



SES Performance Management System Executive Performance Agreement



Part 1. Consultation. I have reviewed this plan and have been consulted on its development.

| | |
|---|---|
| Executive's Name (Last, First, MI): RUSCHKE, DAVID P. | Appraisal Pd. 5/22/16 - 9/30/16 |
| Executive's Signature: | Date: |
| Title: Chief Administrative Patent Judge, U.S. Patent and Trademark Office | Organization: PTAB |
| Rating Official's Name (Last, First, MI): SLIFER, RUSSELL D, Deputy Director | CA <input checked="" type="checkbox"/> NC <input type="checkbox"/> LT/LE <input type="checkbox"/> |
| Rating Official's Signature: | Date: |

Part 2. Progress Review

| | |
|--|-----------------------|
| Executive's Signature: | Date: |
| Rating Official's Signature: (b)(6) | Date: 10/25/16 |
| Reviewing Official's Signature (Optional): | Date: |

Part 3. Summary Rating

| | | | |
|---|-----------------------|--|--|
| Initial Summary Rating | (b)(6) | | |
| Rating Official's Name (Last, First, MI): SLIFER, RUSSELL D, Deputy Director | | | |
| Rating Official's Signature: (b)(6) | Date: 10/25/16 | | |
| Executive's Signature: (b)(6) | Date: 10/25/16 | | |
| Reviewing Official's Signature (Optional): | Date: | | |

Higher Level Review (if applicable)

| | |
|---|-------|
| <input type="checkbox"/> I request a higher level review. Executive's Initials: | Date: |
| Higher Level Review Completed <input type="checkbox"/> | Date: |
| Higher Level Reviewer Signature: | |

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|--|----------------------------------|----------------------------------|----------------------------------|----------------------------------|----------------------------------|
| Performance Review Board Recommendation | <input type="checkbox"/> Level 5 | <input type="checkbox"/> Level 4 | <input type="checkbox"/> Level 3 | <input type="checkbox"/> Level 2 | <input type="checkbox"/> Level 1 |
| PRB Chair Signature: | Date: | | | | |
| Annual Summary Rating | <input type="checkbox"/> Level 5 | <input type="checkbox"/> Level 4 | <input type="checkbox"/> Level 3 | <input type="checkbox"/> Level 2 | <input type="checkbox"/> Level 1 |
| Appointing Authority Signature: | Date: | | | | |

Part 4. Derivation Formula and Calculation of Annual Summary Rating

| Critical Element | Element Rating | | Weight | Score | | Summary Level Ranges |
|------------------------|----------------|--------------------|-------------|---------------|--------------------|--|
| | Initial | Final (if changed) | | Initial | Final (if changed) | |
| 1. Leading Change | (b)(6) | | 10% | (b)(6) | | 475-500 = Level 5 400-474 = Level 4 300-399 = Level 3 200-299 = Level 2 Any CE rated Level 1 = Level 1 |
| 2. Leading People | (b)(6) | | 10% | (b)(6) | | |
| 3. Business Acumen | (b)(6) | | 10% | (b)(6) | | |
| 4. Building Coalitions | (b)(6) | | 10% | (b)(6) | | |
| 5. Results Driven | (b)(6) | | 60% | (b)(6) | | |
| Total | | | 100% | (b)(6) | | |

Part 5. Critical Elements

Performance Standards for Critical Elements (The performance standard for each critical element is specified below; examples for the top three performance levels can be found in the system description)

- **Level 5:** The executive demonstrates exceptional performance, fostering a climate that sustains excellence and optimizes results in the executive's organization, agency, department or government-wide. This represents the highest level of executive performance, as evidenced by the extraordinary impact on the achievement of the organization's mission. The executive is an inspirational leader and is considered a role model by agency leadership, peers, and employees. The executive continually contributes materially to or spearheads agency efforts that address or accomplish important agency goals, consistently achieves expectations at the highest level of quality possible, and consistently handles challenges, exceeds targets, and completes assignments ahead of schedule at every step along the way.
- **Level 4:** The executive demonstrates a very high level of performance beyond that required for successful performance in the executive's position and scope of responsibilities. The executive is a proven, highly effective leader who builds trust and instills confidence in agency leadership, peers, and employees. The executive consistently exceeds established performance expectations, timelines, or targets, as applicable.
- **Level 3:** The executive demonstrates the high level of performance expected and the executive's actions and leadership contribute positively toward the achievement of strategic goals and meaningful results. The executive is an effective, solid, and dependable leader who delivers high-quality results based on measures of quality, quantity, efficiency, and/or effectiveness within agreed upon timelines. The executive meets and often exceeds challenging performance expectations established for the position.
- **Level 2:** The executive's contributions to the organization are acceptable in the short term but do not appreciably advance the organization towards achievement of its goals and objectives. While the executive generally meets established performance expectations, timelines and targets, there are occasional lapses that impair operations and/or cause concern from management. While showing basic ability to accomplish work through others, the executive may demonstrate limited ability to inspire subordinates to give their best efforts or to marshal those efforts effectively to address problems characteristic of the organization and its work.
- **Level 1:** In repeated instances, the executive demonstrates performance deficiencies that detract from mission goals and objectives. The executive generally is viewed as ineffectual by agency leadership, peers, or employees. The executive does not meet established performance expectations/timelines/targets and fails to produce – or produces unacceptable – work products, services, or outcomes.

