Patent Public Advisory Committee Meeting

Patent Operations

James Dwyer
Assistant Deputy Commissioner for Patent Operations
August 15, 2013
Total Serialzied and RCE Filings FY 2002 – FY 2013 (through August 8)

FY 2012 Results: 5.2% total UPR growth rate over FY 2011. Serialized filings grew 6% over FY 2011. RCE filings grew 3.3% over FY 2011.

FY 2013 total UPR filing growth rate is projected to be 7% over FY 2012.
End of Fiscal Year 2012 backlog was 608,283.

FY 2013 target (2014 President’s Budget): 566,800

589,574 Unexamined Applications as of August 12, 2013.
227,515 Excess Unexamined Applications as of July 2013.
RCE Backlog
FY 2010 – FY 2013 (through August 12)

End of Fiscal Year RCE backlog was 95,200.

96,393 as of August 12, 2013.
First Action Pendency and Total Pendency FY 2009 – FY 2013 (through July)

- **Average Total Pendency FY 2013 Target (2014 President’s Budget):** 30.1 months  (Actual as of July FY13 – 29.5 months)
- **Average First Action Pendency FY 2013 Target (2014 President’s Budget):** 18.0 months  (Actual as of July FY – 18.4 months)

Total Pendency as of July 31, 2013: 29.5 months.
First Action Pendency as of July 31, 2013: 18.4 months.
Forward Looking First Action Pendency
FY 2009 – FY 2013 (through July)

Forward Looking First Action Pendency as of July 2013: 16.1 months
12-Month Rolling Average UPR Examiner Attrition Rate
Less Transfers and Retirees and Overall Attrition Rate
FY 2001 – FY2013 (through July)

Attrition Rate Less Transfers and Retirees: 3.94% as of July FY 13.
Overall Attrition Rate: 4.63% as of July FY 13.
### Track One Statistics
(through August 12, 2013)

<table>
<thead>
<tr>
<th>Petitions Received</th>
<th>October</th>
<th>November</th>
<th>December</th>
<th>January</th>
<th>February</th>
<th>March</th>
<th>April</th>
<th>May</th>
<th>June</th>
<th>July</th>
<th>August</th>
<th>September</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>FY 11</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>855</td>
</tr>
<tr>
<td>FY 12</td>
<td>390</td>
<td>302</td>
<td>285</td>
<td>292</td>
<td>371</td>
<td>442</td>
<td>457</td>
<td>516</td>
<td>436</td>
<td>470</td>
<td>517</td>
<td>559</td>
<td>5,037</td>
</tr>
<tr>
<td>FY 13</td>
<td>505</td>
<td>512</td>
<td>576</td>
<td>504</td>
<td>469</td>
<td>1,030</td>
<td>400</td>
<td>508</td>
<td>530</td>
<td>583</td>
<td>221</td>
<td>559</td>
<td>5,838</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Percent of Petitions From Small Entities</th>
<th>Number of Micro Entity Applications</th>
<th>Average Days to Petition Decision</th>
<th>% of Decided Petitions Granted</th>
<th>Track One RequestsFiled After RCE</th>
<th>% of Track One Serial Disposals Having at Least One Interview</th>
</tr>
</thead>
<tbody>
<tr>
<td>47%</td>
<td>105</td>
<td>48.7</td>
<td>94%</td>
<td>754</td>
<td>52%</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>First Actions Completed</th>
<th>Average Days from Petition Grant to First Office action</th>
<th>Final Rejections</th>
<th>Issues</th>
<th>Number of Abandonments</th>
<th>Number of Allowances</th>
<th>Average Days From Petition Grant to Allowance</th>
<th>Average Days From Petition Grant to Final Disposition</th>
</tr>
</thead>
<tbody>
<tr>
<td>8,253</td>
<td>61.6</td>
<td>3,043</td>
<td>2,514</td>
<td>121</td>
<td>2,935</td>
<td>148</td>
<td>182</td>
</tr>
</tbody>
</table>
Office Time/Applicant Time –
Total Pendency Vs. Track One Total Pendency
(12-month Rolling Average through July)

- Time Awaiting First Action
- Prosecution Time With Applicant
- Prosecution Time With Office

12-Mth Avg Thru July

- Total: 28.2 months
- Time Awaiting First Action: 22.3 months
- Prosecution Time With Applicant: 6.9 months
- Prosecution Time With Office: 3.1 months

Track One 12-Mth Avg Thru July Not Including RCEs

- Total: 12.6 months
- Time Awaiting First Action: 10.0 months
- Prosecution Time With Applicant: 4.5 months
- Prosecution Time With Office: 3.8 months
## Third Party Prior Art Submissions

<table>
<thead>
<tr>
<th>3rd Party Submissions</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Proper</td>
<td>692</td>
</tr>
<tr>
<td>Improper</td>
<td>273</td>
</tr>
<tr>
<td>Not Yet Reviewed</td>
<td>12</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td>977</td>
</tr>
</tbody>
</table>

## Total Breakdown of Documents of the 633 Proper Submissions

<table>
<thead>
<tr>
<th>Type of Document</th>
<th>Number</th>
</tr>
</thead>
<tbody>
<tr>
<td>Patents</td>
<td>945</td>
</tr>
<tr>
<td>Published US. Apps</td>
<td>697</td>
</tr>
<tr>
<td>Foreign Reference</td>
<td>515</td>
</tr>
<tr>
<td>NPL</td>
<td>962</td>
</tr>
<tr>
<td><strong>Total Documents</strong></td>
<td><strong>3,119</strong></td>
</tr>
</tbody>
</table>

## Reliance on Third Party Submissions

- **14.6%**: 30 Applications using 3rd Party submissions in Office Actions
- **85.4%**: 176 Applications where 3rd Party submissions were not relied upon

## Type of Rejections Relying on Submissions

- **103 Rejections Based Actions**: 102
- **102 Rejections Based Actions**: 36.7%
- **Both 102 & 103 Rejections Based Actions**: 43.3%

## Number of References Used by Type

- **Patents**: 10
- **NPL**: 7
- **PGPubs**: 11
- **Foreign**: 4

Represents 26 Total Applications
Third Party Prior Art Submissions

Number of Submissions Per TC

Total 3rd Party Submissions 977
Quality Composite

Quality Composite Score as of July 2013: 64.9%

FY 2011 was baseline year.
Questions and Comments?

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