



BY LAWS

of

**THE PATENT AND TRADEMARK
OFFICE SOCIETY**

A Virginia Nonstock, Non-Profit Corporation
Organized Under Virginia Statutes § 13.1-801, et al.

August 2019

1. The name of the organization shall be: THE PATENT AND TRADEMARK OFFICE SOCIETY (“PTOS”).
2. The PTOS and all of its functions and activities are to be operated and conducted in the promotion of its social welfare purposes as specified in its Articles of Incorporation and all amendments thereto (“Articles”).
3. Purposes:
 - a. The PTOS shall be organized and operated as a nonstock, nonprofit PTOS under the provisions of the Act. The PTOS shall be governed by its Articles, the Constitution, and these Bylaws. The PTOS is organized exclusively for the promotion of social welfare or local association of employees, the membership of which is limited to the employees of a designated person or persons in a particular municipality, within the meaning of Internal Revenue Code § 501(c)(4) or the corresponding provision of any future United States internal revenue law.
 - b. The specific and primary purposes of the PTOS shall be to further the technological development of the United States insofar as the patent and trademark systems are or may be factors, to promote the American patent and trademark systems and foster a true appreciation of those systems, to cultivate the highest standards of professional ethics among patent and trademark practitioners and Patent and Trademark Office professionals, to promote the professional, intellectual and social welfare of the members of the PTOS and to perform any other lawful purposes ancillary to the patent and trademark systems.
 - c. The PTOS shall have such purposes as are now or may hereafter be set forth in its Articles.

4. Membership:

- a. In accordance with the Act, the PTOS shall have no members within the meaning of Virginia Statute § 13.1-803. All action which would otherwise require approval by a majority of all members or approval by said members shall require only approval of the Board. All rights which would otherwise vest in members shall vest in the Board.
- b. The membership of the **PTOS** shall be comprised of active, associate, and honorary members with no membership interests within the meaning of Virginia Statute § 13.1-803.
- c. Every employee of the Patent and Trademark Office who is engaged in the examination of applications for patent or trademarks, or engaged in professional work ancillary thereto, and those employees of the Patent and Trademark Office whose classification position rating is GS-7 or higher, and those employees of the Patent and Trademark Office whose eligibility for membership was previously established and who were in fact members of the **PTOS** shall be deemed eligible for active membership.
- d. Associate membership shall be open to former employees of the Patent and Trademark Office who were members or were eligible to be members of the **PTOS** at any time during their Patent and Trademark Office tenure, to registered patent attorneys and agents, to trademark practitioners, to patent practitioners for Federal agencies, to Federal judges, to all other professionals engaged in work related to procuring patents or trademarks for others, and to students and other interested parties.

- e. Distinguished individuals may be eligible for one year honorary memberships.

Nominations or recommendations for such memberships shall be submitted to the Board of Directors, hereinafter referred to as the **BOARD**, and must be approved by a two-thirds vote of the **BOARD** present at a regular meeting.

5. Authority and Responsibility of the Board of Directors:

- a. The supreme authority of the **PTOS** and the government and management of the affairs of the **PTOS** shall be vested in the Board. All of the powers, duties, and functions of the **PTOS** as conferred by the Articles of Incorporation, the Constitution, these Bylaws, state statutes, common law, court decisions, or otherwise, shall be exercised, performed, or controlled by the Board.
- b. The Board shall supervise, control, direct, and manage the affairs and property of the **PTOS**; shall determine its policies or changes therein; shall actively pursue its purposes and objectives, and shall supervise the disbursement of its funds. The Board may adopt, by majority vote, such rules and regulations for the conduct of its business and the business of the **PTOS** as shall be deemed advisable, and may, in the execution of the powers granted, delegate certain of its authority and responsibility to an executive committee. Under no circumstances, however, shall any actions be taken which are inconsistent with the Articles, the Constitution, and these Bylaws. The *fundamental* purpose(s) of the **PTOS**, as expressed in the Articles and these Bylaws, shall not be amended or changed.
- c. The Board shall not permit any part of the net earnings or capital of the **PTOS** to inure to the benefit of any, director, officer, or other private person or individual. The **PTOS**, however, shall be authorized and empowered to pay reasonable compensation

for services rendered and to make payments and distributions in furtherance of the purposes of the **PTOS**.

- d. The Board may, from time to time, appoint, as advisors, persons whose advice, assistance, and support may be deemed helpful in determining policies and formulating programs for carrying out the purposes and functions of the **PTOS**.
 - e. The Board is authorized to employ such person or persons, including an executive director, attorneys, directors, agents, and assistants, as in its judgment are necessary or desirable for the administration and management of the **PTOS** and to pay reasonable compensation for the services performed and expenses incurred by any such person or persons.
 - f. No Officer of the **PTOS** shall receive, directly or indirectly, any salary, compensation, or emolument, unless authorized by the affirmative vote of all Officers.
6. The Society will not discriminate in membership or treatment because of race, color, religion, sex, national origin, age, sexual orientation, or disability.
7. Members of the Board of Directors of the PTOS, hereinafter Members, will be considered present at a meeting by physical attendance at the meeting, approved remote attendance at the meeting, or by designating a proxy who is physically or remotely present for the meeting.
- a. All Members considered present will be counted toward quorum and allowed a vote.
 - b. Members who wish to attend a meeting remotely must notify the Secretary in a timely manner.

