

**Side Agreement between the United States Patent and Trademark Office (USPTO) and the Patent Office Professional Association (POPA) to Retain Memorandums of Understanding (MOUs)**

**December 11, 2024**

In addition to the specific terms outlined in the 2024 Collective Bargaining Agreement (CBA), the parties have agreed to retain Memoranda of Understandings (MOUs) (linked below) that will continue in effect. With the exception of provisions related to reopening an MOU and specific expiration dates contained in the MOUs, should provisions in MOUs be inconsistent with the CBA, the provisions of the CBA will govern.

The list of MOUs contains agreements with and without expiration dates. For MOUs without expiration dates, the MOUs will continue until the expiration of the CBA (June 30, 2029), unless the MOUs' reopening provisions apply or by mutual agreement otherwise. Superseding any of their reopening provisions, the following telework MOUs from the list will remain in full effect until the expiration of the CBA (June 30, 2029) absent mutual agreement to the contrary:

1. Office of Government Affairs (OGA) Telework Program MOU, dated January 17, 2024
2. Telework Agreement for Patent Employees Hired to Work Remotely, dated November 8, 2022
3. Office of Policy and International Affairs (OPIA) Telework Program MOU, dated November 17, 2022
4. Patent Trial and Appeal Board (PTAB) Telework Program MOU, dated March 25, 2022
5. Telework Enhancement Act Program (TEAP) MOU, dated March 25, 2022
6. Office of General Counsel (OGC) Telework Program MOU, dated March 25, 2022
7. Office of the Chief Financial Officer (OCFO) and Office of the Chief Information Officer (OCIO) Telework Program MOU, March 24, 2022
8. Patents Full Time Telework Agreement, dated February 8, 2022
9. Patents Partial Telework Agreement, dated February 8, 2022

For MOUs containing express expiration dates, the MOUs will remain in effect until an MOU expires, is renegotiated, or is superseded by a subsequent agreement.

For both sets of MOUs, the parties recognize some of these agreements may contain content that is outdated or has been superseded by new practices. Additionally, nothing in this agreement waives the ability of the parties to reopen the terms of these agreements to the extent permitted by law, including the exercise of management rights (over which the Agency will bargain any required impact and implementation).

Any additional MOUs between the parties that take effect before the effective date of this Side Agreement will be added to the list.

Following the effective date of this Side Agreement, the parties shall meet at the request of either party to discuss any additional MOU a party has discovered that they believe should be in effect and was not identified below. The parties agree to work together to jointly address issues raised

by either party with a goal of reaching a resolution to the issues acceptable to both parties within a reasonable time.

Furthermore, the Agency will bargain any change to a currently effective policy concerning conditions of employment to the extent required by law.

### Effective MOUs

1. Agreement for Patent Employees to Telework with a Satellite Connection (Pilot), dated May 30, 2024
2. MOU Regarding Promotions to a Non-Supervisory GS-15 Patent Examiner Position, the Acquisition of New Space and Building Access, dated May 20, 2024
3. MOU Regarding Guidelines for Computer Outage Downtime, dated April 25, 2024
4. FY 2024 Performance Awards Agreement (Office of the Chief Information Officer (OCIO)), dated April 4, 2024
5. FY 2024 Organization-Wide Goal Performance Awards (Office of the Chief Financial Officer (OCFO)), dated February 14, 2024
6. Office of Government Affairs (OGA) Telework Program MOU, dated January 17, 2024
7. Semiconductor Technology Pilot Program Agreement, dated October 27, 2023
8. Extension of the After Final Consideration Pilot Program 2.0 MOU, dated September 18, 2023
9. Extension and Modification of the Examiner Pendency Award 2023, dated June 12, 2023
10. Implementation of Secrecy Application Examination Travel (SAET) for Patent Examiners Participating in the Telework Enhancement Act Program (TEAP) Agreement, dated June 12, 2023
11. Climate Change Mitigation Pilot Program Agreement, dated May 22, 2023
12. Extension of First-Time Filer Expedited Examination Pilot Program Agreement, dated February 14, 2024
13. First-Time Filer Expedited Examination Pilot Program Agreement, dated January 12, 2023
14. Agreement on Implementation of the Patent Employee Recognition for eXcellence (PERX) Program, dated January 3, 2023
15. MOU on the Classification Challenge Process, dated April 6, 2020
16. Internet Service Reimbursement Program MOU, dated May 12, 2022
17. Office of Policy and International Affairs (OPIA) Telework Program MOU, dated November 17, 2022
18. Patent Trial and Appeal Board (PTAB) Telework Program MOU, dated March 25, 2022
19. Telework Enhancement Act Program (TEAP) MOU, dated March 25, 2022
20. Office of the Chief Financial Officer (OCFO) and Office of the Chief Information Officer (OCIO) Telework Program MOU, March 24, 2022
21. Office of General Counsel (OGC) Telework Program MOU, dated March 25, 2022
22. IFP/S Work Schedule Operating Parameters for OCIO and OCFO MOU, dated March 3, 2022
23. Agreement on Implementation of Examination of Hague Applications in TC 2900, dated June 24, 2022

