

Patent Public Advisory Committee Meeting

Board of Patent Appeals and Interferences Update



James Donald Smith

Chief Administrative Patent Judge

Board of Patent Appeals and Interferences

June 14, 2012



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

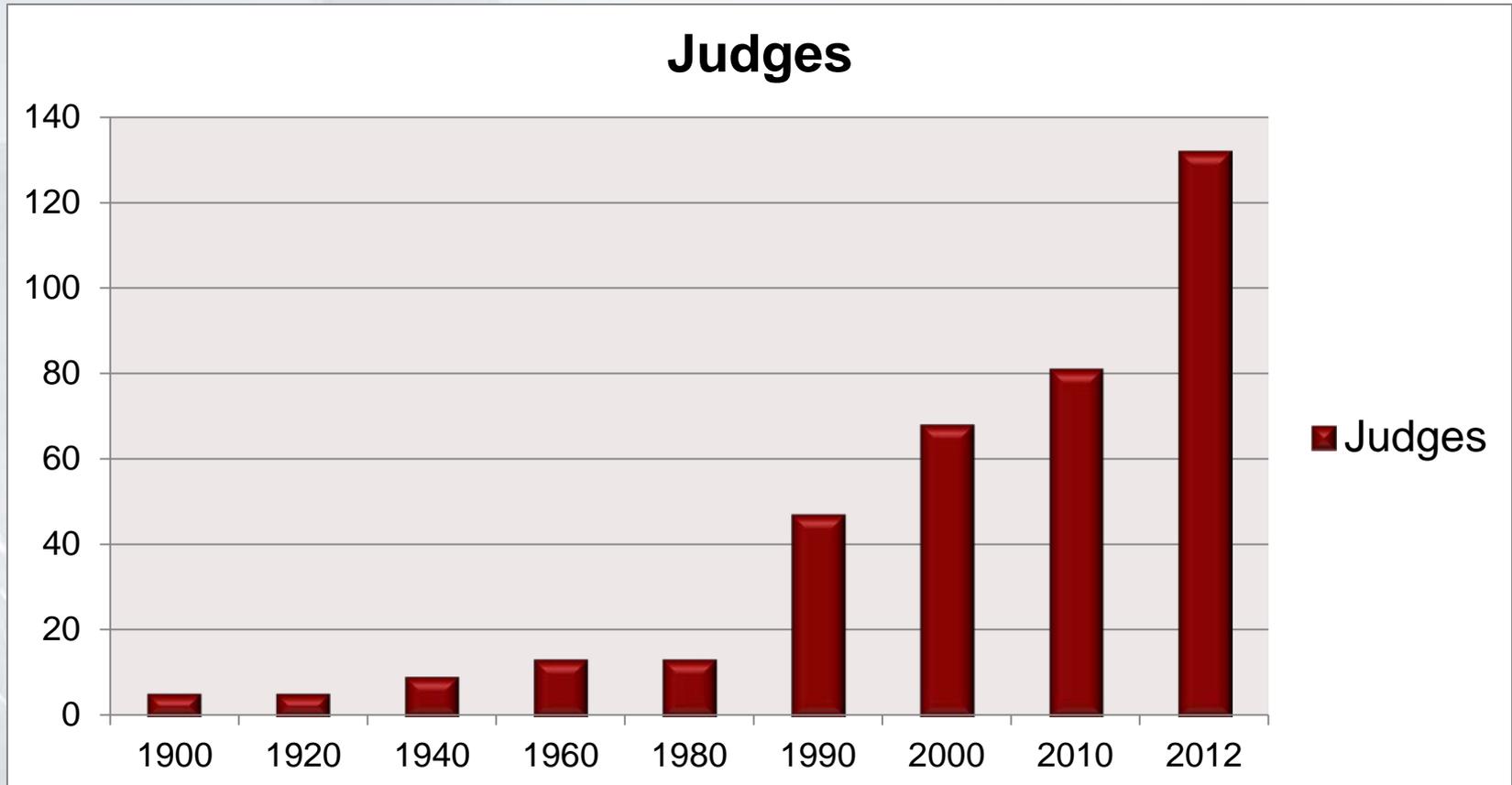


Board Hiring

- 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)





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

- 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

Past Month

BPAI Receipts and Dispositions			
Period:	5/5/2012	thru	6/5/2012
Discipline	# Cases Received	# Cases Disposed	Difference (Disposed minus Received)
Biotech	71	23	-48
Business Methods	77	64	-13
Chemical	121	176	+55
Contested Cases	24	15	-9
Design	2	1	-1
Electrical	436	383	-53
Mechanical	193	257	+64
Totals	924	919	-5

