

**UNITED STATES
PATENT AND TRADEMARK OFFICE**



Patent Public Advisory Committee Quarterly Meeting

FY18 End of Year Stats Review

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UNITED STATES
PATENT AND TRADEMARK OFFICE



Key Points of Interest

- **FY 2018 4th Quarter Statistics**
 - First Action Pendency was 15.8 months
 - Compared to 16.3 months in FY 2017
 - First action pendency goal was 15.4 months
 - Total Pendency was 23.8 months
 - Lower than FY 2017 which was 24.2 months
 - Total pendency goal was 25 months
- **Serialized growth rate is 1.7%**
- **Attrition rate continues to be low (3.97%)**

Analysis and Discussion

FY 2018 Pendency

- First action pendency reduced from 16.3 months at beginning of FY18 to 15.8 months at end of FY18
- Total pendency fell from 24.2 to 23.8 months
- Reduced despite 1.7% filing growth

FY 2018 Filing Trends

- **Serialized filings increased by 1.7%**
 - Slightly higher than projected
 - Compared to .3% growth last year
 - Planned 1.5% growth
 - In line with both model forecast and recent trends
- **RCE filings were down 7.7%**
 - Compared to 3.8% decrease in FY17
 - Decrease was expected
 - Less rework is positive
- **Design filings increased by 3.7%**
- **Provisional filings were up 1.2%**
 - Compared to the .3% decrease last year

Examiner Attrition

- **FY 2018 examiner attrition rate was 3.97%**
 - Compared to 4.1% attrition rate last year
 - Excluding Transfers and Retirees 2.8%
 - Excluding Transfers 3.7%
- **Attrition Percentages by years of service:**
 - 22.9% for those with less than 1 year of service
 - 7.6% and under by the 3rd year of service
 - 2.6% and under with more than 10 years of service
- **Highest attrition rate continues to be among new examiners**

Variations from Estimates

- Higher than expected serial filings
- Lower than expected RCE filings
- Lower overtime usage
- Reduction in productivity
 - Lower promotion rates
 - Lower award achievement

Track One

- **Granted 9506 Track 1 requests in FY18**
- **Pendency continues to be extremely low**
 - Average time from Filing to Petition grant: 1.5 months
 - Average time from petition grant to first action: 1.7 months
 - Average time from petition grant to final disposition: 7.1 months

PTA Performance

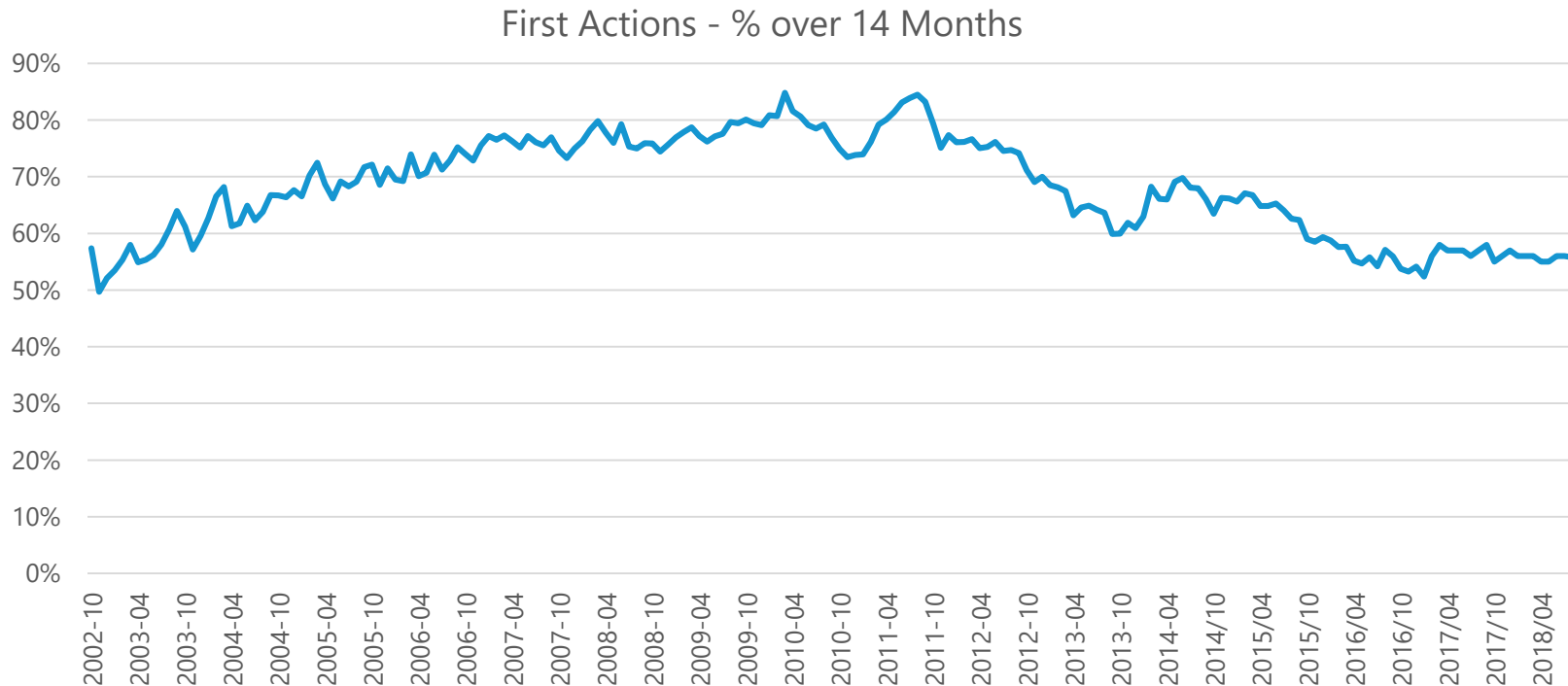
- **On average, 56% of first actions are being completed later than 14 months from filing**
 - Poorest performing category
 - Steady with FY17
- **Performance in the 4/4/4 categories has historically been fairly good**
 - FY18 Q4, the Corps averages were:
 - Amendments 11.3%
 - Compared to 6.7% in FY17
 - Appeal decisions 2.6%
 - Just under 1% decrease from 3.5% in FY17
 - Issues 1.4%
 - Slight decrease from 1.5% in FY17
- **Currently, approximately 16% of issues exceed 36 months total PTA pendency**
 - 1% decrease from 17% in FY17
 - Will decline further along with overall average pendency

PTAB Results

- **Overall affirmance rate of 60% for FY18**
 - 4% increase from 56% in FY17
 - Additional 10% affirmed-in-part
 - 12% in FY17
 - Tech center rates range from 43% (3700) to 76% (3600)
 - Consistent with last years results

