>Tuesday, July 12</p> <ul style="list-style-type: none"> Vacation 9:00am - 10:00am Quality Initiatives updates (POPA office or WebEx) - Miah, Razu 9:00am - 10:00am Quality Initiatives updates (POPA Office) - Schwartz, Pamela 1:00pm - 3:30pm Allergy shot 2:00pm - 3:00pm CEDR Infrastructure Training Briefing (MDE 8B15) 2:00pm - 3:00pm PE2E Portfolio Status Meeting - PPA Code SPE2EA-0338-500000. Teleconference number is 571-270-3000 enter profile 25568# and password 1234# (Conference Room MDE 10D34) - Sheers, John 3:00pm - 4:00pm Harvard Business School - Interview with POPA (MDE 10C54) - Huson, Susie
<p>Wednesday, July 13</p> <ul style="list-style-type: none"> Vacation 11:00am - 12:00pm Office of Procurement Staff Meeting (Remsen Conference Center) - Palmer, Scott 	<p>Thursday, July 14</p> <ul style="list-style-type: none"> Vacation 11:30am - 1:00pm POPA Meeting (Rem 10D44) 2:00pm - 4:00pm Innovation Challenge: Feasibility Assessment of Top 20 Ideas (MDW 10D31) - Gongola, Janet 2:30pm - 3:30pm UCDC Demo - CAT 1.13 Release (Conf_Mad_East_8A45(16-24 Seats)) - User Centered Design Council 3:00pm - 4:00pm P3 Discussions (Conf_Rem_10d45(20-28 Seats)) - Campbell, Stephen
<p>Friday, July 15</p> <ul style="list-style-type: none"> 12:00am Vacation 8:30am Out of Office 	<p>Saturday, July 16</p> <ul style="list-style-type: none"> 5:00pm Out of Office <p>Sunday, July 17</p>

<h2 style="margin: 0;">July 18, 2016 - July 24, 2016</h2>		<table border="1" style="font-size: small;"> <tr> <th colspan="7">July 2016</th> <th colspan="7">August 2016</th> </tr> <tr> <th>Su</th><th>Mo</th><th>Tu</th><th>We</th><th>Th</th><th>Fr</th><th>Sa</th> <th>Su</th><th>Mo</th><th>Tu</th><th>We</th><th>Th</th><th>Fr</th><th>Sa</th> </tr> <tr> <td></td><td></td><td></td><td></td><td></td><td></td><td>1</td><td>2</td><td></td><td>1</td><td>2</td><td>3</td><td>4</td><td>5</td><td>6</td> </tr> <tr> <td>3</td><td>4</td><td>5</td><td>6</td><td>7</td><td>8</td><td>9</td> <td>7</td><td>8</td><td>9</td><td>10</td><td>11</td><td>12</td><td>13</td> </tr> <tr> <td>10</td><td>11</td><td>12</td><td>13</td><td>14</td><td>15</td><td>16</td> <td>14</td><td>15</td><td>16</td><td>17</td><td>18</td><td>19</td><td>20</td> </tr> <tr> <td>17</td><td>18</td><td>19</td><td>20</td><td>21</td><td>22</td><td>23</td> <td>21</td><td>22</td><td>23</td><td>24</td><td>25</td><td>26</td><td>27</td> </tr> <tr> <td>24</td><td>25</td><td>26</td><td>27</td><td>28</td><td>29</td><td>30</td> <td>28</td><td>29</td><td>30</td><td>31</td><td></td><td></td><td></td> </tr> <tr> <td></td><td></td><td></td><td></td><td></td><td></td><td>31</td> <td></td><td></td><td></td><td></td><td></td><td></td><td></td> </tr> </table>	July 2016							August 2016							Su	Mo	Tu	We	Th	Fr	Sa	Su	Mo	Tu	We	Th	Fr	Sa							1	2		1	2	3	4	5	6	3	4	5	6	7	8	9	7	8	9	10	11	12	13	10	11	12	13	14	15	16	14	15	16	17	18	19	20	17	18	19	20	21	22	23	21	22	23	24	25	26	27	24	25	26	27	28	29	30	28	29	30	31										31							
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<p>Monday, July 18</p> <ul style="list-style-type: none"> ■ 12:00pm - 1:30pm President's Committee (POPA Office) - Schwartz, Pamela ☺ ■ 2:00pm - 2:30pm Meeting with Dana Colarulli (Dana's office (MDW 10A65)) - Colarulli, Dana ■ 3:00pm - 4:00pm FW: PE2E and Legacy Topic Discussions with OPIM and POPA (MDE 8A45) - Grier, Laura ☺ ■ 3:30pm - 4:30pm Bi-weekly Standing meeting with Pam, Gerry and Andy (Andy's office) - Faile, Andrew ☺ ■ 5:00pm - 5:30pm Patent Coalition Call ((800) 851-0297 access code 1807696#) - Chris Israel ☺ 	<p>Tuesday, July 19</p> <ul style="list-style-type: none"> ■ 8:00am - 5:00pm FW: CE and INTL (Bilateral IT Meeting) (GIPA) - Such, Matthew W. ☺ ■ 11:30am - 12:00pm T&A and Patents E to E (Russ' Office) - Slifer, Russell ■ 1:00pm - 3:30pm Allergy shot ☺ ■ 1:00pm - 2:00pm Talk to Kathy Pike ■ 3:00pm - 4:00pm LMF Computer Downtime Meeting (Conf_Mad_East_10C55(20-28 Seats)) - Huson, Susie 																																																																																																																		
<p>Wednesday, July 20</p> <ul style="list-style-type: none"> ■ DOC LMF ■ 8:00am - 5:00pm FW: CE and INTL (Bilateral IT Meeting) (GIPA) - Such, Matthew W. ☺ ■ 1:00pm - 3:00pm July 20, 2016 meeting of the DOC Labor-Management Forum (TDB) - Milman, Frank 	<p>Thursday, July 21</p> <ul style="list-style-type: none"> ■ 8:00am - 5:00pm FW: CE and INTL (Bilateral IT Meeting) (GIPA) - Such, Matthew W. ☺ ■ 11:30am - 12:00pm Detailee Meeting (Pam's Office) - Duffy, Patricia (AU1645) ■ 2:00pm - 3:00pm FW: Scheme Navigator Demo (MDE 8D66) - Steele, Jennifer A. ■ 2:00pm - 3:00pm Scheme Navigator Demo - webEX included (Team Room: MDE 8D66 (seats 10-12)) - Steele, Jennifer A. ■ 3:00pm - 5:00pm Meet with Brian Plitt (POPA Office) ■ 3:00pm - 4:00pm P3 Discussions (Conf_Rem_10d45(20-28 Seats)) - Campbell, Stephen ☺ 																																																																																																																		
<p>Friday, July 22</p> <ul style="list-style-type: none"> ■ 8:30am Out of Office ☺ ■ 8:00am - 5:00pm FW: CE and INTL (Bilateral IT Meeting) (GIPA) - Such, Matthew W. ☺ ■ 12:00pm - 1:00pm AIPLA Women in IP - July Lean In Circle Meeting Invitation (Dial In) - Ergmann, Jessica ■ 1:00pm - 3:00pm LMF Follow-on Meeting (Andy's Office) - Faile, Andrew ■ 3:30pm - 4:00pm Request from Forrester for Union Rep (Drew to call Pam at 2-1528) - Hirschfeld, Andrew 	<p>Saturday, July 23</p> <ul style="list-style-type: none"> ■ 5:00pm Out of Office ☺ <p>Sunday, July 24</p>																																																																																																																		

