

Patent Trial and Appeal Board Non-Duty Legal Studies Program Externship Pilot Memorandum of Understanding

This Agreement is between the United States Patent and Trademark Office (USPTO) and the Patent Office Professional Association (POPA) (hereinafter “Parties”). The USPTO has determined to initiate a pilot program whereby a Non-Duty Legal Studies Program participant can participate in a legal externship at the Patent Trial and Appeal Board (PTAB). The participant will be paired with PTAB Administrative Patent Judges (APJ) to work on cases in the PTAB’s jurisdiction. The unpaid PTAB Externship is a for credit class.

1. Parameters of the Non-Duty Legal Studies Program Externship Pilot

- A. PTAB Non-Duty Legal Studies Program Externship Pilot (Pilot) allows for one participant to work under an APJ or multiple APJs to assist with cases within PTAB’s jurisdiction.
- B. The participant will work with the APJs for 15 weeks (102 days) for a total of 240 hours in an unpaid status (16 hours a week) for law school credit only.
- C. The participant will use non-USPTO issued equipment. No government issued equipment, or duty time will be used for the externship program. PTAB will share work with the participant using a id unique for MS Teams use.
- D. The participant’s work in PTAB will be evaluated using the law school evaluation forms provided by the participant’s law school (Attachment A). Upon successful completion of the Externship Pilot, the participant will be reimbursed for their law school externship credits commensurate with other Non-Duty Legal Studies Credit for Spring 2023 classes.

2. Data collection and Ongoing Discussions with the Union

- A. Either party may request a meeting to discuss any issues related PTAB Externship Pilot. The parties agree to meet to discuss and attempt to resolve issues related to the Pilot upon request of either party. If either party believes that changes to the Pilot would be useful, the parties will make a good faith effort to expeditiously resolve any issues relative to the proposed changes. Changes will be implemented upon agreement of the parties.
- B. If the parties fail to reach agreement following discussions provided in the paragraph above, this agreement may be reopened at any point from the date it is signed.
- C. If, during any period of reopening, the USPTO determines to move forward with a change, it will provide notice to POPA and provide an opportunity to bargain to the extent required by law. Following notification, bargaining will be at POPA's request. Bargaining will be conducted in accordance with the parties' mid-term bargaining ground rules starting with the opportunity for meetings with affected employees. The USPTO will maintain the

status quo regarding the proposed changes until resolution of the issue, or the completion of bargaining (including mediation and impasse proceedings), unless permitted by law to implement these proposed changes before this time. If agreement is not reached over a POPA-proposed change, POPA may notify the USPTO of its intent to bargain to the extent required by law pursuant to midterm ground rules, beginning with the submission of POPA proposals.

3. Bargaining Obligation Fulfilled

POPA acknowledges that the USPTO's obligation to negotiate over the Externship Pilot has been fulfilled with this document.

4. Effective Date of this Agreement

This Agreement will be effective between the Parties upon the MOU passing Agency Head Review or within 30 days of the last party signing this Agreement, whichever is sooner.

Signatures:

 _____ 1/9/2023 _____

Kathleen Duda
President, POPA

Date

_____ 1/10/2023 _____

David Kohut
Lead Administrative Patent Judge, PTAB

Date

Mid-Term Evaluation

Student Name:

Field Supervisor:

Date Submitted:

Does the Legal Resident arrive on time, work the requisite number of hours, honor commitments, and complete assignments on schedule?

Preliminary assessment of the Legal Resident’s demonstrated legal skills³.

	Excellent	Very Good	Good	Fair	Needs Improvement
Legal Research					
Legal Analysis and Reasoning					
Legal Writing and Communication					

Comments: _____

Preliminary assessment of the Legal Resident’s professional competencies and characteristics⁴.

	Excellent	Very Good	Good	Fair	Needs Improvement
Active Listening					
Attention to Detail					
Courtesy and Respectfulness					

³ If possible, please use a past or current legal intern as a point of comparison. If you don’t have experience with other student interns, please measure the student against a typical first year lawyer. If you use a first year lawyer as a point of comparison, please indicate that above.

⁴ Terminology taken from the [Institute for the Advancement of the American Legal System’s Foundations for Practice](#) report. Please note that we will not share your assessment with the student without your permission.

Diligence					
Integrity					
Reliability					
Trustworthiness					
Work Ethic					

Comments: _____

Other than those indicated above, please describe any additional strengths the Legal Resident has exhibited so far this semester:

Other than those indicated above, are there any other areas in which the Legal Resident should focus on improving?

Do you have any suggestions for how the Legal Resident might improve?

Do you have any other concerns or suggestions at this time?

Did you share this evaluation with the student? Yes No

Do you plan to meet with the student to discuss the evaluation or feedback contained in the evaluation? Yes No

If neither of the above, may the legal residency program share the evaluation with the student and/or speak with him/her about it? Yes No

Field Supervisor Signature

Date

Final Evaluation

Student Name:

Field Supervisor:

Date Submitted:

Did the Legal Resident arrive on time, work the requisite number of hours, honor commitments, and complete assignments on schedule?

Final evaluation of the Legal Resident’s demonstrated legal skills⁵.

	Excellent	Very Good	Good	Fair	Needs Improvement
Legal Research					
Legal Analysis and Reasoning					
Legal Writing and Communication					

Comments: _____

Final evaluation of the Legal Resident’s professional competencies and characteristics⁶.

	Excellent	Very Good	Good	Fair	Needs Improvement
Active Listening					
Attention to Detail					
Courtesy and Respectfulness					
Diligence					

⁵ For this final evaluation, please use a first year associate as a point of comparison.

⁶ Terminology taken from the [Institute for the Advancement of the American Legal System’s Foundations for Practice](#) report. Please note that we will not share your assessment with the student without your permission.

Integrity					
Reliability					
Trustworthiness					
Work Ethic					

Comments: _____

What are the Legal Residents greatest strengths?

In what areas did the Legal Resident improve?

Are there any other areas in which the Legal Resident should focus on improving?

Do you have any suggestions for how the Legal Resident might improve?

For this final evaluation, please describe what you think was the best learning experience for the student during the semester.

Did you share this evaluation with the student? Yes___ No___

Do you plan to meet with the student to discuss the evaluation or feedback contained in the evaluation? Yes___ No___

If neither of the above, may the legal residency program share the evaluation with the student and/or speak with him/her about it? Yes___ No___

Field Supervisor Signature

Date