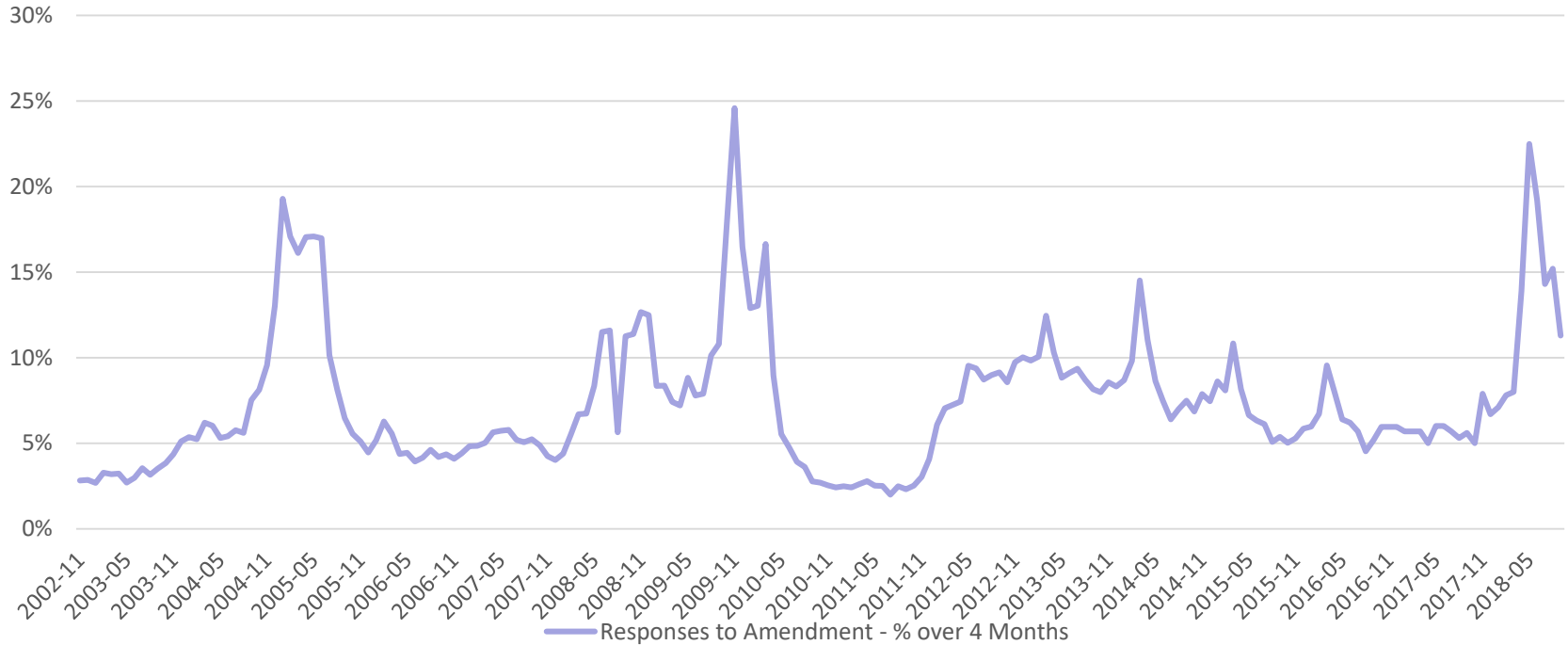
Supporting Data

Historical PTA Results – First Actions

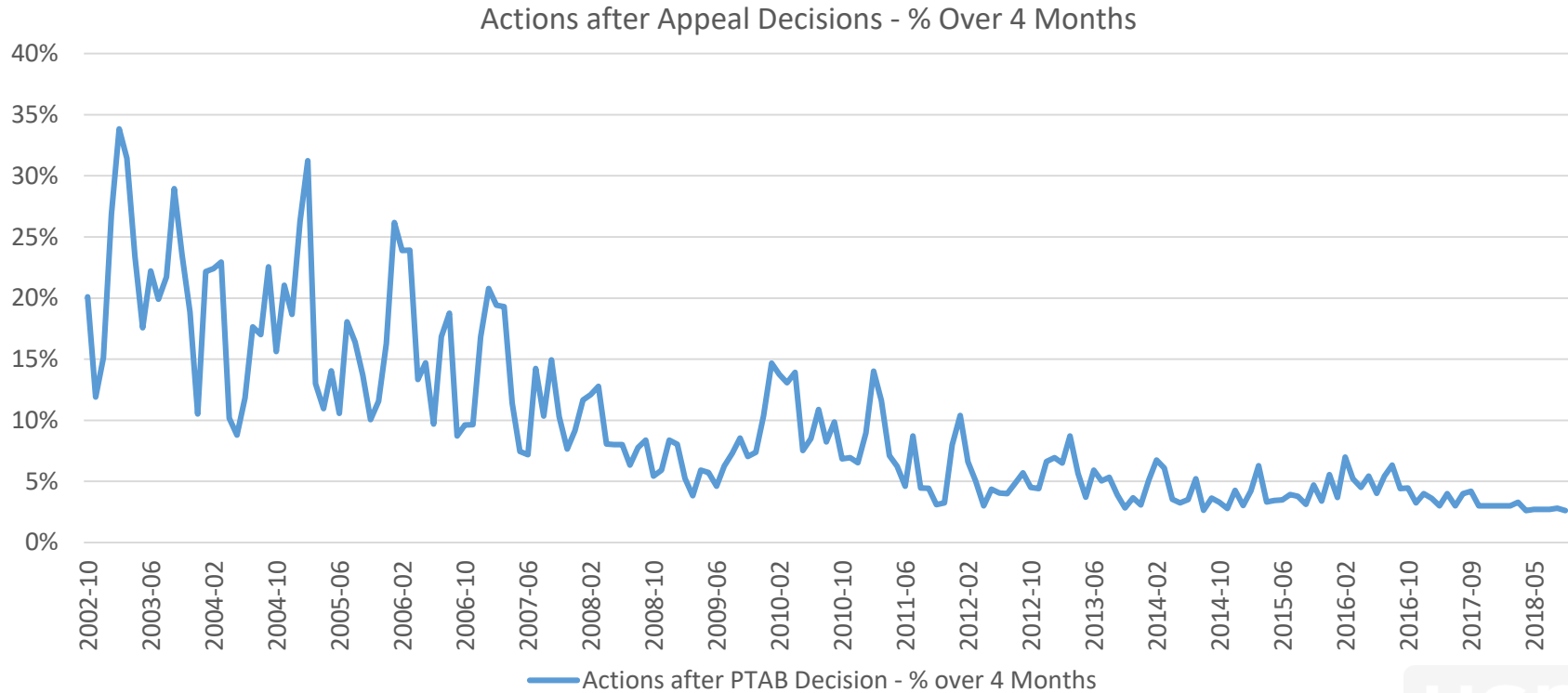


Historical PTA Results – Amendments

Responses to Amendments - % Over 4 Months



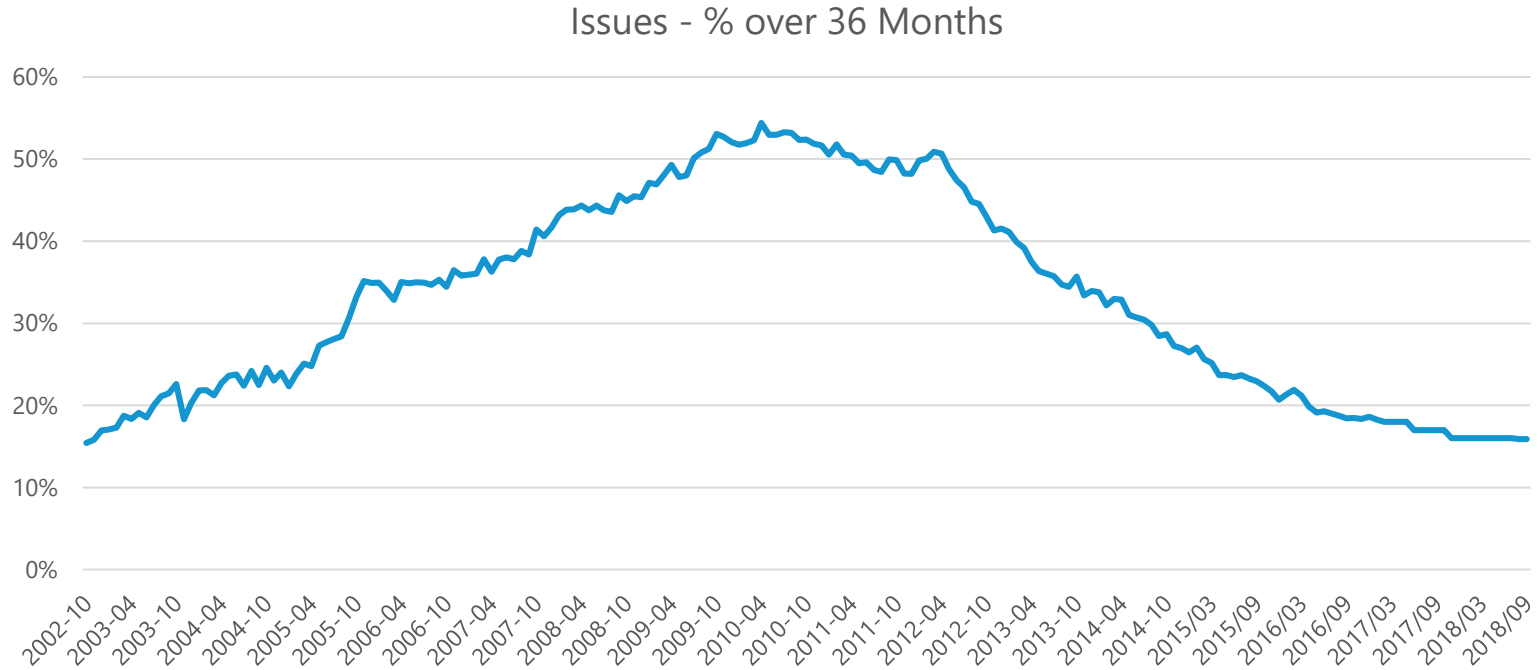
