

**UNITED STATES
PATENT AND TRADEMARK OFFICE**



Central Reexamination Unit (CRU) PPAC report

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Director, Central Reexamination Unit

November 18, 2021

Patent Public Advisory Committee quarterly meeting

UNITED STATES
PATENT AND TRADEMARK OFFICE

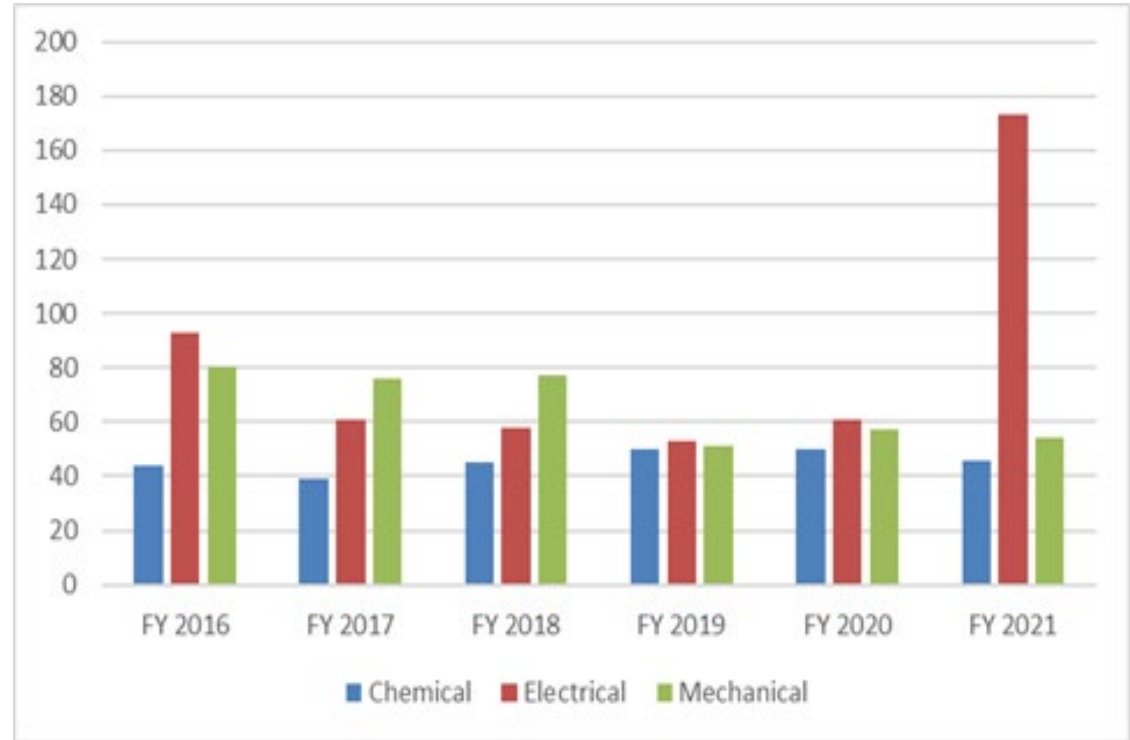


CRU staffing

- 1 SES Group Director
- 8 Supervisory Patent Reexamination Specialists
- 74 Patent Reexamination Specialists
 - GS-15
 - average of 15-20 years examination experience.
- 1 Managing Quality Assurance Specialist
- 1 Manager for Technical Support Staff
 - 8 Paralegals
 - 3 Legal Instrument Examiners
- **Administrative support**
 - 1 Office Manager
 - 1 Secretary

