

UNITED STATES PATENT AND TRADEMARK OFFICE

PATENT PUBLIC ADVISORY COMMITTEE

MEETING

Alexandria, Virginia

Friday, August 8, 2008

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1 P R O C E E D I N G S

2 MR. DOLL: Okay. Are we ready to
3 proceed? All right. So we're back on the record
4 on the Public Session of the Patent Public
5 Advisory Committee meeting for today, on Friday,
6 August 8. And I think the next topic on the
7 agenda was Pendency, Quality and Retention Updates
8 from Peggy Focarino, the Deputy Commissioner.

9 MS. FOCARINO: Does everyone have
10 handouts? Because I apologize, my slides weren't
11 loaded. Okay. So we'll just talk from the - But
12 anyway, I just wanted to give you a look at where
13 we were at the end of last year compared to where
14 we were at the end of the third quarter. And as
15 you can see by the first bullet there, we've grown
16 the backlog of applications waiting for Jackie,
17 which we expected to happen.

18 We have more members on board.
19 Actually, we are approaching probably by the end
20 of the year about 6,000, just under 6,000 patent
21 examiners. Increasing the number of managers goes
22 a long way to increasing the work force. And

1 we've gotten approval for more group director
2 positions; as a matter of fact, I've got three
3 vacancies right now that Steve Smith alluded to
4 that I'm trying to fill hopefully here within the
5 next few weeks and get the new directors into
6 place, so that will bring out almost 30 directors.
7 Pendency to first action, some of you, we give an
8 average pendency, which you can see at the bottom,
9 but it's always interesting to look at where we
10 are in the different disciplines.

11 And, you know, most of the areas have
12 grown since the end of last fiscal year, but -
13 actually gotten better, I think 2600 is one of the
14 - actually gotten better since last year, and you
15 know, that's really because of the hiring - place
16 large amounts of hires in that area, 2600.

17 And the plan is for October, to actually
18 take some art from 21 to 2600 and form a new
19 technology center. So we'll have every technology
20 center, 2400, the next time we meet, and that will
21 be network, small - cable and internet - So we're
22 hiring examiners right now in groups from - to -

1 technology and training them to examine - so
2 that's the plan.

3 Our target for fiscal year '08, I
4 believe, and correct me if I'm wrong, is 26.9
5 months, right, pendency to first action, or total
6 pendency.

7 MR. HUDSON: For when?

8 MS. FOCARINO: Pendency to first action,
9 26.9, is it?

10 MR. HUDSON: Need glasses.

11 MS. FOCARINO: But I believe it is,
12 yeah.

13 MR. SMITH: The target is 26.9.

14 MS. FOCARINO: Right, 26.9. So it looks
15 like we're going to make that goal, which we
16 haven't made in the last couple of years, so I
17 hope we continue to, you know, focus on that goal.
18 The next slide, you can take a look at the total
19 pendency, again, by discipline. Some areas have
20 decreased slightly from the end of last fiscal
21 year and others have increased.

22 You notice in the mechanical area, 3700

1 has gone up. They experience a higher attrition
2 rate, particularly in their - area. They just had
3 a lot of hires, too, in the last couple of years,
4 which is - the mechanical areas aren't quite, you
5 know, they hadn't hired - hiring or slight
6 decreases in hiring for quite a while. So now
7 because of the growth in those areas, the - you
8 know, filings are increasing, too, so you can see
9 some growth in pendency there.

10 We talked earlier about hires and
11 attritions, but just to give you a look, our goal
12 actually was 1200 and we hired a little bit more
13 than that. And this year our goal, again, is
14 1200. We have 920 on board, and we're going to -
15 it looks like we're going to make - Steve, right?

16 MR. SMITH: I think we're going to make
17 it. As of yesterday, we project 26 short and --

18 MS. FOCARINO: Right; we have 194
19 accepted offers waiting to start our training
20 academy, and so they'll come in in the next two
21 training academy classes. And we're getting -
22 continuing to get very good caliber hires, so

1 we're pleased about that.

2 The quality, if you take a look at the
3 next slide, our goal last year was to have 96
4 percent or greater allowance from clients, and 90
5 percent or greater in- process. And you can see
6 where we finish, we exceeded our allowance
7 compliance rate, and we also came in at over 92
8 percent in-process compliance rate, so, you know,
9 we improved from the previous year.