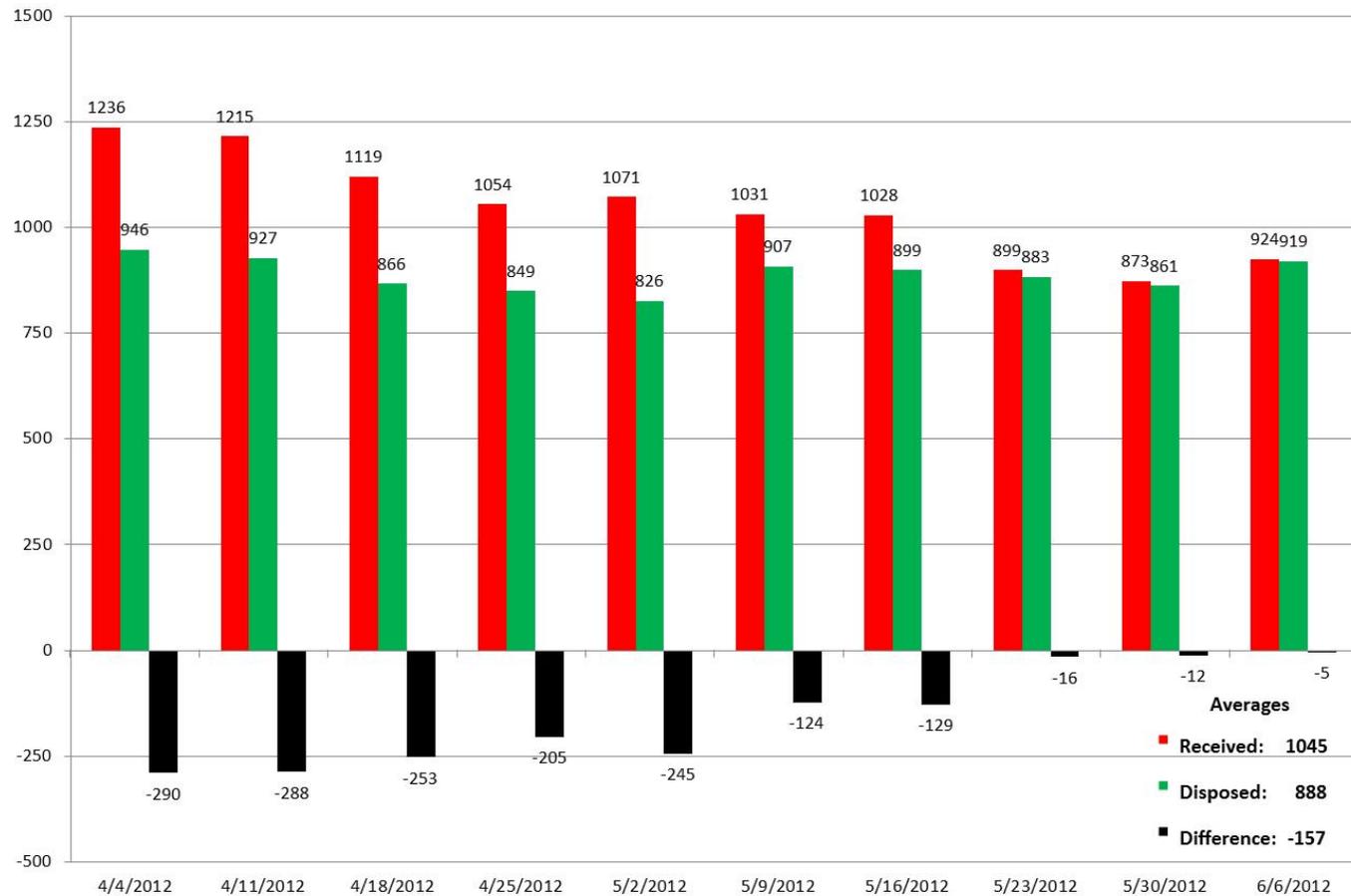


BPAI Receipts and Dispositions

Weekly: 4/4/2012 through 6/6/2012