Ex parte reexamination Filings

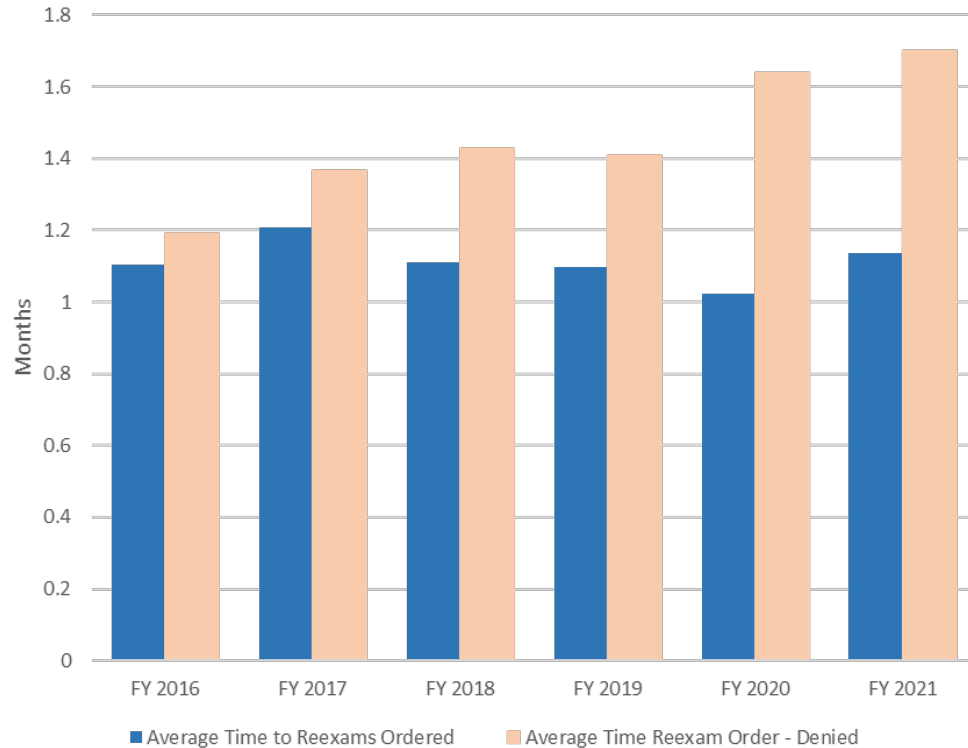
- 1168 filed since 2016
- 62% increase from FY20 to FY21
 - FY20 filings: 168
 - FY21 filings: 273
- 345 currently pending



Ex parte reexamination

Timing: Order or denial

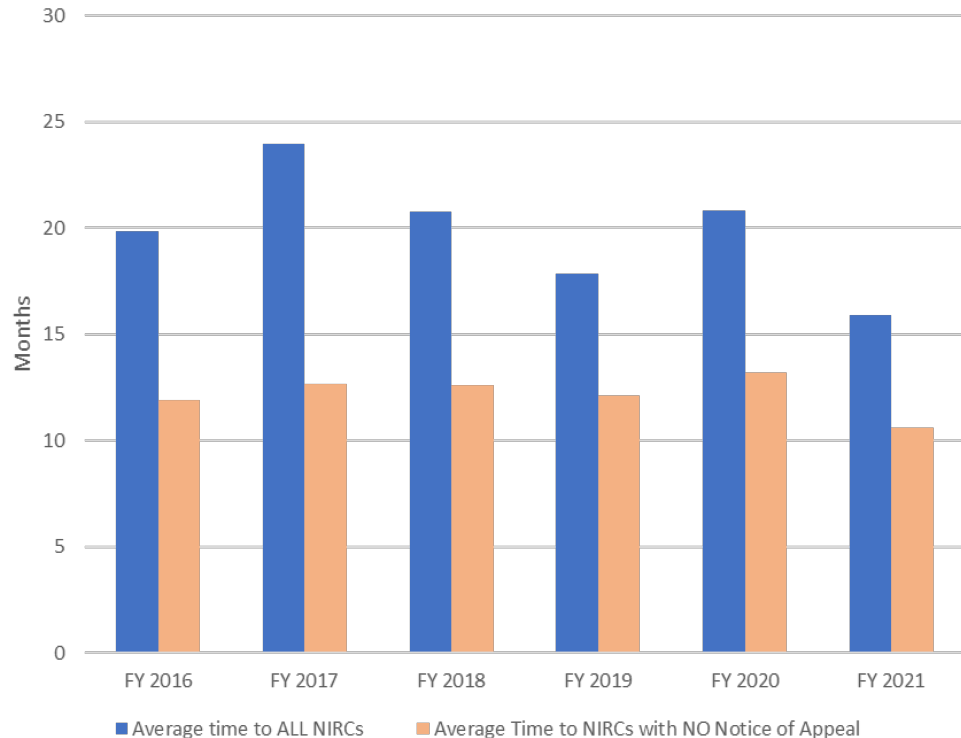
- Average time to Order or Denial in FY21:
 - Order (264 cases): 1.1 months
 - Denial (13 cases): 1.7 months
- Substantial new question of patentability (SNQ) found in 95.3% of cases



