Patent Public Advisory Committee Meeting
Patent Operations Update

Bruce Kisliuk
Assistant Deputy Commissioner for Patents
December 1, 2011
Patent Operations Update

Overview

• Fiscal Year 2011 Data Update

• Quality Update

• Initiatives Update
  • COPA – Clearing the Oldest Patent Applications
  • Prioritized Examination – Track One
  • PETTP - Patent Examiner Technical Training Program
  • First Action Interview Program
  • Green Tech Program
  • E-Petition
Fiscal Year 2011 Data Overview

- Approximately 507K UPR applications filed
- Increased filings of approximately 5.3% over fiscal year 2010
- Backlog reduced to 669,625
- Applications in progress = 1,217,842
- Our production rate has remained very high
  - First Office Action Pendency = 28.0 months
  - Total Pendency = 33.7 months
  - Allowance Rate = 48.0%
- The EFS filing rate for FY ’11 was 93.1% compared to 89.5% in FY ’10.
Total UPR and RCE Filings
FY 2001 – FY 2012 (projections)

Preliminary FY2012 estimate: 533,300
Applications Awaiting First Action
FY 2009 – FY 2012 (through October)

Preliminary FY2012 Target: 624,700

667,477 as of November 28th.
RCE Backlog
FY 2010 – FY 2012 (through October)

72,940 as of November 28th
First Action Pendency and Total Pendency
FY 2009 – FY 2012 (through October)

Preliminary FY2012 First Action Pend. Target: 22.5 Months

Preliminary 2012 Total Pendency Target: 34.7 Months
Quality Metrics
(FY2011 - 4th Quarter results)

Existing Measures:
- Final Disposition Compliance Rate (95.4%)
- propriety of final dispositions of applications
- In-Process Compliance Rate (95.2%)
- propriety of Office actions on the merits during the prosecution

New Measures:
- Pre-First Action on the Merits Search Review (94.6%)
  - degree to which the search conforms with the best practices of the USPTO
- Complete First Action on the Merits Review (90.9%)
  - degree to which the first action on the merits in an application conforms with the best practices of the USPTO
- Quality Index Report (QIR) (89.5%)
  - statistical representation of quality-related events in the prosecution of the patent application
- External Quality Survey (3.0 ratio of positive to negative responses)
  - experiences of patent applicants and practitioners with USPTO personnel and examination issues
- Internal Quality Survey (4.3 ratio of positive to negative responses)
  - experiences of examiners with internal and external interactions and issues
The Quality Composite, comprising the 7 metrics, indicates our progress in meeting FY15 expectations. It monitors continuous improvement in various quality categories throughout the current USPTO Strategic Plan (FY10-FY15).

FY11 indication of 30.7 means that the Office has already met 30.7% of the quality objectives it plans to achieve by the end of FY15.
## Quality Measures

### Definitions

- **Final Disposition Compliance Rate**: The Final Disposition and allowance (Final Disposition) compliance rate focuses on the quality of examination early in prosecution, rather than on the end-product. Metric determined by 12-month % Compliance as determined by OPQA random-sample review of Non-Final Office Actions.

- **In-Process Compliance Rate**: The In-Process compliance rate focuses on the quality of examiner work product. Score = Points earned/available points.

- **Pre-FAOM Search Review**: The First Action On The Merits (FAOM) Search Review and Complete FAOM Review provide comprehensive assessments of the degree to which the search conducted prior to the first office action, and the first action on the merits, respectively, conform with best practices. Metric determined by OPQA random-sample review of examiner work product. Score = Points earned/available points.

- **Complete FAOM Review**: The External Quality Survey provides a measure of the degree to which the experience of patent applicants and practitioners reveals trends and issues indicative of quality concerns. The survey is conducted semi-annually and solicits input from stakeholders who are frequent customers of the USPTO on their perceptions of examination quality over the preceding three month period. The metric is reported as the ratio of positive to negative responses regarding satisfaction with overall examination quality.

