


**SETTLEMENT AGREEMENT BETWEEN
THE PATENT OFFICE PROFESSIONAL ASSOCIATION
AND
THE UNITED STATES PATENT AND TRADEMARK OFFICE**

The parties to this agreement, the Patent Office Professional Association (POPA) and the United States Patent and Trademark Office (USPTO or Agency), agree to the following terms in settlement of U.S. Patent and Trademark Office and Patent Office Professional Association, FLRA Case No. WA-RP-10-0072.

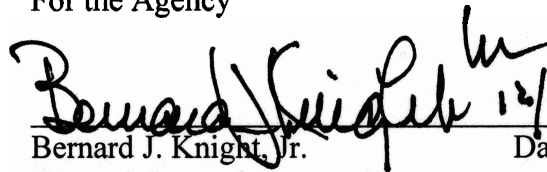
1. The parties agree that, absent a significant change in law or duties, employees in the following positions are properly included within the POPA bargaining unit:
 - a. Patent Attorneys at the Board of Patent Appeals and Interferences (BPAI);
 - b. Non-supervisory attorneys and Congressional Affairs Specialists in the Office of External Affairs;
 - c. All petitions examiners in the Office of Petitions; and
 - d. Review Quality Assurance Specialists (rQAS) in the Office of Patent Quality Assurance.
2. The parties agree that, absent a significant change in law or duties, employees in the following positions are properly excluded from the POPA bargaining unit:
 - a. Attorneys in the Solicitor's Office;
 - b. Attorneys in the Office of General Law;
 - c. Attorneys in the Office of Enrollment and Discipline;
 - d. Attorneys performing supervisory functions in the Office of External Affairs; and
 - e. International Technical Projects Specialists and Patent Classifiers on the International Liaison Staff.
3. In the event that another labor organization files a petition with the Authority claiming that it represents or should represent any employees in these offices, POPA may seek to intervene in that proceeding. POPA may claim that these employees are within its bargaining unit and taking such a position before the Authority will not be interpreted by the Agency as inconsistent with the terms of this Agreement.
4. The parties agree that, absent a significant change in law or duties, Training Quality Assurance Specialists (tQAS) will be classified as follows:
 - a. The Agency may designate a total of 24 tQASs as non-bargaining unit employees. All other tQASs will be classified as bargaining unit employees;
 - b. On or before January 3, 2011, the Agency will provide POPA with a list identifying the tQASs designated as non-bargaining unit employees and the tQASs who will be reclassified as bargaining unit employees;
 - c. The Agency may periodically revise or update its list of non-bargaining unit tQASs. Any such revision or update must first be communicated in writing to POPA; and

- d. In the event that the number of Technology Centers increases or decreases, the parties will negotiate over an addition to or subtraction from the total 24 tQASs that are classified as non-bargaining unit employees.
5. The parties have also reached agreement on a number of individual positions not set forth in the paragraphs above. Specifically, Jefferson Taylor (BPAI) will be included in the POPA bargaining unit, while Merrell Cashion (BPAI), George Edgell (BPAI), Bethanne Dayoan (PCT Legal), and Pinchus Laufer (OPLA) will remain excluded from the POPA bargaining unit.
6. Changes in bargaining unit status are effective on the effective date of this agreement. Within ten business days of the effective date of this agreement, the Agency will take the following actions:
 - a. Notify, in writing, all employees whose bargaining unit status is reclassified as a result of this agreement;
 - b. Update Agency OHR databases to reflect bargaining unit status changes;
 - c. Provide POPA with a list of all employees whose bargaining unit status has changed as a result of this agreement; and
 - d. Initiate the issuance of SF-50s for employees whose bargaining unit status has changed as a result of this agreement.With respect to tQASs, these actions will occur within ten business days of the Agency's designation described in Paragraph 4, above.
7. The parties agree that POPA will have the opportunity to meet with employees who have been included in the bargaining unit as a result of this agreement. POPA will coordinate any such meetings with the Agency's Labor Relations Office.
8. This agreement is effective upon execution by the signatories designated below.

For the Union

 12/3/2010
Robert D. Budens Date
President,
Patent Office Professional Association

For the Agency

 12/3/10
Bernard J. Knight, Jr. Date
General Counsel
United States Patent and Trademark Office

Corps summary	1/3/2011 status	1/13/2011 update
off the list	7	6
BU tQAS	31	33
Non-BU tQAS	<u>22</u>	<u>22</u>
	60	61

