

Agreement on Pendency Award between
The Patent Office Professional Association (POPA) and
The United States Patent and Trademark Office (USPTO)

March 4, 2011

This agreement between the USPTO and POPA extends and modifies the pendency award program originally provided in the Memorandum of Understanding (MOU) dated October 22, 2010, regarding the 2011 Examiner Performance Appraisal Plan and Other Matters.

Section 1: Extension of Pendency Award Program

The Pendency Award Program as set out in Section II of the MOU is hereby extended for the first two quarters of fiscal year 2012. Award amounts, eligibility and other requirements remain as established in the MOU. In addition, examiners will earn supplemental payments of either .5% or 1.0% of salary if the examiner meets the requirements of Section II D of the MOU for the fourth quarter of fiscal year 2011 and the first and second quarters of fiscal year 2012. However, if the USPTO terminates the program at the end of the first quarter of fiscal year 2012, the full supplemental payment will still be available based on performance in the fourth quarter of fiscal year 2011 and the first quarter of fiscal 2012.

Section 2: Provision for Discussion of Further Extensions or Modifications

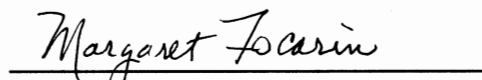
The parties will meet during the second quarter of FY 2012 to discuss extending or modifying the Pendency Award program.

Section 3: Termination of Awards

The Termination Procedures section of the October 22, 2010, MOU (Section II.F) remains in effect, except that the last sentence of Section II.F.2 is amended to read, "This will not affect USPTO's right to terminate the Program at the end of the first quarter of FY 2012 or any quarter thereafter."



Robert D. Budens
President
POPA



Margaret Focarino
Deputy Commissioner for Patents
USPTO

3/4/2011
Date

3/4/11
Date