- **Quality Index Reporting**: The Internal Quality Survey measures the degree to which the experience of patent examiners reveals trends and issues indicative of quality concerns. The metric is reported as the ratio of positive to negative responses to a question regarding overall satisfaction with examination quality.

### USPTO Patents Quality Composite Item - Actual Metrics

<table>
<thead>
<tr>
<th>Reporting Period</th>
<th>Final Disposition Compliance Rate</th>
<th>In-Process Compliance Rate</th>
<th>Pre-FAOM Search Review</th>
<th>Complete FAOM Review</th>
<th>Quality Index Reporting</th>
<th>External Quality Survey</th>
<th>Internal Quality Survey</th>
<th>Quality Composite Score</th>
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<tr>
<td>FY11Q4</td>
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The Quality Composite Score is composed of the seven individual metrics shown here. The composite metric determines progress in each component metric towards the desired five-year goal, applying a weighting factor to each metric and summing the weighted progress in each component metric to determine the overall progress towards the composite quality goal. A composite score of 0 represents the statistical achievement in the base year used for comparison. A composite score of 100 represents attainment of a superior level of performance identified as the stretch goal.
COPA – Clearing the Oldest Patent Applications
- Over 300,000 applications identified
- 257,642 First Office actions completed
  - 20,000 over the goal

Prioritized Examination – Track I
- Began September 2011
- 1,286 applications received as of 11/3/11

PETTP - Patent Examiner Technical Training Program
- 30 organizations have participated providing 14,000 hours of examiner training

First Action Interview Program
- The pilot has been well received, with a doubling of participants from 1,133 to 2,310.

Interviews
- The Interview hours claimed in FY11 was comparable to FY10

Green Tech Program
- Extended for another 500 applications or until March 31 2012

E-Petition
- 8 new web-based ePetitions were launched in March 2011
Clearing the Oldest Patent Applications (COPA)

**Distribution of Corps Backlog (Tail)**

- **235K Goal Exceeded by 22,642 Cases**
- **257,642 Cases Worked**
- **55,117 Total Cases Remaining from FY2011 pool**

**FY 2011 Goal – 235,000 cases worked**
Track I – Prioritized Examination

- 853 Applications filed in FY 2011; 433 filed in FY 2012
- 1,286 total applications received as of 11/3/11
- Goal is final disposition on average within 12-months of prioritized examination request grant.
- Utility applications must be filed via the Office’s electronic filing system (EFS-Web).
- Plant applications must be filed via paper.
- The application contains or is amended to contain no more than 4 independent claims and 30 total claims.
8,964 hours as of October 2012, compared with 8,903 hours in October 2011.
Green Technologies Pilot
December 2009 – October 2011

Awaiting Decision Requests Granted Requests Dismissed Requests Denied Petitions Received

| Petitions Received | 12/09 | 1/10 | 2/10 | 3/10 | 4/10 | 5/10 | 6/10 | 7/10 | 8/10 | 9/10 | 10/10 | 11/10 | 12/10 | 01/11 | 02/11 | 03/11 | 04/11 | 05/11 | 06/11 | 07/11 | 08/11 | 09/11 | 10/11 | Total |
|-------------------|-------|------|------|------|------|------|------|------|------|------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|
| Requests Granted  |       |      |      |      |      |      |      |      |      |      |       |       |       |       |       |       |       |       |       |       |       |       | 4,588 |
| Requests Denied   |       |      |      |      |      |      |      |      |      |      |       |       |       |       |       |       |       |       |       |       |       |       | 2,674 |

Average time from petition grant to final disposition: 238 days
Shortest time from petition grant to final disposition: 57 days
Longest time from petition grant to final disposition: 628 days
8 new web-based ePetitions were launched on March, 2011.

Electronic filing of ePetitions eliminates the manual mailing of decisions and greatly speeds up the process.

Automates the petition process and allows petitioners to directly input the requisite information into a secure Web interface and immediately receive a decision.