TCs summary				1/3/2011 status		1/13/2011 update	
firstname	lastname	orgcode		summary		summary	
1 KATHLEEN	BRAGDON	1600	Non-BU tQAS				
2 JULIE	BURKE	1600	BU tQAS				
3 BENNETT	CELSA	1600	BU tQAS	off list 0		off list 0	
4 MARIANNE	SEIDEL	1600	BU tQAS	BU 4		BU 4	
5 JEAN	VOLLANO	1600	BU tQAS	non-BU 2		non-BU 2	
6 JEAN	WITZ	1600	Non-BU tQAS	TC 1600= 6		TC 1600= 6	
7 BLAINE	COPENHEAVER	1700	BU tQAS				
8 THOMAS	DUNN	1700	BU tQAS				
9 CHRISTOPHER	FIORILLA	1700	Non-BU tQAS	off list 0		off list 0	
10 WILLIAM	KRYNSKI	1700	Non-BU tQAS	BU 3		BU 3	
11 GREGORY	MILLS	1700	Non-BU tQAS	non-BU 3		non-BU 3	
12 CHRISTINE	TIERNEY	1700	BU tQAS	TC 1700= 6		TC 1700= 6	
13 KAKALI	CHAKI	2100	BU tQAS				
14 GAIL	HAYES	2100	Non-BU tQAS				
15 BRIAN	JOHNSON	2100	Non-BU tQAS				
16 EDDIE	LEE	2100	will lateral to an SPE/assign to AU effective on or before Jan 16, 2011.	off list 2	BU tQAS- decided not to be SPE at this time	off list 1	
17 MANO	PADMANABHAN	2100	BU tQAS	BU 2		BU 3	
18 REHANA	PERVEEN	2100	will lateral to an SPE/assign to AU effective on or before Jan 16, 2011	non-BU 3		non-BU 3	
19 VINCENT	TRANS	2100	Non-BU tQAS	TC 2100= 7		TC 2100= 7	
20 CHRISTOPHER	GRANT	2400	BU tQAS				
21 KIM NGOC	HUYNH	2400	Non-BU tQAS				
22 TOD	SWANN	2400	Non-BU tQAS	off list 1		off list 1	
23 HASSAN	KIZOU	2400	will lateral to an SPE/assign to AU effective on or before Jan 16, 2011	BU 2		BU 2	
24 CHAU	NGUYEN	2400	Non-BU tQAS	non-BU 3		non-BU 3	
25 BEATRIZ	PRIETO	2400	BU tQAS	TC 2400= 6		TC 2400= 6	
26 WELLINGTON	CHIN	2600	Non-BU tQAS				
27 ANDREW	CHRISTENSEN	2600	Non-BU tQAS				
28 MICHAEL	HORABIK	2600	BU tQAS				
29 JOHN	PENG	2600	Non-BU tQAS	off list 0		off list 0	
30 DANIEL	SWERDLOW	2600	BU tQAS	BU 4		BU 4	
31 DORIS	TO	2600	BU tQAS	non-BU 3		non-BU 3	
32 KENNETH	WIEDER	2600	BU tQAS	TC 2600= 7		TC 2600= 7	
33 MICHAEL	DAY	2800	BU tQAS				
34 JOSE	DEES	2800	BU tQAS				
35 DIANE	LEE	2800	will lateral to an SPE/assign to AU effective on or before Jan 16, 2011				
36 HIEN	PHAN	2800	BU tQAS				
37 DEAN	REICHARD	2800	BU tQAS				
38 DARREN	SCHUBERG	2800	BU tQAS	off list 2		off list 2	
39 BRIAN	SIRCUS	2800	Non-BU tQAS	BU 5		BU 5	
40 TOM	THOMAS	2800	Currently an SPE with an Art Unit, on Fy2011 SPE PAP. Off tQAS list	non-BU 2		non-BU 2	
41 LEE	YOUNG	2800	Non-BU tQAS	TC 2800= 9		TC 2800= 9	
42 JOHN	NGUYEN	3600	will lateral to an SPE/assign to AU effective on or before Jan 16, 2011				
43 MIKADO	BUIZ	3600	BU tQAS				
44 MARC	JIMENEZ	3600	Non-BU tQAS				
45 TUYET PHUONG	LUU	3600	Non-BU tQAS				
46 LANNA	MAI	3600	BU tQAS				
47 TERRY	MELIUS	3600	BU tQAS	off list 1		off list 1	
48 STEVEN	MEYERS	3600	BU tQAS	BU 6		BU 6	
49 VINCENT	MILLIN	3600	BU tQAS	non-BU 2		non-BU 2	
50 ROBERT	WEINHARDT	3600	BU tQAS	TC 3600= 9		TC 3600= 9	
51 ROBIN	EVANS	3700	Non-BU tQAS				
52 JOSIE	BALLATO	3700	BU tQAS				
53 JANET	BAXTER	3700	Non-BU tQAS				
54 MICHAEL	HAYES	3700	BU tQAS				
55 SAMUEL	HUGHES	3700	Non-BU tQAS				
56 LINDA	SHOLL	3700	BU tQAS	off list 1		off list 1	
57 GREGORY	VIDOVICH	3700	In SIRA at the beginning of FY 11. Off tQAS list, on a SIRA supervisory PAP.	BU 4		BU 5	
58 HENRY	YUEN	3700	BU tQAS	non-BU 3		non-BU 3	
59 COLLEEN	DUNN	3700		TC 3700= 8	BU tQAS- just transferred back from CRU	TC 3700= 9	
60 KATHRYN	GORGOS	4100	BU tQAS	BU 1		BU 1	
61 CHRISTINE	ODA	4100	Non-BU tQAS	non-BU 1		non-BU 1	
				TC 4100= 2		TC 4100= 2	