July 25, 2016 - July 31, 2016		July 2016					August 2016							
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<p>Monday, July 25</p> <ul style="list-style-type: none"> ■ 9:30am - 12:00pm Downtown ■ 12:00pm - 1:30pm President's Committee (POPA Office) - Schwartz, Pamela ☺ ■ 3:00pm - 3:30pm new Interview Summary form (Knox 4th floor Director conference room) - Vidovich, Greg ■ 5:00pm - 5:30pm Patent Coalition Call ((800) 851-0297 access code 1807696#) - Chris Israel ☺ 	<p>Tuesday, July 26</p> <ul style="list-style-type: none"> ■ 9:00am - 10:00am Monthly ADC & POPA Meeting (MDW-251 (The Bunker)) - Stone, Jacqueline ☺ ■ 10:00am - 11:00am CPC POPA/Management QB (Quasi Bunker) (The Bunker (MDW 251)/WebEx) - Alston, Donnetta ☺ ■ 11:00am - 3:30pm downtown with him - leave at 12:30 and meeting at 1:30 - Kyle, Tamara ■ 2:00pm - 3:00pm PE2E Portfolio Status Meeting - PPA Code SPE2EA-0338-500000. Teleconference number is 571-270-3000 enter profile 25568# and password 1234# (Conference Room MDE 10034) - Sheers, John ☺ ■ 4:00pm - 5:00pm TEAPP Oversight Committee Meeting with WebEx Instructions (MDE 7 A 44) - Campbell, Danette R.
<p>Wednesday, July 27</p> <ul style="list-style-type: none"> ■ 10:30am - 11:30am POPA Monthly Meeting (Drew's Office (MDE 10D79)) - Hirshfeld, Andrew ☺ ■ 12:00pm - 1:00pm PERSONAL APPOINTMENT ■ 1:30pm - 2:00pm Prior art project (RND 4D15) - Wiley, David ■ 2:00pm - 3:00pm LMF Follow-up Meeting (Amy's Office) - Faile, Andrew ■ 3:00pm - 4:00pm MRF User Instructions (Tony's offic MDW04A85) - Kenney, Kimberly 	<p>Thursday, July 28</p> <ul style="list-style-type: none"> ■ 10:00am - 11:00am Meet with ER staff (10 in ETH - 2A01.) ■ 10:30am - 11:30am Examination Time (Amy's Office) - Faile, Andrew ■ 11:30am - 1:00pm POPA Meeting (Rem 10D44) ☺ ■ 1:00pm - 1:30pm USPTO Innovation Challenge University Overview ■ 3:00pm - 4:00pm P3 Discussions (Conf_Rem_10d45(20-28 Seats)) - Campbell, Stephen ☺
<p>Friday, July 29</p> <ul style="list-style-type: none"> ■ 8:30am Out of Office ☺ ■ 11:45am - 1:15pm Out of office appointment 	<p>Saturday, July 30</p> <ul style="list-style-type: none"> ■ + 5:00pm Out of Office ☺ <p>Sunday, July 31</p>

August 1, 2016 - August 7, 2016		August 2016 Su Mo Tu We Th Fr Sa	September 2016 Su Mo Tu We Th Fr Sa
		1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30 31	1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30
Monday, August 1 ■ 9:00am - 9:30am Call from Howard F, ■ 11:00am - 12:00pm ER and POPA Communications w/Pamela Schwartz (Atrium) - Mendez, Anne ☺ ■ 12:00pm - 1:30pm President's Committee (POPA Office) - Schwartz, Pamela ☺ ■ 3:00pm - 4:00pm FW: PE2E and Legacy Topic Discussions with OPIM and POPA (MDE 8A4S) - Grier, Laura ☺ ■ 5:00pm - 5:30pm Patent Coalition Call ((800) 851-0297 access code 1807696#) - Chris Israel ☺	Tuesday, August 2 ■ 1:00pm - 3:30pm Allergy shot ☺ ■ 2:00pm - 3:00pm Procurement w/ POPA & NTEU to Discuss Draft PAPS & Concerns (Knox 10D45) - INDIVIDUAL EMPLOYEE NAME ■ 4:00pm - 5:00pm PPAC Quality Subcommittee/PTO monthly conference call (Valencia's office dial-in info attached below) - Lo, Jennifer ☺		
Wednesday, August 3 ■ 12:00pm - 1:00pm Lunch meeting - Schwartz, Pamela ■ 1:00pm - 2:00pm San Jose Town Hall with Michelle Lee ■ 1:00pm - 2:00pm re. Focus Session for Clarity of Record Pilot (Make-Up) ((WebEx only)) - Mish, Razu	Thursday, August 4 ■ 9:00am - 9:45am OT Memo (Jack's Office) - Schwartz, Pamela ■ 10:00am - 11:00am POPA - Introduction - June 13, 2016 EL Class (RND Large Lecture Room 00A10) - RNDPTA ■ 2:00pm - 2:30pm ND Grievance (Jefferson 4D71) - Hajec, Donald T. ■ 3:00pm - 4:00pm P3 Discussions (Conf_Rem_10d45(20-28 Seats)) - Campbell, Stephen ☺ ■ 4:00pm - 5:30pm PERSONAL APPOINTMENT		
Friday, August 5 ■ 8:30am Out of Office ☺	Saturday, August 6 ■ 5:00pm Out of Office ☺		
		Sunday, August 7	

August 8, 2016 - August 14, 2016	August 2016	September 2016																																																																																										
	<table border="1"> <tr><td>Su</td><td>Mo</td><td>Tu</td><td>We</td><td>Th</td><td>Fr</td><td>Sa</td></tr> <tr><td></td><td>1</td><td>2</td><td>3</td><td>4</td><td>5</td><td>6</td></tr> <tr><td>7</td><td>8</td><td>9</td><td>10</td><td>11</td><td>12</td><td>13</td></tr> <tr><td>14</td><td>15</td><td>16</td><td>17</td><td>18</td><td>19</td><td>20</td></tr> <tr><td>21</td><td>22</td><td>23</td><td>24</td><td>25</td><td>26</td><td>27</td></tr> <tr><td>28</td><td>29</td><td>30</td><td>31</td><td></td><td></td><td></td></tr> </table>	Su	Mo	Tu	We	Th	Fr	Sa		1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31				<table border="1"> <tr><td>Su</td><td>Mo</td><td>Tu</td><td>We</td><td>Th</td><td>Fr</td><td>Sa</td></tr> <tr><td></td><td></td><td></td><td></td><td></td><td>1</td><td>2</td></tr> <tr><td>3</td><td>4</td><td>5</td><td>6</td><td>7</td><td>8</td><td>9</td></tr> <tr><td>10</td><td>11</td><td>12</td><td>13</td><td>14</td><td>15</td><td>16</td></tr> <tr><td>17</td><td>18</td><td>19</td><td>20</td><td>21</td><td>22</td><td>23</td></tr> <tr><td>24</td><td>25</td><td>26</td><td>27</td><td>28</td><td>29</td><td>30</td></tr> <tr><td></td><td></td><td></td><td></td><td></td><td></td><td></td></tr> </table>	Su	Mo	Tu	We	Th	Fr	Sa						1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30						
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<p>Monday, August 8</p> <ul style="list-style-type: none"> 12:00pm - 1:30pm President's Committee (POPA Office) - Schwartz, Pamela ☺ 1:30pm - 3:30pm Invitation: Regional Office Recognition Ceremony (Madison Auditorium-South) - Michelle K. Lee, Under Secretary and Director 5:00pm - 5:30pm Patent Coalition Call ((800) 851-0297 access code 1807696#) - Chris Israel ☺ 	<p>Tuesday, August 9</p> <ul style="list-style-type: none"> 9:00am - 10:00am Quality Initiatives updates (POPA office or WebEx) - Miah, Razu ☺ 9:00am - 10:00am Quality Initiatives updates (POPA Office) - Schwartz, Pamela ☺ 10:00am - 10:30am Legal Studies FAQs (POPA office) - Kyle, Tamara 1:00pm - 3:30pm Allergy shot ☺ 2:00pm - 3:00pm LMF: Computer Security Enhancements Briefing (Conf_Mad_East_10C55(20-28 Seats)) - Huson, Susie 2:00pm - 3:00pm PE2E Portfolio Status Meeting - PPA Code SPE2EA-0338-500000. Teleconference number is 571-270-3000 enter profile 25568# and password 1234# (Conference Room MDE 10D34) - Sheers, John ☺ 3:00pm - 4:00pm LMF Flow Chart (Andy's Office) - Huson, Susie
<p>Wednesday, August 10</p> <ul style="list-style-type: none"> 9:00am - 12:00pm Meeting with Richard 10:30am - 11:30am CSP.Examiner.Focus Session (Randolph.Conf.Center 1D70-1D80 / WebEx) - Ostrup, Amber 1:00pm - 2:00pm UPDATED TIME...QEM/ POPA Update on Microentity 2.0 (Webex) - Kennedy, Joshua 2:00pm - 3:00pm Forum's Metric for FY16- email from Howard Friedman attached (Room HCHB 48019) - Milman, Frank 3:00pm - 4:00pm Travel Policy (HCH8 Room 48019 NEW DATE AND LOCATION) - Milman, Frank 4:00pm - 5:00pm PPAC Legislative Subcommittee Meeting (Dial-in information attached) - Lo, Jennifer PERSONAL APPOINTMENT (after work) 	<p>Thursday, August 11</p> <ul style="list-style-type: none"> 9:00am - 10:00am meet kathy (my office) 10:00am - 11:00am meet howard 11:30am - 1:00pm POPA Meeting (Rem 10D44) ☺ 1:00pm - 3:00pm Examination Time Analysis - Project Steering Committee (Andy's Office) - Magargel, Elizabeth 3:00pm - 4:00pm Procurement Issues Walk Through Discussion (Remsen 10C75) - INDIVIDUAL EMPLOYEE NAME 3:00pm - 4:00pm P3 Discussions (Conf_Rem_10d45(20-28 Seats)) - Campbell, Stephen ☺
<p>Friday, August 12</p> <ul style="list-style-type: none"> 8:30am Out of Office ☺ 10:30am - 11:00am Quick Huddle (Russ Slifer's Office/Dial-in: 1-888-606-9144 Passcode: 889174) - Slifer, Russell 	<p>Saturday, August 13</p> <ul style="list-style-type: none"> 5:00pm Out of Office ☺ <p>Sunday, August 14</p>