Ex parte reexamination

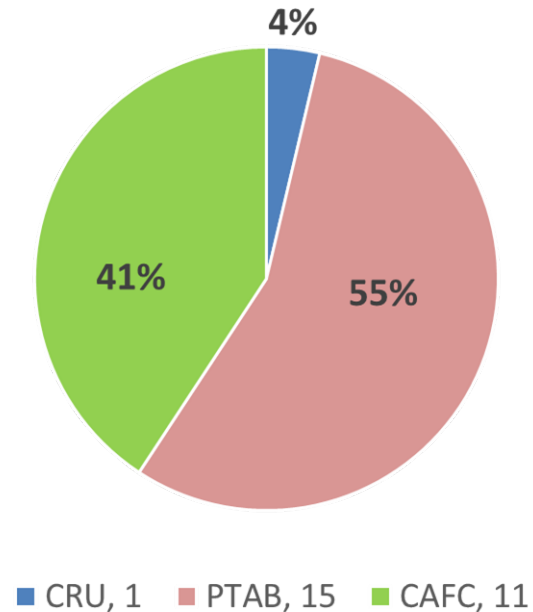
Timing: Notice of Intent to Issue Reexamination Certificate (NIRC)

- Average time to NIRC in FY 2021:
 - 10.6 months for cases without appeals
 - N = 156
 - 15.9 months total for all cases
 - N = 186