10 And then our 2008 goal, again, 96
11 percent or greater in allowance compliance rate,
12 and then we upped our in-process compliance rate
13 to 92 percent based on the previous year's
14 achievement. And so in the third quarter, you can
15 see that we're, again, exceeding our allowance
16 compliance rate and also our in-process compliance
17 rate. This is one with the massive hiring, you
18 know, all of our focus on quality initiatives and
19 everything, I think it's, you know, a real good
20 sign. And some of the other indicators that we
21 look at also just kind of validate - to be
22 tracking at a similar rate.

1 And then, let's see, the third quarter
2 results, just basically by discipline again, I
3 broke it down that way so you could get a look.
4 And the different areas where we are in terms of
5 the allowance compliance rate over the in-process
6 compliance rate.

7 One particular area I think you'll hone
8 in on is the computer area, 21 and 2600, this has
9 some difficulties in our in-process work. And I
10 know at mid-year they put a lot of initiatives in
11 place to try to focus in on the problem areas, and
12 that area is the area that has the greatest burden
13 of hiring, you know, there's struggles there and a
14 lot of new or less experienced managers, so --

15 MR. GRANT: Is it your experience that
16 most of the in-process error rate comes from the
17 newer examiners?

18 MS. FOCARINO: A lot of it does; but,
19 you know, there's a lot of one on one issues in
20 these areas also, and we've done a lot of
21 training, and there's still some cases out there
22 that we're waiting for decisions on, but that does

1 represent - the one on one issues represent
2 probably a large percentage of the errors in those
3 areas. And then the next slide just gives you a
4 look of, you know, what I showed you - except it
5 goes back earlier, to the year 2000, to kind of
6 show you where our error rate has been.

7 In 2004, right before John Doll came
8 into our positions, we were not making our quality
9 goals, and you know, got together with the group
10 directors and we made some decisions on some
11 things that we probably need to do to take a
12 closer look at our following. I think, you know,
13 they paid off a lot and hopefully we can continue
14 to keep the error rate where it is.

15 MR. GRANT: And just so we - the hiring
16 - the error rate, the heavy hiring started right
17 around 2005 also, right?

18 MS. FOCARINO: Right, exactly. We
19 didn't hire much in 2003 and 2004. And then,
20 again, the allowance rate, we talked about that a
21 little earlier today, but you can see that, you
22 know, we were almost at 71 - 72 percent eight

1 years ago, and now we're down to 43.2 percent at
2 the end of the third quarter, so we'll see where
3 that goes. You know, we were projecting - I think
4 at 50 percent last - tack on our fees, but that's
5 been an interesting thing to look at. A lot of
6 you know we have certification examiners that have
7 to pass this exam - grade 13. It's modeled after
8 the patent bar exam. And when we started it in
9 2004, you can see what the - and since that year,
10 we've gotten better focused, a lot of sessions,
11 training sessions for examiners on the exam and
12 the questions, and so we've seen an increase in
13 the number of examiners who are passing that exam,
14 so that's really good news, too.

15 Obviously, we can get examiners up to
16 the primary examiner level, which is more
17 productive, and they can train our junior
18 examiners and the - examiners, and so that's a
19 good sign, too, to do that.

20 SPEAKER: Peggy, sorry to - but can a
21 GS-9 get to a 13 pretty rapidly through --

22 MS. FOCARINO: Well --

1 SPEAKER: -- you know, typically most
2 poor performance, you've got to go like 7, 9, 11,
3 12, 13.

4 MS. FOCARINO: Right.

5 SPEAKER: Can they get to a 13 from like
6 a 9 like in two years?

7 MS. FOCARINO: I think it's about three.

8 MR. BUDENS: Two and a half, if they go
9 to the accelerated, can go from 9 to 11.

10 MS. FOCARINO: Right; because you can
11 get one accelerated promotion and that's two and a
12 half years. Okay. And then, you know, basically
13 we have some high profile quality incidents that
14 we'd like to talk about. And I invited Drew
15 Hirshfield, who's one of the group directors that
16 has oversight of a couple of them, but he's going
17 to be talking about almost all of them.

18 And when he goes through these, you can
19 see that there's a couple that have been ongoing
20 and then one that we're just beginning to start
21 and, you know, take a look at what the
22 participation rate would be for that. But anyway,

1 let's start with the - examination initiative.

