

# Patent Public Advisory Committee Meeting Patent Operations Update



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# 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**

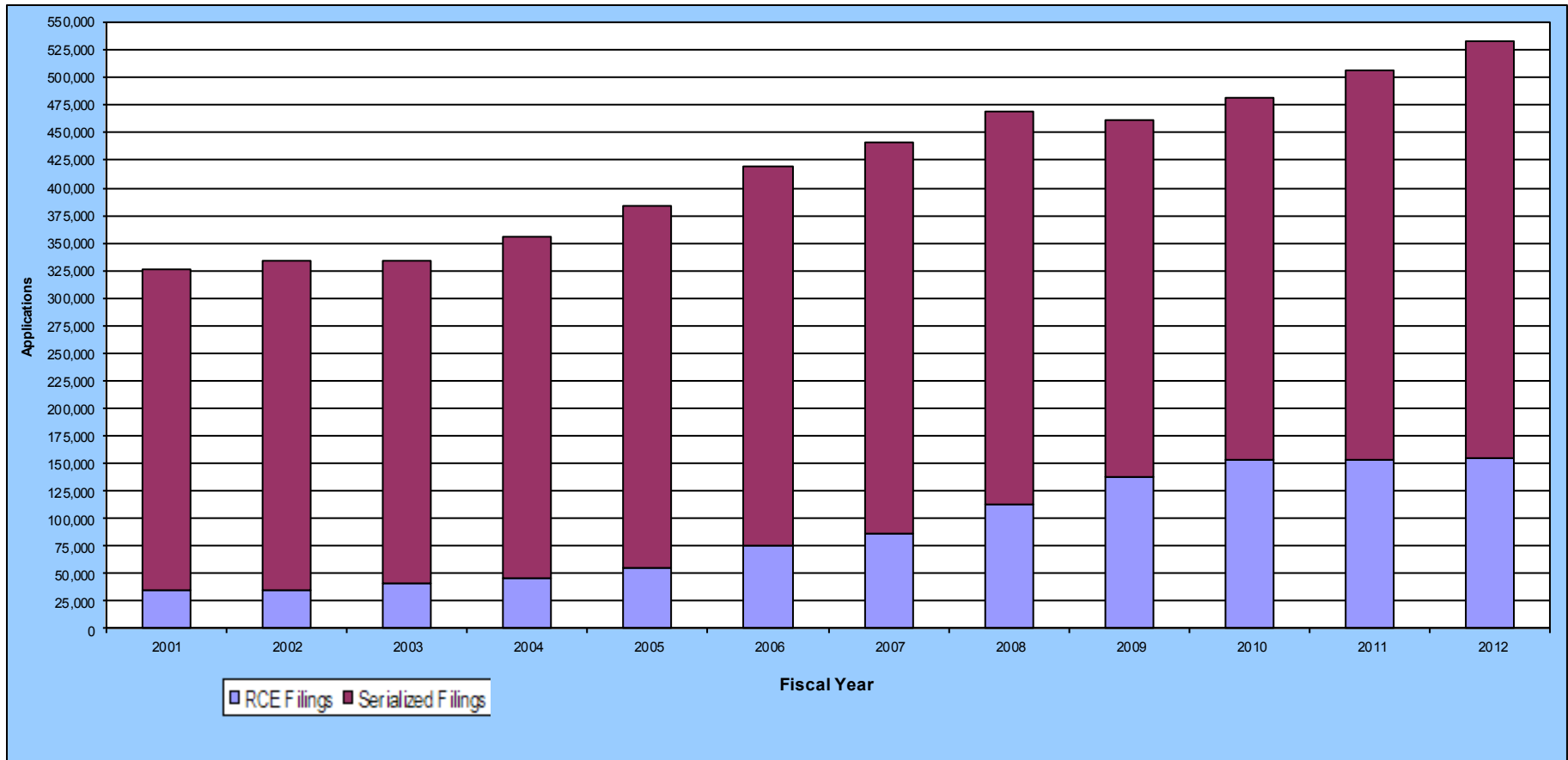


# Fiscal Year 2011 Data Overview

- 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.



