



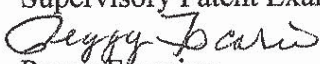
UNITED STATES PATENT AND TRADEMARK OFFICE

Deputy Commissioner for Patents

MEMORANDUM

Date: October 22, 2010

To: Technology Center Directors
Supervisory Patent Examiners

From: 
Peggy Focarino
Deputy Commissioner for Patents

Subject: Procedures for Considering Transfers of Examiners

I am pleased to announce the adoption of the following procedures, effective October 24, 2010, for the consideration of examiners' requests to transfer between Art Units and/or Technology Centers.

Transfers may be used to correct a mismatch in art area based on educational or experience background, to resolve personality conflicts, or as a retention tool.

When requesting a transfer, an examiner should include information regarding his/her technology background (degree, courses, prior work experience, technology preference, etc.) to inform the agency's consideration of his/her request.

The authority to grant or deny a requested transfer between Art Units within a Technology Center rests with the Technology Center Director. The authority to grant or deny a requested transfer between Art Units in different Technology Centers rests with the Director of the examiner's current Technology Center, but this decision must be made in consultation with the Director of the receiving Technology Center, and either Director may refuse the transfer request.

In evaluating a transfer request, the decision-maker will consider the following factors, each of which may be considered positively or negatively:

- ◆ Education and work experience
- ◆ Performance in all PAP elements
- ◆ Office workload
- ◆ Conduct
- ◆ Identified performance issues
- ◆ Retention

In an effort to improve performance, management will consider requests for transfer by examiners under oral warnings and, in rare occurrences, after the issuance of the written

warning. An examiner making a transfer request while under a warning must agree in writing that he/she will not claim that the agency's assistance during the warning was adversely affected by a change in art, change in supervisor, or change in condition(s) of employment which is the direct result of the granted transfer. This agreement will only be required when the transfer is offered and accepted pursuant to an examiner's request.

Decisions on transfer requests will be communicated back to the examiner, normally within 3 weeks of the request being submitted.