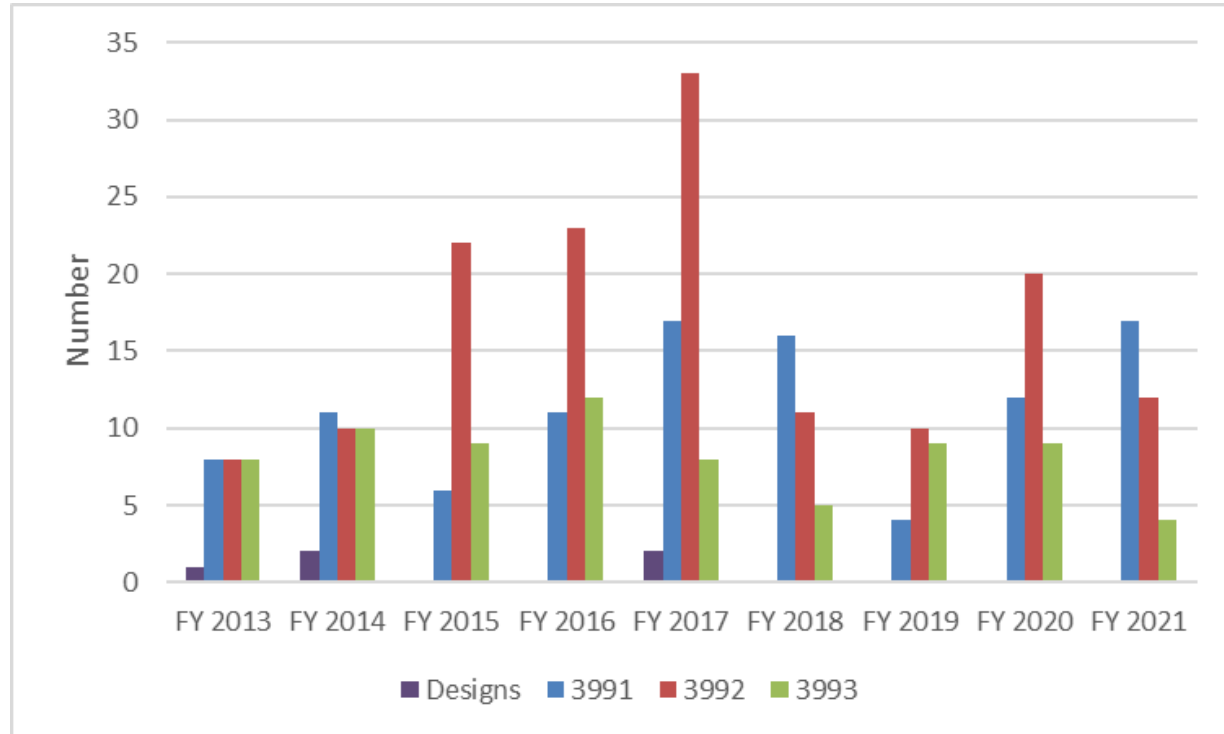
Legacy *inter partes* reexamination

- 27 total pending
 - 11 at CAFC
 - 15 at PTAB
 - 1 at CRU



Supplemental examination (SE) Filings

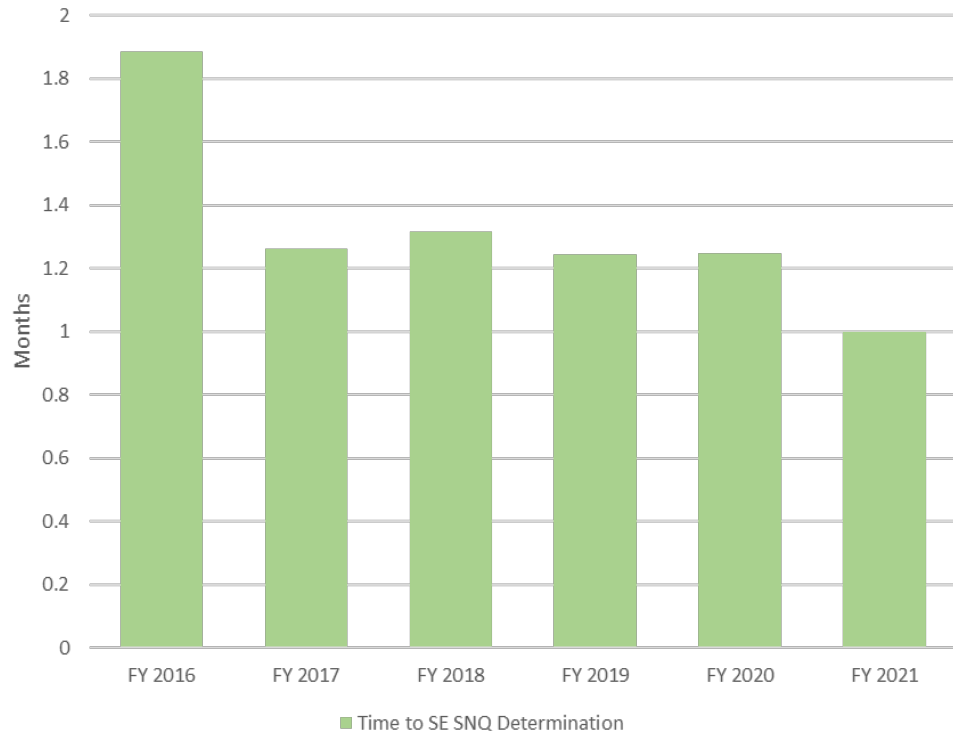
- 386 filed since inception of AIA in 2012
 - 322 granted a filing date



Supplemental examination (SE)