- c. Members who wish to designate a proxy must notify a member of the Executive Board, preferably the Secretary, and the Member whom they wish to designate as their proxy. The designated proxy must be a Member. The designated proxy must notify a member of the Executive Board, preferably the Secretary, and the Member of acceptance of said proxy. No Member is obligated to serve as a proxy for a Member.
- d. A Member may only serve as a proxy for one Member at a meeting.
- e. A proxy may vote on behalf of the Member for whom they are serving as a proxy. A proxy may make statements on behalf of the Member for whom they are serving as a proxy, if the Member has requested that the proxy do so.

8. Duties and Responsibilities of Members:

- a. Attend monthly Board of Directors Meetings. If a Member is not going to be in attendance at a meeting they must notify the Secretary of the Society in advance and read over the meeting minutes.
- b. Serve on at least two committees.
- c. Post and distribute flyers and information in accordance with the directives of the distribution committee.
- d. Recruit new members, collect membership forms and submit them to the membership committee chair.
- e. Understand and abide by the constitution and bylaws.

9. Use of e-mail voting by the PTOS Board of Directors:

- a. Some exigency must exist to prompt the use of e-mail voting.

- b. The President of the Society makes the decision to call an e-mail vote. In the absence of the President, the Vice President makes the decision.
- c. Any member of the Executive Board of the PTOS may send the e-mail vote request, although, primarily, it is the responsibility of the PTOS Secretary to do so. The e-mail will be sent to, at least, every Member of the Board of Directors. If every Member is not included, then the vote is not valid. The e-mail may also be sent to committee chairs and anyone with an interest in the voting outcome.
- d. Content of the e-mail:
 - i. The e-mail must include the entire content of any motion on which the vote is being taken.
 - ii. It must set forth a closing date and time, beyond which votes will not be accepted.
 - iii. It must include the e-mail address of the person collecting votes.
 - iv. It must include the reason why e-mail voting is necessary.
 - v. It may include an explanation of or some background on the motion.
- e. Anyone may conduct a discussion via e-mail or otherwise with respect to the vote. Comments may be sent using "Reply All". Comments returned when a vote is cast will only be forwarded to the Board if the voter specifically requests it.
- f. If only a majority vote is required for a decision, voting is complete when more than $\frac{1}{2}$ of the Members of the Board have voted for one outcome (i.e. half the Board has voted "yes" to the motion). Otherwise, voting will end at the time specified in the e-mail.

- g. If a quorum of voters has not responded within the time period allotted, no decision will be recorded. The entire voting process must be restarted.
 - h. The results will be announced when voting is complete. Everyone notified of or involved in the vote, including those who made comments, whether voting Board members or not, will be informed by e-mail of the outcome. The results of the vote will also be announced at the next meeting of the Board.
 - i. The person who collects the votes will keep a record of them at least until the next meeting of the Board, at which the results are reported.
10. Amendments to these By Laws may be made by a 2/3 vote of Members present at any meeting of the Board of Directors, after determination of the presence of a quorum.
11. Execution of Corporate Instruments:
- a. The Board may, in its discretion, determine the method and designate the signatory officer or officers, or other person or persons, to execute any corporate instrument or document, or to sign the corporate name without limitation, except where otherwise provided by law, and such execution or signature shall be binding upon the **PTOS**. Unless otherwise specifically determined by the Board, set forth by The Constitution, or otherwise required by law, formal contracts of the **PTOS**, promissory notes, deeds of trust, mortgages and other evidences of indebtedness of the **PTOS**, and other corporate instruments or documents requiring the corporate seal, shall be executed, signed or endorsed by the Chairman (if there be such an officer appointed) or by the President; such documents may also be executed by any Vice-President and by the Secretary or Treasurer or any Assistant Secretary or Assistant Treasurer. All other instruments and documents requiring the corporate signature, but not requiring the

corporate seal, may be executed as aforesaid or in such other manner as may be directed by the Board

- b. The **PTOS** shall not make any loan of money or property to or guarantee the obligation of any director or officer unless approved by the Attorney General of the Commonwealth of Virginia; provided, however, that the **PTOS** may advance money to a director or officer of the **PTOS** for expenses reasonably anticipated to be incurred in the performance of the duties of such officer or director, provided that in the absence of such advance, such director or officer would be entitled to be reimbursed for such expenses by the **PTOS**.
- c. All checks and drafts drawn on banks or other depositories on funds to the credit of the **PTOS**, or in special accounts of the **PTOS**, shall be signed by such person or persons as the Board shall authorize so to do.
- d. The Board may at their discretion accept on behalf of the **PTOS** any contribution, gift, bequest, or devise for the general purposes or for any specific purpose of the **PTOS**.
- e. No loan shall be contracted on behalf of the **PTOS** and no evidence of indebtedness shall be issued in its name unless authorized by a resolution of the Board.

12. Document Retention Policy:

- a. Records should not be kept if they are no longer needed for the operation of the business or required by law. Unnecessary records should be eliminated from the files. From time to time, the **PTOS** may establish retention or destruction policies or schedules for specific categories of records in order to ensure legal compliance, and also to accomplish other objectives, such as preserving intellectual property and cost

management. Several categories of documents that warrant special consideration are identified below, which, with the exception of those documents under paragraphs c(i) and (ii) below, may be retained electronically insofar as such medium of retention does not conflict with or violate any current state or federal statute and complies with § 13.1-932(D) of the Act regarding the medium in which records must be kept. While minimum retention periods are established, the retention of the documents identified below and of documents not included in the identified categories should be determined primarily by the application of the general guidelines affecting document retention, as well as the exception for litigation relevant documents and any other pertinent factors.