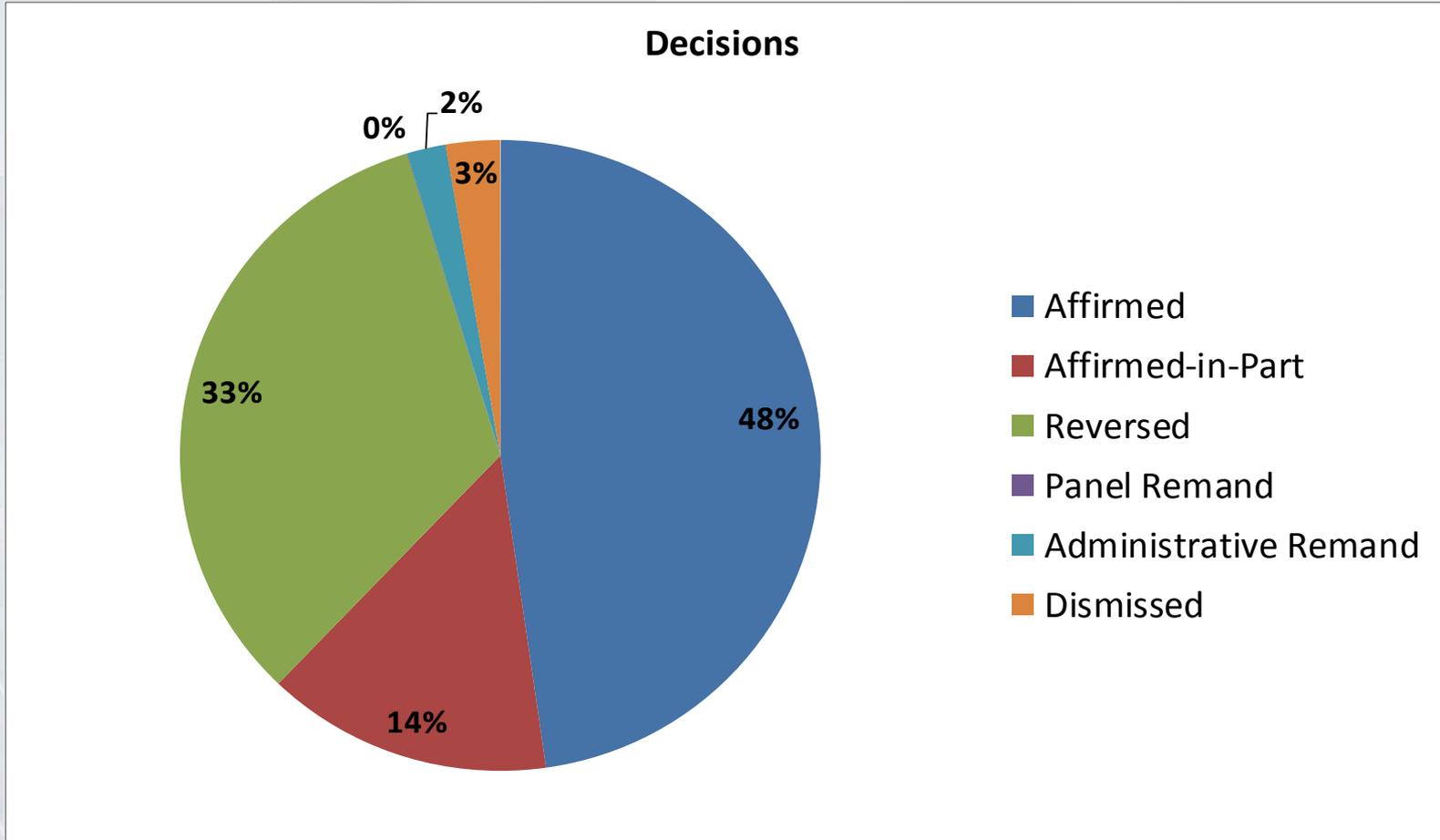
Receipts & Dispositions Summary Report FY-2012 3RD Quarter

