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Phone: +1 646 783 7100 | Fax: +1 646 783 7161 | customerservice@law360.com

PTAB Judges Told To Get Ready For Layoffs

By **Theresa Schliep**

Law360 (March 21, 2025, 7:25 PM EDT) -- Administrative judges with the Patent Trial and Appeal Board should prepare themselves for layoffs, according to an email from Chief Administrative Patent Judge Scott Boalick that was shared with Law360.

Judge Boalick said in his Friday email that after current voluntary retirement and separation programs expire April 17, the PTAB "is expected to experience staff reductions."

Those layoffs are seemingly going to be done by seniority. Judge Boalick wrote that It's important for PTAB judges to review their personnel files, called electronic official personnel folders, to make sure their service records are correct and complete, since those "records will determine seniority for retention in a reduction of the workforce."

The programs currently available to PTAB judges and other nonexamining employees at the U.S. Patent and Trademark Office — the voluntary early retirement program, or VERA, and the voluntary separation incentive payment program, or VSIP — are being offered through the U.S. Department of Commerce. VERA is essentially an expedited retirement option, while VSIP provides payments of up to \$25,000 for workers who voluntarily leave the organization, according to the Department of Commerce.

These programs are intended "to incentivize employees to leave voluntarily to avoid or lessen the impact of a reduction in force," the department said on its website. They're not available to patent examiners, trademark examining attorneys, supervisory patent examiners or supervisory trademark examining attorneys. Examiners are covered by collective bargaining agreements and make up a significant share of workers at USPTO.

The update from Judge Boalick comes amid efforts by President Donald Trump and Elon Musk, who leads the so-called Department of Government Efficiency, which is not a Cabinet-level agency, to dramatically reduce the size of the federal government both in expenditure and in headcount. Among a slew of other actions, the Trump administration has ordered federal workers to work from government offices and facilities and offered them a deferred resignation program in an attempt to reduce the size of the government workforce.

The news that a reduction in force is coming for the PTAB is the latest shake-up for its administrative judges, who review challenges to denied patent applications and challenges under the America Invents Act, which allows parties to challenge patent validity. PTAB judges **were ordered** to start working from government offices, marking a departure for the board, whose work-from-home practices **predate the COVID-19 pandemic**. Ninety-six percent of workers at the USPTO are remote.

A recent PTAB headcount neared 230 judges, although some judges have left since the Trump administration embarked on its headcount-reducing efforts.

In his email Friday, Judge Boalick said, "We recognize this is a challenging time, and we are committed to supporting you through this process."

A spokesperson for the USPTO declined to comment.

--Editing by Alanna Weissman.

Update: This article was updated to include a response from a USPTO spokesperson.

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