- b. Exception for Litigation Relevant Documents. The **PTOS** expects all officers, directors, and employees to comply fully with any published records retention or destruction policies and schedules, provided that all officers, directors, and employees should note the following general exception to any stated destruction schedule: If an officer, director, or employee believes, or the **PTOS** informs an officer, director, or employee, that corporate records are relevant to litigation, or potential litigation (i.e. a dispute that could result in litigation), then the officer, director, and/or employee, as applicable, must preserve those records until it is determined that the records are no longer needed. This exception supersedes any previously or subsequently established destruction schedule for those records.
- c. Minimum Retention Periods:
 - i. Corporate Documents: Corporate records include the **PTOS'** Articles, the Constitution, these Bylaws applicable Charitable Solicitation License(s), and

IRS Form 1023 and Application for Exemption. Corporate records should be retained permanently. IRS regulations require that the Form 1023 be available for public inspection upon request.

- ii. Tax Records: Tax records include, but may not be limited to, documents concerning payroll, expenses, proof of contributions made by donors, accounting procedures, and other documents concerning the **PTOS** revenues. Tax records should be retained for at least seven years from the date of filing the applicable return.
- iii. Employment Records/Personnel Records: State and federal statutes require the **PTOS** to keep certain recruitment, employment and personnel information. The **PTOS** should also keep personnel files that reflect performance reviews and any complaints brought against the **PTOS** or individual employees under applicable state and federal statutes. The **PTOS** should also keep in the employee's personnel file all final memoranda and correspondence reflecting performance reviews and actions taken by or against personnel. Employment applications should be retained for three years. Retirement and pension records, if any, should be kept permanently. Other employment and personnel records should be retained for ten years.
- iv. Board and Board Committee Materials: Meeting minutes should be retained in perpetuity in the **PTOS'** minute book. A clean copy of all other Board and Board committee materials should be kept for no less than three years by the **PTOS**.

- v. Press Releases/Public Filings: The **PTOS** should retain permanent copies of all press releases and publicly filed documents under the theory that the **PTOS** should have its own copy to test the accuracy of any document a member of the public can theoretically produce against the **PTOS**.
- vi. Legal Files: Legal counsel should be consulted to determine the retention period of particular documents, but legal documents should generally be maintained for a period of ten years.
- vii. Marketing and Sales Documents: The **PTOS** should keep final copies of marketing and sales documents for the same period of time it keeps other corporate files, generally three years. An exception to the three-year policy may be sales invoices, contracts, leases, licenses, and other legal documentation. These documents should be kept for at least six years beyond the life of the agreement.
- viii. Development/Intellectual Property and Trade Secrets: Development documents are often subject to intellectual property protection in their final form (e.g., patents and copyrights). The documents detailing the development process are often also of value to the **PTOS** and are protected as a trade secret where the **PTOS**.
 - i. Derives independent economic value from the secrecy of the information; and
 - ii. Has taken affirmative steps to keep the information confidential.The **PTOS** should keep all documents designated as containing trade secret information for at least the life of the trade secret.

- iv. Contracts: Final, execution copies of all contracts entered into by the **PTOS** should be retained. The **PTOS** should retain copies of the final contracts for at least six years beyond the life of the agreement, and longer in the case of publicly filed contracts
 - x. Correspondence: Unless correspondence falls under another category listed elsewhere in this policy, correspondence should generally be saved for two years.
 - xi. Banking and Accounting: Accounts payable ledgers and schedules should be kept for seven years. Bank reconciliations, bank statements, deposit slips and checks (unless for important payments and purchases) should be kept for three years. Any inventories of products, materials, and supplies and any invoices should be kept for ten years.
 - xii. Insurance: Expired insurance policies, insurance records, accident reports, claims, etc. should be kept permanently.
 - xiii. Audit Records: External audit reports should be kept permanently. Internal audit reports should be kept for three years.
 - xiv. Electronic Mail: E-mail that needs to be saved should be either:
 - i. Printed in hard copy and kept in the appropriate file; or
 - ii. Downloaded to a computer file and kept electronically or on disk as a separate file. The retention period depends upon the subject matter of the e-mail, as covered elsewhere in this policy.
13. Indemnification of Officers, Directors, Employees and Agents:
- a. Right to Indemnification. Each person who was or is a party or is threatened to be made a party to or is involved (as a party, witness, or otherwise), in any threatened,

pending, or completed action, suit, or proceeding, whether civil, criminal, administrative, or investigative (hereinafter a “Proceeding”), by reason of the fact that he, or a person of whom he is the legal representative, is or was a director, officer, employee, or agent of the **PTOS** or is or was serving at the request of the **PTOS** as a director, officer, employee, or agent of another **PTOS** or of a partnership, joint venture, trust, or other enterprise, including service with respect to employee benefit plans, whether the basis of the Proceeding is alleged action in an official capacity as a director, officer, employee, or agent or in any other capacity while serving as a director, officer, employee, or agent (hereafter an “Agent”), shall be indemnified and held harmless by the **PTOS** to the fullest extent authorized by the Act, as the same exists or may hereafter be amended or interpreted (but, in the case of any such amendment or interpretation, only to the extent that such amendment or interpretation permits the **PTOS** to provide broader indemnification rights than were permitted prior thereto) against all expenses, liability, and loss (including attorneys’ fees, judgments, fines, ERISA excise taxes or penalties, and amounts paid or to be paid in settlement, and any interest, assessments, or other charges imposed thereon, and any federal, state, local, or foreign taxes imposed on any Agent as a result of the actual or deemed receipt of any payments under this Article XI) reasonably incurred or suffered by such person in connection with investigating, defending, being a witness in, or participating in (including on appeal), or preparing for any of the foregoing in, any Proceeding (hereinafter “Expenses”). The right to indemnification conferred in this Article shall be a contract right.