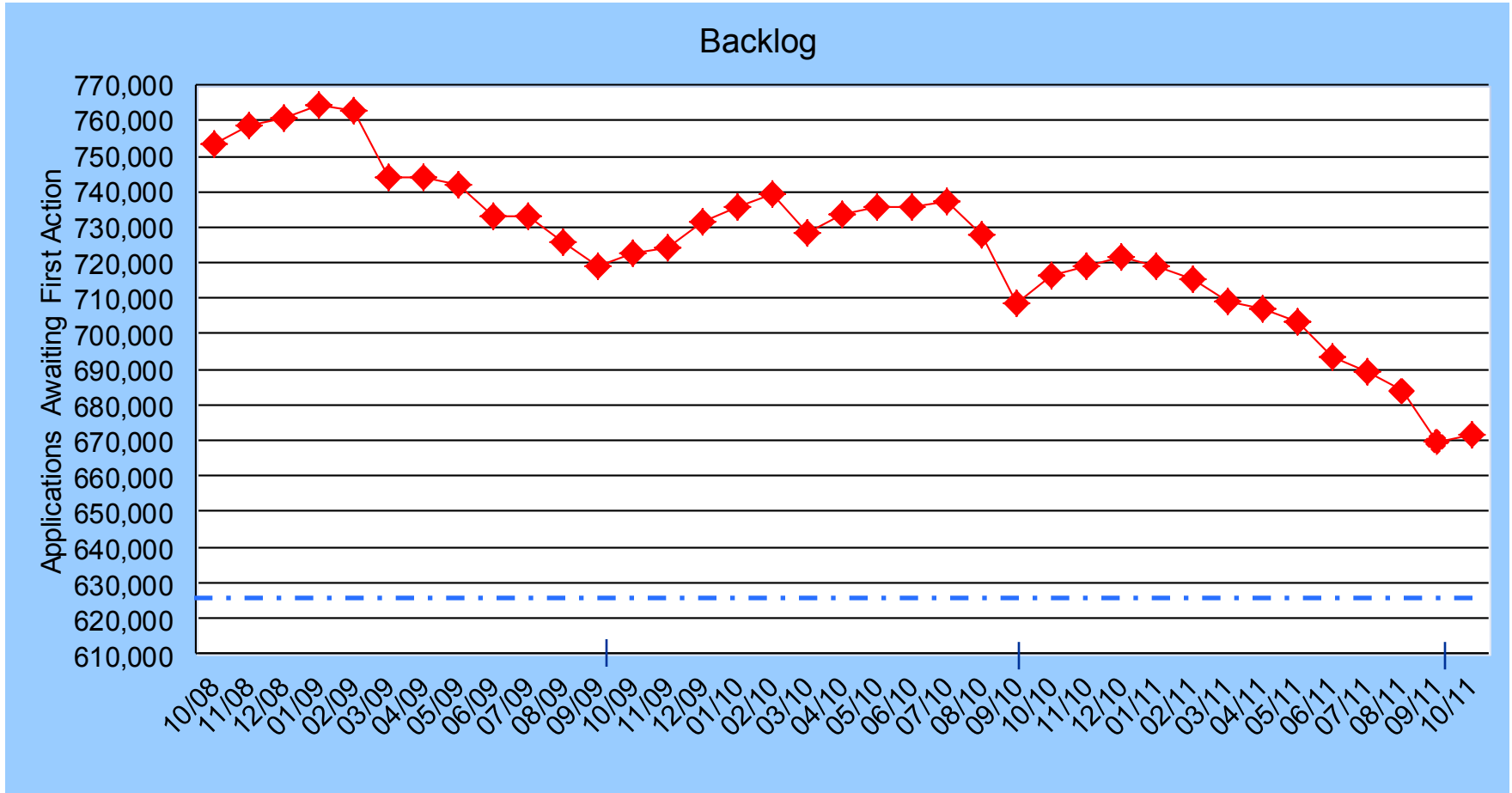
# Total UPR and RCE Filings FY 2001 – FY 2012 (projections)



