

# Patent Public Advisory Committee Meeting

## BPAAI/PTAB Update



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



# AIA Roadshows





# 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

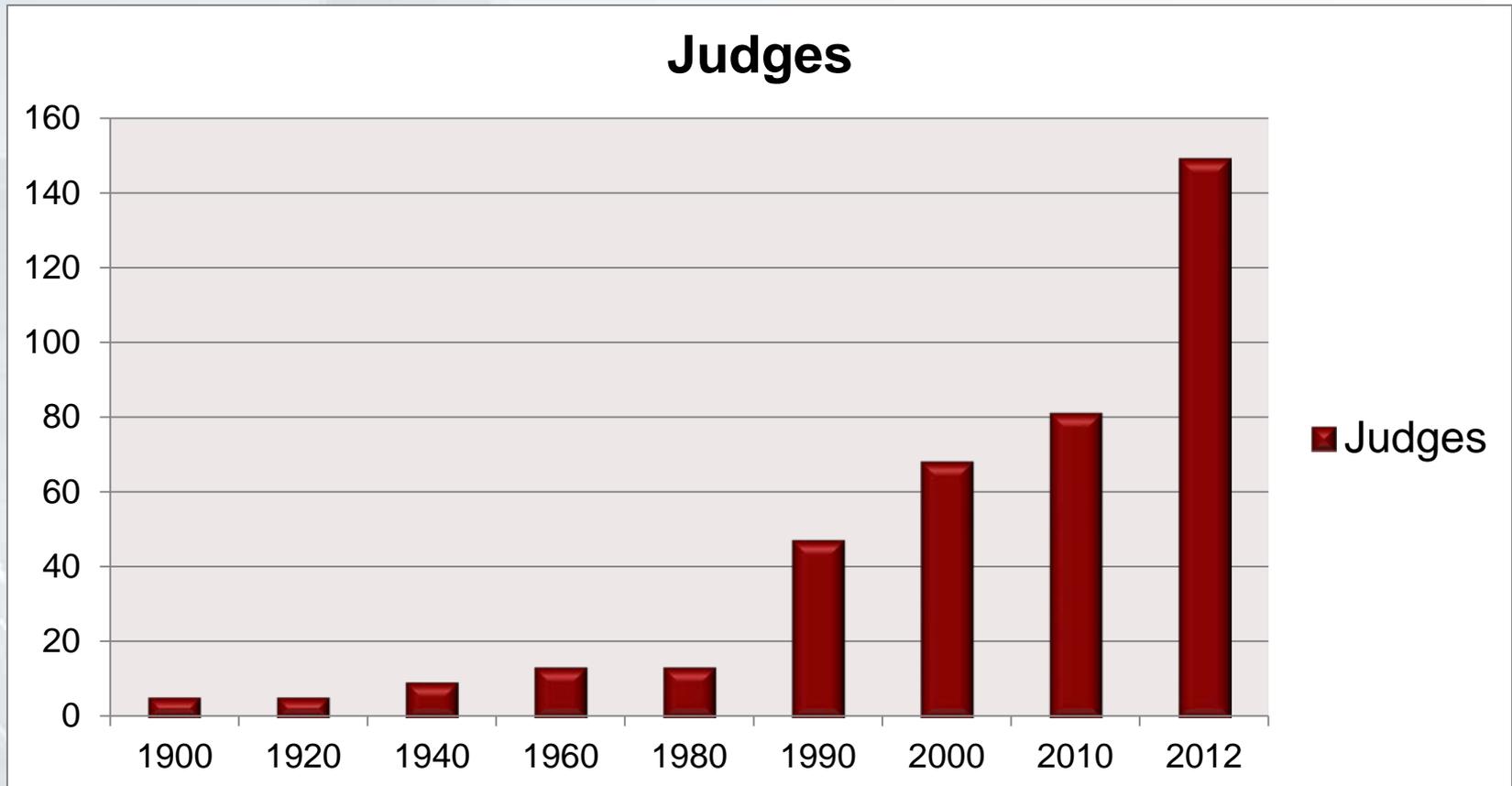


# Board Hiring

- 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)