b. Authority to Advance Expenses. Expenses incurred by an officer or director (acting in his capacity as such) in defending a Proceeding shall be paid by the **PTOS** in

advance of the final disposition of such Proceeding, provided, however, that if required by the Act, as amended, such Expenses shall be advanced only upon delivery to the **PTOS** of an undertaking by or on behalf of such director or officer to repay such amount if it shall ultimately be determined that he is not entitled to be indemnified by the **PTOS** as authorized in this Article or otherwise. Expenses incurred by other Agent(s) of the **PTOS** (or by the directors or officers not acting in their capacity as such, including service with respect to employee benefit plans) may be advanced upon such terms and conditions as the Board deems appropriate. Any obligation to reimburse the **PTOS** for Expense advances shall be unsecured and no interest shall be charged thereon.

c. Right of Claimant to Bring Suit. If a claim under (a) or (b) of this Section 13 is not paid in full by the **PTOS** within sixty (60) days after a written claim has been received by the **PTOS**, the claimant may at any time thereafter bring suit against the **PTOS** to recover the unpaid amount of the claim and, if successful in whole or in part, the claimant shall be entitled to be paid also the expense (including attorneys' fees) of prosecuting such claim. It shall be a defense to any such action (other than an action brought to enforce a claim for expenses incurred in defending a Proceeding in advance of its final disposition where the required undertaking has been tendered to the **PTOS**) that the claimant has not met the standards of conduct that make it permissible under the Act for the **PTOS** to indemnify the claimant for the amount claimed. The burden of proving such a defense shall be on the **PTOS**. Neither the failure of the **PTOS** (including its Board or independent legal counsel) to have made a determination prior to the commencement of such action that indemnification of the claimant is proper under the circumstances because he has met the applicable standard of conduct set forth in the Act,

nor an actual determination by the **PTOS** (including its Board or independent legal counsel) that the claimant had not met such applicable standard of conduct, shall be a defense to the action or create a presumption that claimant has not met the applicable standard of conduct.

d. Provisions Nonexclusive. The rights conferred on any person by this Article shall not be exclusive of any other rights that such person may have or hereafter acquire under any statute, provision of the Articles, agreement, disinterested directors, or otherwise, both as to action in an official capacity and as to action in another capacity while holding such office. To the extent that any provision of the Articles, agreement, or vote disinterested directors is inconsistent with these Bylaws, the provision, agreement, or vote shall take precedence.

e. Authority to Insure. The **PTOS** may purchase and maintain insurance to protect itself and any Agent against any Expense, whether or not the **PTOS** would have the power to indemnify the Agent against such Expense under applicable law or the provisions of this Article.

f. Survival of Rights. The rights provided by this section 13 shall continue as to a person who has ceased to be an Agent and shall inure to the benefit of the heirs, executors, and administrators of such a person.

g. Settlement of Claims. The **PTOS** shall not be liable to indemnify any Agent under Section 13 (a) for any amounts paid in settlement of any action or claim effected without the **PTOS'** written consent, which consent shall not be unreasonably withheld; or for any judicial award if the **PTOS** was not given a reasonable and timely opportunity, at its expense, to participate in the defense of such action.

- h. Effect of Amendment. Any amendment, repeal, or modification of this Section 13 shall not adversely affect any right or protection of any Agent existing at the time of such amendment, repeal, or modification.
 - i. Subrogation. In the event of payment under this Section 13, the **PTOS** shall be subrogated to the extent of such payment to all of the rights of recovery of the Agent, who shall execute all papers required and shall do everything that may be necessary to secure such rights, including the execution of such documents necessary to enable the **PTOS** effectively to bring suit to enforce such rights.
 - j. No Duplication of Payments. The **PTOS** shall not be liable under this Section 13 to make any payment in connection with any claim made against the Agent to the extent the Agent has otherwise actually received payment (under any insurance policy, agreement, vote, or otherwise) of the amounts otherwise indemnifiable hereunder.
14. Notices: Whenever, under any provisions of these Bylaws, notice is required to be given to any director, the same shall be given in writing, timely via the director's USPTO.gov email address, or, in the absence of such email address, to the last known post office address of such director. If no address of a director be known, such notice may be sent to the office of the **PTOS** required to be maintained pursuant to the Articles. An affidavit of mailing, executed by a duly authorized and competent employee of the **PTOS**, specifying the name and address or the names and addresses of the director or directors, to whom any such notice or notices was or were given, and the time and method of giving the same, shall be conclusive evidence of the statements therein contained. All notices given by mail, as above provided, shall be deemed to have been given as at the time of mailing and all notices given by telegram or other means of electronic transmission shall

