

**Supporting Document to Administrative Patent Judge Performance**  
**Appraisal Plan FY2018**

**Element 1: Quality**

ARC comments are not binding, but instead suggestions that a panel may consider in preparing decisions.

**Element 2: Production**

**Item 2. Supporting information related to Major Activities**

Crediting for decisions and orders in AIA trial proceedings is currently undergoing evaluation. Should any changes in methodology in assigning credit to decisions and orders be recommended for implementation during the course of the fiscal year, Judges will be notified well in advance, and provided the opportunity to give comments and feedback on any proposed changes.

In performing the major activities described in the Performance Appraisal Plan, judges will normally seek efficiency gains and utilize available resources to enhance annual production. Such efficiency gains include effective use of collaboration tools, administrative resources, and any additional resources available as a result of other Board programs (e.g., Detailee program).

**Item 3. Supporting information related to Criteria for Evaluation**

There is no particular ramp up number in productivity for new judges in a probationary period. The new judge should focus on building relationships with their colleagues and basic decision writing concepts. The progress made by a new judge toward hitting the fully successful productivity goal is evaluated on a case-by-case basis based on the individual needs of the

new judge through discussion with that new judge's Lead Judge as a result of feedback from the new judge's mentoring judges and direct observations by the Lead Judge.

Regarding production adjustments for extended medical leave and special projects, judges should keep their Lead Judge informed of an ongoing event, so that the Lead Judge is aware and any appropriate documentation (such as Doctor's notes, etc.) can be gathered as appropriate. Any adjustments in production will be reasonable in view of the individual circumstances. Judges who have a potentially disproportionate amount of APJ2 and APJ3 work as a result of mentoring or docket imbalance should inform their Lead Judge as soon as possible, so that the issue(s) may be addressed.

Judges will be provided the opportunity to explain and justify low decisional units earned and unusual patterns of case mailing.

### **Element 3: Supporting the Mission of the Board/Leadership**

#### **Item 2. Supporting information related to Major Activities**

Activities related to the attributes described include:

- Shares efficient processes and methods with other internal stakeholders.
  - leading section, ex parte appeals, or trial meetings
  - preparing or presenting material at section, ex parte appeal, or trial meetings
  - preparing or presenting training or continuing legal education material

- Puts organizational objectives before personal interests.
  - participating in hiring efforts
  - volunteers willingly for organizational activities when opportunities become available.
- Inspires and empowers other internal stakeholders by example and by encouragement to think positively about work related challenges and to seek constructive solutions, to achieve organizational goals and objectives, and to achieve higher levels of performance.
  - mentoring newer judges or patent attorneys
- Contributes significantly to the design and implementation of organizational methods and strategies that maximize internal stakeholder potential and which contribute to organizational objectives.
  - participating on Board committees that further the mission of the Board
  - preparing or presenting training or continuing legal education material
  - development of rules or policies
- Where change is required to better meet organizational objectives, adapts well to change (role model) and helps other internal stakeholders adapt and professionally thrive in a new and changing organizational environment.

#### **Element 4: Internal/External Stakeholder Interactions**

Internal stakeholders include Board co-workers (e.g., subordinates, other judges, and superiors), other USPTO employees, and USPTO contractors.

With respect to the circulation and mailing of decisions, it is expected that there may be some circumstances that impact the ability of a judge to advance a matter through the circulation process (such as workload, the impact of vacations for that judge or other judges on the panel, pressing special projects). However, judges should make every effort to respect the time of their colleagues in maintaining an even workflow and to allow other judges a sufficient amount for review taking into account that there may be other pressures on a reviewing judge's time.

Statutory deadline cases should be circulated at least 12 business days in advance of the deadline to the panel and at least 6 business days in advance to ARC. Additionally, reexam and reissue appeals should be handled with special dispatch and reviewed before ex parte appeals.