# Board Backlog

- 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

BPAI Receipts and Dispositions			
Period:	8/18/2012	thru	9/18/2012
Discipline	# Cases Received	# Cases Disposed	Difference (Disposed minus Received)
Biotech	57	56	-1
Business Methods	59	87	28
Chemical	112	216	104
Contested Cases	10	26	16
Design	2	0	-2
Electrical	371	390	19
Mechanical	181	298	117
<b>***Totals***</b>	<b>792</b>	<b>1073</b>	<b>281</b>

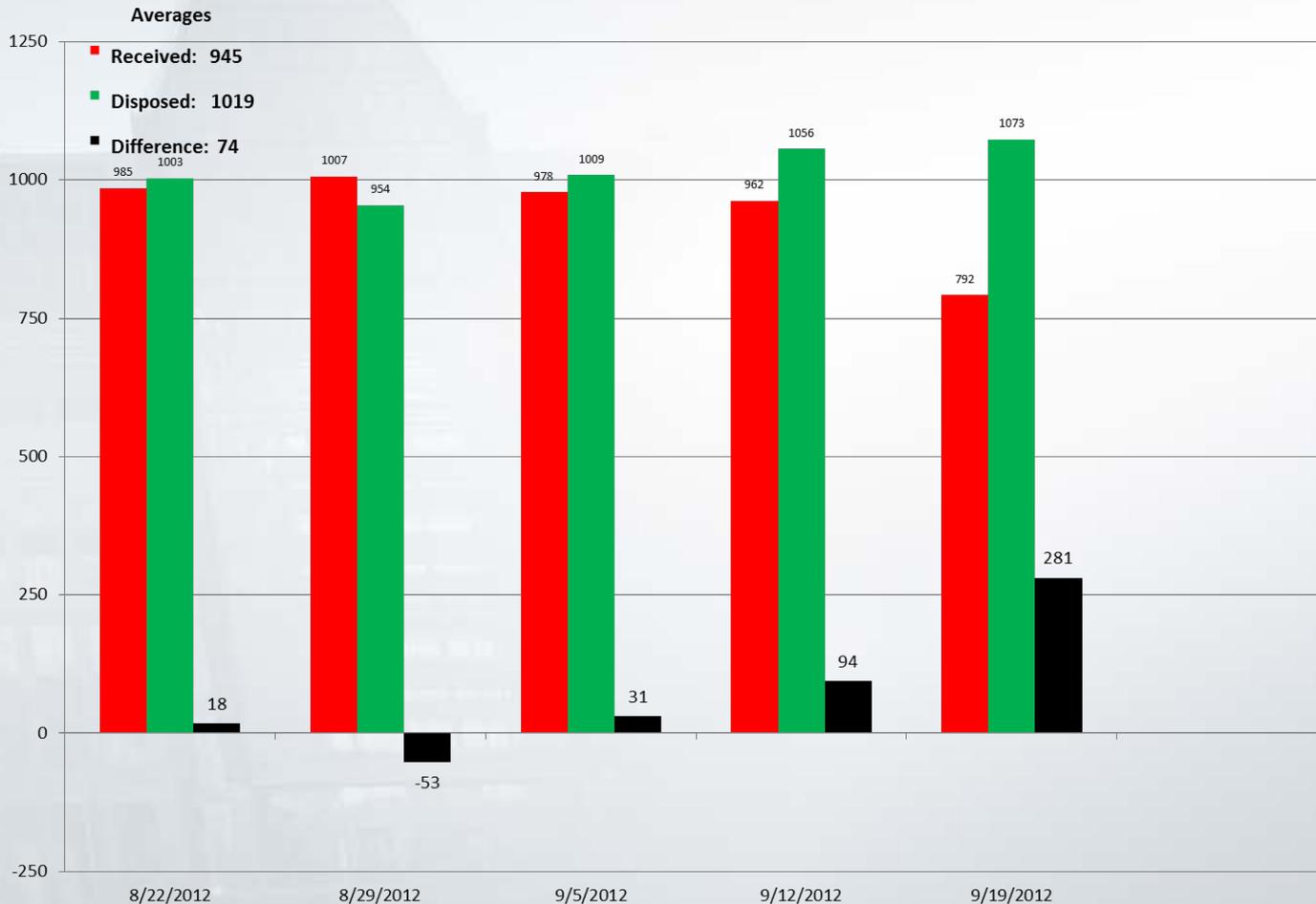


# BPAI Receipts and Dispositions

Weekly: 7/4/2012 through 9/19/2012

## Receipts & Dispositions Summary Report FY-2012 4th Quarter

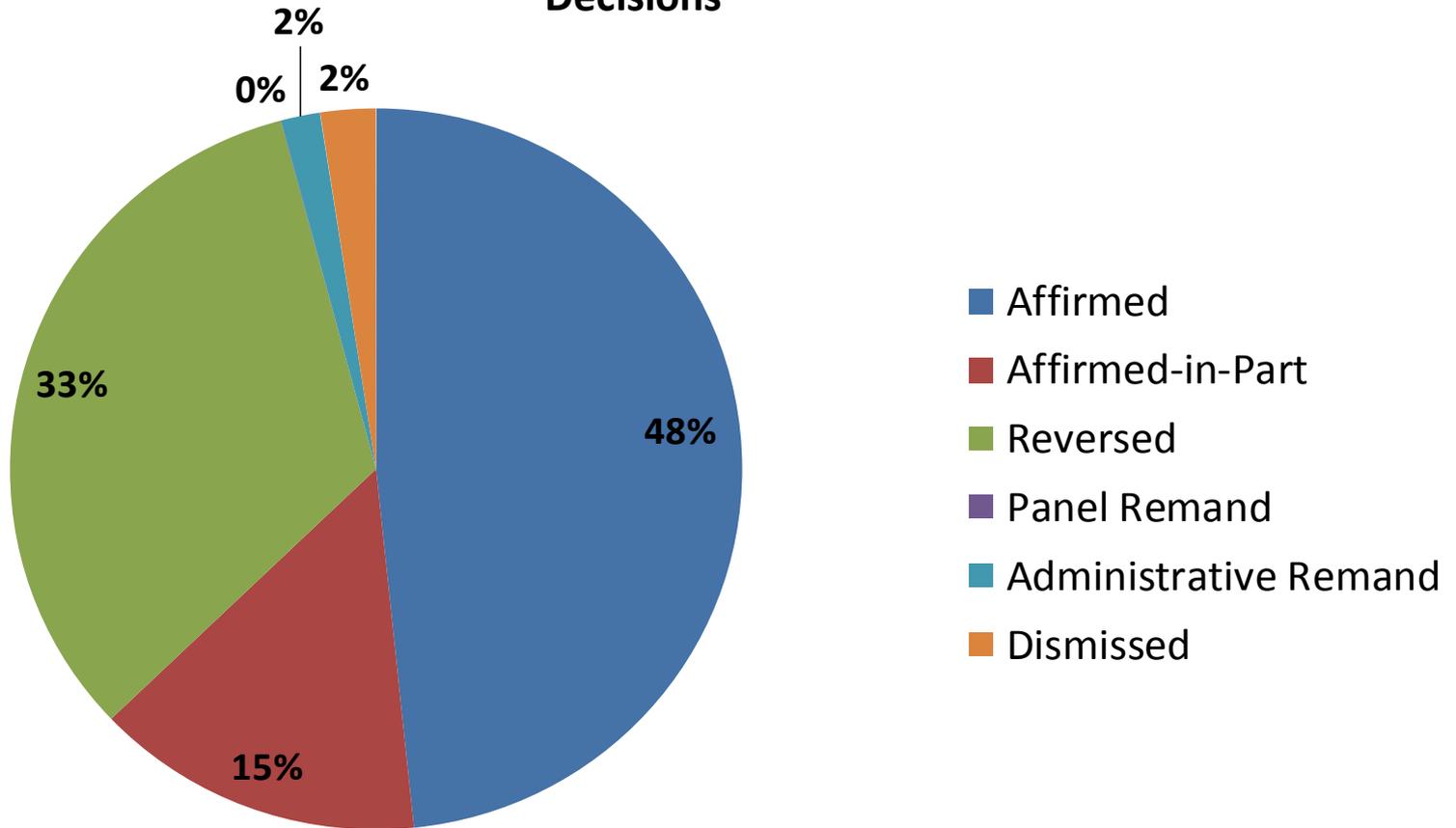