**Preliminary FY2012 estimate: 533,300**



# Applications Awaiting First Action FY 2009 – FY 2012 (through October)



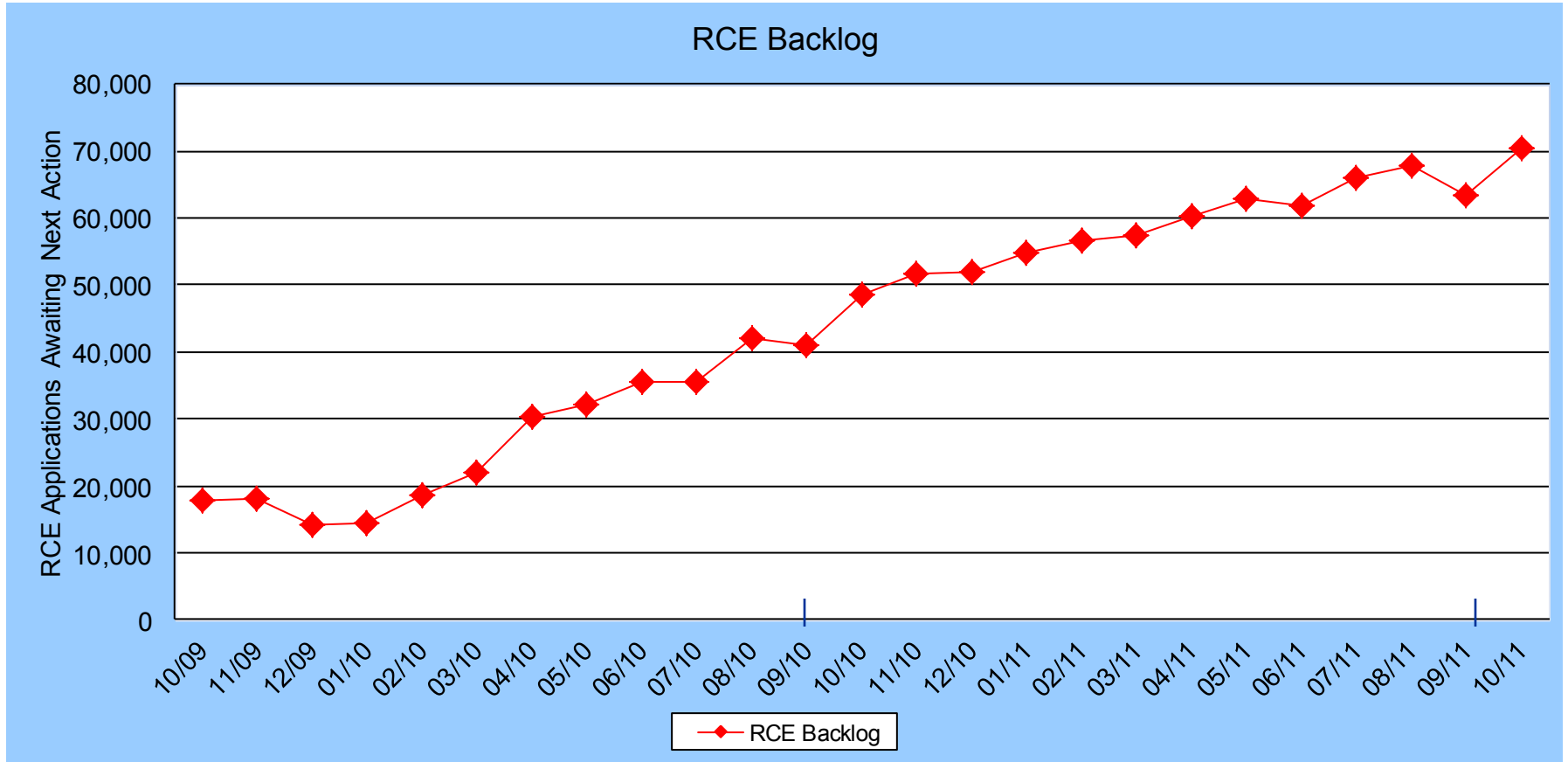
Preliminary FY2012 Target: 624,700

667,477 as of November 28<sup>th</sup>.