24. Patents Full Time Telework Agreement, dated February 8, 2022
25. Patents Partial Telework Agreement, dated February 8, 2022
26. POPA Part Time Agreement 2021, dated August 24, 2021
27. PE2E Search Deployment MOU, dated May 3, 2021
28. Implementation of Increased Examination Time, Docket Replenishment, Revised Design Signatory Program and New Design Examiner Performance Appraisal Plan (MOU on Time, Docket, Signatory Program, and PAP for Design Examiners), dated July 21, 2020
29. Patent Trial and Appeal Board (PTAB) Post Grant Outcomes 2020, dated June 8, 2020
30. Implementation of Expectancy Floor and Attribute-Based Examination Time, dated August 21, 2019
31. Implementation of Increased Examination Time, Portfolio-Based Routing, and New Utility Examiner Performance Appraisal Plan (MOU on Time, Routing, PAP), dated January 24, 2019
32. 2019 Agreement on Count Systems Initiative, dated July 2, 2019
33. Quick Path Information Disclosure Statement (QPIDs) Program MOU, dated September 28, 2018
34. Voluntary Leave Bank Program 2017 Agreement, dated November 1, 2017
35. Amendment to MOU USPTO Policy on Time and Attendance Tools, Communication and Collaboration, dated June 20, 2017
36. MOU USPTO Policy on Time and Attendance Tools, Communication and Collaboration, dated January 19, 2017
37. On-Site Employees or Contractors of POPA MOU, dated January 19, 2017
38. POPA Use of Email and Telework MOU, dated October 3, 2017
39. Agreement on Examiner Transfer between Offices, dated August 14, 2017
40. Recording Hours on Days with Only Other Time MOU, dated January 19, 2017
41. Phased Retirement Agreement, dated November 14, 2016
42. Abandonment Processing Agreement, dated September 14, 2016
43. Cancer Immunotherapy Pilot Program MOU, July 7, 2016
44. Agreement on Suitability Investigations and Reinvestigations, dated March 25, 2016
45. Agreement on Permanent Closure of Satellite Office, dated September 25, 2014
46. After Final Consideration Pilot Program 2.0 MOU, dated September 23, 2014
47. Agreement Regarding Internet Service Level Requirements, dated September 12, 2014
48. Patent Examiner Trips to the European Patent Office as Part of the Cooperative Patent Classification System Implementation, dated June 18, 2014
49. Transfer of Examination of Reissue Applications to the Central Reexamination Unit (CRU), dated July 8, 2014
50. Implementation of the Policy to Reimburse Employee Expenses to Maintain Required Credentials MOU, dated September 13, 2013
51. Agreement on the Law School Clinic Certification Petition to Make Special Program, dated June 11, 2012
52. Agreement on Track 1 Prioritized Examination for POPA, dated February 2, 2012
53. Agreement on Phase II of Collaborative Search and Examination Pilot, dated July 25, 2011
54. Agreement on First Action Interview Full Pilot Initiative, dated April 21, 2011

