

**MEMORANDUM OF UNDERSTANDING**  
**Regarding**  
**GUIDELINES FOR COMPUTER OUTAGE DOWNTIME**

**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 Guidelines for Computer Outage Downtime for production-based bargaining unit members.

The parties agree their interests align to discuss the Agency’s Guidelines for Computer Outage Downtime (Computer Downtime Guidelines) outside negotiation of the term collective bargaining agreement (“CBA”). As such, the parties agree on the following regarding the Computer Downtime Guidelines:

- A. The parties agree to negotiate the Computer Downtime Guidelines separate and apart from term CBA negotiations.
- B. The parties will seek to revise the Computer Downtime Guidelines informally. Discussions will begin no sooner than 30 days following the effective date of this MOU, but no later than June 1, 2024, at the request of either party. Any revised Computer Downtime Guidelines will remain in effect until July 1, 2029, or as otherwise agreed to by the parties.
- C. In the event no agreement is reached pursuant to paragraph B above, the USPTO agrees to maintain the current Computer Downtime Guidelines for patent examiners until July 1, 2029.
- D. Any Computer Downtime Guidelines agreements will be posted on the Agency Intranet pages with a link proximate to the link for the term agreement.
- E. This MOU and any revised Computer Downtime Guidelines will be appended to the term agreement currently being negotiated by the parties.

**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 Digitally signed by Vaishali Udupa  
Date: 2024.04.24 14:27:11 -04'00'

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

FOR THE PATENT OFFICE PROFESSIONAL ASSOCIATION:

 \_\_\_\_\_ 4/25/24  
Kathleen Duda Date  
President  
Patent Office Professional Association