2 So, Drew, do you want to talk about that?

3 MR. HIRSHFIELD: I've got the other
4 stuff.

5 MS. FOCARINO: Oh, okay. You thought I
6 was talking about - okay, so I'll talk about -
7 There's a chart in there that shows you where the
8 filings have gone since we began in August, '06,
9 and they're increasing, so there's a number of
10 people that are willing to file electronically and
11 give us the closest - mandatory interview. And so
12 we had 293 applications allowed that have
13 participated in this program. The average number
14 of days to complete prosecution you can see is
15 182, which is pretty quick. And the quickest one
16 that we've had that has gone through has taken --

17 MR. GRANT: Is that right? That must
18 have been one of yours, Robert.

19 MR. BUDENS: I wish I could have filed.

20 MR. DOLL: Actually, that was to
21 allowance, it was 76 days.

22 MS. FOCARINO: Right.

1 MR. DOLL: To the signed patent by John
2 Dudas.

3 MS. FOCARINO: Right.

4 MR. DOLL: Which is still remarkably
5 fast.

6 MS. FOCARINO: Right; but just the
7 prosecution and closing prosecution from one of
8 the examiner hands it off does it go into the -
9 yeah, 18 days, so that's pretty good.

10 MR. HUDSON: It doesn't speak well for
11 the - from that time to get it published, that
12 process.

13 MR. DOLL: Well --

14 MR. HUDSON: It has nothing to do there.

15 MR. DOLL: -- well, when we get the push
16 button publication, when we actually have the
17 tagged data, we can just push a button and it
18 publishes it, but that's part of PFW also, so
19 you're absolutely right there. It is a little
20 embarrassing when you're going to allow a patent
21 in 18 days and then it takes another 60 days to
22 get it issued.

1 MR. SMITH: It leads to --

2 MS. FOCARINO: Exactly, that's what I
3 was thinking - but we've had just under 200
4 patents issue, and the - of this program has been
5 very positive, and you know, we've learned a lot
6 in the program about holding interviews, and so
7 we're working a lot on promoting interviews and
8 training our examiners on how to - interviews
9 either in person or - and do it before the first
10 action.

11 You know - in the case, and hopefully,
12 you know, have a good understanding earlier from
13 the application. And, you know, also the - I
14 think the claims of these applications, if you
15 talk to our examiners, the claims are getting
16 narrower and more focused, and the applications
17 could have been written a little better, at least
18 from the examiner's perspective, so it's been a
19 real good program.

20 MR. DOLL: Are you still on there,
21 Scott?

22 MR. SMITH: I think he left.

1 MS. FOCARINO: I think he left, yeah.

2 MR. DOLL: My hunch is, he's not going
3 to - you can explain this - explaining this for a
4 long time.

5 MS. FOCARINO: Right, he'll be
6 explaining this for a long time.

7 MR. DOLL: Buy my way out.

8 MS. FOCARINO: Okay. The next program,
9 we'll turn it over to Drew, but this peer review
10 pilot, and I know you've read a lot about this and
11 heard a lot about it, but this pilot recently was
12 expanded to the business method, so I'll let Drew
13 talk a little bit about that.

14 MR. HIRSHFIELD: Thank you. Peer review
15 pilot basically gives applicants who join a chance
16 to have members of the public look at their
17 applications and then submit prior art. They can
18 have people reviewing applications in the public
19 and get up to ten references, they can submit it
20 to the Patent Office for review by the examiner.

21 And the hope is that the best prior art
22 gets in front of the examiner, of course. And as

1 Peggy mentioned, the expansion is the business
2 method. Originally it was only a TC 2100 - and
3 now it's the business methods, where you have - of
4 - literature - that this program can get the best
5 art in front of the examiners.

6 MR. GRANT: What would need to be
7 required to change it from a voluntary program to
8 a program that, you know, basically was open for
9 the public to submit whatever they wanted to the
10 PTO and all applications; is that something
11 statutory or --

12 MS. FOCARINO: Well, my legal people --

13 MR. DOLL: There's a certain time period
14 in which you can file comments, you can file prior
15 art, and there's a very narrow window after an
16 application publishes, when you're - you have the
17 ability to submit comments. In the peer review,
18 applicant has to come in and specifically waive
19 that part of the statute so that we have the
20 opportunity to accept the comments.