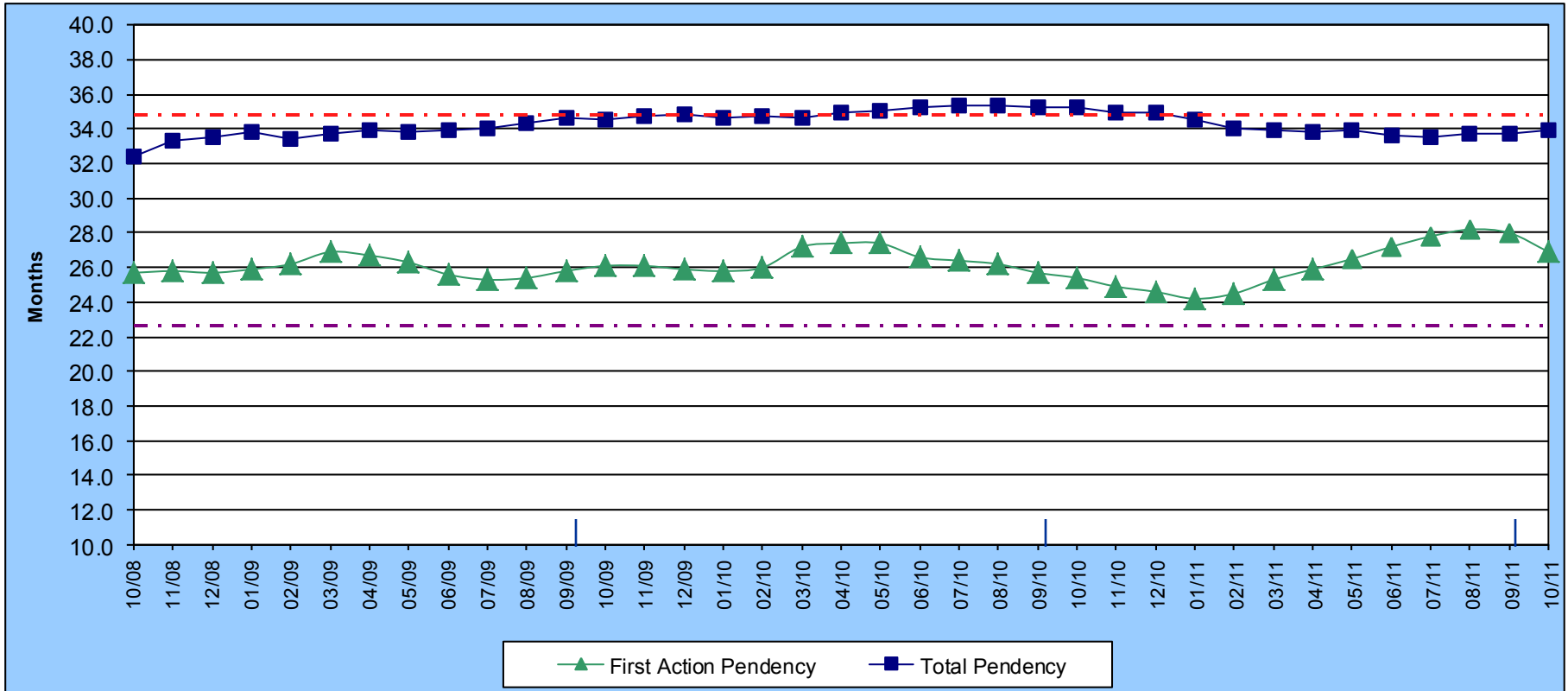
# RCE Backlog

## FY 2010 – FY 2012 (through October)





# 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 - 4<sup>th</sup> 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)

