

**MEMORANDUM OF UNDERSTANDING**  
**Regarding**  
**AWARDS**

**February 1, 2024**

**Preamble:** The United States Patent and Trademark Office (“USPTO” or “Agency”) and the Patent Office Professional Association (“POPA” or the “Union”) enter into this Memorandum of Understanding (“MOU”) regarding awards for bargaining unit members.

**Section 1: Awards**

The USPTO acknowledges its desire to maintain a robust awards program. The parties agree their interests align to discuss awards outside negotiation of the term collective bargaining agreement (“CBA”). As such, the parties agree on the following regarding awards:

- A. The parties agree to negotiate all awards topics, including, but not limited to: Quality Step Increases, the Gainsharing Award, the Special Achievement Award (“SAA”), and the Examiner Pendency Award, as well as any successor award programs in negotiations separate and apart from term CBA negotiations.
- B. Within two (2) months following the effective date of the term CBA, either party may initiate discussions on awards by providing notice to the other party. Once a party has submitted in writing its proposals, the other party shall have four calendar weeks to submit its proposals and/or counterproposals. Negotiations for awards shall begin no later than four weeks thereafter. The awards agreement(s), as produced or modified by such negotiations, may, but need not have the same term as CBA.
- C. The USPTO agrees to maintain the current POPA award programs including, but not limited to the Gainsharing Award, SAA Award, and the Examiner Pendency Award, until the sooner of: (1) five years from the execution of this MOU; (2) the end of the successor CBA’s term; or (3) the effective date of any new award agreement, or separate award agreements. If neither party initiates bargaining pursuant to paragraph B above, or if no agreement is reached as a result of the negotiation, either party may initiate bargaining at the end of the five-year period or as part of a new term agreement, and the awards will stay in place until a replacement award agreement is reached.
- D. With respect to maintaining the status quo pursuant to paragraph C above, the parties acknowledge the existence of a pilot which modifies the gainsharing award running during FY 2024. At the end of this pilot, the status quo will revert to the Gainsharing Award agreements (1988) as modified by the Count System Initiative Package and made permanent in the July 2, 2019, agreement between the parties titled “2019 Agreement on Count System Initiatives.” The parties will meet to discuss the outcome of the pilot and whether to continue the pilot, modify the pilot, make it a permanent part of the gainsharing award, or end it. The parties agree to negotiate if they cannot otherwise reach agreement.

- E. With respect to maintaining the status quo pursuant to paragraph C above, the Examiner Pendency Award, executed by the parties on June 12, 2023, either party may initiate bargaining on the Award at any time after the end of Fiscal Year (FY) 2025.
- F. Notwithstanding any intervening agreements on awards, either party may propose changes to any award during negotiations pursuant to C (1) or C (2) above.
- G. Any award agreements or MOUs will be posted on the Agency Intranet pages with a link proximate to the link for the term agreement.

**Section 2: Term Agreement Article**

Section 1 of this agreement will be incorporated in its entirety into the term agreement as the awards article and will replace all proposals on Awards, including those proposed by POPA in Article E.

**Closing:** The agreement contained herein, and policies referenced in this document, supersede portions of any agreements, memoranda of understanding, policies or practices with which they conflict. If any portion of an agreement, memorandum, policy or practice does not conflict with the provisions and policies set forth herein, that portion of the previous agreement, memorandum, policy or practice shall remain in force.

Signatures:

FOR THE USPTO:

Vaishali  
Udupa  
\_\_\_\_\_  
Vaishali Udupa  
Commissioner for Patents  
U.S. Patent and Trademark Office

Digitally signed by Vaishali Udupa  
Date: 2024.02.01 11:25:41 -05'00'

\_\_\_\_\_  
Date

FOR THE PATENT OFFICE PROFESSIONAL ASSOCIATION:

*Kouda*  
\_\_\_\_\_  
Kathleen Duda  
President  
Patent Office Professional Association

*2/1/24*  
\_\_\_\_\_  
Date