

**FY 2012 AGREEMENT between the
UNITED STATES PATENT AND TRADEMARK OFFICE and
PATENT OFFICE PROFESSIONAL ASSOCIATION to
EXTEND AND MODIFY THE 2010 COUNT SYSTEM INITIATIVES**

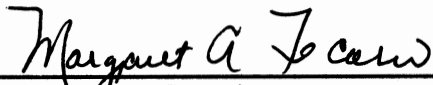
All Agreements and memoranda agreed to by the parties or issued by Deputy Commissioner for Patents, Peggy Focarino, related to the Count System Initiatives are superceded except the MOU Between the United States Patent and Trademark Office and the Patent Office Professional Association Regarding the 2010 Count System Initiatives and Other Initiatives dated November 3, 2009 (FY 2010 CSI MOU) and as noted in paragraph 3 below.

1. The United States Patent and Trademark Office (USPTO or Agency) and Patent Office Professional Association (POPA or Union) agree to extend and modify the FY 2010 CSI MOU as detailed herein.
2. Except as specified below, the FY 2010 CSI MOU shall continue in operation through FY 2012.
3. The following memoranda, attached hereto, shall remain in effect for FY 2012.
 - a) "Certification and Recertification Programs" issued on November 3, 2009
 - b) "Patent Examiners' Work Credit" issued on November 3, 2009
 - c) "FY 2011 Changes in Docket Management Policies" issued August 31, 2010
 - d) "FY 2011 Revision of November 3, 2009, "Patent Examiner Patentability Determination Performance Element and Examiner Hoteling Waiver Period" Memorandum," issued August 31, 2010
 - e) "FY 2011 Examiner-Initiated Interviews", issued August 31, 2010
4. The memorandum issued on August 31, 2010 entitled "Revisions to Examiner Production Credits and Expectancies" is superceded by a new memorandum, entitled "FY 2012 Examiner Production Credits and Revisions to Examiner Expectancies," which is attached hereto and shall be implemented on October 1, 2011.
5. The memoranda of paragraphs 3 and 4 are a package to be known as the FY 2012 Count System Initiatives (referred to in this agreement as the "Package") and shall also be considered the Package referred to in the FY 2010 CSI MOU.
6. The following provisions of the FY 2010 CSI MOU are hereby amended.
 - a) Section 4.A is amended to read (change in italics),
 - i. This modification applies to Productivity Gainsharing Awards for FY 2011 and *FY 2012*. Unless the parties agree otherwise, Section 1.A.1 of the Agreement will revert to the original on *October 1, 2012*.

- b) Section 10 is amended to read,
 - i. The Agreement shall remain in effect until the end of *FY 2012*. If the Agreement is not extended or modified by mutual agreement, all working conditions set forth as part of the Package shall return to their status prior to implementation of this Agreement.
 - ii. The parties shall commence meeting no later than *July 1, 2012* to determine if the Agreement will lapse or be continued for an agreed period of time. By *September 1, 2012*, employees will be notified of the status of the Agreement.
- c) Section 12 is amended to read,
 - i. On November 3, 2009, Deputy Commissioner for Patents Peggy Focarino issued a memorandum titled "Change to Patent Examiners' Expectancies." The Union agrees that any bargaining obligations stemming from that memorandum have been satisfied.
 - ii. The "Change to Patent Examiners' Expectancies" memorandum is separate from the Package, except that if that memorandum is modified or terminated before *September 30, 2012*, then – at the Union's election – all components of the Package will terminate and all working conditions set forth as part of the Package shall automatically return to their status prior to implementation of this Agreement (*i.e., the status prior to the November 3, 2009 CSI MOU*).
 - iii. Termination of the Package, whether due to expiration or for the proper functioning of the Agency, does not require the Agency to modify or terminate the "Change to Patent Examiners' Expectancies" memorandum. The "Change to Patent Examiners' Expectancies" memorandum will remain in effect unless modified, terminated, or otherwise replaced by a new policy following notice to the Union and the opportunity to bargain.

7. The Union agrees that any bargaining obligations stemming from the extension of the FY 2010 CSI MOU, modifications to the MOU, and/or the extension or modification of above-referenced memoranda for FY 2012 have been satisfied.


Signatures:



 Margaret A. Focarino
 Deputy Commissioner for Patents
 United States Patent and Trademark Office

8/31/2011

 Date



 Robert D. Budens
 President,
 Patent Office Professional Association

8/31/2011

 Date