6/6/2012



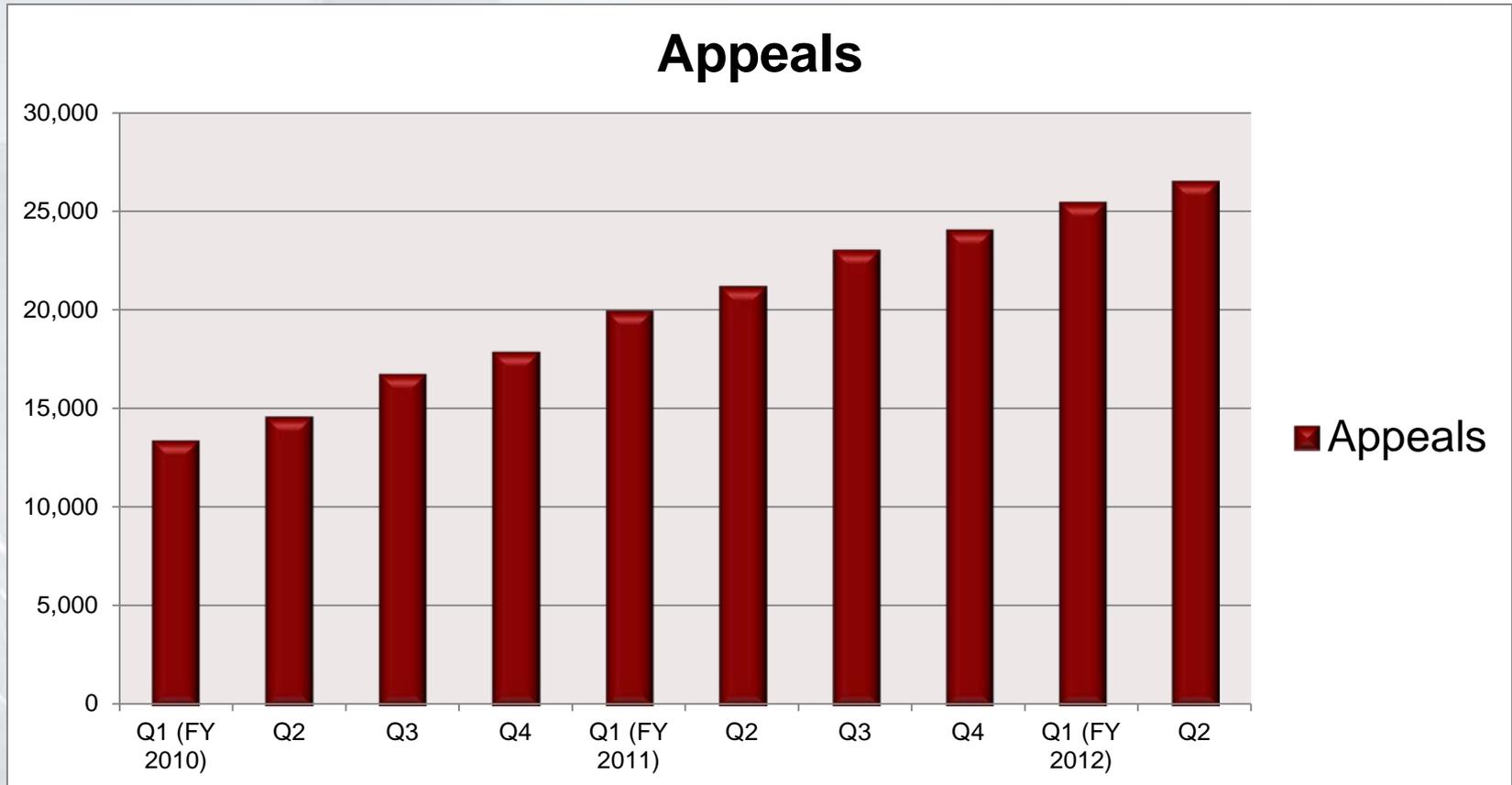


Decisions by Type: FY 2012



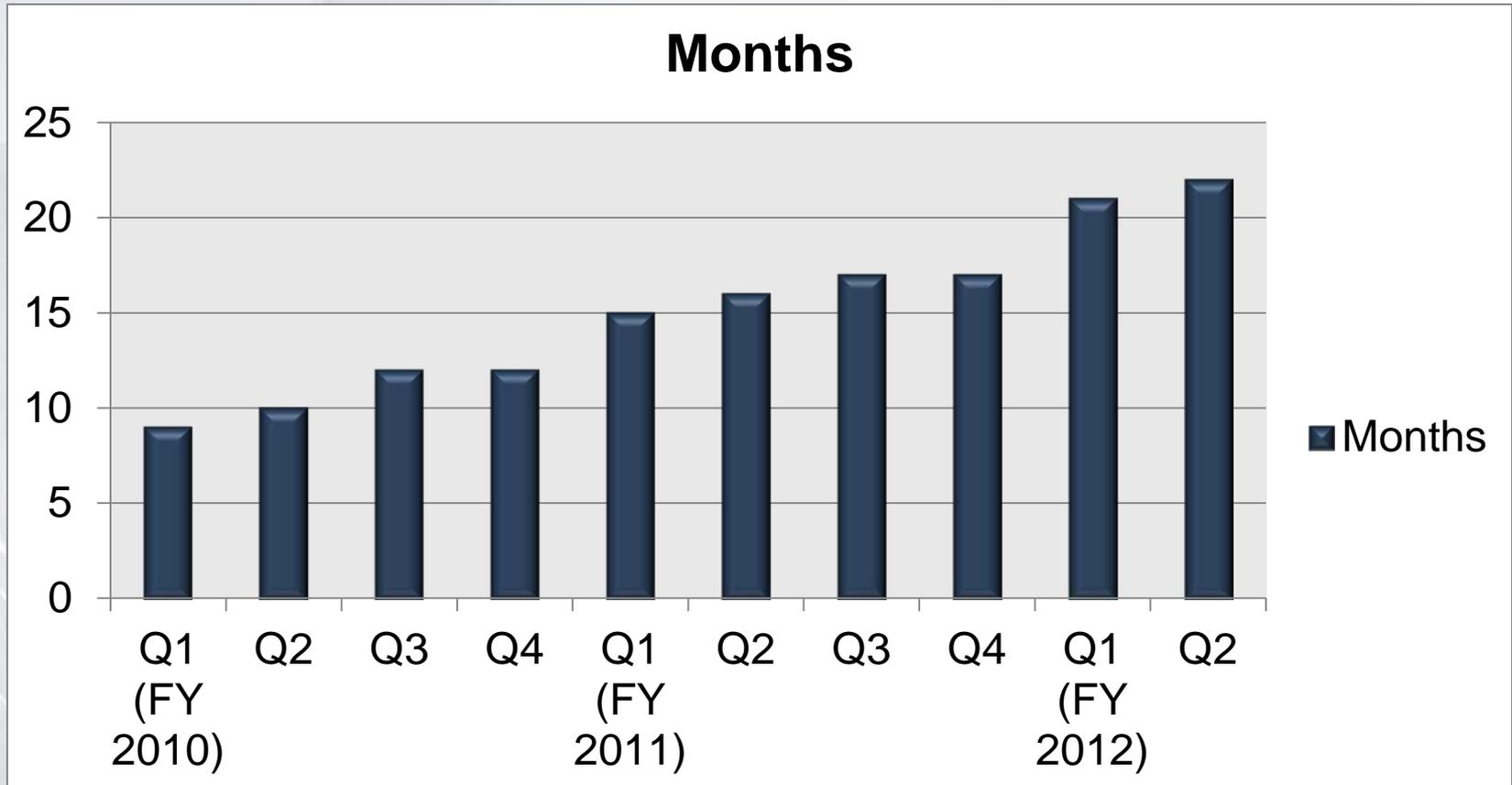