Historical PTA Results – PTAB



Historical PTA Results – Issues

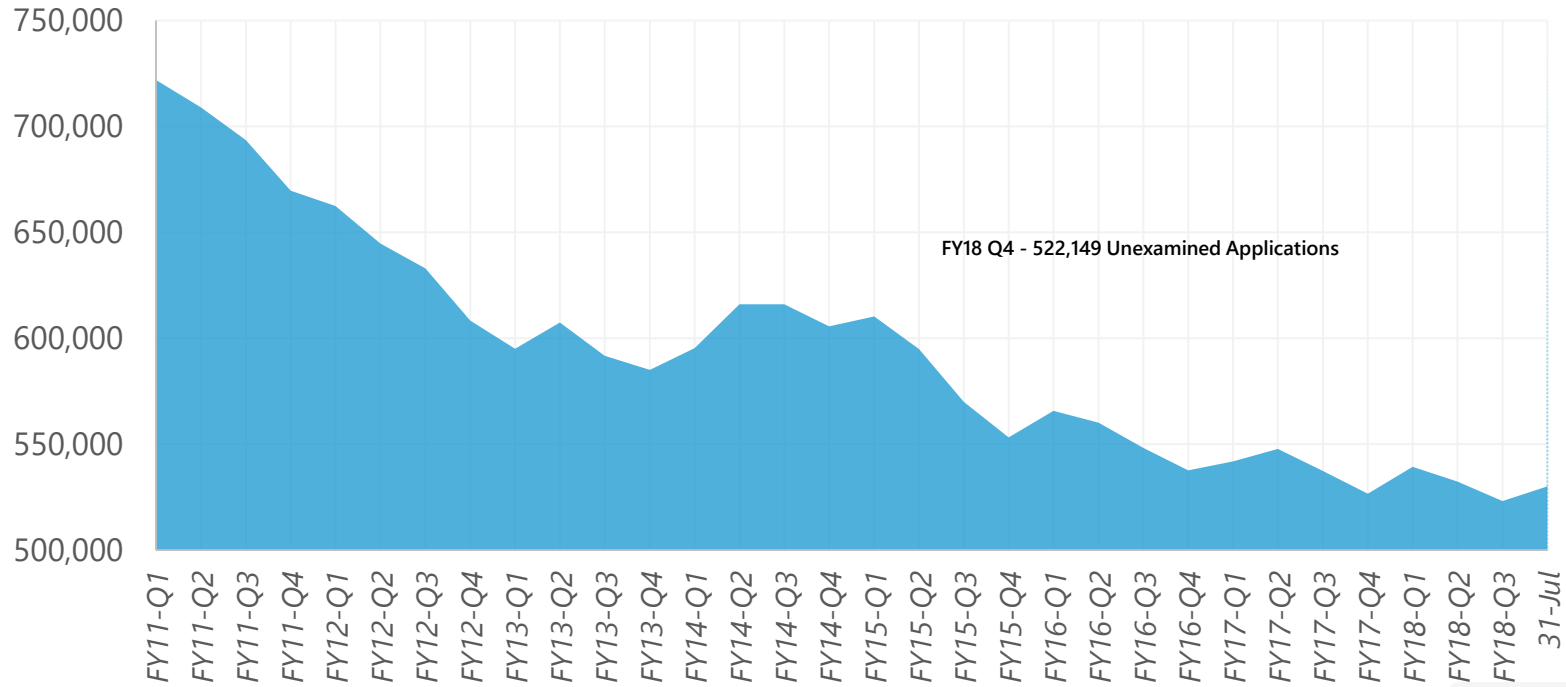


Historical PTA Results – Total Pendency



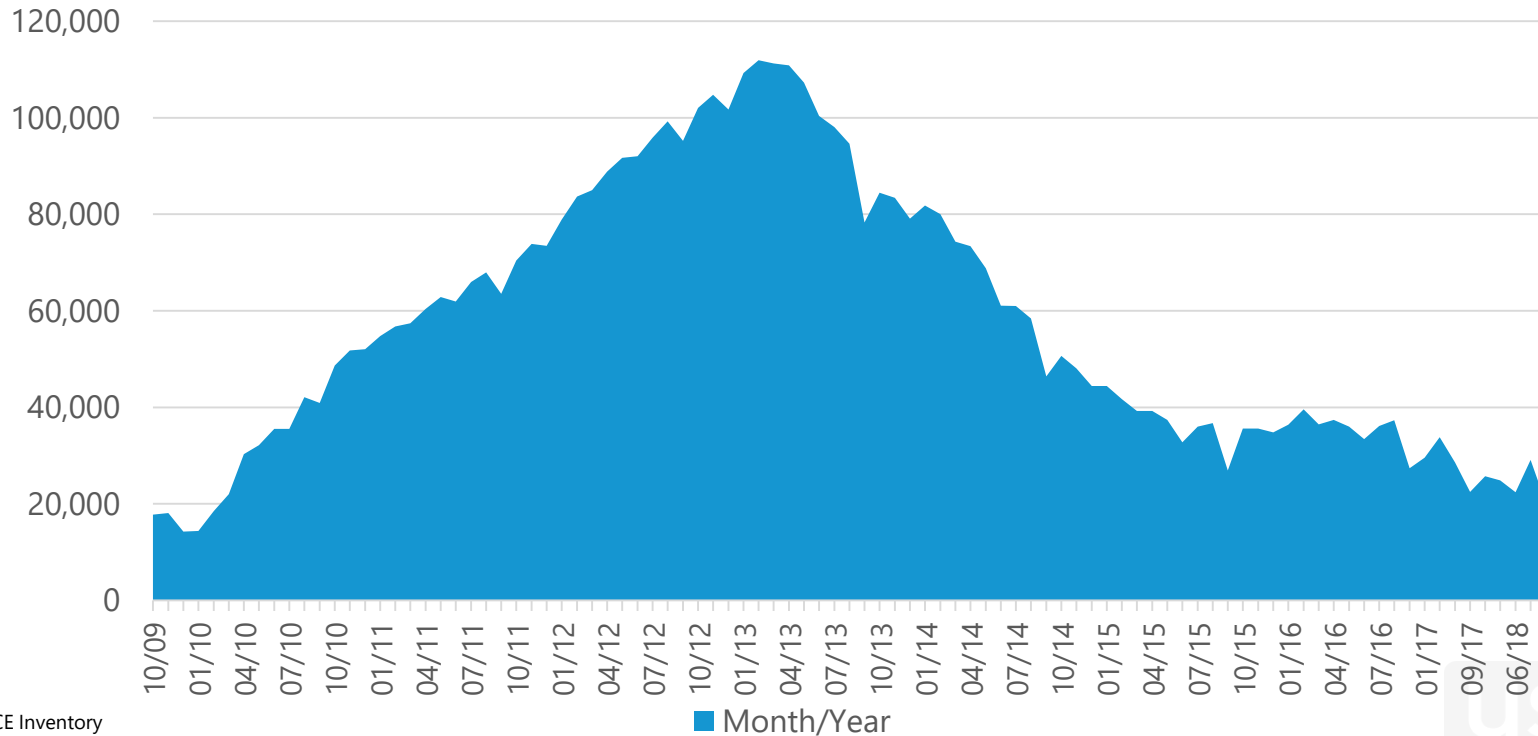
Unexamined Patent Application Inventory

FY2011 – FY2018 Q4



