Patent Public Advisory Committee Meeting

BPAI/PTAB Update

James Donald Smith
Chief Administrative Patent Judge
Board of Patent Appeals and Interferences
September 27, 2012
AIA Roadshows

- Los Angeles, CA
  - September 14
- Denver, CO
  - September 17
- Minneapolis, MN
  - September 10
- New York, NY
  - September 28
- Detroit, MI
  - September 20
- Alexandria, VA
  - September 12
- Atlanta, GA
  - September 24
- Houston, TX
  - September 26
Hiring

- Goal 100 new APJs in FY 2012
- Since October 2011
  - Reviewed nearly 1,000 applicant records
  - Interviewed nearly 190 candidates
    - 4 additional candidates scheduled
  - Selected 77 highly qualified candidates to become new Judges
    - 62 to be on board as of 10/30/2012
  - Rolling advertisements posted
- Opportunities at Detroit/Denver/Dallas/Silicon Valley Satellite Offices
  - Selecting candidates now
  - New advertisements posted and running continually for approximately 2 months
Board Hiring

- Selectees from:
  - USPTO Patent Examining Corps, Office of the General Counsel, and the BPAI
  - International Trade Commission and Department of Justice
  - Private Practice
  - Industry
Members of the Board (as of 9/10/2012)
• Growth of the Backlog has been suspended
  – Last 3 weeks, more decisions issued than new appeals received
  – Encouraging (for now)
• Benefiting from numerous factors
  – Successful hiring in FY2012 (needs to continue in FY2013)
  – Somewhat lower end-of-year intake
  – Extraordinary efforts by current Judges
• Trend can still be reversed if AIA intake grows faster than new hires
# BPAI Receipts and Dispositions

**Past Month**

<table>
<thead>
<tr>
<th>Discipline</th>
<th># Cases Received</th>
<th># Cases Disposed</th>
<th>Difference (Disposed minus Received)</th>
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<tr>
<td>Biotech</td>
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<td>Business Methods</td>
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<td>Contested Cases</td>
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<td>Electrical</td>
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<tr>
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<td><strong>Totals</strong>*</td>
<td><strong>792</strong></td>
<td><strong>1073</strong></td>
<td><strong>281</strong></td>
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BPAI Receipts and Dispositions
Weekly: 7/4/2012 through 9/19/2012

Receipts & Dispositions Summary Report
FY-2012 4th Quarter

Averages
- Received: 945
- Disposed: 1019
- Difference: 74
Decisions by Type: FY 2012

- Affirmed: 48%
- Affirmed-in-Part: 2%
- Reversed: 33%
- Panel Remand: 0%
- Administrative Remand: 2%
- Dismissed: 2%
Size of Backlog for the Past 12 Quarters

![Bar chart showing the size of backlog for the past 12 quarters with Q1 (FY 2010) to Q4 (FY 2012). The y-axis represents the number of appeals ranging from 0 to 30,000, and the x-axis represents the quarters from Q1 to Q4.]
Monthly Receipts and Dispositions – New Judge Comparison

<table>
<thead>
<tr>
<th>Month</th>
<th>Receipts Experienced Judges</th>
<th>New Judges</th>
<th>Difference</th>
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<td>Apr-12</td>
<td>1035</td>
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- Receipts
- Experienced Judges
- New Judges
- Difference
Monthly Receipts and Dispositions – New Judge Comparison

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<tr>
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Decisions Adopting Persuasive Arguments Made in the Record

- Allow the Board to issue decisions based on arguments presented by Examiners or Appellants
  - Shorter decisions; disposed sooner; sometimes designated “Per Curiam”
- Arguments of record must sufficiently explain the decision
- Working with offices of the Under-Secretary and Solicitor to finalize rules
Outcomes at the Federal Circuit

• For FY 2012 (October 1, 2011 to date)

• 105 patent cases have been disposed:
  – 66 affirmed
  – 26 dismissed
  – 12 remanded (1 reversals)
Patent Corps Collaboration

- Continuing to explore collaboration opportunities
- Additional Examiner interviews during prosecution
- Additional Examiner review of after-final amendments before coming to the Board (on-going)