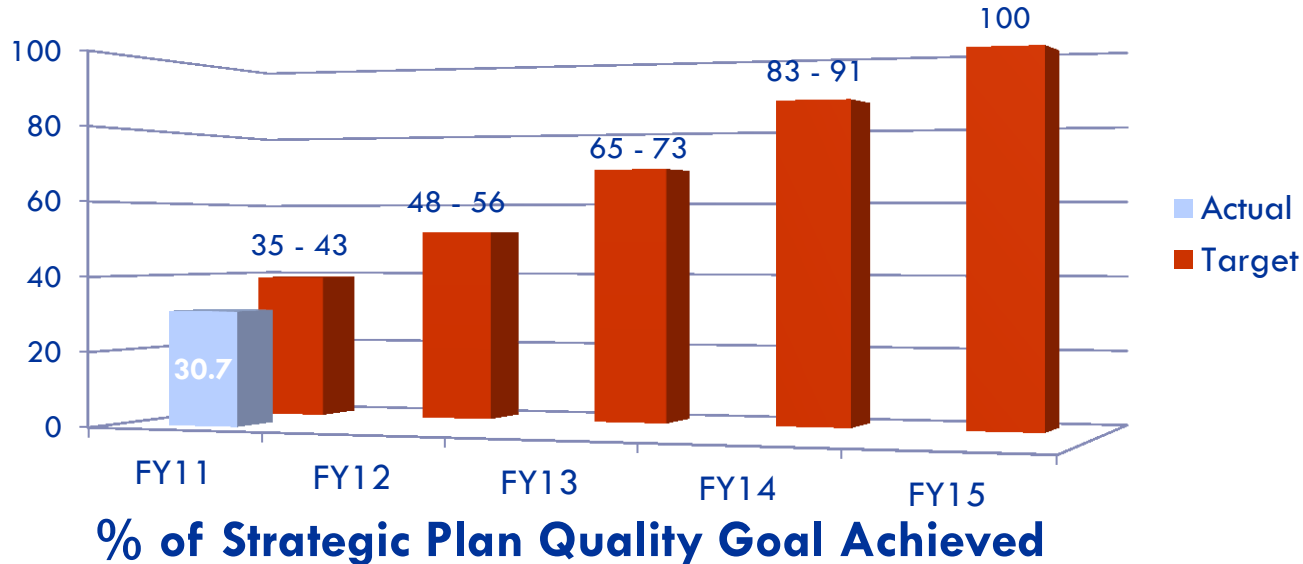
- *experiences of examiners with internal and external interactions and issues*





# Quality Composite

(FY2011 - 4<sup>th</sup> Quarter result)



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

USPTO Patents Quality Composite Item - Actual Metrics

Reporting Period	Final Disposition Compliance Rate	In-Process Compliance Rate	Pre-FAOM Search Review	Complete FAOM Review	Quality Index Reporting	External Quality Survey	Internal Quality Survey	Quality Composite Score
FY11Q4	95.4%	95.2%	94.6%	90.9%	89.1%	3.0	4.3	30.7
FY11Q3	95.4%	94.7%	93.4%	90.0%	89.1%	2.7	4.2	26.4
FY11Q2	95.3%	94.8%	90.8%	89.7%	88.9%	2.7	4.2	25.5
FY11Q1	96.2%	94.9%	N/A	N/A	88.9%	3.6	N/A	N/A
FY10Q4	96.3%	94.9%	N/A	N/A	89.3%	3.6	N/A	N/A
FY10Q3	96.0%	94.6%	N/A	N/A	89.5%	1.8	N/A	N/A
FY10Q2	95.7%	94.4%	N/A	N/A	89.1%	1.8	N/A	N/A
FY10Q1	94.5%	94.1%	N/A	N/A	87.9%	1.2	N/A	N/A
FY09Q4	94.4%	93.6%	N/A	N/A	85.9%	1.2	N/A	N/A
FY09Q3	94.1%	94.1%	N/A	N/A	84.2%	1.1	N/A	N/A
FY09Q2	93.8%	93.9%	N/A	N/A	83.4%	1.1	N/A	N/A
FY09Q1	94.0%	93.4%	N/A	N/A	83.5%	1.3	N/A	N/A
Definitions	The Final Rejection and Allowance (Final Disposition) compliance rate focuses on the correctness of the examiners' overall determination of the patentability of the claims in the decision to finally reject or allow an application. Metric determined by 12-month % Compliance as determined by OPQA random-sample-review of Allowances and Final Office Actions.	The In-Process 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.	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, points-based-review of examiner work product. Score=Points earned/available points.	12-month average of 5 Quality Index Reporting metrics being tracked for quality performance. Items are converted to "% desired behavior" for inclusion in Composite. Items tracked include: Actions per Disposal; RCEs as % of Total Disposals; Reopenings After Final; 2nd+ Action NonFinals; and Restrictions After First Action.	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.	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.	