August 15, 2016 - August 21, 2016		August 2016	September 2016
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		14 15 16 17 18 19 20	11 12 13 14 15 16 17
		21 22 23 24 25 26 27	18 19 20 21 22 23 24
		28 29 30 31	25 26 27 28 29 30

<p>Monday, August 15</p> <ul style="list-style-type: none"> ■ 11:00am - 12:00pm ER and POPA Communications w/Pamela Schwartz (Atrium) - Mendez, Anne ☺ ■ 12:00pm - 1:30pm President's Committee (POPA Office) - Schwartz, Pamela ☺ ■ 3:00pm - 4:00pm FW: PE2E and Legacy Topic Discussions with OPIM and POPA (MDE 8A45) - Grier, Laura ☺ ■ 3:30pm - 4:30pm BI-weekly Standing meeting with Pam, Gerry and Andy (Andy's office) - Faile, Andrew ☺ ■ 5:00pm - 5:30pm Patent Coalition Call ((800) 851-0297 access code 1807696#) - Chris Israel ☺ 	<p>Tuesday, August 16</p> <ul style="list-style-type: none"> ■ 11:30am - 12:00pm Phased Retirement (Rem 8D13 or webex) - Corcoran, Gladys ■ 12:00pm - 1:00pm Follow-up from CSP Examiner Focus Session (Eddie's Office - RND 4C09 / WebEx) - Ostrup, Amber ■ 1:00pm - 3:30pm Allergy shot ☺ ■ 2:00pm - 3:00pm OHR/POPA Process/Communications Discussions ☺ ■ 4:00pm - 4:30pm Campus-wide Furniture/Chair Discussion (Conf_Rem_2d44 (16-24 Seats)) - Robinson, Portia
<p>Wednesday, August 17</p> <ul style="list-style-type: none"> ■ 12:00am PPAC ■ 8:00am - 9:00am QA/T (WebEx and MDW 220) - Reynolds, Deborah ☺ ■ 8:30am - 10:00am 2016 PPAC Annual Report Planning Meeting (Public listen-only line is posted) (Conf_Mad_West_10D31 Dial-in info attached) - Lo, Jennifer 	<p>Thursday, August 18</p> <ul style="list-style-type: none"> ■ 6:00pm PPAC ■ 3:00pm - 4:00pm P3 Discussions (Conf_Rem_10d45(20-28 Seats)) - Campbell, Stephen ☺
<p>Friday, August 19</p> <ul style="list-style-type: none"> ■ 8:30am Out of Office ☺ 	<p>Saturday, August 20</p> <ul style="list-style-type: none"> ■ 5:00pm Out of Office ☺
	<p>Sunday, August 21</p>

August 22, 2016 - August 28, 2016		August 2016 Su Mo Tu We Th Fr Sa	September 2016 Su Mo Tu We Th Fr Sa
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Monday, August 22 12:00pm - 1:30pm President's Committee (POPA Office) - Schwartz, Pamela 1:30pm - 5:00pm PERSONAL APPOINTMENT 4:00pm - 4:30pm Space (Andy's office) - Falie, Andrew 5:00pm - 5:30pm Patent Coalition Call ((800) 851-0297 access code 1807696#) - Chris Israel PERSONAL APPOINTMENT (after work)	Tuesday, August 23 9:00am - 10:00am Monthly ADC & POPA Meeting (MDW-251 (The Bunker)) - Stone, Jacqueline 9:00am - 10:00am Join WebEx meeting in progress: Quality Initiatives updates (WebEx Online) - Miah, Razu 9:00am - 10:00am Canceled: Quality Initiatives updates (POPA office or WebEx) - Miah, Razu 10:30am - 12:00pm CPC POPA/Management QB (Quasi Bunker) (The Bunker (MDW 251)/WebEx) - Alston, Donnetta 1:00pm - 3:30pm Allergy shot 2:00pm - 3:00pm Office of the Ombudsman Pilot Update (MDW 10D31) - Footman, Aaron 2:00pm - 3:00pm PEZE Portfolio Status Meeting - PPA Code SPE2EA-0338-S00000. Teleconference number is 571-270-3000 2:30pm - 3:30pm CPC Meeting Transition/Quality and Training (Randolph 10th Floor Conference room or Webex) - Such, Matthew W.		
Wednesday, August 24 9:00am - 10:00am Post Grant Outcomes (PPAC Updates) (POPA office/WebEx) - Miah, Razu 1:00pm - 1:30pm Full Sig. Congratulations (voluntary) (Drew's Office (MDE 10D79)) - Hirshfeld, Andrew 2:00pm - 3:00pm FV17 Performance Appraisal Plans (MDE07D07 (Scott's Office)) - Robinson, Portia	Thursday, August 25 8:00am - 8:45am Check-in (Vikrum's Office) - Aiyer, Vikrum 9:00am - 10:30am Call from Richard 10:30am - 11:30am Examination Time Analysis - Project Steering Committee (Andy's Office) - Magargel, Elizabeth 11:30am - 1:00pm POPA Meeting (Rem 10D44) 1:30pm - 2:30pm Settlement Discussion (Remsen 10C75) - Schwartz, Pamela 2:00pm - 3:00pm AFCEP/Pre-Appeal Discussions (Mad East 10C55) - Campbell, Stephen 3:00pm - 4:00pm POPA Monthly Meeting (Drew's Office (MDE 10D79)) - Hirshfeld, Andrew		
Friday, August 26 8:30am Out of Office 10:00am - 11:00am RQAS PAP (MDW 4887 or WebEx) - Rater, Martin	Saturday, August 27 5:00pm Out of Office		
		Sunday, August 28	

August 29, 2016 - September 4, 2016		August 2016 Su Mo Tu We Th Fr Sa 1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30 31	September 2016 Su Mo Tu We Th Fr Sa 1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30
Monday, August 29 ■ 12:00pm - 1:30pm President's Committee (POPA Office) - Schwartz, Pamela ☺ ■ 2:00pm - 3:00pm Discussion of 192 Expectancies with POPA (Webex) - Chau, Terry ■ 3:30pm - 4:30pm Bi-weekly Standing meeting with Pam, Gerry and Andy (Andy's office) - Faile, Andrew ☺ ☺ 5:00pm - 5:30pm Patent Coalition Call ((800) 851-0297 access code 1807696#) - Chris Israel ☺	Tuesday, August 30 ■ 9:00am - 10:00am PTAB Attorney PAP (MDE 9A45) - Penn, Sonya ■ 11:00am - 12:00pm REMINDER: Union/EAP/Ombudsman Special Meeting (Conf_ElizTWH_2a01(16 Seats)) - Colbert, Gina ■ 1:00pm - 3:30pm Allergy shot ☺ ■ 1:45pm - 5:00pm PERSONAL APPOINTMENT		
Wednesday, August 31 12:00am Trip to Detroit PPAC - send section draft to Rachel (copy everyone) for consolidation (email) - Lo, Jennifer ■ 8:00am - 9:00am QA/T (WebEx and MDW 220) - Reynolds, Deborah ☺ ■ 11:30am - 1:00pm POPA Prep for JLM	Thursday, September 1 + 12:00am Trip to Detroit 11:00am - 12:00pm GS-Expectancies for Class 192 (WebEx only) - Burgess, Ramya P. 1:30pm - 2:00pm Full Sig. Congratulations (voluntary) (Drew's Office (MDE 10D79)) - Hirshfeld, Andrew 3:00pm - 4:00pm P3 Discussions (Conf_Rem_10d45(20-28 Seats)) - Campbell, Stephen ☺		
Friday, September 2 ■ 8:30am Out of Office ☺	Saturday, September 3 ■ + 5:00pm Out of Office ☺		
	Sunday, September 4		