RCE Inventory

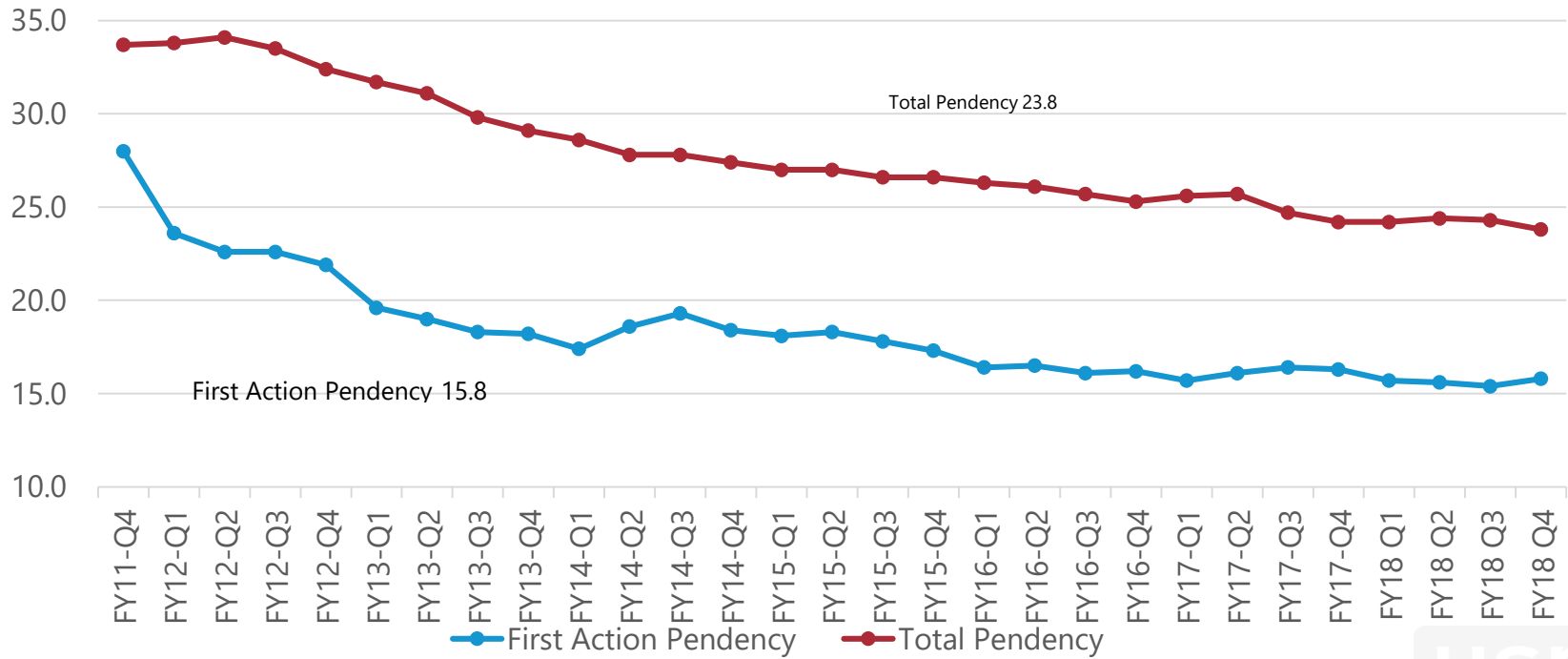
FY 2010 – FY 2018 Q



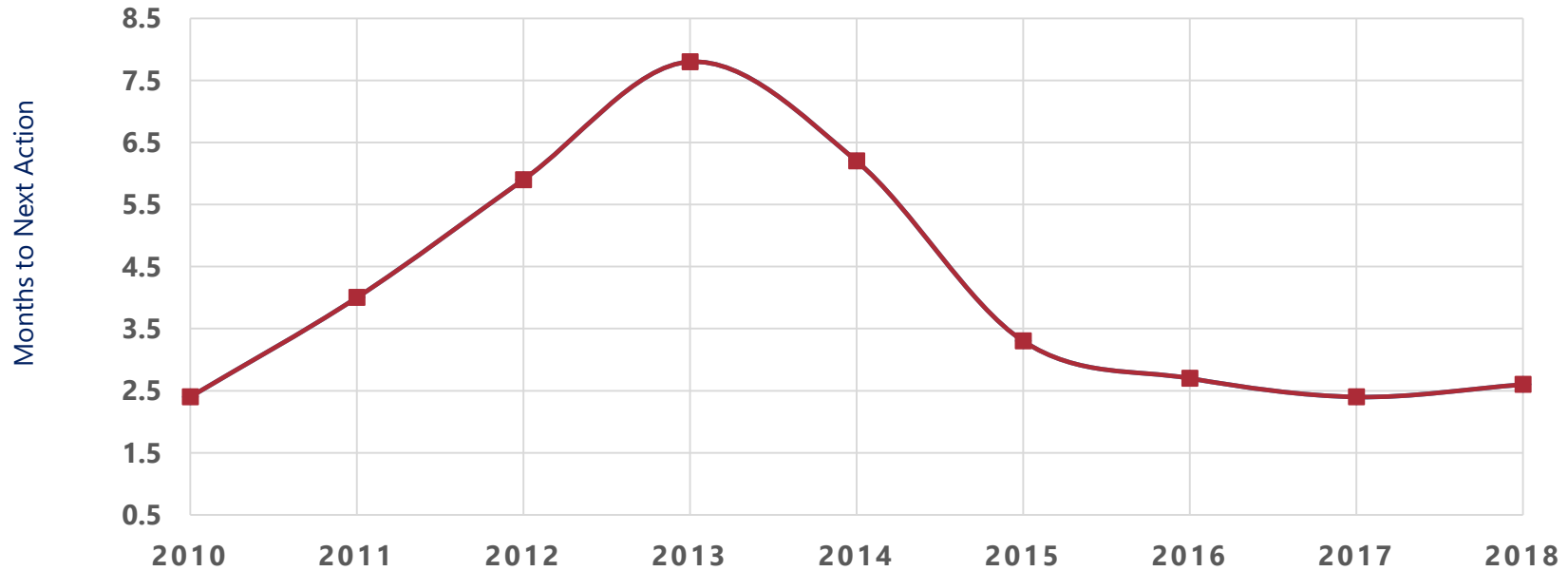
FY18 Q4 RCE Inventory
20,297



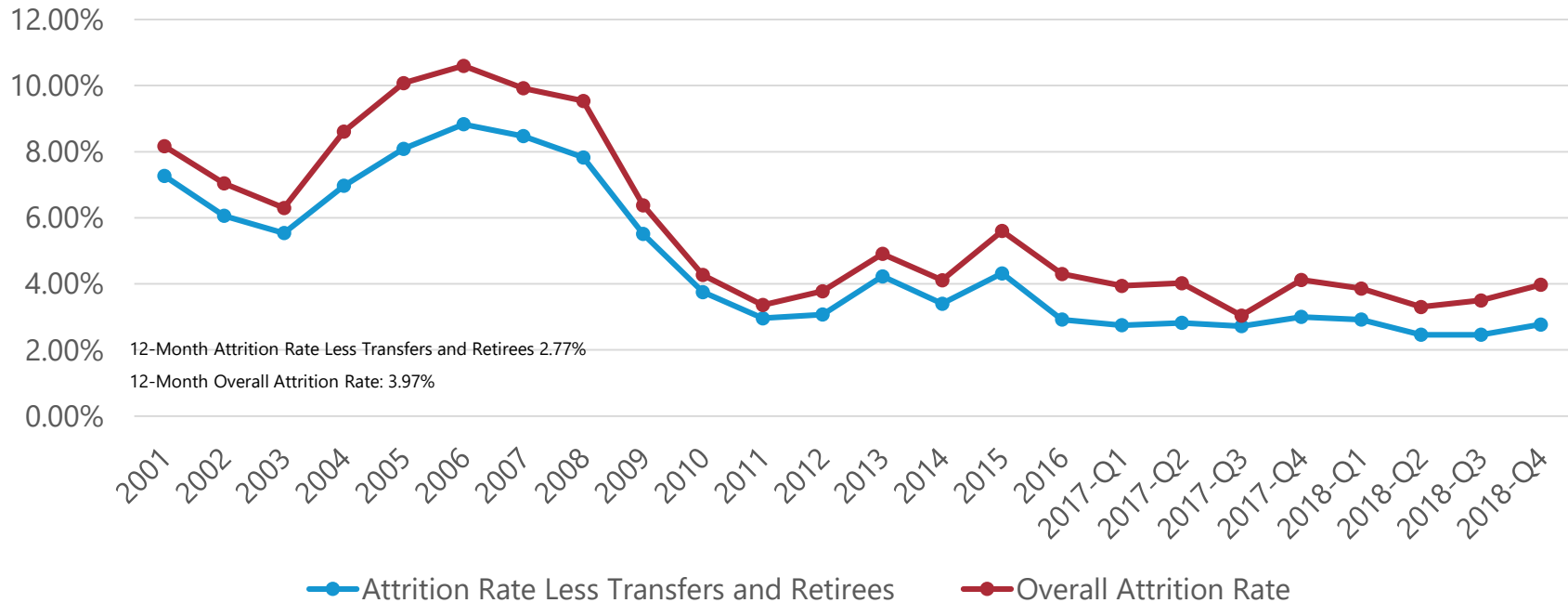
First Action Pendency and Total Pendency FY 2011 – FY 2018 Q4