# Initiatives Update Overview

## **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**

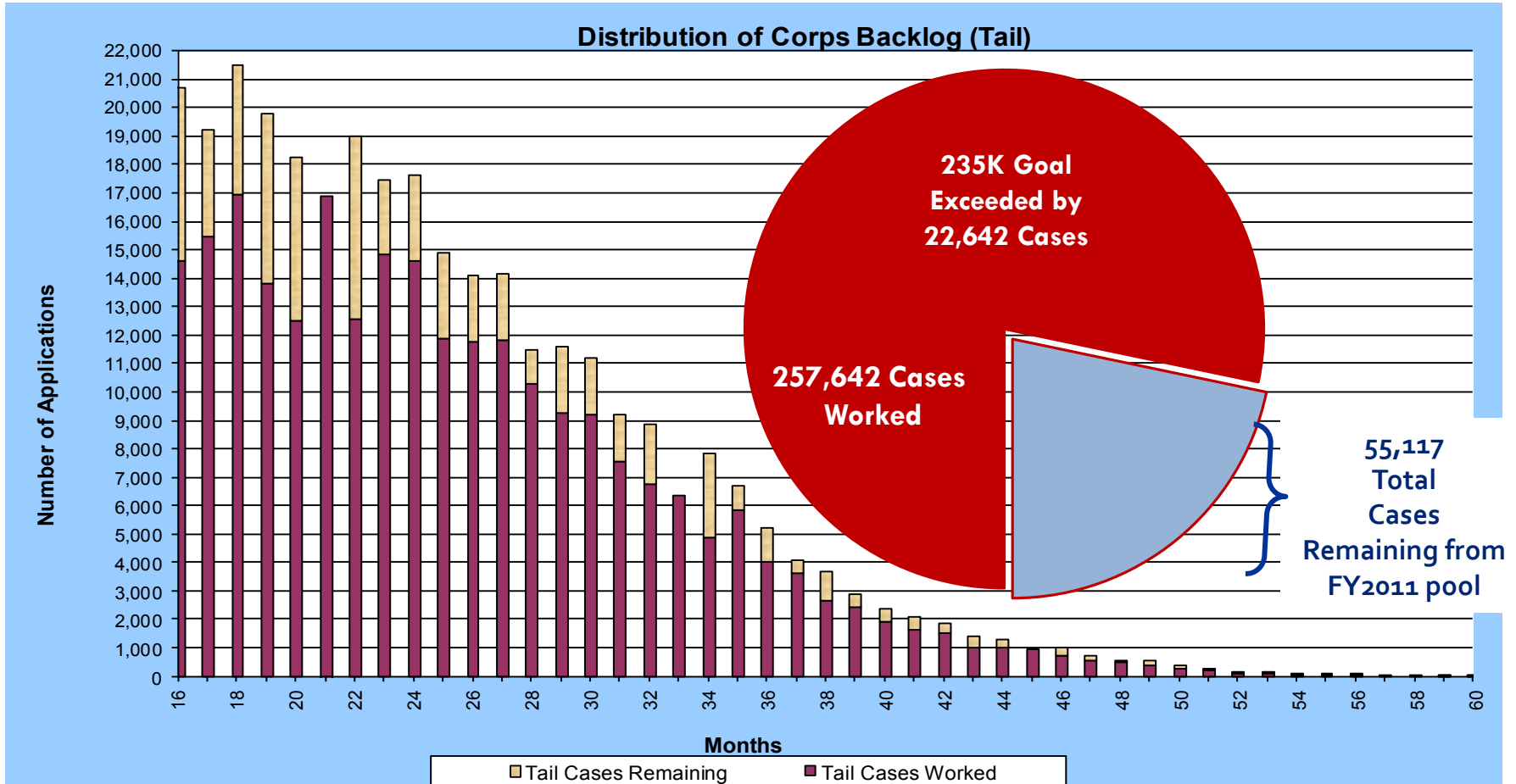
- Extended for another 500 applications or until March 31 2012