Element Rating Level Points

Level 5 = 5 points
Level 4 = 4 points
Level 3 = 3 points
Level 2 = 2 points
Level 1 = 0 points

| | |
|--|------------|
| Critical Element 1. Leading Change | Weight 10% |
| <p>Develops and implements an organizational vision that integrates key organizational and program goals, priorities, values, and other factors. Assesses and adjusts to changing situations, implementing innovative solutions to make organizational improvements, ranging from incremental improvements to major shifts in direction or approach, as appropriate. Balances change and continuity; continually strives to improve service and program performance; creates a work environment that encourages creative thinking, collaboration, and transparency; and maintains program focus, even under adversity.</p> | |
| <p>Agency-Specific Performance Requirements</p> | |
| <p>Lead PTAB through continuing expansion with a further appropriate growth in number of judges and addition of other personnel. Lead PTAB through appropriate expansion of judge corps and hearings in regional offices. Lead PTAB through further phases of issuing America Invents Act Trial final decisions. Lead upgrade in quality of support staff.</p> | |
| <p>Rating Official Narrative: <i>(Optional)</i></p> | |
| <p>Critical Element Rating – Leading Change</p> | (b)(6) |
| Critical Element 2. Leading People | Weight 10% |
| <p>Designs and implements strategies that maximize employee potential, connects the organization horizontally and vertically, and fosters high ethical standards in meeting the organization's vision, mission, and goals. Provides an inclusive workplace that fosters the development of others to their full potential; allows for full participation by all employees; facilitates collaboration, cooperation, and teamwork, and supports constructive resolution of conflicts. Ensures employee performance plans are aligned with the organization's mission and goals, that employees receive constructive feedback, and that employees are realistically appraised against clearly defined and communicated performance standards. Holds employees accountable for appropriate levels of performance and conduct. Seeks and considers employee input. Recruits, retains, and develops the talent needed to achieve a high quality, diverse workforce that reflects the nation, with the skills needed to accomplish organizational performance objectives while supporting workforce diversity, workplace inclusion, and equal employment policies and programs.</p> | |
| <p>Agency-Specific Performance Requirements</p> | |
| <p>Serve as Chief Judge. Provide policy direction and guidance to the PTAB. Perform Business Unit Head functions on the Policy Council, Management Council and Executive Committee of the Agency, and otherwise, as appropriate. Lead continuing activities directed at PTAB execution of new duties given to the PTAB under the America Invents. Act. Motivate PTAB to keep tackling substantial ex parte appeal case backlog.</p> | |
| <p>Rating Official Narrative: <i>(Optional)</i></p> | |
| <p>Critical Element Rating – Leading People</p> | (b)(6) |

Critical Element 3. Business Acumen

Weight 10%

Assesses, analyzes, acquires, and administers human, financial, material, and information resources in a manner that instills public trust and accomplishes the organization's mission. Uses technology to enhance processes and decision making. Executes the operating budget; prepares budget requests with justifications; and manages resources.

Agency-Specific Performance Requirements

Advance development of improved IT systems and system integration. Manage reallocation of budget resources to accommodate geographic and human resource expansion. Drive confidence in management of Board by further developing capabilities of larger management team.

Rating Official Narrative: *(Optional)*

Critical Element Rating – Business Acumen

(b)(6)

Critical Element 4. Building Coalitions

(Minimum weight 5%)

Weight 10%

Solicits and considers feedback from internal and external stakeholders or customers. Coordinates with appropriate parties to maximize input from the widest range of appropriate stakeholders to facilitate an open exchange of opinion from diverse groups and strengthen internal and external support. Explains, advocates, and expresses facts and ideas in a convincing manner and negotiates with individuals and groups internally and externally, as appropriate. Develops a professional network with other organizations and identifies the internal and external politics that affect the work of the organization.

Agency-Specific Performance Requirements

Collaborate with other business units, where possible, to implement strategies for reducing ex parte appeals inventory within limits imposed by AIA trial inventory and deadlines. Interact with public to instruct on new PTAB jurisdiction and procedures.