September 5, 2016 - September 11, 2016		September 2016	October 2016
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		4 5 6 7 8 9 10	2 3 4 5 6 7 8
		11 12 13 14 15 16 17	9 10 11 12 13 14 15
		18 19 20 21 22 23 24	16 17 18 19 20 21 22
		25 26 27 28 29 30	23 24 25 26 27 28 29 30 31
<p>Monday, September 5</p> <ul style="list-style-type: none"> ■ Labor Day ■ 12:00pm - 1:30pm President's Committee (POPA Office) - Schwartz, Pamela ☺ ■ 5:00pm - 5:30pm Patent Coalition Call ((800) 851-0297 access code 1807696#) - Chris Israel ☺ 	<p>Tuesday, September 6</p> <ul style="list-style-type: none"> ■ 9:00am - 10:00am Quality Initiatives updates (POPA Office) - Schwartz, Pamela ☺ ■ 9:00am - 10:00am Join WebEx meeting in progress: Quality Initiatives updates (WebEx Online) - Miah, Razu ☺ ■ 1:00pm - 3:30pm Allergy shot ☺ ■ 1:00pm - 2:00pm Pres Comm - Schwartz, Pamela ■ 2:00pm - 3:00pm PE2E Portfolio Status Meeting - PPA Code SPE2EA-0338-S00000. Teleconference number is 571-270-3000 enter profile 25568# and password 1234# (Conference Room MDE 10D34) - Sheers, John ☺ ■ PERSONAL APPOINTMENT (after work) 		
<p>Wednesday, September 7</p> <ul style="list-style-type: none"> ■ 9:00am - 2:00pm JLM ■ 9:00am - 1:00pm Invitation to WebEx meeting: JLM Quarterly Meeting (WebEx Online) - Epps, Georgia ■ 9:00am - 1:00pm JLM Quarterly Meeting (Jefferson 10D45) - Epps, Georgia ■ 2:30pm - 3:00pm Meeting with MR (POPA office) - Miah, Razu ■ 3:00pm - 3:10pm email retention (Phone or My office) - Lefkowitz, Edward ■ PERSONAL APPOINTMENT (after work) 	<p>Thursday, September 8</p> <ul style="list-style-type: none"> ■ 9:00am - 10:00am ptab meeting/notes (pam's office) - Tung, Melanie ■ 11:30am - 1:00pm POPA Meeting (Rem 10D44) ☺ ■ 1:30pm - 2:00pm Meeting with Dana / POPA (Dana's office) - Colarulli, Dana ■ 2:00pm - 3:00pm Weekly meeting for POPA discussions (Pam's office) - Duda, Kathleen ☺ ■ 3:00pm - 3:10pm IG follow-up (10 min) (Drew's office) - Hirshfeld, Andrew ■ 4:00pm - 5:00pm Clarity Data Review (Jeff 8D68) - Campbell, Stephen ■ PERSONAL APPOINTMENT (after work) 		
<p>Friday, September 9</p> <ul style="list-style-type: none"> ■ 8:30am Out of Office ☺ 	<p>Saturday, September 10</p> <ul style="list-style-type: none"> ■ 5:00pm Out of Office ☺ 		
<p>Sunday, September 11</p>			

September 19, 2016 - September 25, 2016		September 2016 Su Mo Tu We Th Fr Sa	October 2016 Su Mo Tu We Th Fr Sa
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Monday, September 19 ■ 8:30am - 10:00am Dentist ■ 12:00pm - 1:30pm President's Committee (POPA Office) - Schwartz, Pamela ☺ ■ 3:00pm - 4:00pm SPE/MQAS Full Time Telework Program --- Review Survey Data (MDE 10CS4) - Alston, Donnetta ☺ 5:00pm - 5:30pm Patent Coalition Call ((800) 851-0297 access code 1807696#) - Chris Israel ☺		Tuesday, September 20 ☺ 8:30am - 6:00pm JB14 Meeting Calendar Invitation (USPTO GIPA) - Such, Matthew W. 9:00am - 10:00am Join WebEx meeting in progress: Quality Initiatives updates (WebEx Online) - Miah, Razu ☺ ■ 1:00pm - 3:30pm Allergy shot ☺ ☺ 2:00pm - 3:00pm PE2E Portfolio Status Meeting - PPA Code SPE2EA-0338-S00000. Teleconference number is 571-270-3000 enter profile 25568# and password 1234# (Conference Room MDE 10D34) - Sheers, John ☺	
Wednesday, September 21 ■ 9:00am - 10:30am JB ■ 10:30am - 11:30am Meet with Ombudsman? ■ 1:00pm - 3:00pm 2016 Bronze Medal Awards Ceremony #2 (Madison Auditorium) - Ginther, Debra A. ■ 3:30pm - 4:00pm Meet with Curtis ■ 4:00pm - 4:30pm Meet Ann L. In atrium ■ 4:30pm - 5:00pm Meet with Anne and Wynn ■ PERSONAL APPOINTMENT (after work)		Thursday, September 22 ■ 10:30am - 11:00am ETA Steering Committee (MDE-10CS5) - Faile, Andrew ■ 11:30am - 1:00pm POPA Meeting (Rem 10D44) ☺ ☺ 2:00pm - 3:00pm Weekly meeting for POPA discussions (Pam's office) - Duda, Kathleen ☺ ■ 3:45pm - 6:45pm PERSONAL APPOINTMENT	
Friday, September 23 ■ 8:30am Out of Office ☺ ☺ 1:00pm - 3:00pm 3rd WebEx meeting re: 2016 PPAC AR (WebEx) - Lo, Jennifer		Saturday, September 24 ■ 5:00pm Out of Office ☺	
		Sunday, September 25	

September 26, 2016 - October 2, 2016	September 2016	October 2016
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	11 12 13 14 15 16 17	9 10 11 12 13 14 15
	18 19 20 21 22 23 24	16 17 18 19 20 21 22
	25 26 27 28 29 30	23 24 25 26 27 28 29 30 31

<p>Monday, September 26</p> <ul style="list-style-type: none"> ■ 11:00am - 12:00pm ER and POPA Communications w/Pamela Schwartz (Atrium) - Mendez, Anne ☐ ■ 12:00pm - 1:30pm President's Committee (POPA Office) - Schwartz, Pamela ☐ ■ 5:00pm - 5:30pm Patent Coalition Call ((866) 798-7071, 1807696#) - Wichterman, Bill ☐ ■ 5:00pm - 5:30pm Patent Coalition Call ((800) 851-0297 access code 1807696#) - Chris Israel ☐ 	<p>Tuesday, September 27</p> <ul style="list-style-type: none"> ■ 11:00am - 1:00pm POPA office hrs (POPA office) - Tung, Melanie ■ 1:00pm - 3:30pm Allergy shot ☐ ■ 1:00pm - 3:00pm 3rd WebEx meeting (cont. from 9/23) re: 2016 PPAC AR (WebEx) - Lo, Jennifer ■ 2:30pm - 3:30pm CPC Meeting Transition/Quality and Training (Randolph 10th Floor Conference room or Webex) - Such, Matthew W. ☐
<p>Wednesday, September 28</p> <ul style="list-style-type: none"> ■ 8:00am - 9:00am QA/T (WebEx and MDW 220) - Reynolds, Deborah ☐ ■ 1:00pm - 4:00pm Relevant Prior Art roundtable ■ 4:00pm - 5:00pm Call JH 	<p>Thursday, September 29</p> <ul style="list-style-type: none"> ■ 9:00am - 10:00am Catch up - (Russ' Office) - Slifer, Russell ■ 1:00pm - 2:00pm POPA Monthly Meeting (Drew's Office (MDE 10D79)) - Hirshfeld, Andrew ☐ ■ 2:00pm - 2:30pm Full Sig. Congratulations (voluntary) (Drew's Office (MDE 10D79)) - Hirshfeld, Andrew ■ 4:00pm - 6:00pm Meeting re. M.R. case (RND 1D51) - Miah, Razu
<p>Friday, September 30</p> <ul style="list-style-type: none"> ■ 8:30am Out of Office ☐ ■ 10:00am - 10:30am PTAB Attorneys FY 2017 PAP/Outcome of Discussion with Melanie Regarding Management's Response to POPA's Comments Dated May 18 (Phone) - Butler, Leia D. ■ 1:00pm - 3:00pm 4th WebEx meeting re: 2016 PPAC AR (WebEx) - Lo, Jennifer 	<p>Saturday, October 1</p> <ul style="list-style-type: none"> ■ 5:00pm Out of Office ☐ <p>Sunday, October 2</p>