## **E-Petition**

- 8 new web-based ePetitions were launched in March 2011



# Clearing the Oldest Patent Applications(COPA)



**FY 2011 Goal – 235,000 cases worked**

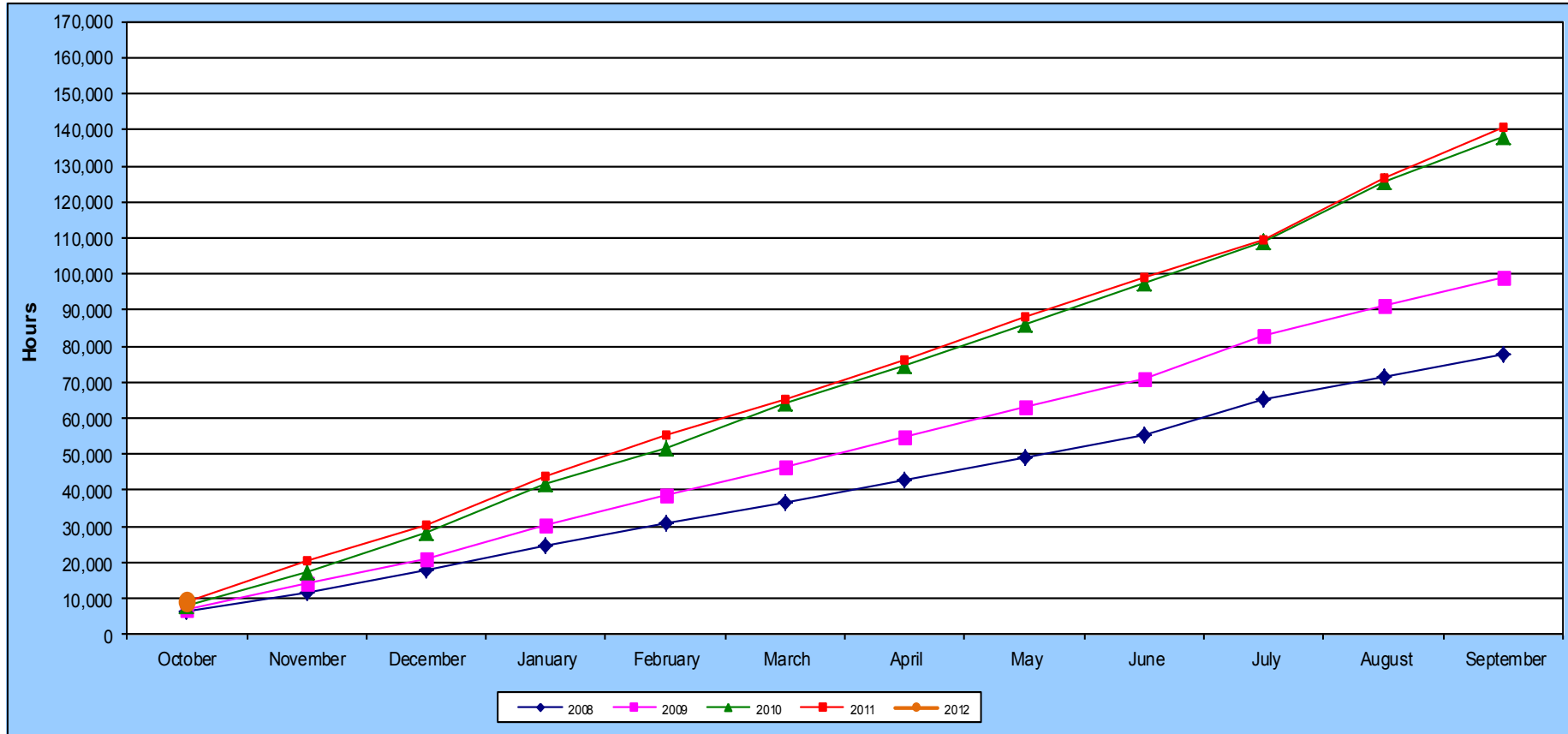


# Track I – Prioritized Examination

- 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.



# Interview Time FY 2008 – FY 2012 (through October)



8,964 hours as of October 2012, compared with 8,903 hours in October 2011.