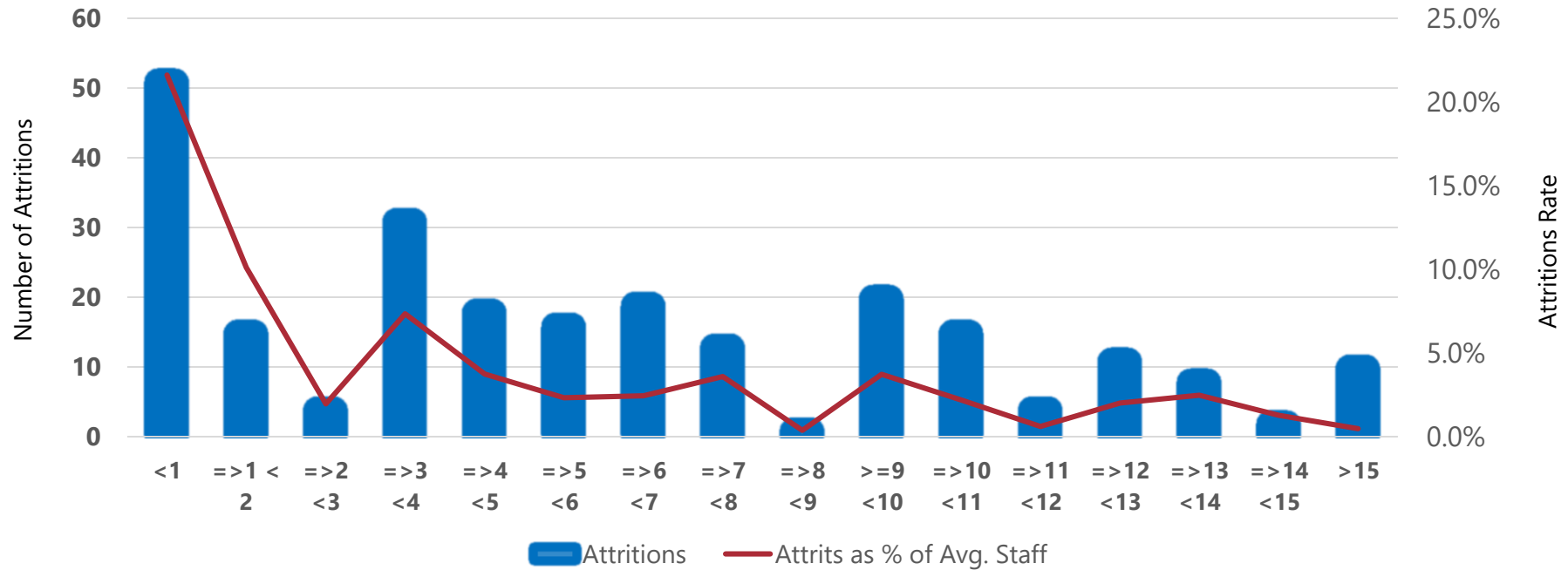
Pendency from RCE to Next Action



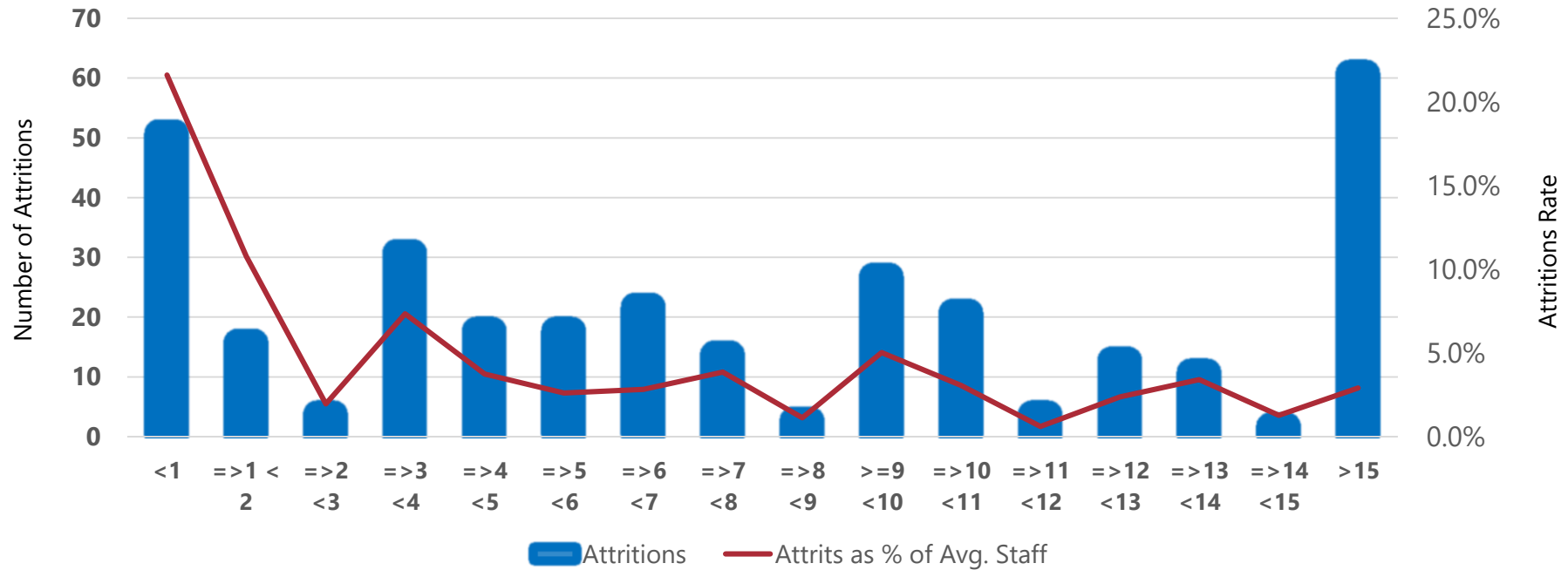
12-Month Average UPR Examiner Attrition Rate Less Transfers and Retirees and Overall Attrition Rate FY 2001 – FY 2018 Q4



12-Month Average UPR Examiner Attrition Rate Less Transfers and Retirees and Overall Attrition Rate FY 2018 Q4

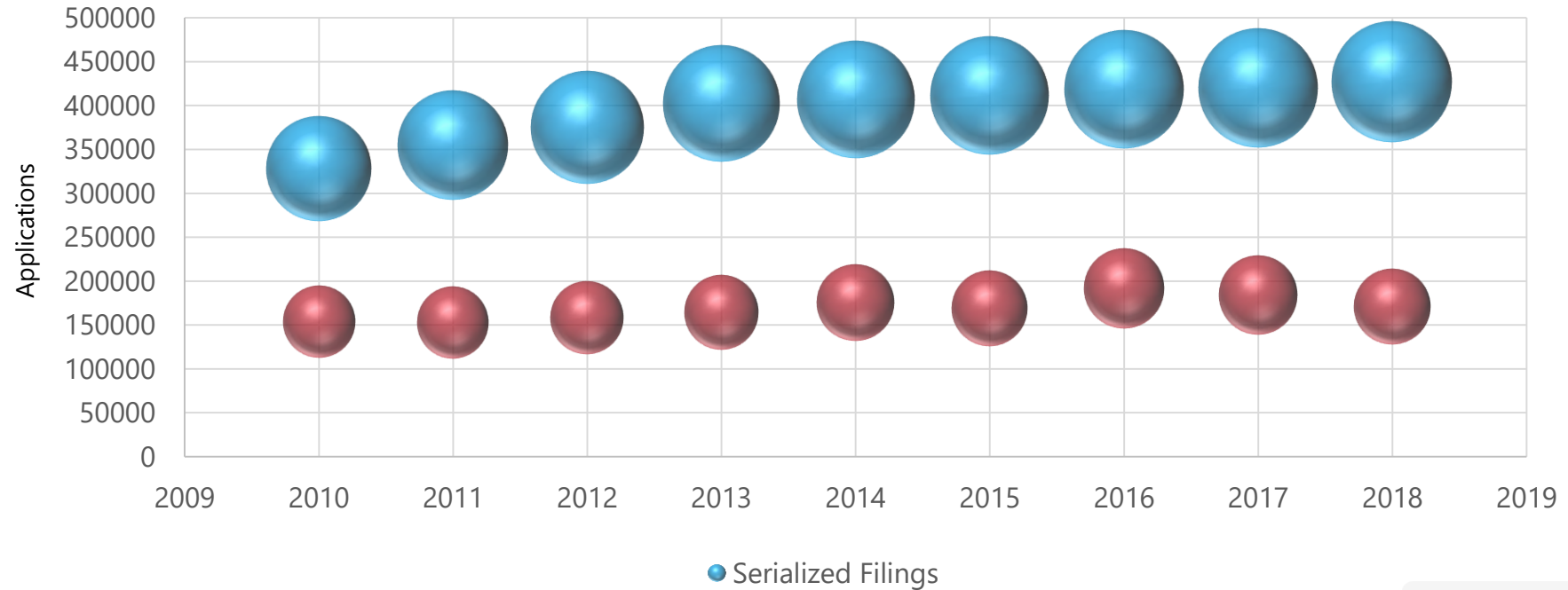


12-Month Average UPR Examiner Attrition Rate Less Transfers and Overall Attrition Rate FY 2018 Q4