be deemed to have been given as at the sending time recorded by the telegraph company or other electronic transmission equipment operator transmitting the same. It shall not be necessary that the same method of giving be employed in respect of all directors, but one permissible method may be employed in respect of any one or more, and any other permissible method or methods may be employed in respect of any other or others. The period or limitation of time within which any director may exercise any power or right, or enjoy any privilege, pursuant to any notice sent him in the manner above provided, shall not be affected or extended in any manner by the failure of such director to receive such notice. Whenever any notice is required to be given under the provisions of the statutes the Articles, the Constitution, or of these Bylaws a waiver thereof in writing signed by the person or persons entitled to said notice, whether before or after the time stated therein, shall be deemed equivalent thereto. Whenever notice is required to be given, under any provision of law or of the Articles, the Constitution or these Bylaws of the **PTOS**, to any person with whom communication is unlawful, the giving of such notice to such person shall not be required and there shall be no duty to apply to any governmental authority or agency for a license or permit to give such notice to such person. Any action or meeting which shall be taken or held without notice to any such person with whom communication is unlawful shall have the same force and effect as if such notice had been duly given. In the event that the action taken by the **CORPORATION** is such as to require the filing of a certificate under any provision of the Act, the certificate shall state, if such is the fact and if notice is required, that notice was given to all persons entitled to receive notice except such persons with whom communication is unlawful.

15. Miscellaneous:

- a. The Board shall adopt and periodically review a conflict of interest policy to protect the **PTOS'** interest when it is contemplating any transaction or arrangement which may benefit any director, officer, employee, affiliate or member of a committee with board-delegated powers.
- b. The **PTOS**, shall keep correct and complete books and records of account and shall also keep records and minutes of the proceedings of the Board and committees. Copies of the minutes of the Board and the committees shall be regularly distributed to each member of the Board.
- c. Whenever, under any provision in the Constitution or these Bylaws, notice is required to be given to any director, the same shall be given in writing, timely and via the director's USPTO.GOV email address
- d. The Board may adopt, amend, or repeal rules not inconsistent with these Bylaws for the management of the internal affairs of the Corporation and the governance of its officers, agents, committees and employees.

STANDING RULES OF THE PTOS BOARD OF DIRECTORS

1. Approved methods for remote attendance at a meeting are office approved collaboration tools and conference calling.
2. Amendments to these Standing Rules may be made by a majority vote of Members present at any meeting, after determination of the presence of a quorum.

**BY LAWS
OF THE
MEMBERSHIP COMMITTEE**

1. Only the Membership Chairperson(s) will be authorized by the President to sign the *Request for Payroll Deduction* (i.e. enrolment form) forms on behalf of the Society.
2. The PTOS database shall henceforth at least contain the following information about each member: member's name, member number, date of original entry into the Society, technology center or organization code, and method of dues payment.
3. The Membership Committee will only provide a list of members to persons approved by the Membership Chairperson(s) and only for Society business.
4. When a list of members is asked for by others, the list will contain only the names, member number and technology center or organization code of the members.

Standing Rules:

Member Processing:

New Members:

1. The Membership Committee will provide, upon request of the Office of Human Resources, Society representatives to attend New Hire Orientations.
2. Membership enrollment forms will be collected by the Membership Chairperson(s). Two copies of the enrollment form will be made; one copy will be filed for the Society's records and the other copy will be sent to the JPTOS subscription manager. The original will be sent to the appropriate representative of the Payroll Division.
3. The Membership Committee will send welcome letters to the new members.
4. Membership packets will contain at least the following: the New Members Guide, the enrollment form (including the cover sheet), the list of the Board of Directors, the list server flyer and the discount movie ticket flyer.

Payment:

1. Renewal reminders for Active members paying dues by check will be sent out by December 15th. The reminder will state that renewal payments should be received by January 31st.
2. The dues for members choosing to pay by check/cash will not be pro-rated if the member joins mid calendar year.

Other:

1. If a member contacts the Membership Committee about not receiving the JPTOS, the committee will contact the appropriate subscription manager and offer the member back copies of the JPTOS.
2. If a member wishes to cancel his/her membership, they will be given the cancellation form and informed that the form should be sent to the Payroll Division.
3. The Membership Committee will annually present Longevity Certificates to members on approximately their ten-year anniversary of membership in the Society (1 time per person).

Database Procedures:

1. The database should be reviewed every 6 months to remove members that have either cancelled their membership, left the office, or not renewed their membership.
2. The database can be shared by selected members of the Membership Committee. The Chairperson(s) will determine who has access to the database.
3. The database will be compared to the database of the JPTOS at least once a year.

General Committee Procedures:

1. The Membership Committee will hold a meeting about every two months.
2. The list of members given to the Society by the Payroll Division will be kept private (e.g.. locked in a filing cabinet).
3. The Membership Committee will provide the appropriate JPTOS subscription manager the list of members from Payroll at least once a month.

4. The list of members from the Payroll Division will be kept for at least one year.
5. The Membership Committee will support other committees' events at the discretion of the Membership Committee.