Timing: SNQ determination and issuance of SE Certificate

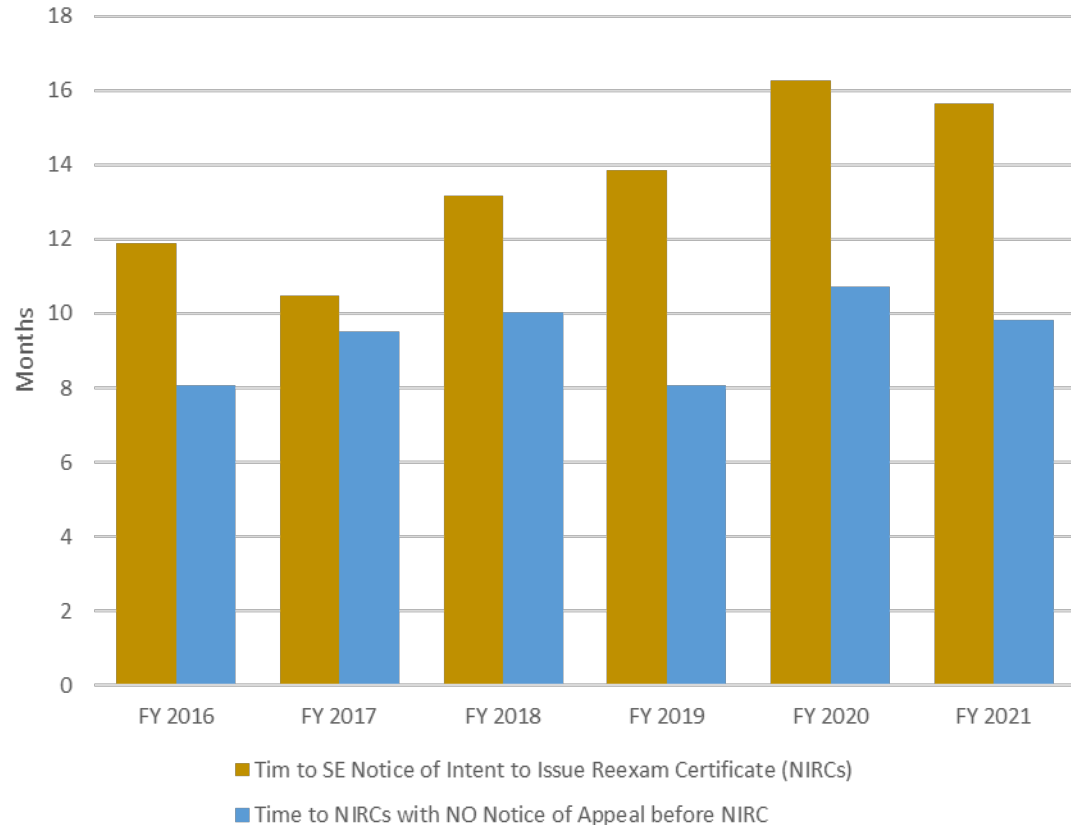
- Average time to SNQ Determination/ Issuance of SE certificate in FY21:
 - 0.9 months
- SNQ data since inception in 2012:
 - SNQ found 68.5%
 - Found: N = 218
 - Not found: N = 100