9/25/2012





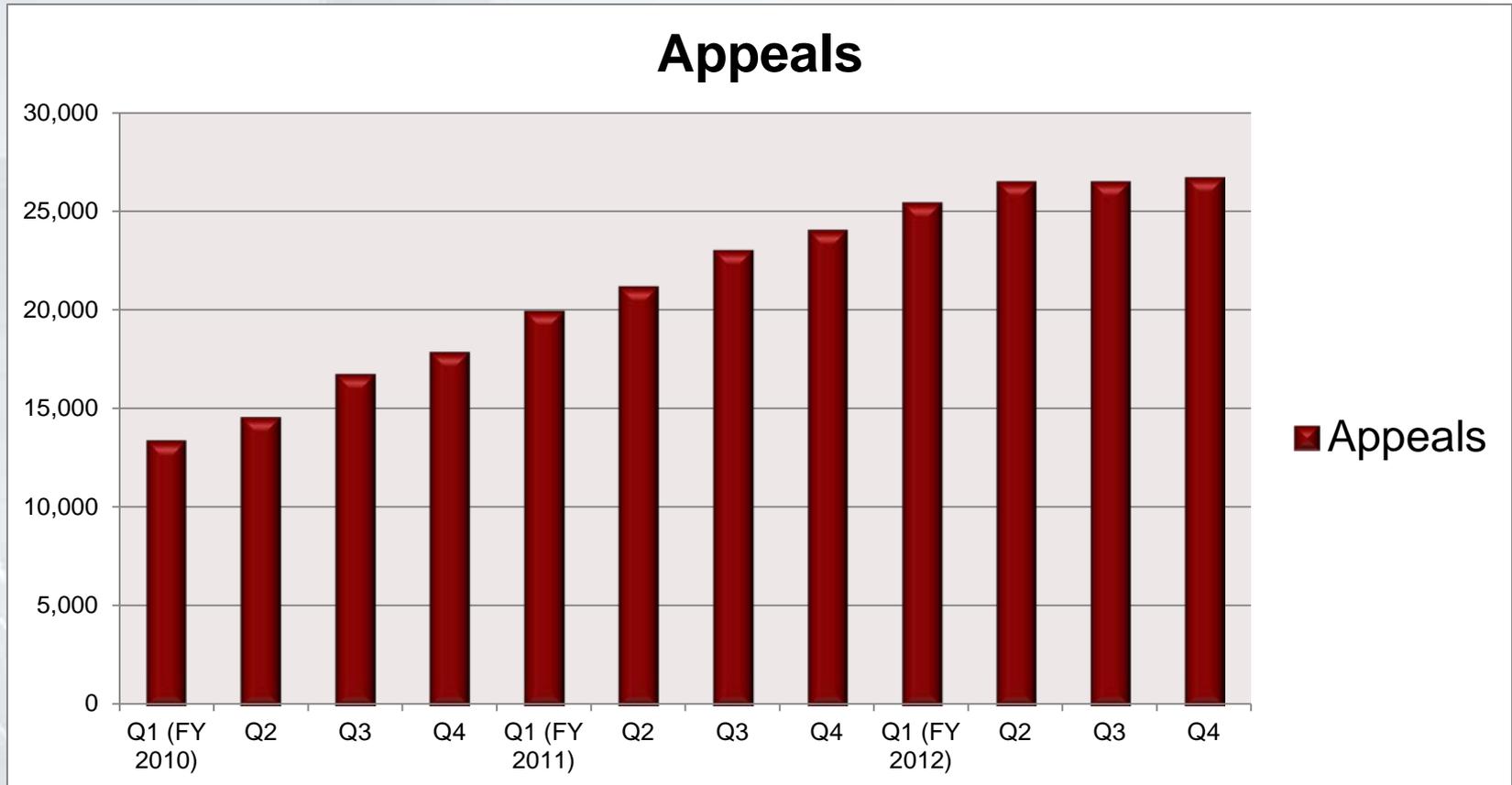
# Decisions by Type: FY 2012

Decisions



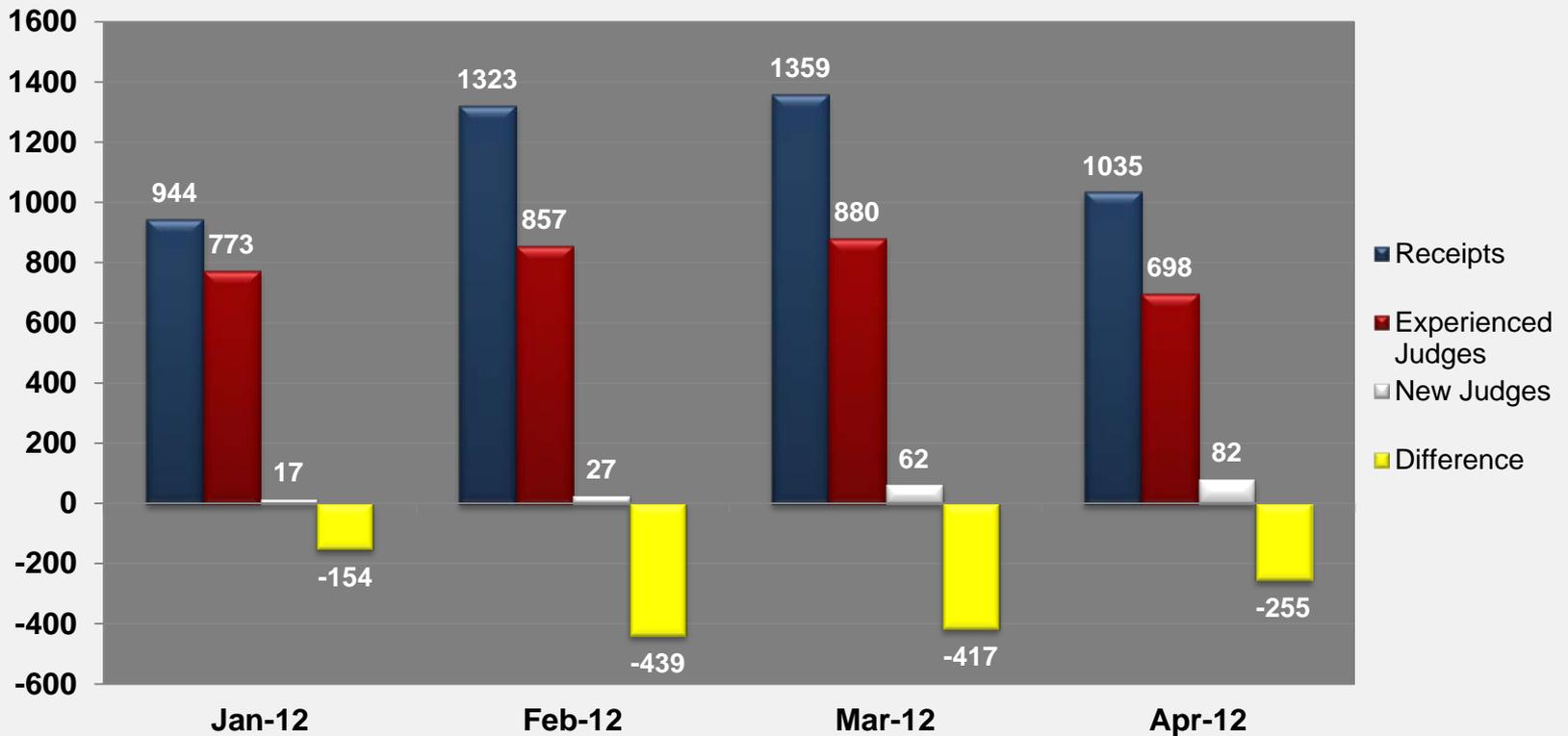


# Size of Backlog for the Past 12 