21 MS. FOCARINO: Andy can tell you.

22 MR. DOLL: Oh, okay.

1 MS. FOCARINO: -- have to do with rule
2 199.

3 MR. FAILE: Yeah - part of the - PPAC
4 outreach, there was a number of comments within
5 the period for rule 199 - two months - within two
6 months publication. There are a number of
7 comments to extend that to the labor of two months
8 publication or the first issuance of a - action.
9 That's not something we do - that was a
10 suggestion --

11 MR. HIRSHFIELD: Examiners in - cases,
12 they do - that they normally would otherwise, it's
13 just now they also have a - of getting - And so
14 far there's been 40 first actions that have been
15 completed, and out of that 40, there's six
16 applications that the art used, and the first
17 action was solely from the public submission, the
18 examiner did not - 15 percent of those cases.

19 MR. GRANT: Well, why on earth would the
20 applicants waive that? I mean are they just good
21 will and they're trying to - you encouraged them
22 to help out on a pilot program? I mean it seems

1 like it would be adverse to their interest,
2 arguably.

3 MR. HIRSHFIELD: I think it's actually -
4 I think, you know, to have the right art and to
5 get the best claims that you can gives you the
6 most - so I think that the idea is, they want to
7 maximize the value of the patent, and knowing all
8 the issues up front, it's best.

9 MR. DOLL: Okay, thanks.

10 MS. DOUGHERTY: For those applicants
11 that - application out of turn, so for many of
12 them, particularly like the computer architecture
13 area, their application is being --

14 MR. GRANT: Thanks.

15 MR. HIRSHFIELD: Out of the 40
16 applications, eight of them, the art that was
17 used, was found by both the public and the
18 examiner, and the rest of those cases were - about
19 26 cases found by the examiner and not the public.
20 So I think with the expansion into business
21 methods, where you have extensive - literature,
22 I'll be very interested to see what happens to

1 those - and that's all on the peer review. Does
2 anybody have any questions?

3 Another pilot program, it's the first
4 action interview pilot program. This - the idea
5 of this pilot program is to put the application or
6 their representative and the examiner in contact
7 with each other very early in prosecution.
8 Statistics show that the allowance rate, the speed
9 at prosecution is much greater when they have an
10 early interview.

11 So in this situation, in this type of
12 program, what we have is, the examiner will do the
13 search, just like in they normally would in
14 traditional prosecution, and after they search,
15 instead of sending a whole office action, they
16 send out a short - a shortened office action. The
17 office action indicates the references that are
18 going to be used, it'll indicate a brief
19 description of what the rejection would be if it
20 were a - At that point, when the application
21 receives that shortened office action, they have
22 60 days to have an interview with the examiner.

1 And it's with hopes that you can create interview
2 reaching an agreement, hopefully a notice of
3 allowance, and of course, I neglected to say it,
4 but if they have an allowance at the beginning,
5 right away, of course - but if they proceed to the
6 interview and you can reach an agreement on
7 allowance, that's the best for both worlds; if we
8 can't have an allowance, then at least the hopes
9 is that the interview will lessen any of the
10 issues that should arise later on in prosecution,
11 you know, increase the speed at which we can
12 prosecute.

13 So after the interview, there is -
14 another office action will be sent, and that
15 office action can be very similar to the first
16 one, it's also a short one, but it's to resolve
17 any issues that came up at the beginning.

18 At that point in the prosecution, under
19 the pilot program, you're now at the equivalent
20 place and traditional practice as the first action
21 being sent out, so - argue. There has been a huge
22 amount of interest in these programs. We've had

1 over 400 applicants have joined the program. But
2 now we're still very early in the stages. Unlike
3 the peer review, this is not - the applications
4 aren't taken out of turn; rather, though, the
5 criteria for joining the program has a filing date
6 criteria, as well, so applications that are in the
7 program are those that have to be examined in the
8 near future. So right now we've had about 50 pre-
9 interview communications go out, and we're still
10 waiting for most of those to have interviews, so
11 the jury is still out on the effects of the
12 program.

13 It's being piloted in the TC 2100, in
14 two work groups, and will extend through the end
15 of October, where people can join, obviously. The
16 examination will take place after October for many
17 of these cases, but they can join up to October.

18 MR. GRANT: And, obviously, part of the
19 analysis process is conducting interviews with the
20 examiners who are conducting the interviews with
21 the applicants?

