Patent Public Advisory Committee Meeting
Update on the Board of Patent Appeals and Interferences

James Donald Smith
Chief Administrative Patent Judge
February 14, 2012
Board Hiring

- Goal: 100 new APJs in FY2012
- Since October 2011
  - Reviewed over 425 applicant records
  - Interviewed 73 candidates
    - 7 additional candidates scheduled
  - Selected 31 highly qualified candidates to become new Judges
    - 8 on board as of 2/13/2012
  - Current vacancy announcement closes 5/31/2012
  - New advertisements being readied
- Opportunities at Detroit Satellite Office once opened
Board Hiring

• New Judges selected from:
  – USPTO Patent Corps, Office of the General Counsel, and the BPAI
  – International Trade Commission and Department of Justice
  – Private Practice
  – Industry
Members of the Board

J udges

<table>
<thead>
<tr>
<th>Year</th>
<th>Judges</th>
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<tbody>
<tr>
<td>1900</td>
<td>0</td>
</tr>
<tr>
<td>1920</td>
<td>0</td>
</tr>
<tr>
<td>1940</td>
<td>0</td>
</tr>
<tr>
<td>1960</td>
<td>10</td>
</tr>
<tr>
<td>1980</td>
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<td>1990</td>
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<td>2000</td>
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<td>2010</td>
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<td>2012</td>
<td>120</td>
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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
Board Backlog

• Receiving focused attention from Board and Office
• Backlog being reviewed by DOC IG
  – Continue thru mid-2012
  – Good for the Board!
• Working to further optimize Board operations and use of resources
• Backlog continues to increase
  – FY2012/Q1, backlog increased by 1,400 appeals
  – Despite 20% increase in decisions issued at same point last year

• With *successful* hiring
  – Projected intake/output balance by beginning of FY2013
  – Mid-FY2013 – projected output > projected intake
## 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>
</tr>
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<tbody>
<tr>
<td>Biotech</td>
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<td>58</td>
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<tr>
<td>Business Methods</td>
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<tr>
<td>Electrical</td>
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<tr>
<td>Mechanical</td>
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<td>-1</td>
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<tr>
<td><em><strong>Totals</strong></em></td>
<td><strong>953</strong></td>
<td><strong>791</strong></td>
<td><strong>-162</strong></td>
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</tbody>
</table>
Appeals v. Decisions
as of 2/1/12
Decisions by Type: FY 2012

- Affirmed: 44%
- Affirmed-in-Part: 16%
- Reversed: 33%
- Panel Remand: 4%
- Administrative Remand: 0%
- Dismissed: 3%
Backlog for the Past 9 Quarters

 Appeals

<table>
<thead>
<tr>
<th>Quarter</th>
<th>Appeals</th>
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<td>Q1 (FY 2010)</td>
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<td>Q2</td>
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Pendency Time for the Past 9 Quarters

![Bar Chart]

- Months
- Q1 (FY 2010)
- Q2
- Q3
- Q4
- Q1 (FY 2011)
- Q2
- Q3
- Q4
- Q1 (FY 2012)
Per Curiam Decisions

• Allow the Board to issue decisions based on arguments presented by Examiners or Applicants
  – Shorter decisions; disposed sooner
• Arguments 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)

• 32 patent cases have been disposed:
  – 20 affirmed
  – 9 dismissed
  – 3 remanded
Patent Corps Collaboration

- Continuing to explore collaboration opportunities
- Additional Examiner interviews?
- Examiner review of after-final amendments before coming to the Board?
Rules Committee

• Four new proceedings under America Invents Act – September 2012
• Rules under development
• Rules committee comprised of Board Judges
• Work proceeding smoothly
• Already incorporating public comment, where appropriate