Patent Operations

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Acting Deputy Commissioner for Patents
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Applications Awaiting First Action
FY 2009 – FY 2012 (through January)

659,232 as of February 8th.
RCE Backlog
FY 2010 – FY 2012 (through January)

RCE Backlog

81,255 as of February 8th.
Reducing RCEs

The USPTO is currently reviewing other processing options to help reduce RCEs, such as:

• Ways to improve the ability to submit an information disclosure statement (IDS) after allowance in a manner other than through an RCE; and

• Ways to incentivize examiners to consider limited issues after final rejection for the purpose of identifying and working out allowable subject matter to avoid RCE filings.
Total UPR and RCE Filings
FY 2001 – FY 2012

FY 2012 Target based on 2013 President’s Budget:
533,300 (5.2% Projected Growth over FY 2011)

167,022 Total UPR Filings Received so Far in FY 2012.
First Action Pendency and Total Pendency
FY 2009 – FY 2012 (through January)

Total Pendency as of January 30th, 2012: 33.9 months.

First Action Pendency as of January 30th, 2012: 22.8 months.

FY 2012 First action Target Based on 2013 President’s Budget: 22.5 Months

Preliminary FY 2012 Total Pendency Target: 34.7 Months
Interview Time
FY 2008 – FY 2012 (through January)

49,815 hours as of January 2012, compared with 43,727 hours as of January 2011.
Clearing the Oldest Patent Applications 2.0 (COPA) 
FY 2012 (through 1/28/12)

FY 2012 COPA Backlog (Tail): Applications with filing dates on or before September 1st, 2010 (304,000 on Oct. 1, 2011)
FY 2012 Goal: Reduce COPA Backlog (Tail) by 260,000 applications

Applications to the right of the red line include pending cases from the COPA 1.0 initiative.
Sustained increase in allowance rate is a positive indicator – it shows increased efficiency of the workforce.

12 Month Rolling Average Allowance Rate, by Bi-Week FY 2009 – FY 2012 (through January 28th)

49.1% as of 1/28/12.
12-Month Rolling Average
UPR Examiner Attrition Rate
Less Transfers and Retirees
FY 2001 – FY 2012 (January)

The circle represents when monthly data begins.

3.28% as of January 2012.
Monitoring Continuous Improvement

Patent Quality Composite

Percent of Strategic Plan Quality Goal Achieved

*Baseline
Each component has a specific weight in the composite.
# Patent Quality Composite

**FY12 Q2** : 1/31/2012

<table>
<thead>
<tr>
<th>Component Metric</th>
<th>Definition</th>
<th>Component Weight (sum to 100)</th>
<th>Base Year</th>
<th>Stretch Goal 3/ [Expiration of Strategic Plan: FY11]</th>
<th>Current Level</th>
<th>Component Score [(C, E3, E3, B3)*100] Progression from Base Year to Stretch Goal, with On Base Year</th>
</tr>
</thead>
<tbody>
<tr>
<td>A. Final Disposition Compliance Rate</td>
<td>12-month % Compliance as determined by OPAQ, random-sample review of Allowances and Final Office Actions.</td>
<td>20%</td>
<td>94.4</td>
<td>97.0</td>
<td>96.9</td>
<td>57.7</td>
</tr>
<tr>
<td>B. In-Process Compliance Rate</td>
<td>12-month % Compliance as determined by OPAQ, random-sample review of Non-Final Office Actions.</td>
<td>15%</td>
<td>93.6</td>
<td>97.0</td>
<td>96.3</td>
<td>73.4</td>
</tr>
<tr>
<td>C. FAOM Search Review</td>
<td>12-Month Average Score as determined by OPAQ random-sample, points-based review of examiner-conducted search. Score = Points Earned/Available Points.</td>
<td>10%</td>
<td>94.5</td>
<td>97.0</td>
<td>95.6</td>
<td>41.7</td>
</tr>
<tr>
<td>D. Complete FAOM Review</td>
<td>12-Month Average Score as determined by OPAQ random-sample, points-based review of First Actions on the Merits (FAOMs). Score = Points Earned/Available Points.</td>
<td>10%</td>
<td>90.9</td>
<td>95.0</td>
<td>91.0</td>
<td>2.4</td>
</tr>
<tr>
<td>E. QiR ‡</td>
<td>12-month average of Quality Index Reporting metrics being tracked for quality performance. Converted to “% desired behavior” for inclusion in Composite. Each unique item has 4% of total Component weight (205).</td>
<td>20%</td>
<td>85.9</td>
<td>94.0</td>
<td>89.5</td>
<td>44.4</td>
</tr>
<tr>
<td>F. External Quality Survey</td>
<td>Data collected from semi-annual External Quality Survey administered to a random sample of applicants and practitioners. Metric is number of respondents reporting “Good” or “Excellent” quality for every single respondent.</td>
<td>15%</td>
<td>1.2</td>
<td>5.0</td>
<td>3.0</td>
<td>47.4</td>
</tr>
<tr>
<td>G. Internal Quality Survey</td>
<td>Data collected from semi-annual Internal Quality Survey administered to a random sample of examiners. Metric is number of respondents reporting “Good” or “Excellent” for every single respondent. Responses of “Fair” are excluded from the analysis.</td>
<td>10%</td>
<td>4.3</td>
<td>6.0</td>
<td>4.3</td>
<td>0.0</td>
</tr>
</tbody>
</table>