Serialized and RCE Filings

FY 2010 – FY 2018 Q4



FY18 Q4: Serialized Filings 426,954
RCE Filings 170,760

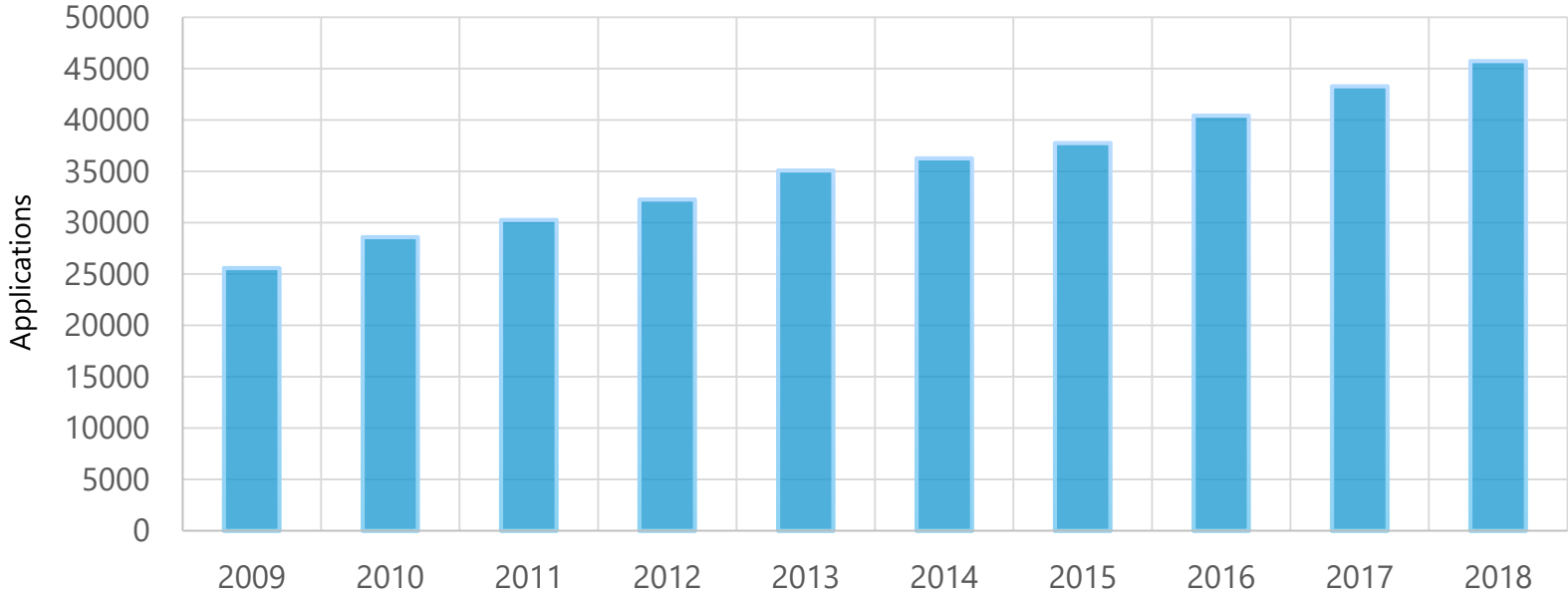


Track One Filings

TC	2011	2012	2013	2014	2015	2016	2017	2018	Total
1600	39	576	813	1120	1215	1286	1367	1460	7876
1700	9	266	420	569	678	674	819	792	4227
2100	188	502	672	821	789	1134	755	765	5626
2400	161	704	939	1194	1136	1190	887	956	7167
2600	167	650	714	861	920	944	843	937	6036
2800	33	352	561	846	873	1196	941	891	5693
3600	88	782	1091	1637	1622	1406	1346	1696	9668
3700	149	715	1075	1469	1557	1640	1582	1657	9844
Other/none	2	4	5	8	6	10	4	10	49
Grand Total	836	4551	6290	8525	8796	9480	8544	9164	56186