**BY LAWS
OF THE
ELECTION COMMITTEE**

1. The Election Committee Chairperson(s) shall be chosen by the incoming President by the first meeting of the BOARD after the Annual Meeting for the following year. Should the current chairperson(s) be nominated to a BOARD position he/she shall notify the President before the Call for Nominations and the President shall appoint another chairperson(s).
2. No Election Committee Chairperson(s) can be removed by the President, except for cause, without the advice and consent of the Advisory Steering Committee.
3. No outgoing executive officer shall hold the position of Election Committee Chairperson(s).
4. No member of the Election Committee shall concurrently hold office or be a member of the executive committee of any Patent and Trademark Office sanctioned organization which has collective bargaining or negotiating rights with the administration of the US Patent and Trademark Office. No member of the Election Committee shall concurrently act on behalf of the administration of the US Patent and Trademark Office, on collective bargaining or negotiating conducted with any Patent and Trademark Office organization sanctioned for

such collective bargaining or negotiating. The eligibility of the member shall be verified by the Election Committee Chairperson(s).

5. The Election Committee shall consist of at least three(3) active members.
6. The Election Committee shall distribute annually a Call for Nominations that shall end no later than the 15th day of the month of December.
7. The Election Committee shall annually hold elections for all positions on the BOARD, at least two(2) weeks after the close of nominations and not later than January 15th.
8. Nominees for positions on the BOARD shall not use PTO e-mail for election campaign material, except with consent of the election committee. Violations[ors] shall be determined by the Election Committee and violators may be removed from the ballot, by 2/3 vote of the Election Committee.
9. All campaign materials to be posted in PTO buildings must be approved by at least three(3) Election Committee members. Materials not approved may be removed from PTO buildings by any member of the Election Committee or any member of the BOARD at the direction of the Election Committee.
10. All campaign materials shall be posted only in approved areas in PTO buildings.

Inappropriately displayed materials may be removed from PTO buildings by any member of the BOARD under the advice and consent of the Election Committee.
11. No campaign flyers shall be distributed via PTOS distribution.
12. The Election Committee Bylaws shall be included on the nominating petition.
13. At the time of the election, no member of the Election Committee may accept a BOARD position.

14. The slate of candidates for positions on the BOARD shall be provided to each nominee prior to the start of the election.
15. No person nominated for a position on the BOARD and whose name appears on the ballot may count election ballots.
16. A person counting election ballots shall not be considered for a write-in nomination to the BOARD.
17. All election ballots shall be destroyed by the Election Committee within two(2) weeks after the Annual Meeting, barring any challenge of the election. Any challenge must be made prior to the Annual Meeting.
18. No Election Committee member may campaign on behalf of any nominee.
19. Nominees for positions on the BOARD shall conduct themselves throughout the election with courtesy and respect for all nominees and for the PTOS. Disparaging or derogatory remarks used during the campaign may be grounds for removal from the ballot, at the discretion of the Election Committee, with the consent of the Advisory Steering Committee.
20. No candidate named on the election ballot or actively campaigning for write-in may deliver a completed ballot to a ballot box for another member of the PTOS.

passed 3/7/00

amended 2/5/02

passed 8/6/19

**BY LAWS
OF THE
SCIENCE FAIR COMMITTEE**

1. The ISEF Selection Committee will comprise a chairperson and at least four (4) other members, wherein the President will appoint the at least four (4) other members.
2. The Chairperson of the Science Fair Committee shall serve as Chairperson of the ISEF Selection Committee.
3. The President and Vice-President cannot both submit an application for being a judge at the same ISEF.
4. Any person who submits an application to be a judge at an up and coming ISEF is precluded from and therefore unable to serve on or in the Selection Committee for that ISEF.
5. In the event that the Chairperson of the Science Fair Committee is either unable or unwilling to serve as Chairperson of the ISEF Selection Committee, the President or, if he is unable, the Vice President will appoint the Chairperson of the ISEF Selection Committee.

6. In the event that the President is unable to appoint the at least four (4) members of the ISF Selection Committee, the Vice President will appoint the at least four (4) members to the ISEF Selection Committee.
7. The ISEF Selection Committee will make a recommendation for ISEF judges to the Board of Directors of the PTOS for their approval.
8. A candidate must have more than one (1) year PTO experience at the time of his or her application.
9. As a normal rule, we will not submit a person for approval by the Executive Board two years in a row. (EXCEPTION: We need an experienced Chief Judge.)
10. All applicants must submit their applications before the deadline to be considered for possible selection.
11. If the Committee feels that it does not have enough QUALIFIED applicants (candidates), the Committee can extend the deadline for submission of the applications.
- 11a. If, after the posted time for accepting applications to judge the ISEF and all extensions of that posted time have expired, there is not at least a number of qualified candidates to be judges at the up and coming ISEF equal to two more than the number of judges the PTOS is allowed to send to the ISEF, the Chairperson of the ISEF Selection Committee shall request that at the next Board of Directors meeting or at a Special Board of Director's meeting, if time is of the essence, that the Board of Directors nominate at least two more than the number of judges needed to fill the list of judges that the PTOS is allowed to send to the ISEF for that particular year. If any person, being recommended by the Board of Directors is a member of the ISEF Selection Committee, then that person must withdraw from being a part of the ISEF Selection Committee prior to being considered by the ISEF Selection

Committee. All persons being nominated by the Board of Directors must submit an application to be a judge at an up and coming ISEF in order to be considered by the ISEF Selection Committee, within a new extension period set by the Chairperson of the ISEF Selection Committee. - -

12. An offer by a potential applicant or applicants to pay their own way will not be given any weight by the Selection Committee.
13. If any undue pressure is applied in regards to a particular person being selected to be an ISEF judge, that pressure will be brought up to the attention of the ISEF Selection Committee for the purpose of evaluating that candidate's application.
14. A selectee must judge at least one science fair sponsored by the Patent and Trademark Office Society, if they have not previously judged for the Society before. This judging MUST precede that years ISEF. Otherwise, an alternate will be selected to take that person's place.
15. The Committee will make every reasonable effort to send the maximum number of judges possible who have not previously been to the ISEF as a judge. However, the Committee will also try to choose a Chief Judge who has prior experience judging at a previous ISEF.