Size of Backlog for the Past 10 Quarters



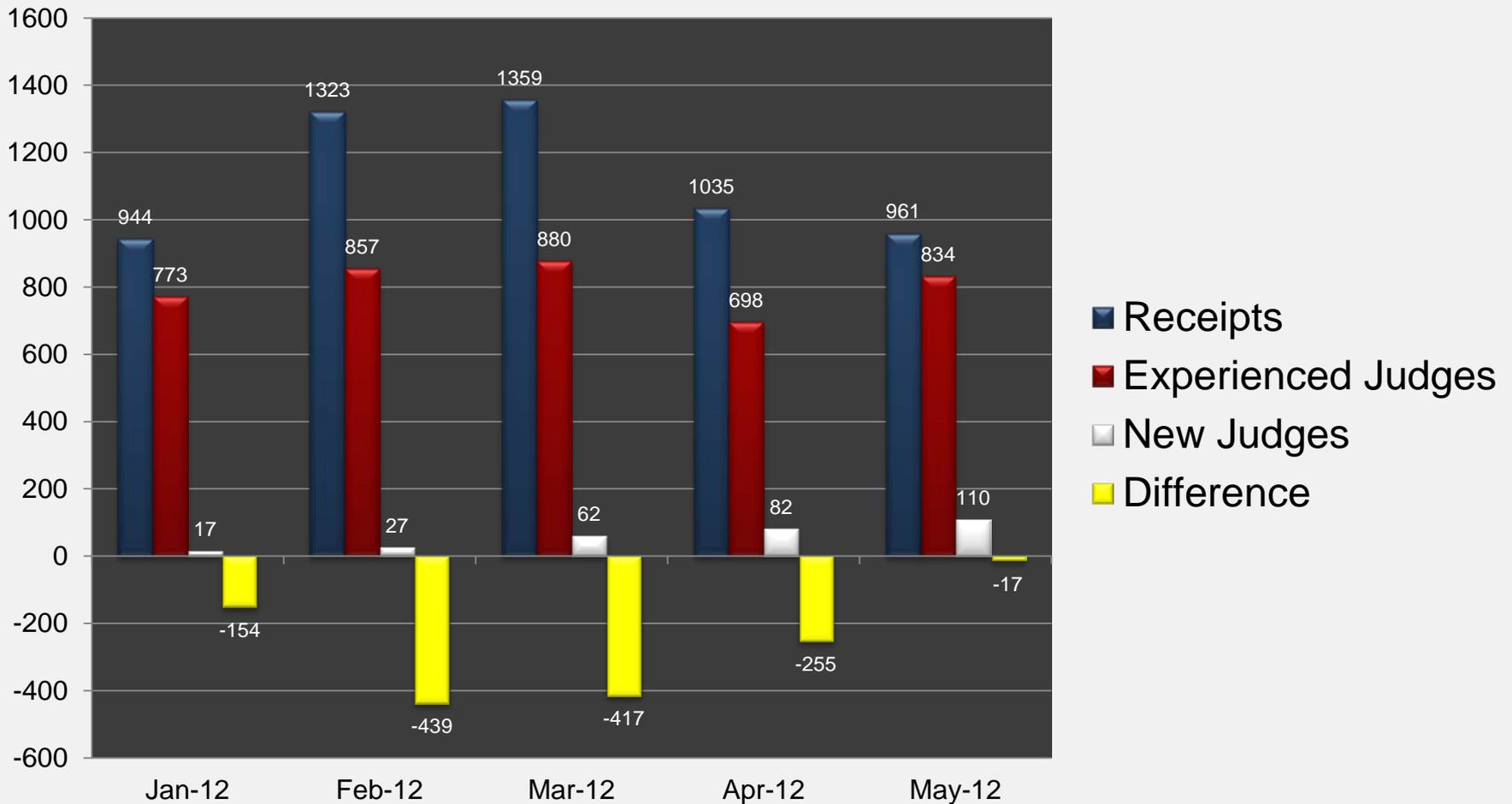


Pendency Time for the Past 10 Quarters