October 3, 2016 - October 9, 2016	October 2016	November 2016
	Su Mo Tu We Th Fr Sa	Su Mo Tu We Th Fr Sa
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	1 2 3 4 5 6 7 8	6 7 8 9 10 11 12
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	16 17 18 19 20 21 22	20 21 22 23 24 25 26
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<p>Monday, October 3</p> <p>■ Rosh Hashanah</p> <p>■ 5:00pm - 5:30pm Patent Coalition Call ((800) 851-0297 access code 1807696#) - Chris Israel ☺</p>	<p>Tuesday, October 4</p> <p>■ 9:00am - 10:00am Quality Initiatives updates (POPA office or WebEx) - Miah, Razu ☺</p> <p>■ 9:00am - 10:00am Quality Initiatives updates (POPA Office) - Schwartz, Pamela ☺</p> <p>■ 9:00am - 10:00am Join WebEx meeting in progress: Quality Initiatives updates (WebEx Online) - Miah, Razu ☺</p> <p>■ 10:30am - 12:00pm CPC POPA/Management QB (Quasi Bunker) (The Bunker (MDW 251)/WebEx) - Alston, Donnetta ☺</p> <p>■ 1:00pm - 3:30pm Allergy shot ☺</p> <p>■ 1:00pm - 3:00pm 5th WebEx meeting -- to finalize daft 2016 PPAC</p> <p>■ 1:00pm - 2:00pm FW: CPC Next Steps Data (Conf_Jelf_8D44(16-24</p> <p>■ 1:00pm - 2:00pm Focus Session Prep (Rem 7D44 + WebEx) -</p> <p>■ 2:30pm - 3:00pm Update to WebEx meeting: Meeting request from</p> <p>■ 3:00pm - 5:00pm Meeting re. M.R. case (RND 1D61) - Miah, Razu</p> <p>■ 4:00pm - 5:00pm PPAC Quality Subcommittee/PTO monthly</p>
<p>Wednesday, October 5</p> <p>■ 10:00am - 11:00am Computer Downtime (telephonic?) - Schwartz, Pamela</p> <p>■ 12:00pm - 1:30pm Lunch with ML (Lobby of Remsen)</p> <p>■ 1:00pm - 2:00pm FW: Oral Reply- INDIVIDUAL (Randolph Building 04-D-19) - Cedar, Brian EMPLOYEE NAME</p> <p>■ 2:00pm - 2:30pm Discuss possible OPIM detail (Remsen 10C75) - Schwartz, Pamela</p> <p>■ 5:30pm - 6:00pm Talk to Leia</p>	<p>Thursday, October 6</p> <p>■ 11:30am - 1:00pm POPA Meeting (Rem 10D44) ☺</p> <p>■ 2:00pm - 3:00pm Weekly meeting for POPA discussions (Pam's office) - Duda, Kathleen ☺</p> <p>■ 2:30pm - 4:30pm FW: Focus Group Session DRY RUN - Examination Time Analysis (Randolph 10D45) - Magargel, Elizabeth</p> <p>■ 3:30pm - 6:30pm Meeting re. M.R. case (RND 1D61) - Miah, Razu</p>
<p>Friday, October 7</p> <p>■ 8:30am Out of Office ☺</p> <p>■ 11:00am - 5:00pm Meeting re. M.R. case (RND 1D61) - Miah, Razu</p> <p>■ 2:30pm - 3:30pm Discuss PTAB PA PAP (telephonic) - Schwartz, Pamela</p> <p>■ 4:00pm - 5:00pm Meet Lenny (atrium)</p>	<p>Saturday, October 8</p> <p>■ 5:00pm Out of Office ☺</p> <p>Sunday, October 9</p>

October 10, 2016 - October 16, 2016		October 2016 Su Mo Tu We Th Fr Sa	November 2016 Su Mo Tu We Th Fr Sa
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Monday, October 10 ■ Columbus Day ■ 12:00pm - 1:30pm President's Committee (POPA Office) - Schwartz, Pamela ☺ ■ 5:00pm - 5:30pm Patent Coalition Call ((866) 798-7071, 1807696#) - Wichterman, Bill ☺ ■ 5:00pm - 5:30pm Patent Coalition Call ((800) 851-0297 access code 1807696#) - Chris Israel ☺	Tuesday, October 11 ■ 12:00am Out of Office ■ 1:00pm - 3:30pm Allergy shot ☺ ■ 2:30pm - 3:30pm FW: CPC Next Steps Data (Conf_Rand_10d45(20-28 Seats)) - Such, Matthew W. ☺		
Wednesday, October 12 ■ ← 12:00am Out of Office ■ 10:00am - 11:00am PEZE-Search - Usability Testing for PEZE Search Features Updated in Release 3 (WebEx) - User Centered Design Council ■ 1:00pm - 2:00pm PEZE-Search - Usability Testing for PEZE Search Features Updated in Release 3 (WebEx) - User Centered Design Council ■ 3:00pm - 4:00pm PEZE-Search - Usability Testing for PEZE Search Features Updated in Release 3 (WebEx) - User Centered Design Council	Thursday, October 13 ■ 9:00am - 11:00am ETA townhall (Jeff 5D44) ■ 10:30am - 11:30am Web T&A Updates (Conf_ElizTWH_2a01(16 Seats)) - Robinson, Portia ■ 12:00pm - 1:00pm Town Hall ■ 1:00pm - 2:00pm Quality Initiatives/POPA (MDE10D69) - Blackwood, Elizabeth ☺ ■ 2:00pm - 2:30pm arbitration prep (POPA office) - Kyle, Tamara ■ 2:30pm - 3:00pm ER and POPA Communications w/Pamela Schwartz (Atrium) - Mendez, Anne ☺ ■ 3:00pm - 4:30pm LMF: Laptops (Conf_Mad_East_10C55(20-28 Seats)) ■ 3:00pm - 4:00pm Arbitration Preparation (Telephonic) - Kyle, Tamara ■ 3:00pm - 4:00pm Meeting MR (WebEx) - Miah, Razu ■ 4:00pm - 7:00pm Meeting re. M.R. case (RND 1D61) - Miah, Razu		
Friday, October 14 ■ 8:30am Out of Office ☺ ■ 9:30am - 12:30pm PERSONAL APPOINTMENT ■ 10:00am - 5:00pm Meeting re. M.R. case (RND 1D61) - Miah, Razu ■ 11:00am - 11:30am Pre-forum Meeting (Kevin's Office (HCHB 50003 or call in)) - Millman, Frank	Saturday, October 15 ■ ← 5:00pm Out of Office ☺		
		Sunday, October 16	

October 17, 2016 - October 23, 2016	October 2016					November 2016								
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<p>Monday, October 17</p> <p>12:00am Arbitration Hearing</p> <p>9:00am - 9:30am OPQA Items - Lockett, Kim</p> <p>10:00am - 10:30am Discuss your idea (by phone or in person, Remsen 10C75) - Schwartz, Pamela</p> <p>12:00pm - 1:30pm President's Committee (POPA Office) - Schwartz, Pamela</p> <p>2:00pm - 3:00pm Meeting with JoEllen Urban (?) - Urban, JoEllen</p> <p>3:00pm - 4:00pm PGO (telephonic) - Schwartz, Pamela</p> <p>5:00pm - 5:30pm Patent Coalition Call ((866) 798-7071, 1807696#) - Wichterman, Bill</p> <p>5:00pm - 5:30pm Patent Coalition Call ((800) 851-0297 access code 1807696#) - Chris Israel</p>	<p>Tuesday, October 18</p> <p>Arbitration Hearing</p> <p>9:00am - 10:00am Quality Initiatives updates (POPA office or WebEx) - Miah, Razu</p> <p>9:00am - 10:00am Quality Initiatives updates (POPA Office) - Schwartz, Pamela</p> <p>9:00am - 10:00am Join WebEx meeting in progress: Quality Initiatives updates (WebEx Online) - Miah, Razu</p> <p>12:30pm - 2:30pm ETA Focus Session (Rem 8D44)</p> <p>1:00pm - 3:30pm Allergy shot</p> <p>2:30pm - 4:30pm ETA Focus Session (Rem 8D44)</p> <p>2:30pm - 3:30pm FW: CPC Next Steps Data (Randolph 10th Floor Conference Room) - Such, Matthew W.</p>
<p>Wednesday, October 19</p> <p>Arbitration Hearing</p> <p>Forum Meeting</p> <p>10:00am - 11:00am PE2E-Search - Usability Testing for PE2E Search Features Updated in Release 3 (WebEx) - User Centered Design Council</p> <p>1:00pm - 3:00pm Forum October Meeting (HCHB 48109) - Milman, Frank</p> <p>3:00pm - 4:00pm Quality Forum (Madison North)</p>	<p>Thursday, October 20</p> <p>Arbitration Hearing</p> <p>11:30am - 1:00pm POPA Meeting (Rem 10D44)</p> <p>2:00pm - 3:00pm Weekly meeting for POPA discussions (Pam's office) - Duda, Kathleen</p> <p>3:00pm - 4:00pm space follow up (wynn's office) - Coggins, Wynn</p> <p>4:00pm - 6:00pm Meet with Pam - Schwartz, Pamela</p>
<p>Friday, October 21</p> <p>12:00am Arbitration Hearing</p> <p>9:00am - 9:30am JS (your office) - Schwartz, Pamela</p> <p>9:45am - 10:15am Flu shot</p> <p>1:45pm - 2:00pm PERSONAL APPOINTMENT</p>	<p>Saturday, October 22</p> <p>Sunday, October 23</p>