**BY LAWS
OF THE
JOURNAL OF THE PATENT AND TRADEMARK OFFICE
SOCIETY**

PREAMBLE

Whereas the Patent and Trademark Office Society (hereinafter the SOCIETY) has caused to be published a medium of expression known as the JOURNAL OF THE PATENT AND TRADEMARK OFFICE SOCIETY and whereas the Patent and Trademark Office Society has established a Standing Committee known as the Board of Governors of the Journal of the Patent and Trademark Office Society to administer and publish this medium of expression, it is hereby **RESOLVED** that these By-Laws shall govern the conduct of said Board of Governors.

ARTICLE I: NAME

- Sec. 1. This committee shall be known as the Board of Governors of the Journal of the Patent and Trademark Office Society (hereinafter referred to as the JOURNAL).

ARTICLE II: PURPOSE

- Sec . 1. The purpose of the BOARD is to publish and administer the JOURNAL OF THE PATENT AND TRADEMARK OFFICE SOCIETY (hereinafter the JOURNAL). The BOARD shall be responsible to the Board of Directors of the SOCIETY for the performance of this duty.

ARTICLE III: COMPOSITION OF THE BOARD

- Sec. 1. The members of the BOARD shall consist of six (6) Governors. These six Governors are: the three (3) elected Governors , the Editor-In-Chief, the Executive Director, and

the Financial Director. In addition, the SOCIETY President and Vice President shall be ex-officio members of the BOARD.

Sec. 2. The Governors shall be selected by the SOCIETY Board of Directors as provided for in the SOCIETY Constitution and shall serve three-year terms.

Sec. 3. The Editor-In-Chief, the Executive Director, and the Financial Director shall serve four-year terms.

Sec. 4. The Editor-In-Chief, the Executive Director, and the Financial Director must be active members of the SOCIETY and shall be elected by majority vote of the BOARD with the advice and consent of the SOCIETY Board of Directors. All vacancies in the positions of Editor-In-Chief, the Executive Director or the Financial Director shall be advertised to the members of the SOCIETY in accordance with the Standing Rules.

Sec. 5. A vacancy in the position of Editor-In-Chief, The Executive Director or the Financial Director not caused by expiration of term shall be filled in the manner provided for in Sec. 4 of this Article.

ARTICLE IV: OFFICERS

Sec. 1. The Officers of the BOARD shall comprise a Chairman, a Vice-Chairman, and a Secretary.

Sec. 2. In July of each year an organizational meeting of the BOARD shall be held at which time the BOARD shall elect a Chairman, a Vice-Chairman and a Secretary from the elected Governors. If desired, the Offices of Vice-Chairman and Secretary may be combined in the same person.

Sec. 3. The Chairman, Vice-Chairman and Secretary shall be elected for a one-year term. If a vacancy occurs in the office of Chairman, the Vice-Chairman shall assume the office until the next organizational meeting. If a vacancy occurs in the offices of Vice-Chairman or Secretary, the BOARD shall elect a successor from the remaining elected Governors to serve until the next organizational meeting.

ARTICLE V: DUTIES OF THE OFFICERS, THE EDITOR-IN-CHIEF, THE EXECUTIVE DIRECTOR, AND THE FINANCIAL DIRECTOR

Sec. 1. The Chairman shall preside over all meetings of the BOARD; shall serve as an ex-officio member of the SOCIETY Board of Directors as provided for by the SOCIETY Constitution; shall appoint all committees deemed necessary to implement the activities of the BOARD; shall receive all reports required of the Editor-In-Chief, the Executive Director and Financial Director; shall cause a JOURNAL annual budget to be prepared and approved by the BOARD no later than September of each year; shall prepare all reports required for the JOURNAL including the Annual Report of

JOURNAL activities; and shall perform such other duties as are necessary for the proper functioning of the BOARD. The Chairman shall faithfully observe that these By-Laws are followed.