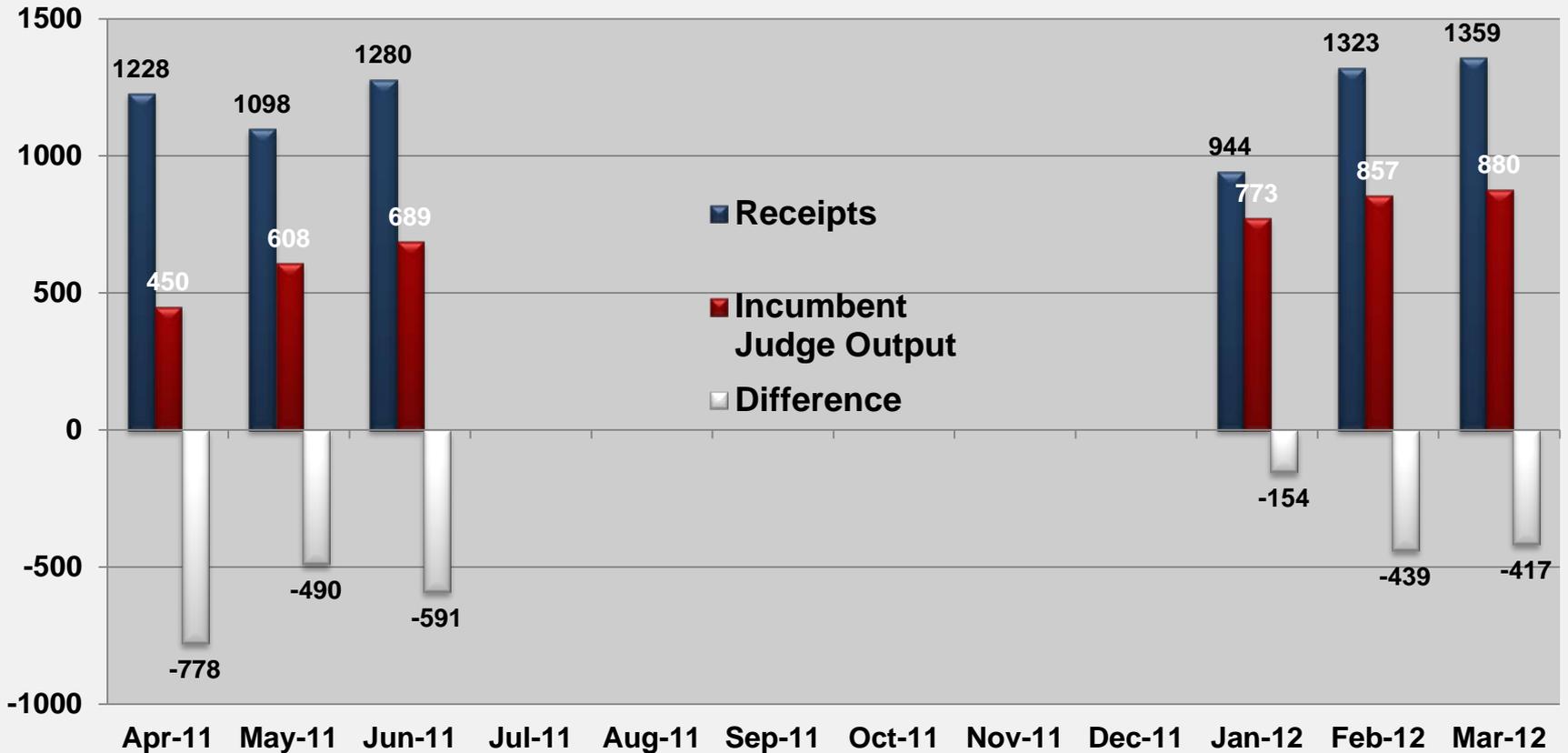


Monthly Receipts and Dispositions – New Judge Comparison



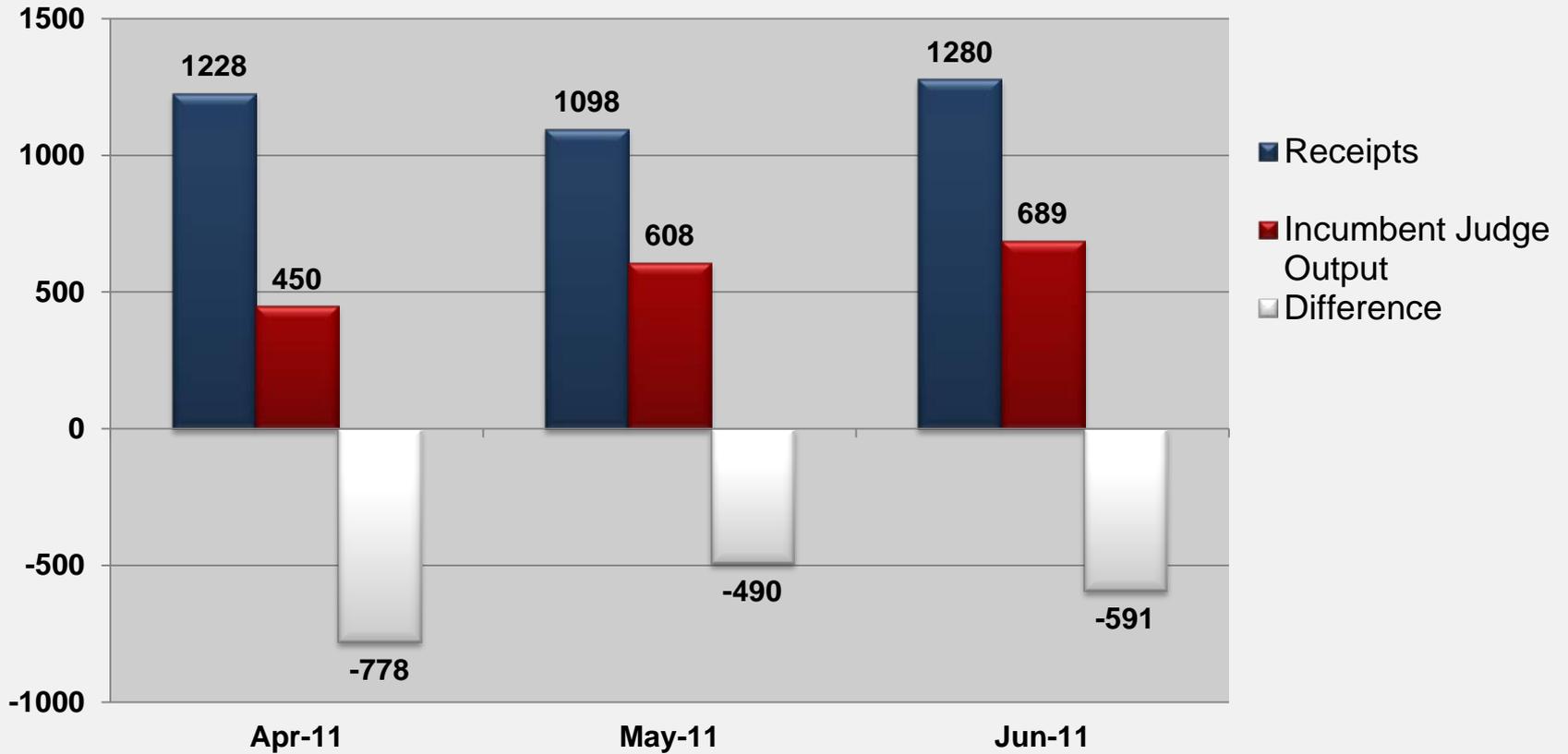