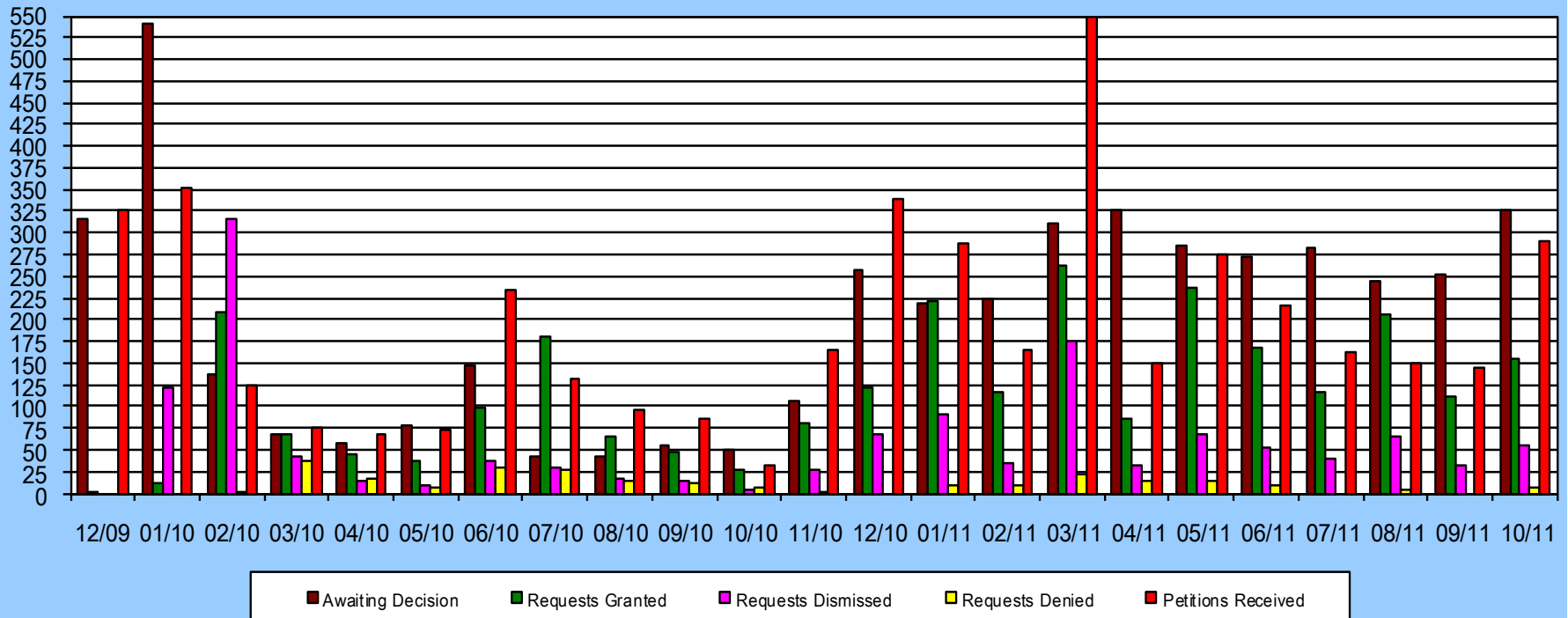
# Green Technologies Pilot

## December 2009 – October 2011

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

Green Technologies Pilot

Request Summary	12/09	1/10	2/10	3/10	4/10	05/10	06/10	07/10	08/10	09/10	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
Petitions Received	325	351	124	76	67	72	234	133	95	86	32	166	340	287	165	548	150	276	216	162	151	145	291	4,588
Awaiting Decision (by month)	316	541	138	68	58	77	147	42	42	56	51	107	256	220	224	310	327	285	272	282	244	252	325	
Requests Granted (by month)	2	12	209	67	45	38	98	180	65	48	26	81	122	222	117	263	86	237	167	116	206	111	156	2,674
Requests Denied (by month)	7	0	2	29	18	7	30	28	14	11	6	1	0	10	9	23	14	14	9	0	3	0	7	242
Requests Dismissed (by month)	0	121	316	43	14	8	36	30	16	13	5	28	69	91	35	176	33	67	53	41	65	32	55	1,347





# e-Petition

- 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