22 MR. HIRSHFIELD: Yes; you have a

1 pre-interview communication, that's the short
2 form, then you have the interview, and it's at
3 that point you have 60 days to interview --

4 MR. GRANT: No, I mean your and the
5 PTO's analysis for the pilot, in addition to
6 looking for the data and the likelihood of -
7 comparative likelihood of processing on the first
8 - you'll interview the examiners and figure out
9 whether they thought it was --

10 MR. HIRSHFIELD: Yes, right. Anybody
11 have any questions - and the last pilot --

12 MR. GRANT: I was just going to say,
13 Bob, what's the view of the examiners on it, too
14 early to tell?

15 MR. BUDENS: I think it's too early to
16 tell. I mean we have worked closely with
17 management on this one, we actually have reached,
18 you know, we reached agreement pretty quickly on
19 going forward with the pilot because - is
20 interested - agency is.

21 MR. GRANT: Great.

22 MR. BUDENS: And I think it - to be

1 perfectly blunt to some extent, I'm hoping that it
2 will be an offset to the feedback from the
3 outreach program, and everybody wants to have
4 that, you know, that early first action interview.
5 I don't think - have been done yet to get a feel
6 for how much impact is going to be on the
7 examiner, but we are looking forward to the data.

8 MR. GRANT: Great.

9 MR. HIRSHFIELD: I think that, from my
10 standpoint - talk to people on the outside about
11 it, talk to a lot of examiners, it really seems to
12 be that this is truly a win win for both sides,
13 potentially it could be a win win, where the
14 examiners, you know, they want to get the quick
15 resolution - as well, so if they can do that,
16 they're benefiting greatly, and of course, we
17 don't need to talk about - there are great
18 benefits to the people on the --

19 MR. GRANT: Terrific; when do you think
20 you guys are going to have a view of the results
21 of the filing?

22 MR. HIRSHFIELD: I think very shortly.

1 I - this morning, so I'm on top of, you know, when
2 the - is taking place. We're just now getting
3 into the - for those 50 plus applications, we're
4 now getting into any of these - so I think we'll
5 see --

6 MR. GRANT: You think March or so,
7 something like that?

8 MR. HIRSHFIELD: I would say --

9 MS. FOCARINO: Before that.

10 MR. HIRSHFIELD: -- yeah, even before
11 that.

12 MR. GRANT: Before that.

13 MR. HIRSHFIELD: I would say much
14 earlier, probably within the next couple of months
15 we should have sufficient data to have a good
16 preliminary indication.

17 MR. GRANT: Terrific.

18 MR. HIRSHFIELD: Anything else --

19 MR. GRANT: Thank you very much.

20 MR. HIRSHFIELD: You're very welcome.

21 The last pilot that I'll discuss is the
22 experienced IP hire pilot. And basically the

1 intent here is to bring in candidates as new
2 examiners that have some extensive prosecution
3 experience. We would bring them in as GS-12's.
4 And a few minutes ago was told about how long it
5 takes to get to a 11 or 12. I think traditionally
6 it's been three years to get to the 12 - depending
7 on the first promotion. But this would bring
8 people in as GS-12's.

9 The caveat here is that their experience
10 has to be something that translates directly to
11 the patent - so we would be looking at a minimum
12 of one year patent prosecution experience, but it
13 can't - has to be certain experience that
14 qualifies you to be an examiner, who can come in
15 as a GS-12.

16 We are hoping to offer a recruitment
17 incentive, as you can see on the handout. And the
18 hope is that, you know, the pilot can begin, you
19 know, as early as late September, possibly with 16
20 candidates is what we're considering, although I
21 do recognize that there's potential - that we
22 might need to go through the office. The plan is

1 to have a very condensed four week training
2 period. Typically right now we have a, as you
3 know, a seven month training period. This would
4 be a four week period. All of the TC's would
5 participate, so some of the training would be
6 mixed between classroom - and technology specific
7 training in the TC.

8 It's considered to be a - it will be a
9 permanent position with a one year probation as
10 opposed to what we now have as two years. And
11 because it's such a large transition, it could be
12 a major transition from someone coming from
13 private practice. We would have a mentoring
14 program, where current managers who have their
15 experience - by sufficient experience would work
16 directly on a one on one basis with those people
17 coming in.