Design Filings

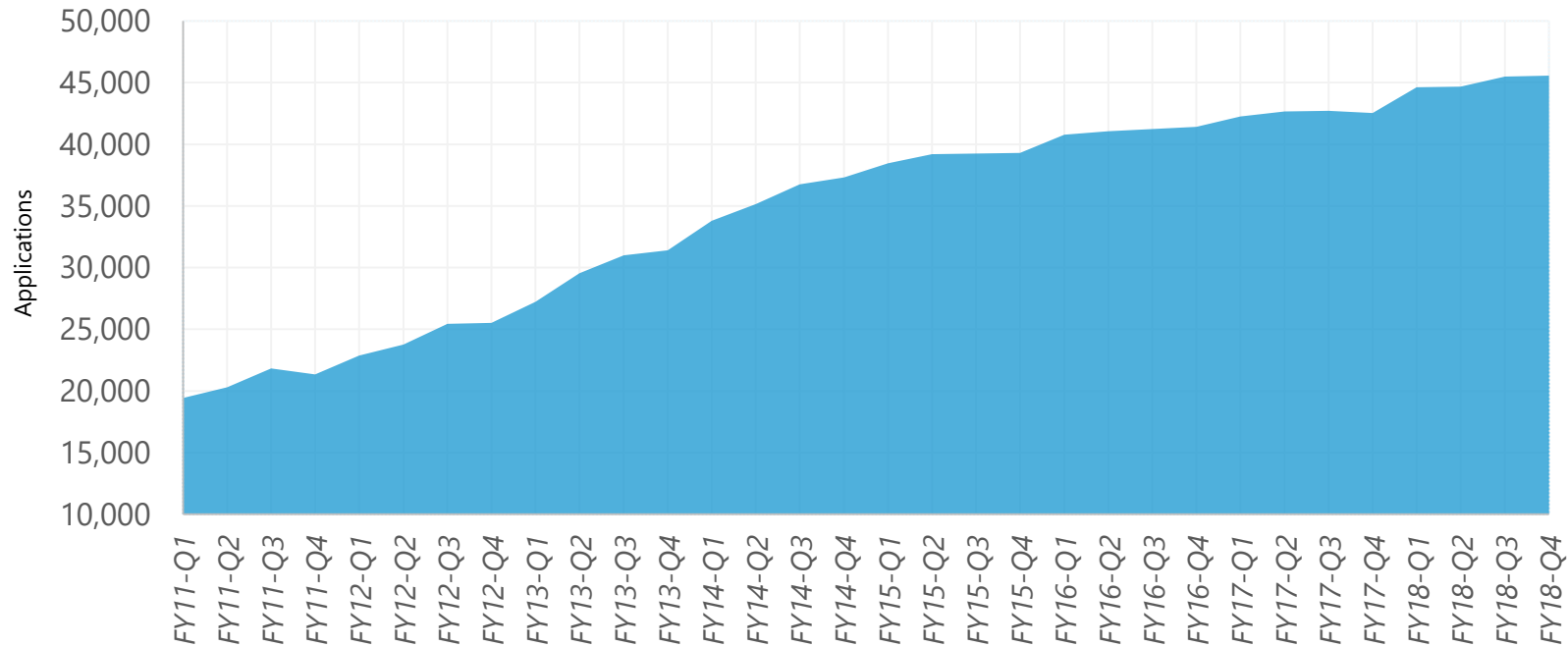
FY 2010 – FY 2018 Q4



FY18 Q4 Design Filings 45,708

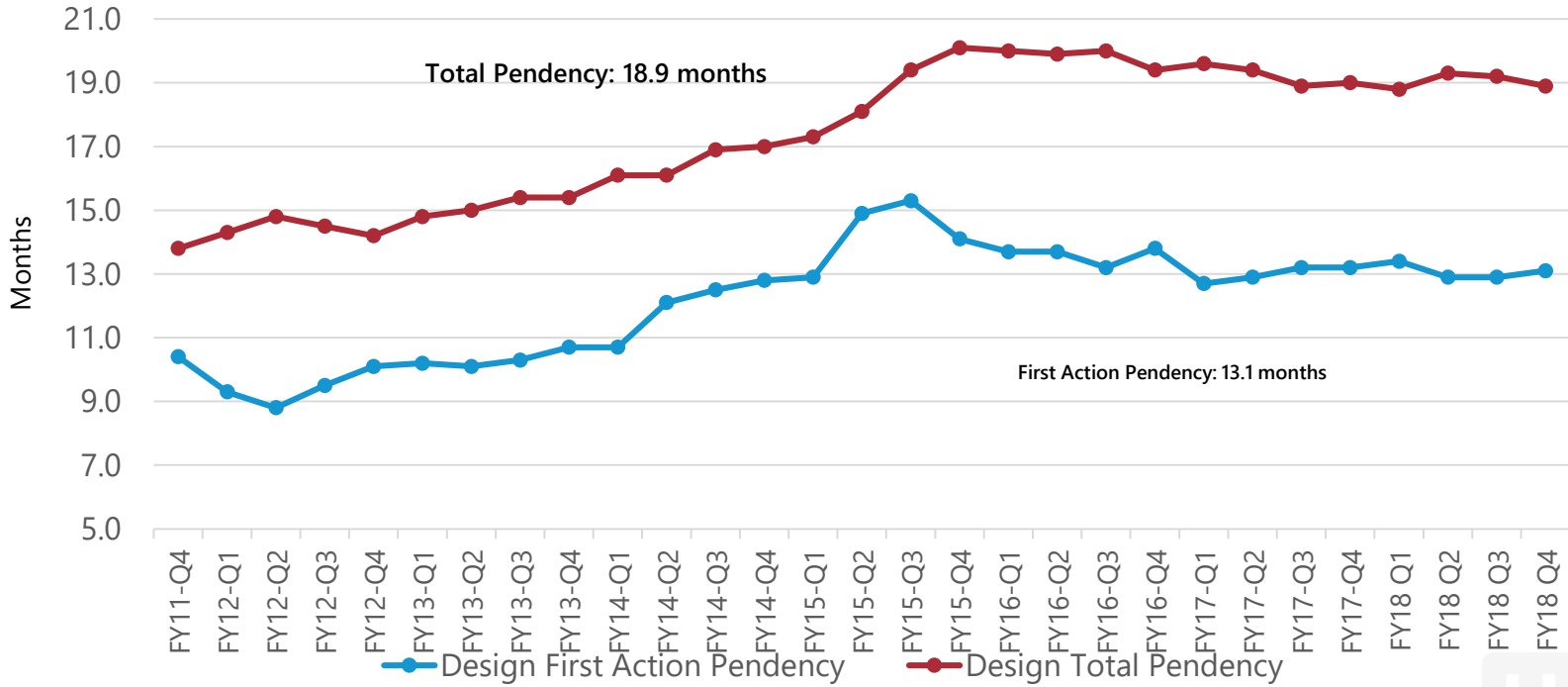


Design Unexamined Application Inventory FY2011 – FY2018 Q4



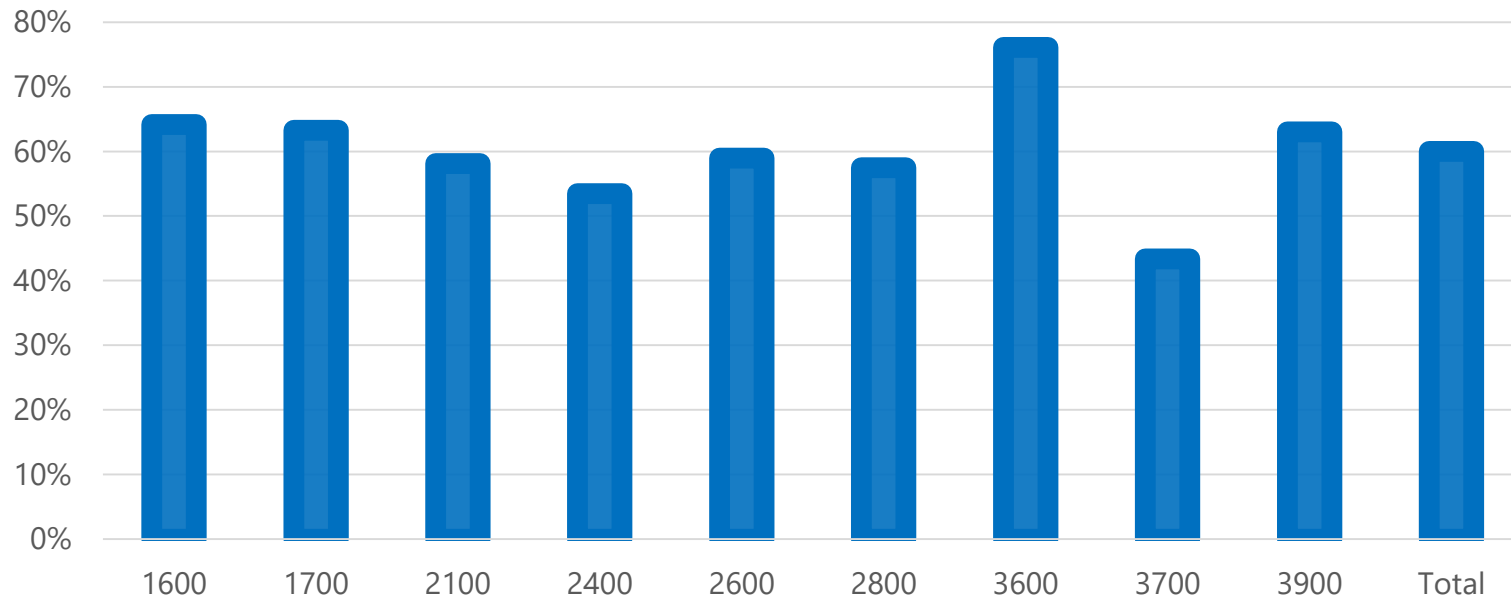
FY18 Q4 Unexamined 45,567

Design First Action Pendency and Total Pendency FY 2011 – FY 2018 Q4