SE based reexaminations ordered

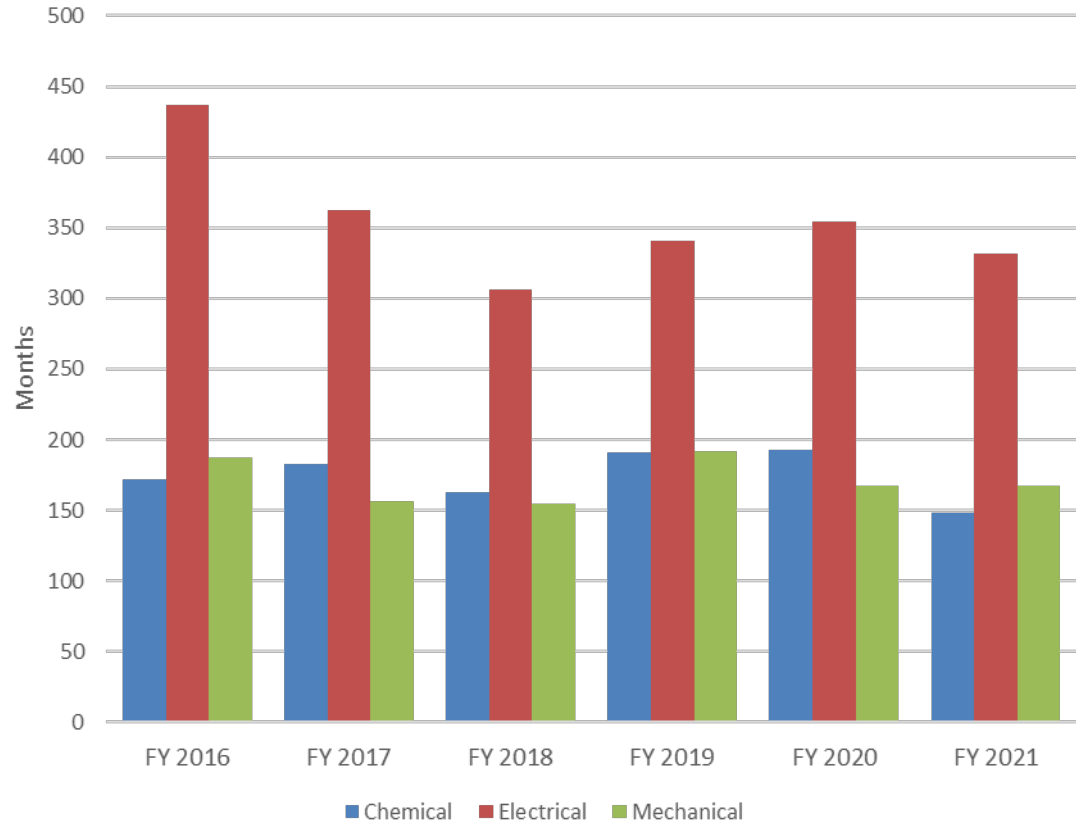
Timing: Average time to NIRC

- Average time to NIRC in FY21:
 - 9.8 months (without appeal)
 - 15.8 months (total)



Reissue proceedings Filings

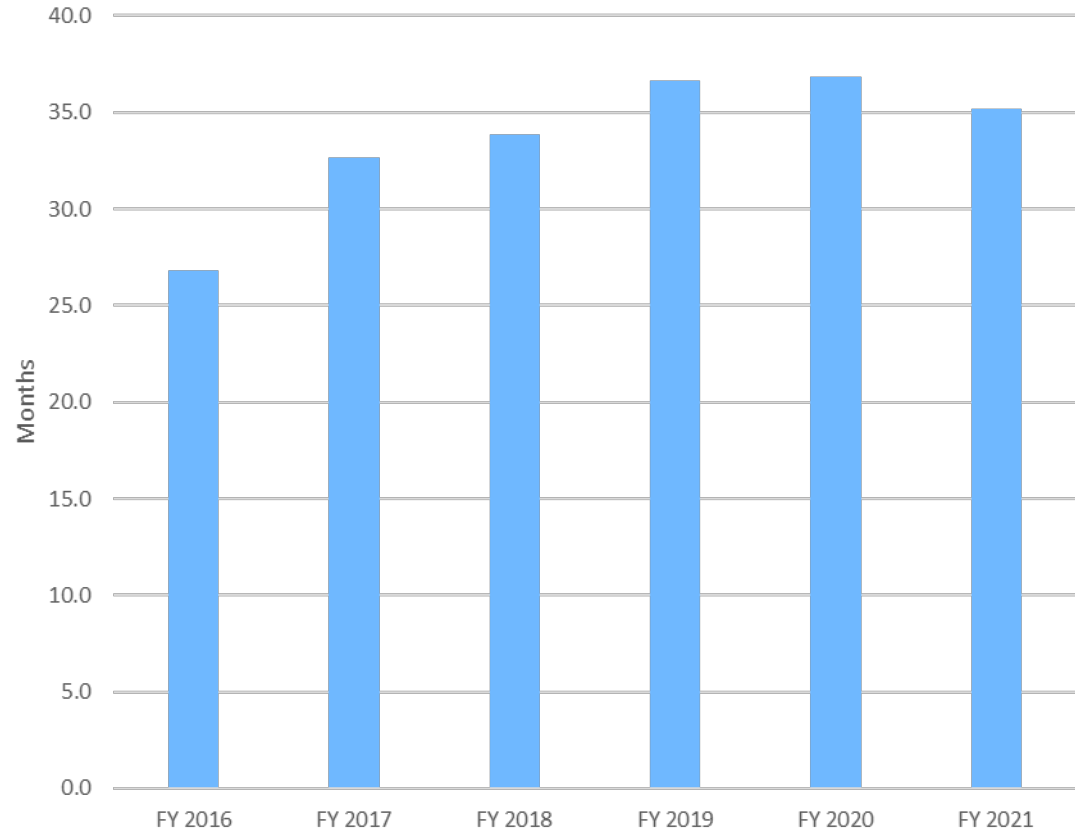
- 4206 filed since 2016
- 9.4% decrease from FY20 to FY21
 - FY20 filings: 714
 - FY21 filings: 647
- 1854 currently pending



Reissue proceedings

Timing: Average time to allowance

- For each of past 6 years:
 - Less than 3 years
- For FY21:
 - 35.2 months



In re Vivint, Inc.

- In re Vivint, Inc., 2021 U.S. App. LEXIS 29400, ___ F.4th ___ (Fed. Cir. Sept. 29, 2021).



Thank you!

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