BBB vs. Non-BBB Incumbent Judge Output – 2011 & 2012



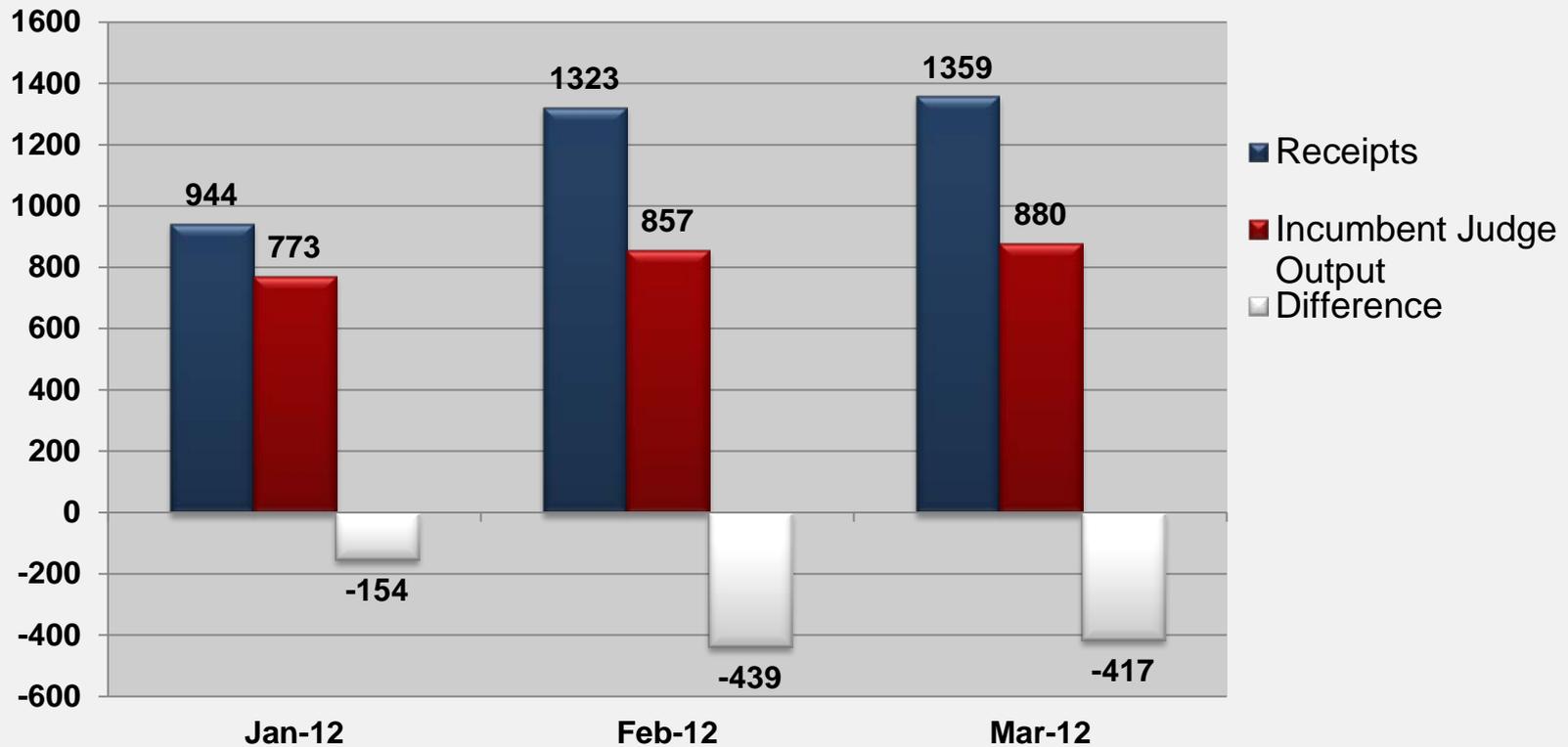


Non-BBB Incumbent Judge Output - 2011