Quarters



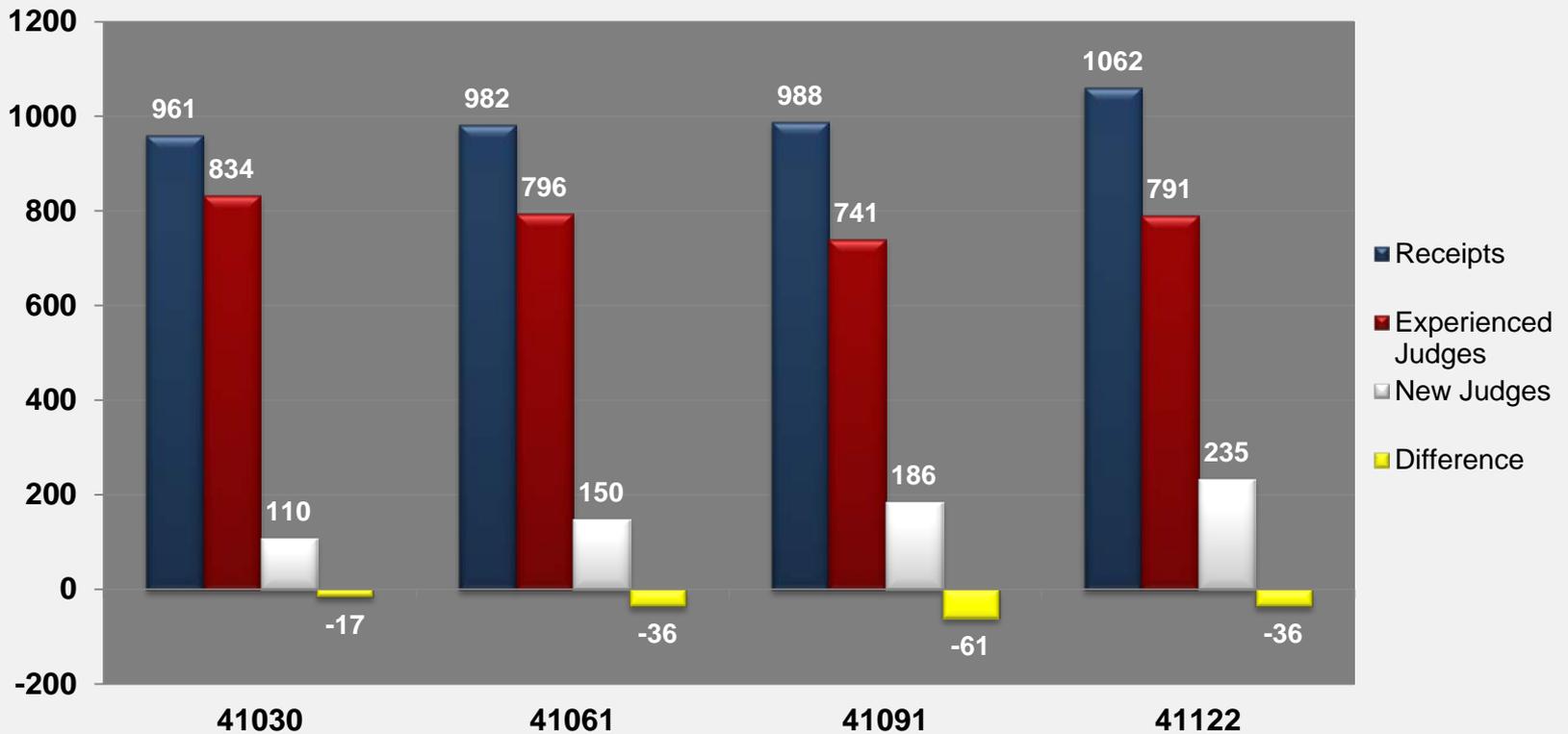


# Monthly Receipts and Dispositions – New Judge Comparison





# Monthly Receipts and Dispositions – New Judge Comparison





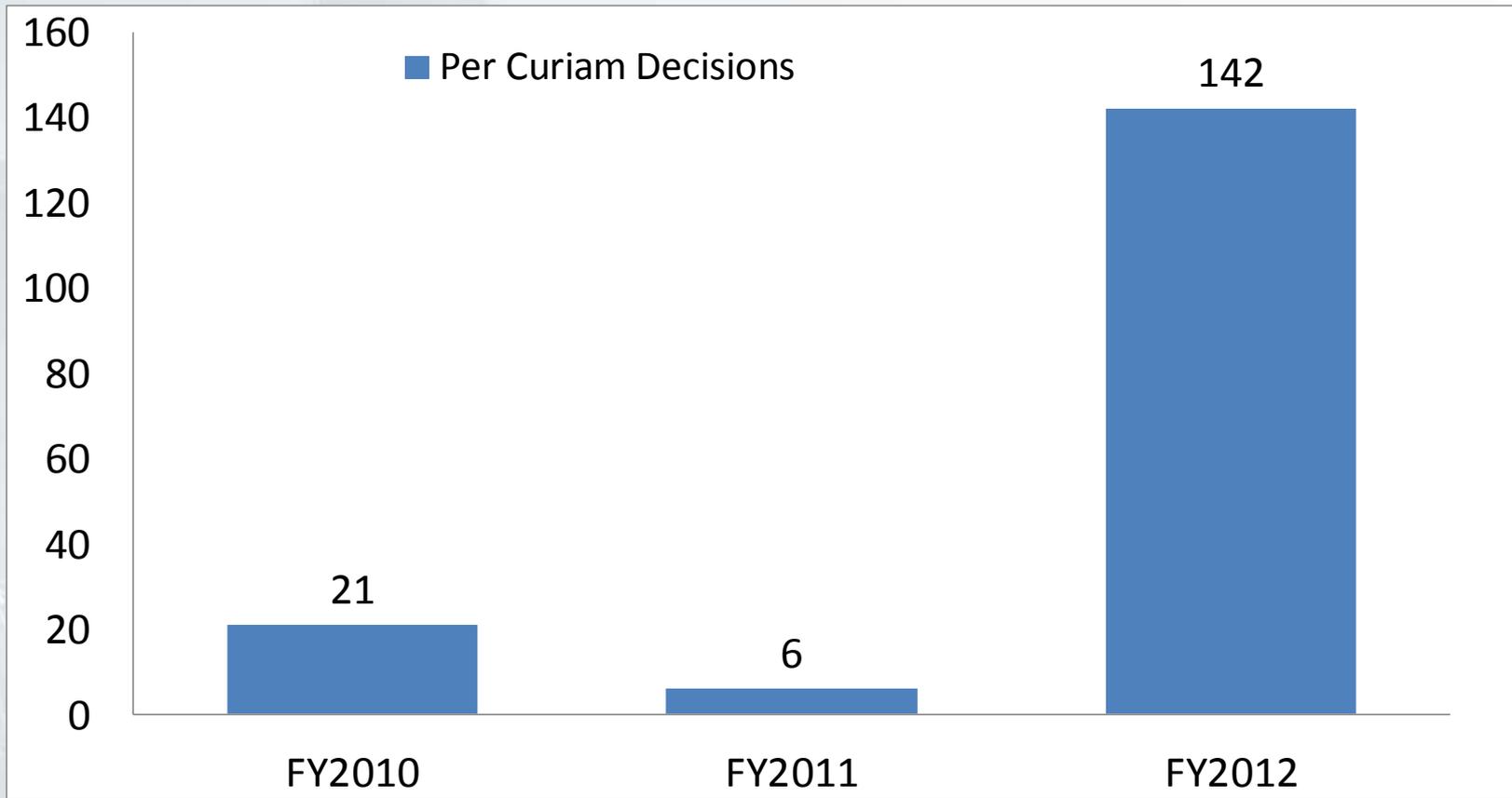
# Decisions Adopting Persuasive Arguments Made in the Record

- 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 9/25/2012





# 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)