<h2 style="margin: 0;">October 24, 2016 - October 30, 2016</h2>	<table style="width: 100%; border-collapse: collapse; font-size: small;"> <tr> <th colspan="7" style="text-align: center;">October 2016</th> <th colspan="7" style="text-align: center;">November 2016</th> </tr> <tr> <th style="text-align: center;">Su</th><th style="text-align: center;">Mo</th><th style="text-align: center;">Tu</th><th style="text-align: center;">We</th><th style="text-align: center;">Th</th><th style="text-align: center;">Fr</th><th style="text-align: center;">Sa</th> <th style="text-align: center;">Su</th><th style="text-align: center;">Mo</th><th style="text-align: center;">Tu</th><th style="text-align: center;">We</th><th style="text-align: center;">Th</th><th style="text-align: center;">Fr</th><th style="text-align: center;">Sa</th> </tr> <tr> <td></td><td></td><td></td><td></td><td></td><td></td><td style="text-align: center;">1</td> <td></td><td style="text-align: center;">1</td><td style="text-align: center;">2</td><td style="text-align: center;">3</td><td style="text-align: center;">4</td><td style="text-align: center;">5</td><td></td> </tr> <tr> <td style="text-align: center;">2</td><td style="text-align: center;">3</td><td style="text-align: center;">4</td><td style="text-align: center;">5</td><td style="text-align: center;">6</td><td style="text-align: center;">7</td><td style="text-align: center;">8</td> <td style="text-align: center;">6</td><td style="text-align: center;">7</td><td style="text-align: center;">8</td><td style="text-align: center;">9</td><td style="text-align: center;">10</td><td style="text-align: center;">11</td><td style="text-align: center;">12</td> </tr> <tr> <td style="text-align: center;">9</td><td style="text-align: center;">10</td><td style="text-align: center;">11</td><td style="text-align: center;">12</td><td style="text-align: center;">13</td><td style="text-align: center;">14</td><td style="text-align: center;">15</td> <td style="text-align: center;">13</td><td style="text-align: center;">14</td><td style="text-align: center;">15</td><td style="text-align: center;">16</td><td style="text-align: center;">17</td><td style="text-align: center;">18</td><td style="text-align: center;">19</td> </tr> <tr> <td style="text-align: center;">16</td><td style="text-align: center;">17</td><td style="text-align: center;">18</td><td style="text-align: center;">19</td><td style="text-align: center;">20</td><td style="text-align: center;">21</td><td style="text-align: center;">22</td> <td style="text-align: center;">20</td><td style="text-align: center;">21</td><td style="text-align: center;">22</td><td style="text-align: center;">23</td><td style="text-align: center;">24</td><td style="text-align: center;">25</td><td style="text-align: center;">26</td> </tr> <tr> <td style="text-align: center;">23</td><td style="text-align: center;">24</td><td style="text-align: center;">25</td><td style="text-align: center;">26</td><td style="text-align: center;">27</td><td style="text-align: center;">28</td><td style="text-align: center;">29</td> <td style="text-align: center;">27</td><td style="text-align: center;">28</td><td style="text-align: center;">29</td><td style="text-align: center;">30</td><td></td><td></td><td></td> </tr> <tr> <td style="text-align: center;">30</td><td style="text-align: center;">31</td><td></td><td></td><td></td><td></td><td></td> <td></td><td></td><td></td><td></td><td></td><td></td><td></td> </tr> </table>	October 2016							November 2016							Su	Mo	Tu	We	Th	Fr	Sa	Su	Mo	Tu	We	Th	Fr	Sa							1		1	2	3	4	5		2	3	4	5	6	7	8	6	7	8	9	10	11	12	9	10	11	12	13	14	15	13	14	15	16	17	18	19	16	17	18	19	20	21	22	20	21	22	23	24	25	26	23	24	25	26	27	28	29	27	28	29	30				30	31												
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<p>Monday, October 24</p> <ul style="list-style-type: none"> ■ 9:00am - 11:00am Computer downtime discussions (POPA Office) - Schwartz, Pamela ■ 11:00am - 12:00pm ER and POPA Communications w/Pamela Schwartz (Atrium) - Mendez, Anne ☺ ■ 12:00pm - 1:30pm President's Committee (POPA Office) - Schwartz, Pamela ☺ ■ 1:00pm - 2:00pm Quality Forum (RND CC) ■ 1:30pm - 2:30pm IT Townhall Preparation (POPA Office) - Duffy, Patricia (AU1645) ■ 3:00pm - 4:00pm FW: PE2E and Legacy Topic Discussions with OPIM and POPA (MDE 8A43) - Grier, Laura ☺ 	<p>Tuesday, October 25</p> <ul style="list-style-type: none"> ■ 1:00pm - 3:30pm Allergy shot ☺ ■ 1:00pm - 2:00pm Meeting with Richard (POPA Office) - Schwartz, Pamela ■ 3:15pm - 6:15pm PERSONAL APPOINTMENT 																																																																																																																
<p>Wednesday, October 26</p> <ul style="list-style-type: none"> ■ 1:00pm - 4:00pm 6th WebEx meeting -- discuss PTO edits/comments and final review (WebEx) - Lo, Jennifer ■ 3:00pm - 4:00pm Laptops (Conf_Mad_East_10C55(20-28 Seats)) - Huson, Susie 	<p>Thursday, October 27</p> <ul style="list-style-type: none"> ■ 12:00am AIPLA meeting 10:30am - 11:30am FW: OPQA Guidance on MRF 2.10 (JEF 10D44 / WebEx) - Liang, Vei-Chung 2:00pm - 3:00pm NO MEETING - Pam at AIPLA (Pam's office) - Duda, Kathleen ☺ 3:00pm - 4:00pm P3 Discussions (Conf_Rem_10d45(20-28 Seats)) - Campbell, Stephen ☺ 																																																																																																																
<p>Friday, October 28</p> <ul style="list-style-type: none"> ■ + 12:00am AIPLA meeting ■ 8:30am Out of Office ☺ 	<p>Saturday, October 29</p> <ul style="list-style-type: none"> ■ + 5:00pm Out of Office ☺ 																																																																																																																
<p>Sunday, October 30</p>																																																																																																																	

November 7, 2016 - November 13, 2016		November 2016					December 2016							
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<p>Monday, November 7</p> <ul style="list-style-type: none"> 9:00am - 9:30am Interview Experience Survey (Tariq's Office (KNX-8D75)) - Hafiz, Tariq ☺ 9:30am - 10:30am POPA townhall (Madison) 9:30am - 11:00am ETA Roundtable Dry Run (MDE 10D34) - Magargel, Elizabeth 12:00pm - 1:30pm President's Committee (POPA Office) - Schwartz, Pamela ☺ 1:30pm - 2:00pm computer set up (REM 10C75) - Young, Karen (Patents) 3:30pm - 4:30pm Bi-weekly Standing meeting with Pam, Gerry and Andy (Andy's office) - Faile, Andrew ☺ 5:00pm - 5:30pm Patent Coalition Call ((800) 851-0297 access code 1807696#) - Chris Israel ☺ 	<p>Tuesday, November 8</p> <ul style="list-style-type: none"> 7:00am - 10:00am Voting 10:00am - 10:30am Automated Pre-examination Search (Valencia's Office) - Martin-Wallace, Valencia 11:00am - 12:00pm 2016 Employee Viewpoint Survey - Results Presentation for Unions (Conf_ElizTWH_4a01(16 Seats)) - Tindal, John 1:00pm - 3:30pm Allergy shot ☺ 1:00pm - 1:30pm Consultation and/or about my recent concerns (Your office if possible.) -INDIVIDUAL EMPLOYEE NAME 2:30pm - 3:30pm CPC Meeting Transition/Quality and Training (Randolph 10th Floor Conference room or Webex) - Such, Matthew W. ☺
<p>Wednesday, November 9</p> <ul style="list-style-type: none"> 9:00am - 10:00am Interview INDIVIDUAL EMPLOYEE NAME 11:00am - 12:00pm POPA townhall (Jeff 10D45) 12:00pm - 1:00pm Dry-Run2 + Checkin for ETA Roundtable (MDE-10C55) - Magargel, Elizabeth 2:00pm - 3:00pm POPA Monthly Meeting (Drew's Office (MDE 10D79)) - Hirshfeld, Andrew ☺ 	<p>Thursday, November 10</p> <ul style="list-style-type: none"> 1:00pm - 2:00pm Quality Initiatives/POPA (MDE10D69) - Blackwood, Elizabeth ☺ INDIVIDUAL EMPLOYEE 1:00pm - 2:00pm NAME Oral Reply (Jefferson Building, Room 2D79) - Plater, Tawanda M. 2:00pm - 3:00pm Weekly meeting for POPA discussions (Pam's office) - Duda, Kathleen ☺
<p>Friday, November 11</p> <ul style="list-style-type: none"> 8:30am Out of Office ☺ 	<p>Saturday, November 12</p> <ul style="list-style-type: none"> 5:00pm Out of Office ☺ <p>Sunday, November 13</p>