Rating Official Narrative: *(Optional)*

Critical Element Rating – Building Coalitions

(b)(6)

| | | |
|---|--|---|
| Critical Element 5. Results Driven | | Weight 60% |
| Agency Goals/Objectives for current FY: Must have at least 1 result (may have up to 4) | | |
| <p>This critical element includes specific performance requirements expected of the executive during the appraisal period, focusing on measurable outcomes from the strategic plan or other measurable outputs and outcomes clearly aligned to organizational goals and objectives. At a minimum, the performance plan will include performance requirements (including measures, targets, timelines, or quality descriptors, as appropriate) describing the range of performance at Level 3 for each result specified. It is recommended to also establish the threshold measures/targets for Levels 5 and 2.</p> <p>Alignment--cite relevant goals/objectives, page numbers, from the Strategic Plan, Congressional Budget Justification/Annual Performance Plan, or other organizational planning document in the designated section for each performance requirement specified.</p> | | |
| <p>Performance Requirement 1: 35% Weight</p> <p>America Invents Act Trial Timeliness: Reach AIA trial completion in 12 months, or in 18 months in cases with extensions for good cause.</p> | <p>Strategic Alignment:</p> <p>USPTO Strategic Plan, Goal 1, Objective 7-A</p> | |
| <p>Performance Requirement 2: 30% Weight</p> <p>PTAB Expansion / Ex Parte Inventory Reduction: Facilitate Judge appointments with the submission to the Under Secretary of a sufficient number of proposed new APJs between May 22, 2016 and September 30, 2016, to achieve a reduction of ex parte appeal inventory by 10%.</p> | <p>Strategic Alignment:</p> <p>USPTO Strategic Plan, Goal 1, Objective 7-B</p> | |
| <p>Performance Requirement 3: 35% Weight</p> <p>PTAB Decision Consistency: Facilitate regular extra-panel review of at least 25% of final AIA decisions, excluding rehearing decisions, and management review of at least 5% of ex parte appeals decisions.</p> | <p>Strategic Alignment:</p> <p>USPTO Strategic Plan, Goal 1, Objective 7-D</p> | |
| <p>Rating Official Narrative: <i>(Optional)</i></p> <div style="background-color: #ADD8E6; height: 60px; width: 100%; padding: 5px;">(b)(6)</div> | | |
| <p><i>Critical Element Rating – Results Driven</i></p> | | <div style="background-color: #ADD8E6; height: 20px; width: 100%; padding: 5px;">(b)(6)</div> |

Part 6: Summary Rating Narrative *(Mandatory)*

Part 7: Executive's Accomplishment Narrative *(Optional)*

Part 8: Agency Use

Deriving the Results Driven Rating Worksheet

Executive Name **DAVID P RUSCHKE** Rating Period **FY 2016**

| Results Driven Performance Requirements (PR) | Performance Requirement Rating Level Score | Weight (multiply by) | Performance Requirement Points Score | Point Ranges to Rating Level Score | Results Driven Initial Element Score |
|--|--|----------------------|--------------------------------------|---|--------------------------------------|
| Performance Requirement 1 | | | | Points 475 – 500 = Level 5 Rating Score Points 400 – 474 = Level 4 Rating Score Points 300 – 399 = Level 3 Rating Score Points 200 – 299 = Level 2 Rating Score Any PR rated Level 1 overall score must be = Level 1 Rating Score | |
| Performance Requirement 2 | | | | | |
| Performance Requirement 3 | | | | | |
| Performance Requirement 4 | | | | | |
| | | = 100% | | | |
| Performance Requirement Total Score | | | | ___ = Level ___ | |

Example of Results Driven Element Being Rated Level 4

| Results Driven Performance Requirements (PR) | Performance Requirement Rating Level Score | Weight (multiply by) | Performance Requirement Points Score | Point Ranges to Rating Level Score | Results Driven Initial Element Score |
|--|--|----------------------|--------------------------------------|---|--------------------------------------|
| Performance Requirement 1 | 4 | x 25 | 100 | Points 475 – 500 = Level 5 Rating Score Points 400 – 474 = Level 4 Rating Score Points 300 – 399 = Level 3 Rating Score Points 200 – 299 = Level 2 Rating Score Any PR rated Level 1 overall score must be = Level 1 Rating Score | |
| Performance Requirement 2 | 5 | x 30 | 150 | | |
| Performance Requirement 3 | 5 | x 15 | 75 | | |
| Performance Requirement 4 | 3 | x 30 | 90 | | |
| | | = 100% | | | |
| Performance Requirement Total Score | | | 415 | 415= Level 4 | 4* |

***Results Driven Rating is 4 – to be transferred to Initial Element Score beside Results Driven Critical Element on the bottom of page 1.**

DAVID P. RUSCHKE
Chief Administrative Patent Judge
Patent Trial and Appeal Board

Assessment FY2016 (May 22 – September 30, 2016)

1. Leading Change

(b)(6)

2. Leading People

(b)(6)

3. Business Acumen

(b)(6)

(b)(6)

4. **Building Coalitions**

(b)(6)

5. **Results Driven**

(b)(6)