55. Agreement on Reinstated Annuitants, dated August 24, 2010
56. Settlement Agreement Regarding WebTA PPA Codes, dated June 3, 2009
57. MOU for Public Transportation Subsidy Program, May 1, 2009
58. Special Achievement Awards Agreement, dated June 27, 1983
59. Agreement on Trial Gainsharing Program, dated October 6, 1988
60. Modified Gainsharing Award Agreement, dated June 7, 2023
61. Patent Training Academy Work Schedules MOU, dated August 1, 2024
62. Telework Agreement for Patent Employees Hired to Work Remotely, dated November 8, 2022
63. Heritage Furniture and Miscellaneous Issues Regarding Closing the Remsen and Randolph Buildings Agreement, dated May 11, 2023
64. Research and Development Art Unit (RDAU) & PAP MOU, dated November 1, 2022
65. RDAU Extension MOU, January 3, 2024
66. MOU Regarding USPTO Enterprise-Wide Mentoring Program, dated July 20, 2016
67. Office of the Ombudsman Pilot MOU, dated May 10, 2016
68. MOU Regarding Interview Policy Guidelines, dated June 24, 2013
69. Implementation of the GS-15 Central Reexamination Unit TQAS Position Performance Appraisal Plan, dated April 17, 2024
70. MOU Regarding the Implementation of the GS-14 Search and Classification (SCE) Performance Appraisal Plan, dated June 12, 2023
71. Addendum to Agreement Implementation of the GS-14 Search and Classification (SCE) Performance Appraisal Plan, dated August 23, 2022
72. FY 2023 FY 2023 Classification Standards and Development (CSD) Performance Appraisal Plan (PAP) an Agreement, dated July 22, 2022
73. MOU Regarding Changes to the Office of the Chief Economist (OCE) Economists Career Ladder Positions and Performance Appraisal Plans in FY 2022, dated July 18, 2022
74. Implementation of the GS-14/15 Patent Reexamination Specialist 80/20 Detail Performance Appraisal Plan for the Central Reexamination Unit Agreement, dated April 25, 2022
75. Agreement Regarding Implementation of the GS-12/13 Attorney Advisor Career Ladder and Performance Appraisal Plans for GS-12/13 and 14 for the Office of Petitions, dated June 28, 2022
76. Agreement Regarding Implementation of GS-15 Petitions Examiner Performance Appraisal Plan, dated December 15, 2021
77. Agreement Regarding FY 2022 Patent Classifier (International Projects) Performance Appraisal Plan (PAP), June 23, 2021
78. Agreement Regarding Office of Petitions Implementation of Workflow Changes, March 17, 2021
79. Agreement Regarding Changes to the Central Examination Unit Reexamination Specialist Performance Appraisal Plan in FY2021, January 11, 2021
80. Agreement Regarding Implementation of the GS-1224 Outreach Detail PAPs for the Regional Offices, September 28, 2020


81. Agreement Regarding Implementation of the GS-14 Patent Examiner Coach/Trainer Detail Performance Appraisal Plan, dated August 5, 2020
82. MOU Regarding PAP for Patent Classifier (Hybrid) in TC 2900 (Revised), dated March 24, 2020
83. Agreement Regarding Implementation of a New Patent Examination Policy Advisor Performance Appraisal Plan by Office of Patent Legal Administration, dated September 19, 2019
84. Agreement Regarding Implementation of the OIPC GS-14 Program Analyst Detail PAP, dated September 19, 2019
85. MOU Regarding Performance Appraisal Plan for Attorneys in the PTAB, December 6, 2017
86. MOU Concerning Performance Appraisal Plans for Attorneys at the OPIA, dated April 19, 2016
87. MOU Regarding Patent Examining Professional Detail GS-1224-14 PAP (OPIM Detail), dated April 5, 2016
88. MOU Regarding the new Patent Reexamination Specialist Performance Appraisal Plan, dated October 22, 2013
89. Agreement Regarding Implementation of Changes to the Quality Element of Petition Attorney Advisors, dated October 16, 2024
90. Agreement Regarding Fiscal Year (FY) 2024 Classification and Standards Development (CSD) Performance Appraisal Plan (PAP), dated July 15, 2024

**Signatures**

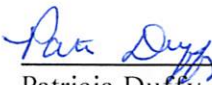
FOR THE USPTO:

Vaishali Udupa Digitally signed by Vaishali Udupa  
Date: 2024.12.10  
15:00:27 -05'00' Date: \_\_\_\_\_  
 Vaishali Udupa  
 Commissioner for Patents  
 USPTO

FOR POPA:

  
 \_\_\_\_\_ Date: 12/11/24  
 Kathleen Duda  
 President  
 POPA

Users, Steckler, Frederick W. Digitally signed by Users, Steckler, Frederick W.  
Date: 2024.12.10  
17:21:14 -05'00' Date: \_\_\_\_\_  
 Frederick Steckler  
 Chief Administrative Officer  
 USPTO

  
 \_\_\_\_\_ Date: 12/11/24  
 Patricia Duffy  
 Vice President  
 POPA