<h2>November 14, 2016 - November 20, 2016</h2>	November 2016	December 2016
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<p>Monday, November 14</p> <ul style="list-style-type: none"> ■ Out of Office ■ 12:00pm - 1:30pm President's Committee (POPA Office) - Schwartz, Pamela ☐ ■ 2:30pm - 4:00pm Downtown with Richard and Pam (6310 O'Neil (b/w HHS and Ford HOB)) - Kyle, Tamara ■ 5:00pm - 5:30pm Patent Coalition Call ((866) 798-7071, 1807696#) - Wichterman, Bill ☐ ■ 5:00pm - 5:30pm Patent Coalition Call ((800) 851-0297 access code 1807696#) - Chris Israel ☐ 	<p>Tuesday, November 15</p> <ul style="list-style-type: none"> ■ 9:00am - 10:00am Quality Initiatives updates (POPA office or WebEx) - Miah, Razu ☐ ■ 9:00am - 10:00am Quality Initiatives updates (POPA Office) - Schwartz, Pamela ☐ ■ 9:00am - 10:00am Join WebEx meeting in progress: Quality Initiatives updates (WebEx Online) - Miah, Razu ☐ ■ 12:00pm - 12:30pm Interview Experience Survey (Tariq's Office (KNX-8D75)) - Hafiz, Tariq ☐ ■ 1:00pm - 3:30pm Allergy shot ☐ ■ 1:00pm - 2:00pm FW: CPC Next Steps Data (Conf_Jeff_8D44(16-24 Seats)) - Such, Matthew W. ☐ ■ 1:00pm - 2:00pm POPA Townhall (Rem 8D44) ■ 1:00pm - 2:00pm POPA Information Technology Town Halls (webex) - Kabir, Mohammad
<p>Wednesday, November 16</p> <ul style="list-style-type: none"> ■ 9:00am - 10:00am discuss PTAB Attorney PAP (Madison East 9A45) - Penn, Sonya ■ 1:30pm - 2:00pm Meeting w/POPA (Dana's office) - Colarulli, Dana ■ 3:00pm - 4:00pm POPA Pres. Comm. (POPA Office) - Schwartz, Pamela ■ 4:00pm - 4:30pm Global Dossier Discussion (RAND 1D57) - Patterson, Jessica ■ 4:30pm - 5:00pm Meeting with Pam (Andy's office) - Faile, Andrew 	<p>Thursday, November 17</p> <ul style="list-style-type: none"> ■ 9:00am - 10:00am Meet Howard F. (Innovative Grounds) ■ 10:00am - 11:00am Pritzker ■ 11:30am - 1:00pm POPA Meeting (Rem 10D44) ☐ ■ 2:00pm - 3:30pm ETA Steering Committee w/ Core Teams (MDE 10C55) - Faile, Andrew ■ 2:00pm - 3:00pm Weekly meeting for POPA discussions (Pam's office) - Duda, Kathleen ☐ ■ 3:00pm - 3:30pm Full Sig. Congratulations (voluntary) (Drew's Office (MDE 10D79) or Via WebEx) - Hirshfeld, Andrew ■ 3:30pm - 4:30pm P3 Discussions (Conf_Rem_10d45(20-28 Seats)) - Campbell, Stephen ☐ ■ 4:00pm - 5:00pm LMF Computer Downtime (Andy's Office) - Faile, Andrew
<p>Friday, November 18</p> <ul style="list-style-type: none"> ■ 8:30am Out of Office ☐ ■ 9:00am - 12:30pm PERSONAL APPOINTMENT ■ 1:00pm - 2:00pm TOWNHALL (Randolph 10th floor) 	<p>Saturday, November 19</p> <ul style="list-style-type: none"> ■ 5:00pm Out of Office ☐ <p>Sunday, November 20</p>

November 21, 2016 - November 27, 2016		November 2016	December 2016
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		20 21 22 23 24 25 26	18 19 20 21 22 23 24
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<p>Monday, November 21</p> <ul style="list-style-type: none"> 9:00am - 12:00pm CPC Joint Board ViCo (webex / MDW 251) - Such, Matthew W. 9:00am - 9:30am Interview Experience Survey (Tariq's Office (KNX-8D75)) - Hafiz, Tariq ☐ 12:00pm - 1:30pm President's Committee (POPA Office) - Schwartz, Pamela ☐ 2:00pm - 2:30pm Discuss 101 training (phone) - Brady, Marie 3:00pm - 3:30pm Talk further about performance based actions (telephonic) - Schwartz, Pamela 3:30pm - 4:00pm Bi-weekly Standing meeting with Pam, Gerry and Andy (Andy's office) - Faile, Andrew ☐ 5:00pm - 5:30pm Patent Coalition Call ((800) 851-0297 access code 1807696#) - Chris Israel ☐ 	<p>Tuesday, November 22</p> <ul style="list-style-type: none"> 9:00am - 10:00am Monthly ADC & POPA Meeting (MDW-251 (The Bunker)) - Stone, Jacqueline ☐ 10:00am - 11:00am CPC Next Steps Routing / Data (Conf_Jeff_8D44(16-24 Seats)) - Such, Matthew W. ☐ 1:00pm - 3:30pm Allergy shot ☐ 1:00pm - 2:00pm Discuss reporting arrangements (Robin's Office) - Schwartz, Pamela 2:00pm - 3:00pm Full Sig. Congratulations (voluntary) (Drew's Office (MDE 10D79) or Via WebEx) - Hirschfeld, Andrew 3:00pm - 4:00pm Electronic Separation Clearance Form (ETH 2A01) - Robinson, Portia
<p>Wednesday, November 23</p> <ul style="list-style-type: none"> 12:00am Thanksgiving 	<p>Thursday, November 24</p> <ul style="list-style-type: none"> Thanksgiving
<p>Friday, November 25</p> <ul style="list-style-type: none"> 12:00am Thanksgiving 8:30am Out of Office ☐ 	<p>Saturday, November 26</p> <ul style="list-style-type: none"> 5:00pm Out of Office ☐ <p>Sunday, November 27</p>

November 28, 2016 - December 4, 2016	November 2016	December 2016																																																																																										
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<p>Monday, November 28</p> <ul style="list-style-type: none"> ■ 12:00pm - 1:00pm Howard's meeting ■ 12:45pm - 1:30pm Need to talk today (My office) - Schwartz, Pamela ■ 1:30pm - 2:00pm Meet to discuss Government Oversight Committee (Dana's Office) - Schwartz, Pamela ■ 2:00pm - 5:00pm Downtown ■ 5:00pm - 5:30pm Patent Coalition Call ((866) 798-7071, 1807696#, 1113#) - Wichterman, Bill ☐ ■ 5:00pm - 5:30pm Patent Coalition Call ((800) 851-0297 access code 1807696#) - Chris Israel ☐ 	<p>Tuesday, November 29</p> <ul style="list-style-type: none"> ■ 10:45am - 1:15pm TXRO - Patent Examination Time Goals (ETA) Event (WebEx) - Doak, Jennifer L. ■ 1:00pm - 3:30pm Allergy shot ☐ ■ 1:00pm - 2:00pm FW: CPC Next Steps Data (Conf_Jeff_2D44(16-24 Seats)) - Such, Matthew W. ☐ ■ 2:00pm - 3:00pm Richard
<p>Wednesday, November 30</p> <ul style="list-style-type: none"> ■ 10:00am - 11:00am meeting to discuss PTAB Attorney PAP (Conf_ElizTWH_3a01(16 Seats)) - Penn, Sonya ■ 1:00pm - 4:00pm Meeting with Richard and Howard? 	<p>Thursday, December 1</p> <ul style="list-style-type: none"> ■ 11:30am - 1:00pm POPA Meeting (Rem 10D44) ☐ ■ 1:00pm - 3:00pm POPA Offsite
<p>Friday, December 2</p> <ul style="list-style-type: none"> ■ 8:30am Out of Office ☐ ■ 9:00am - 12:00pm PERSONAL APPOINTMENT 	<p>Saturday, December 3</p> <ul style="list-style-type: none"> ■ 5:00pm Out of Office ☐ <p>Sunday, December 4</p>

<h2 style="margin: 0;">December 5, 2016 - December 11, 2016</h2>	December 2016	January 2017
	Su Mo Tu We Th Fr Sa	Su Mo Tu We Th Fr Sa
	1 2 3	1 2 3 4 5 6 7
	4 5 6 7 8 9 10	8 9 10 11 12 13 14
	11 12 13 14 15 16 17	15 16 17 18 19 20 21
18 19 20 21 22 23 24	22 23 24 25 26 27 28	
25 26 27 28 29 30 31	29 30 31	