## Patents Quality Composite Score:
43.9

* Component items A, B, C, D, and E are tracked monthly but not finalized until the end of each quarter. Items F and G are collected semi-annually and updated only at the end of Q2 and Q4.

* Composite items C, D, and G were new items monitored at the start of FY11 and used FY11 actual data as baselines. All other items used actuals at the end of FY10 for the baseline level. All composite items use FY15 as the stretch goal period.

### Interpreting the Composite

The Patents Quality Composite compares current performance against historical statistical achievements and progression towards desired levels of performance. Every component of the Composite is standardized to values that range from 0 to 100, and the ratios of change are normalized to represent progression towards a superior level of service. A component composite score of 0 represents the statistical achievement in the base year used for comparison (the base year is established as FY09 for items A, B, E and F, FY11 for all others). A component composite score of 100 represents attainment of a superior level of performance identified as the stretch goal. The component composite scores can then be expressed as cumulative progression from the base year to the stretch goal. For example, a component composite score of 40 indicates that the Office has achieved 40% of the total desired improvement between the base year and the stretch goal.
Quality Measures
Final Disposition, In-Process and QIR
12 Month Rolling Average
FY 2009 – FY 2012 (through January)

2012 Final Disposition Compliance Rate Target Range: (95.6% - 96.7%). Actual as of January: 95.9%
2012 In-Process Compliance Rate Target Range: (94.6% - 96.0%). Actual as of January: 96.3%
2012 Quality Index Reporting Target Range: (88.3% - 91.60%). Actual as of January: 89.5%
The External Quality Survey provides a measure of the degree to which the experience of patent applicants and practitioners reveal 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.
The Internal Quality Survey measures the degree to which the experience of patent examiners reveals trends and issues indicative of quality concerns. The survey is conducted semi-annually and ascertains examiner perceptions of their experiences with the various tools and inputs that are required to conduct a high quality examination. The metric is reported as the ratio of positive to negative responses to a question regarding overall satisfaction with examination quality.
# Track I Statistics
(through 02/10/12)

<table>
<thead>
<tr>
<th></th>
<th>Petitions Filed</th>
<th>Percent of Petitions From Small Entities</th>
<th>Average Days to Petition Decision</th>
<th>% Petitions Granted</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total Received in FY11 and FY12</td>
<td>2,205</td>
<td>31%</td>
<td>44.6</td>
<td>99%</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Examination Status</th>
<th>First Actions Completed</th>
<th>Average Days from Petition Grant to First Office action</th>
<th>Final Rejections</th>
<th>Number of Allowances</th>
<th>Average Days from Petition Grant to Allowance</th>
</tr>
</thead>
<tbody>
<tr>
<td>Number of Track I applications</td>
<td>1,080</td>
<td>36</td>
<td>3</td>
<td>71</td>
<td>51</td>
</tr>
</tbody>
</table>

First Patent Issued on January 10, 2012 from a September 30, 2011 Prioritized Examination filing