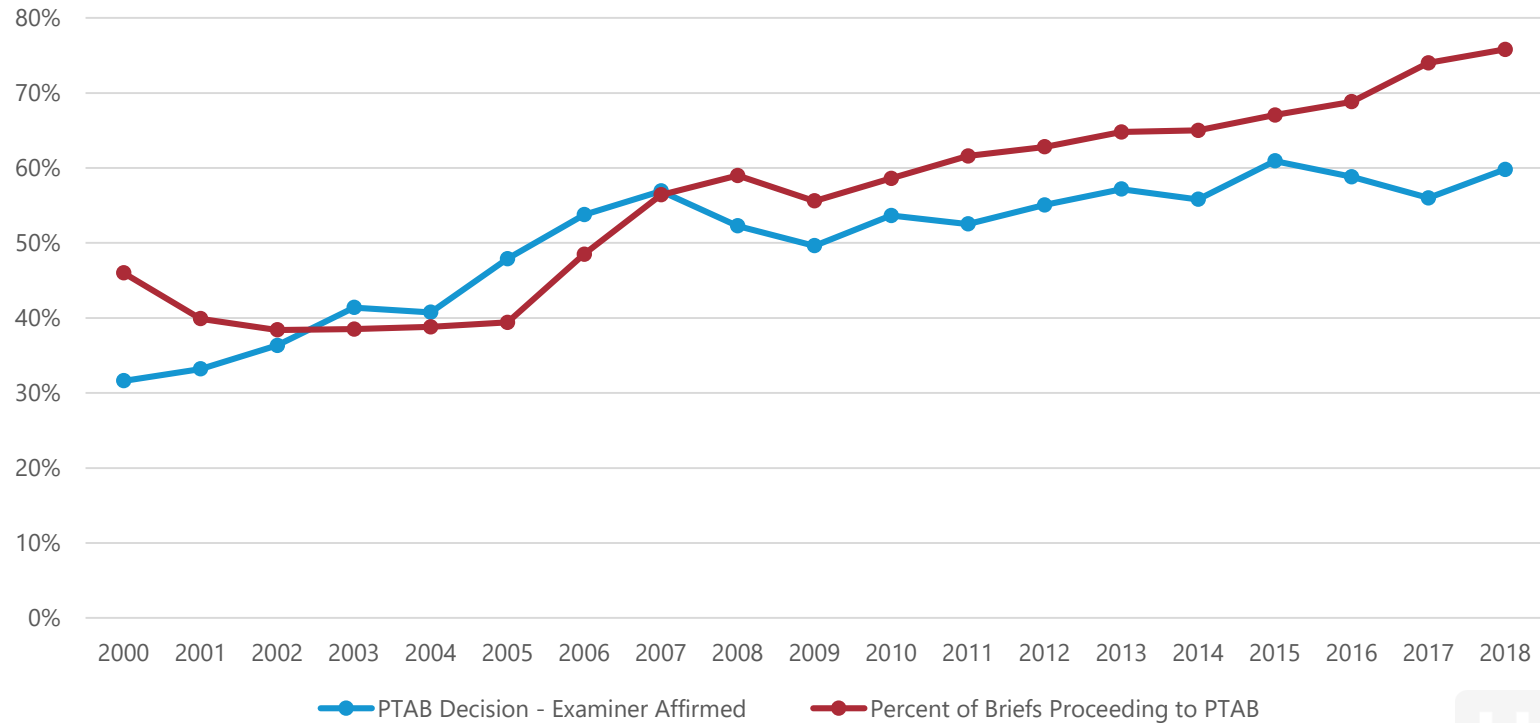
FY18 Appeal Results by Tech Center

% AFFIRMED FY18 Q4 BY TECH CENTER



Impact of Appeal Conference on Appeal Results

Appeal Conference Results and PTAB Results by Date of Answer



Questions and Comments

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