<p>Monday, December 5</p> <ul style="list-style-type: none"> 9:00am - 9:30am Interview Experience Survey (Tariq's Office (KNX-8D75)) - Hafiz, Tariq ☐ 11:00am - 12:00pm ER and POPA Communications w/Pamela Schwartz (Atrium) - Mendez, Anne ☐ 11:45am - 12:15pm PC topics - Kyle, Tamara 12:00pm - 1:30pm President's Committee (POPA Office) - Schwartz, Pamela ☐ 1:00pm - 2:00pm Meeting with POPA President's Committee (POPA Office- Randolph 1D61) - Schwartz, Pamela 3:00pm - 4:00pm FW: PE2E and Legacy Topic Discussions with OPIM and POPA (MDE 8A45) - Grier, Laura ☐ 3:00pm - 3:15pm Drop by - POPA Staff (Randolph building which is 1D61) - Lee, Michelle K. 3:30pm - 4:30pm Bi-weekly Standing meeting with Pam, Gerry and 5:00pm - 5:30pm Patent Coalition Call ((800) 851-0297 access code 	<p>Tuesday, December 6</p> <ul style="list-style-type: none"> 10:00am - 11:00am Grill pam (Popa storage office) - Kyle, Tamara 3:00pm - 4:00pm MRF ETA Quality & Clarity Team (Conf_Rem_10d45(20-28 Seats)) - Campbell, Stephen 4:00pm - 5:00pm PPAC Quality Subcommittee/PTO monthly conference call (Valencia's office dial-in info attached below) - Lo, Jennifer ☐
<p>Wednesday, December 7</p> <ul style="list-style-type: none"> 8:00am - 9:00am QA/T (MDW 220 or WebEx) - Reynolds, Deborah ☐ 1:00pm - 1:30pm Transportation to Rayburn Bldg (USPTO>Rayburn Bldg) - Sifer, Russell 2:00pm - 4:30pm Committee on Oversight and Government Reform Hearing (Rayburn House Office Bldg Rm 2154) - Sifer, Russell 4:30pm - 6:30pm Holiday Reception (National Inventors Hall of Fame) 4:30pm - 5:00pm Return Trip from Rayburn Bldg (Rayburn Bldg>USPTO) - Sifer, Russell 	<p>Thursday, December 8</p> <ul style="list-style-type: none"> 9:00am - 10:00am prep for PA meeting 11:00am - 12:00pm ETA Steering Committee with Quality & Internal Teams (MDE10C55) - Faile, Andrew ☐ 12:00pm - 1:00pm Monthly PA Brown Bag - December- Thursday, 12/8 at Noon - Topic: A Discussion With POPA (Team_RSQ_2D79) - Stoffel, William 1:00pm - 2:00pm Quality Initiatives/POPA (MDE10D69) - Blackwood, Elizabeth ☐ 2:00pm - 3:00pm Weekly meeting for POPA discussions (Pam's office) - Duda, Kathleen ☐
<p>Friday, December 9</p> <ul style="list-style-type: none"> 8:30am Out of Office ☐ 9:30am - 10:00am Dan 10:00am - 10:30am Call Richard 	<p>Saturday, December 10</p> <ul style="list-style-type: none"> 5:00pm Out of Office ☐
	<p>Sunday, December 11</p>

PPending 1/20/10

Sun	Mon	Tues	Wed	Thurs	Fri	Sat
					3SL	
	AL					
		8:35	8:02	8:10	11:45	
		4:20	5:45	5:30	2:45	
		7:25	9:0	8:75	6:00	
	9AL				3SL	
Sun	Mon	Tues	Wed	Thurs	Fri	Sat
			AL			
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	8:40	8:35		8		
	5:30	5:05				
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Pending 4/25/11

Sun	Mon	Tues	Wed	Thurs	Fri	Sat
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					2:50 4:50	
					(10)	
	8:30	8:20	8:05	10:52	✓	
	5:45	5:20	6:20	5:24	✓	8:00
	8 3/4	8 1/2	9 3/4	6	8	
	8	9	10	6	8	
	3/4	1/4				
Sun	Mon	Tues	Wed	Thurs	Fri	Sat
					6 ALL	
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	9	8	8	9	6	
			3/4			

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PPending → 6/1/16

Sun	Mon	Tues	Wed	Thurs	Fri	Sat
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		6:10	6:25	6:00	1:20	
					4 1/4	
	9	9	10	9	4	
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	6	6	1/2	5	3	

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Sun	Mon	Tues	Wed	Thurs	Fri	Sat
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	9	9	10	9	4	
		5	9	4	4 1/4	
Sun	Mon	Tues	Wed	Thurs	Fri	Sat
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					3	
					2	
	8:45	9:30	8:50	9:25	9:02	
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	9	10	8 1/2			
	9	10	8	10	3	
	6	6	1/2	5	3	

REDACTED

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QUESTIONS FOR THE RECORD

related to the

Testimony of
David Smith
Deputy Inspector General

U.S. Department of Commerce
Office of Inspector General

before a hearing of the
Committee on Oversight and Government Reform
Subcommittee on Government Operations

U.S. House of Representatives

***Time and Attendance Abuse
at the U.S. Patent and Trademark Office***

December 7, 2016

The Honorable Gerald E. Connolly

1. Isn't it true that the excerpt you read, which you represented as a quote "in one of the IP Watchdog newspapers or articles," was an opinion piece, entitled "Hearing on Examiner Fraud a Big, Fat Nothing Burger," by New Hampshire attorney Gene Quinn and published on his blog on September 20, 2016?
2. You appear to have misread the quote. You mistakenly said "contended" when Mr. Quinn's word was "commented." So the accurate excerpt would have been, "Some patent examiners that have *commented* on IPWatchdog . . ." That is consistent with other things Mr. Quinn said, for instance, "Multiple examiners have said here in IPWatchdog.com . . ." Do you agree that the basis of the quote by Mr. Quinn that you cited was online comments made to his blog by people whom Mr. Quinn assumed were patent examiners?
3. What efforts did the Office of Inspector General make to identify the sources and verify the accuracy of the comments on which Mr. Quinn based his words? Please document all efforts, including any communications your office may have had with Mr. Quinn and the "multiple examiners" whose on-line comments on which Mr. Quinn says he based his opinions.
4. As a law enforcement officer, you should be aware that the term "confession" has a precise meaning. Did you verify the genuineness and accuracy of the case you characterized as a "confession"?
5. If you did not take steps to verify the genuineness and accuracy of the specific case you characterized as a "confession," your testimony is not accurate. Does the Office of the Inspector General at the Department of Commerce stand by your claim that Mr. Quinn's words constituted a "confession by at least one that they did fraudulently fill out their timesheet?"
6. If you inaccurately characterized as a "confession" on-line comments referenced by Mr. Quinn's opinion piece, will you please formally request a retraction of this and any other inaccurate statements made by you at the Subcommittee hearing? Please attach a copy of your formal letter requesting a retraction as a response to this question for the hearing record.

During my testimony, I cited the article entitled "Hearing on Examiner Fraud a Big, Fat Nothing Burger," written by Gene Quinn and published September 20, 2016, in the *IPWatchdog* publication. I was quoting the article—not stating it was a quote by the author. I did misspeak "contended" for "commented."

The Office of Inspector General (OIG) did not review the sources of those comments, just as we did not identify by name the 415 examiners cited in our August 31, 2016, investigative report *Analysis of Patent Examiners' Time and Attendance*. As was stated in the report, and reiterated in my testimony, OIG did not reveal the names or further pursue individual cases due to possible implications of the Computer Matching and Privacy Protection Act of 1988 (CMPPA). The law imposes certain restrictions on federal agencies' comparison of multiple datasets to identify misconduct and pursue either criminal or administrative action. If any of the article commenters had been part

of the 415 examiners, the same restrictions under the CMPPA would have applied to any action based on the dataset comparison.

However, that does not alter the fact that there were 80 comments filed by readers at the end of Mr. Quinn's article in which "[m]ultiple examiners have said here on IPWatchdog that if they are, for example, allocated 3 hours to do a task and can do it in 2 hours, then there is absolutely nothing wrong with them claiming all 3 hours on their time sheet."

Even though the article may not be definitive, we should not lose sight of the true issue here, which is USPTO has a problem with time and attendance abuse. The agency is addressing it, as Mr. Slifer testified when he mentioned that USPTO has disciplined 30 individuals for time and attendance abuse who also happen to have been identified in the OIG analysis. In addition, OIG has investigated and documented other cases of time and abuse at USPTO over the past few years, as has USPTO.

Time and attendance abuse at the USPTO has been, and continues to be, a problem with many well-documented instances and some disciplinary actions. OIG has made several recommendations over the years to help USPTO address these challenges, but issues and repeated instances of abuse continue to occur. OIG will remain vigilant in its efforts to detect and deter time and attendance abuse through investigations and meaningful recommendations to the Department's bureaus.