18 MR. BUDENS: Run that by me again.

19 MR. HIRSHFIELD: Which, the last part?

20 MR. BUDENS: The last one.

21 MR. HIRSHFIELD: We would have - we were
22 hoping to have a mentoring arrangement, where

1 current managers who have prosecution experience
2 or law degrees and have been on the outside would
3 work with - resource to help them transition from
4 the outside to the Patent Office.

5 MS. FOCARINO: You know --

6 MR. BUDENS: I think we might have some
7 - issues.

8 MS. FOCARINO: You know, Robert and I
9 talked about this, so he and I will be talking
10 about this particular pilot.

11 MR. GRANT: Well, you can't have any
12 issues with candidates, the question is - all
13 right.

14 MS. FOCARINO: Well, you know, there are
15 many other concerns. So we have a vacancy
16 announcement -- sit down with Robert and talk
17 about what his concerns might be. I understand -
18 and we have I think around 66 applicants so far.

19 MR. GRANT: Okay.

20 MS. FOCARINO: You know, it's just
21 something else that I think we've been talking
22 about - trying to bring in people at a higher

1 level, hit the ground running factor that have the
2 experience, and you know, hopefully we can get a
3 chance to try it out.

4 MR. GRANT: Great idea.

5 MR. FOREMAN: How big is the potential
6 pool for those candidates? I mean 66, that's
7 quite a few.

8 MS. FOCARINO: Yeah.

9 MR. FOREMAN: But I mean that represents
10 - I mean how many people out there do you think
11 would qualify for this?

12 MS. FOCARINO: You know, that's a hard
13 one to say. And I know we - John has heard it
14 many times - we don't have to have a law degree to
15 qualify, just prosecution experience. But, you
16 know, with the nation- wide work force, we can
17 work something out on that, I think it's a big
18 interest in different parts of the country, people
19 having law degrees --

20 MR. GRANT: -- a different lifestyle.

21 MS. FOCARINO: Yeah; like the job, so
22 anyway.

1 MR. DOLL: We also - part-time.

2 MR. GRANT: Sure.

3 MR. DOLL: Where we do hear a lot from
4 attorneys who are getting ready to retire, but not
5 really ready to quit, say I'd love to be an
6 examiner, I'm not going to leave California, but
7 if I could work part-time, sign me up. So we
8 think there may be a fair number of people that
9 may - we may be able to bring in, as Peggy said,
10 limited training, hit the ground running, and --

11 MR. GRANT: And on an incremental basis,
12 it could have a good impact.

13 MR. DOLL: Yes; I'll be looking for your
14 application, Max. It may take more than a month,
15 but --

16 MR. GRANT: A man has got to know his
17 limitations, so where are mine?

18 MS. FOCARINO: Okay. So anyway, those
19 are some of the things that we've got in the works
20 right now, it's a little twist on what we've been
21 doing, but - and I'll be glad to take any
22 questions you might have on the data or anything

1 like that.

2 MR. GRANT: No, I've asked mine as we
3 went along. Anybody else that needs --
4 participants or anybody else sitting in have any
5 questions or thoughts? Okay, thank you.

6 MR. DOLL: So we covered pendency, we
7 covered the initiative updates. Unless there's
8 any pending questions or other thoughts, I want to
9 thank you both for the input and the information.
10 And on my own personal behalf, I want to say thank
11 you for the small opportunity to contribute in a
12 small way and to learn a lot. It's been my
13 pleasure and joy to have the opportunity to learn
14 from you all over the last three years, so thank
15 you very much.

16 MS. FOCARINO: Thanks.

17 MR. DOLL: We're adjourned.

18 (Whereupon, at 3:37 p.m., the
19 PROCEEDINGS were adjourned.)

20 * * * * *

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1 CERTIFICATE OF NOTARY PUBLIC

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3 I, Carleton J. Anderson, III do hereby certify
4 that the forgoing electronic file when originally
5 transmitted was reduced to text at my direction;
6 that said transcript is a true record of the
7 proceedings therein referenced; that I am neither
8 counsel for, related to, nor employed by any of
9 the parties to the action in which these
10 proceedings were taken; and, furthermore, that I
11 am neither a relative or employee of any attorney
12 or counsel employed by the parties hereto, nor
13 financially or otherwise interested in the outcome
14 of this action.

15 /s/Carleton J. Anderson, III

16 Notary Public # 351998

17 in and for the Commonwealth of Virginia

18

19 My Commission Expires:

20 November 30, 2008

21

22

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