Hiring

- Goal 100 new APJs in FY 2012
- Since October 2011
  - Reviewed over 775 applicant records
  - Interviewed nearly 140 candidates
    - 22 additional candidates scheduled
  - Selected 66 highly qualified candidates to become new Judges
    - 39 on board as of 6/4/2012
  - Rolling advertisements posted
- Opportunities at Detroit Satellite Office once opened
  - 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 5/21/2012)

Judges
Training Components for New Judges

- Standard Operating Procedures and Internal Processing
- Use of Board’s IT Infrastructure
- Legal Issues Training
- Board Rules Training
- Judicial Writing Training
- Trial Practices Training
• Backlog continues to grow
  – FY 2012/Q2, backlog increased by 1,061 appeals (estimated)
  – Despite 20% increase in decisions issued at same point last year
• With successful hiring
  – Projected intake/output parity by beginning of FY 2013
  – Mid-FY 2013 – projected output respectably above projected intake
### BPAI Receipts and Dispositions

**Period:** 5/5/2012 thru 6/5/2012

<table>
<thead>
<tr>
<th>Discipline</th>
<th># Cases Received</th>
<th># Cases Disposed</th>
<th>Difference (Disposed minus Received)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Biotech</td>
<td>71</td>
<td>23</td>
<td>-48</td>
</tr>
<tr>
<td>Business Methods</td>
<td>77</td>
<td>64</td>
<td>-13</td>
</tr>
<tr>
<td>Chemical</td>
<td>121</td>
<td>176</td>
<td>+55</td>
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<tr>
<td>Contested Cases</td>
<td>24</td>
<td>15</td>
<td>-9</td>
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<tr>
<td>Design</td>
<td>2</td>
<td>1</td>
<td>-1</td>
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<tr>
<td>Electrical</td>
<td>436</td>
<td>383</td>
<td>-53</td>
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<tr>
<td>Mechanical</td>
<td>193</td>
<td>257</td>
<td>+64</td>
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<tr>
<td><strong>Totals</strong></td>
<td><strong>924</strong></td>
<td><strong>919</strong></td>
<td><strong>-5</strong></td>
</tr>
</tbody>
</table>
BPAI Receipts and Dispositions

Receipts & Dispositions Summary Report
FY-2012 3\textsuperscript{RD} Quarter

6/6/2012

- Averages
  - Received: 1045
  - Disposed: 888
  - Difference: -157
Decisions by Type: FY 2012

- Affirmed: 48%
- Affirmed-in-Part: 2%
- Reversed: 33%
- Panel Remand: 0%
- Administrative Remand: 3%
- Dismissed: 14%
Size of Backlog for the Past 10 Quarters

Appeals

<table>
<thead>
<tr>
<th>Quarter</th>
<th>Q1 (FY 2010)</th>
<th>Q2</th>
<th>Q3</th>
<th>Q4</th>
<th>Q1 (FY 2011)</th>
<th>Q2</th>
<th>Q3</th>
<th>Q4</th>
<th>Q1 (FY 2012)</th>
<th>Q2</th>
</tr>
</thead>
<tbody>
<tr>
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<td>15,000</td>
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<td>20,000</td>
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<tr>
<td>Value</td>
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<td></td>
<td></td>
<td></td>
<td>25,000</td>
<td></td>
<td></td>
<td></td>
<td>30,000</td>
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</table>

Appeals
Pendency Time for the Past 10 Quarters

Months

<table>
<thead>
<tr>
<th>Quarter</th>
<th>FY 2010</th>
<th>FY 2011</th>
<th>FY 2012</th>
</tr>
</thead>
<tbody>
<tr>
<td>Q1</td>
<td>10</td>
<td>12</td>
<td>15</td>
</tr>
<tr>
<td>Q2</td>
<td>11</td>
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<td>Q3</td>
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<td>14</td>
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<tr>
<td>Q4</td>
<td>13</td>
<td>15</td>
<td>18</td>
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<tr>
<td>Q1 (2010)</td>
<td>14</td>
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<td>15</td>
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<tr>
<td>Q1 (2012)</td>
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<tr>
<td>Q2 (2012)</td>
<td>23</td>
<td>25</td>
<td>23</td>
</tr>
</tbody>
</table>
Monthly Receipts and Dispositions – New Judge Comparison

Jan-12: Experienced Judges 944, New Judges 773, Difference -154
Feb-12: Experienced Judges 1323, New Judges 857, Difference 466
Mar-12: Experienced Judges 1359, New Judges 880, Difference 79
Apr-12: Experienced Judges 1035, New Judges 698, Difference 337
May-12: Experienced Judges 961, New Judges 834, Difference 127


Receipts
Incumbent Judge Output
Difference
Non-BBB Incumbent Judge Output - 2011

<table>
<thead>
<tr>
<th>Month</th>
<th>Receipts</th>
<th>Incumbent Judge Output</th>
<th>Difference</th>
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</thead>
<tbody>
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<td>Apr-11</td>
<td>1228</td>
<td>450</td>
<td>-778</td>
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<tr>
<td>May-11</td>
<td>1098</td>
<td>608</td>
<td>-490</td>
</tr>
<tr>
<td>Jun-11</td>
<td>1280</td>
<td>689</td>
<td>-591</td>
</tr>
</tbody>
</table>
BBB Incumbent Judge Output - 2012

- Jan-12: Receipts 944, Incumbent Judge Output 773, Difference -154
- Feb-12: Receipts 1323, Incumbent Judge Output 857, Difference -439
- Mar-12: Receipts 1359, Incumbent Judge Output 880, Difference -417
Reaching the Inflection Point

Graph showing the comparison of Incumbent Judges, New Judges, and Detaillees.
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
“Per Curiam” Short Decisions
as of 6/7/2012

Per Curiam Decisions

FY2010: 21
FY2011: 6
FY2012: 102
Outcomes at the Federal Circuit

For FY 2012 (October 1, 2011 to date)

• 76 patent cases have been disposed:
  – 47 affirmed
  – 20 dismissed
  – 8 remanded (3 reversals)
  – 1 transferred
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
Rules Committee

- Four new proceedings under America Invents Act – September 2012
- Rules committee comprised of Board Judges
- Final rules close to completion; work proceeding smoothly
- Public comments, where appropriate, have already been incorporated