- Sec. 2. The Vice-Chairman shall discharge the duties of the Chairman in the absence of the Chairman; shall function as a member of the BOARD; and shall assume the office of Chairman if a vacancy occurs in this office before the next organizational meeting. If the Chairman is not able to attend a SOCIETY Board of Directors meeting, the Vice-Chairman shall attend the meeting as the personal representative of the Chairman and shall vote at the meeting in place of the Chairman.
- Sec. 3. The Secretary shall cause minutes of all BOARD meetings to be taken; shall function as a member of the BOARD; shall maintain the minutes in a permanent bound volume; shall maintain a current version of these By-Laws; shall maintain a current version of the JOURNAL Standing Rules; shall provide all new members of the BOARD with current copies of these By-Laws and the Standing Rules; and shall keep such other reports as required by the Chairman.
- Sec. 4. The Editor-In-Chief shall be responsible for administering the editorial policy of the BOARD; shall serve as a member of the BOARD except that the Editor-In-Chief shall not have a vote on any measure affecting his or her compensation except for the JOURNAL annual budget; shall provide monthly and quarterly reports as required in the Standing Rules; and shall perform such other duties as may be assigned by the BOARD.
- Sec. 5. The Executive Director shall be responsible for administering the policy of the BOARD and the SOCIETY in regard to the business affairs of the JOURNAL; shall serve as a member of the BOARD but shall not have a vote on any measure affecting his or her compensation except for the JOURNAL annual budget, shall provide reports as set forth in the Standing Rules; and shall perform such other duties as may be assigned by the BOARD.
- Sec. 6. The Financial Director shall be responsible for administering the policy of the BOARD and the SOCIETY in regard to the financial affairs of the JOURNAL; shall be responsible for all money due the SOCIETY through the annual budget, shall be responsible that all money due the SOCIETY through the JOURNAL operations be given to the SOCIETY Treasurer; shall receive appropriated funds from the SOCIETY Treasurer for JOURNAL operations; shall serve as a member of the SOCIETY Budget and Finance Committee; shall serve as a member of the BOARD but shall not have a vote on any measurer affecting his or her compensation except for the JOURNAL annual budget; shall provide reports as set forth in the Standing Rules; and shall perform such other duties as may be assigned by the BOARD.

ARTICLE VI: JOURNAL STAFF

- Sec. 1. Assistants for the Editor-In-Chief, the Executive Director, and the Financial Director shall be approved by the BOARD as provided for in the Standing Rules and such assistants shall serve at the pleasure of the BOARD.
- Sec. 2. Vacancies in the JOURNAL Staff shall be announced to the members of the SOCIETY by the Executive Director, acting under the direction of the BOARD.

ARTICLE VII: FISCAL AND BUDGET

- Sec. 1. Compensation for the Editor-In-Chief, the Executive Director, the Financial Director, and all other JOURNAL Staff shall be set by the BOARD except that no financially interested member of the BOARD shall have a vote on his or her compensation. Any compensation including reimbursement for expenditures to the Editor-In-Chief, the Executive Director, the Financial Director, or any other JOURNAL Staff over and above the compensation set by the BOARD shall be promptly reported to the BOARD by the Financial Director, (wherein compensation for expenditures of less than \$50 will be reported quarterly).
- Sec. 2. The Financial Director shall insure that all money due the SOCIETY from the JOURNAL operations is given to the SOCIETY Treasurer.
- Sec. 3. A checking account in the name of the Journal of the Patent Office Society shall be established and maintained by the Financial Director. No withdrawals shall be made from this account except as authorized by the BOARD in accordance with the JOURNAL annual budget or by special appropriation approved by the BOARD. All checks drawn on this checking account shall be co-signed by the Financial Director and one other Governor. Where the check is made out to the Financial Director and is for compensation over and above the amount set by the BOARD or for amounts of more than \$50, the other Governor shall be the Chairman of the Board of Governors or the President of the Society.
- Sec. 4. An annual budget for the JOURNAL operations shall be prepared no later than September for each year. This budget will be presented to the SOCIETY Budget and Finance Committee for their approval and subsequent approval by the SOCIETY BOARD of Directors.

ARTICLE VIII: MEETINGS

- Sec. 1. The BOARD shall hold regular monthly meetings at the call of the Chairman. A special meeting of the BOARD may be called by the Chairman or by any three members of the BOARD.
- Sec. 2. Decisions of the BOARD shall be made by majority vote of the members present and voting, except on questions involving amendments to or waiver of requirements of these By-Laws. Three Governors shall constitute a quorum for conducting business.

ARTICLE IX: REPORTS

- Sec. 1. An annual report on JOURNAL operations shall be prepared by the Chairman and delivered to the SOCIETY President.
- Sec. 2. The Chairman shall cause monthly reports on JOURNAL operations to be delivered to the SOCIETY Board of Directors.
- Sec. 3. The Editor-In-Chief, Executive Director, and the Financial Director shall submit regular written reports as determined by these By-Laws, the Standing Rules, and by the BOARD.

ARTICLE X: STANDING RULES

- Sec. 1. A set of Standing Rules shall be maintained by the Secretary. The Standing Rules shall reflect the decisions by the BOARD concerning ongoing policies, operations, and procedures. Prior to the June meeting, a copy of these Standing Rules shall be forwarded to the BOARD by the Chairman so that the BOARD can formally review the Standing Rules, to see if any changes are necessary. At the June meeting, the Chairman shall provide all BOARD members with an updated copy of these By-Laws and the Standing Rules. Standing Rules shall be adopted by a majority vote and may be amended by a 2/3 vote without notice of the proposed change or by a majority vote with such notice.

ARTICLE XI: AUTHORITY

- Sec. 1. The rules contained in the current edition of Robert's Rules of Order Newly Revised shall govern the BOARD in all cases to which they are applicable and in which they are not inconsistent with these By-Laws and any such special rules of order the BOARD may adopt.

ARTICLE XII: AMENDMENTS

- Sec. 1. These By-Laws may be amended or waived in particular cases only upon approval of at least three Governors of the BOARD. Any such amendment or waiver must be proposed and discussed at a separate meeting of the BOARD preceding the meeting at which a vote is taken on such amendment or waiver.