

Clarity and Correctness Data Capture (CCDC) Form Utilization OPQA MOU

Preamble:

This MOU was reached through pre-decisional discussion between the parties. As a result of these discussions, the United States Patent and Trademark Office (USPTO or Agency) and the Patent Office Professional Association (POPA or Union) agree to extend the utilization of the CCDC form and to set Office of Patent Quality Assurance (OPQA) Review Quality Assurance Specialist (rQAS) production goals for FY 2016 as follows:

1. Extension of CCDC Form Utilization

The parties agree to continue with CCDC form content utilization by OPQA rQASs, with the current version of the CCDC form (Attachment 1 to this MOU) being used in all Quality Monitoring case reviews. The parties shall meet at the request of either party to discuss any matter relating to the form's use, including the possibility of changing the form during the course of this MOU. The parties agree to work together to jointly address issues raised by either party with a goal of reaching a resolution to the issues that is acceptable to both parties within a reasonable time. Agreed-upon changes to the form, its use, or other form-related issue(s) will be implemented. If agreement cannot be reached informally over a management-proposed change, USPTO will notify POPA and bargain at POPA's request, in accordance with the parties' mid-term bargaining procedures, to the extent required by law.

2. FY 2016 RQAS Production Goals

The Agency has determined, for year-end rating and award purposes, that FY 2016 rQAS Production will be based only on production calculated following the effective date of this MOU due to the disruption caused by introducing CCDC form reviews year-to-date and the absence of firm production goals during that time.

As of the effective date of this MOU, the Agency has determined that the following denominators will be substituted in the "Expected Production" calculation of the Production element of FY 2016 rQAS Performance Appraisal Plans (PAPs):

TC 1600/1700 reviews	3.75 hours per review
TC 2100/2400/2600 reviews	4.0 hours per review
TC 2800 reviews	3.75 hours per review
TC 3600/3700 reviews	3.75 hours per review

Notations of this change will be made in each rQAS's PAP as soon as practicable following the execution of this MOU. This change will be effective for FY 2016 only. The parties agree to meet periodically through FY 2016 to discuss any matter of interest to either party concerning rQAS job performance, including – but not limited to – issues concerning the rQAS PAP.

Additionally, OPQA management has determined to distribute the attached message (Attachment 2 to this MOU) to OPQA rQASs concerning TC time and training.

3. Duration and Termination

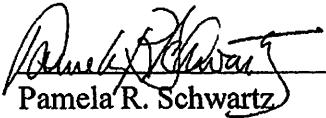
This memorandum is effective upon signature by both parties, and will remain in effect through the end of FY 2016 (September 30, 2016). The parties agree to begin meeting no later than April 1, 2016, to discuss possible extension or revision of terms relating to CCDC form utilization and rQAS production goals/PAP issues.

4. Bargaining Obligation

POPA acknowledges that the USPTO's obligation to negotiate over the implementation of the matters addressed by this memorandum, as well as the contents of the attached message from OPQA management to OPQA rQASs, has been fully satisfied.


Signatures:

FOR POPA:


Pamela R. Schwartz
President

3/10/2016
Date

FOR THE USPTO:


Anthony Caputa
Director, OPQA


3/10/2016
Date

Extension of the Clarity and Correctness Data Capture (CCDC) Form Utilization OPQA MOU

1. This Memorandum of Understanding (MOU) between the United States Patent and Trademark Office (USPTO) and the Patent Office Professional Association (POPA) extends the CCDC Form Utilization OPQA MOU until March 20, 2017.
2. The terms of the CCDC Form Utilization OPQA MOU dated March 10, 2016, remain unchanged except for this extension.

Signatures

FOR POPA:



Pamela R. Schwartz
President

10/21/16
Date

FOR THE USPTO:



Martin Rater
Acting Director, Office of Patent
Quality Assurance (OPQA)

10/21/16
Date