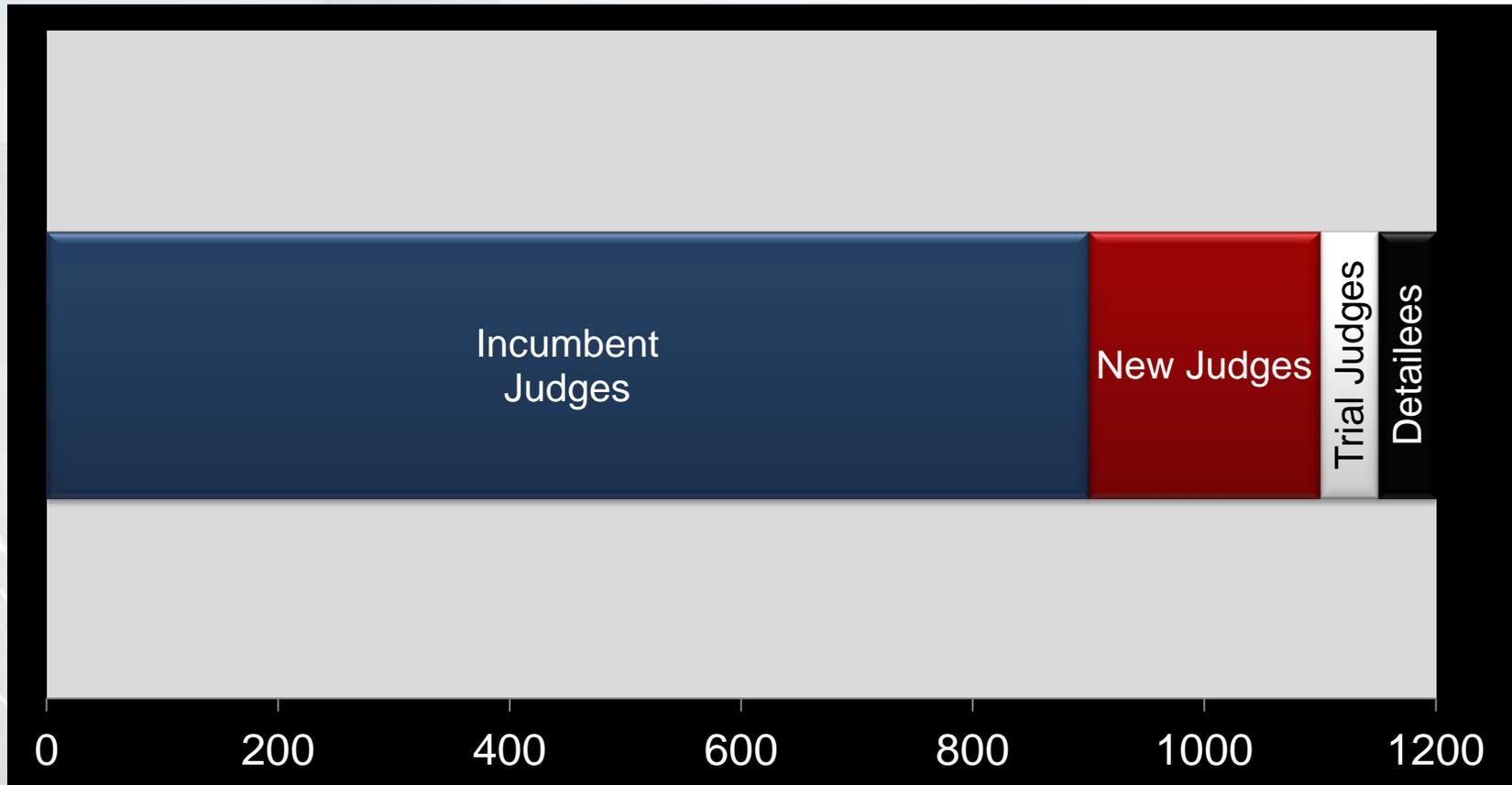


BBB Incumbent Judge Output - 2012





Reaching the Inflection Point





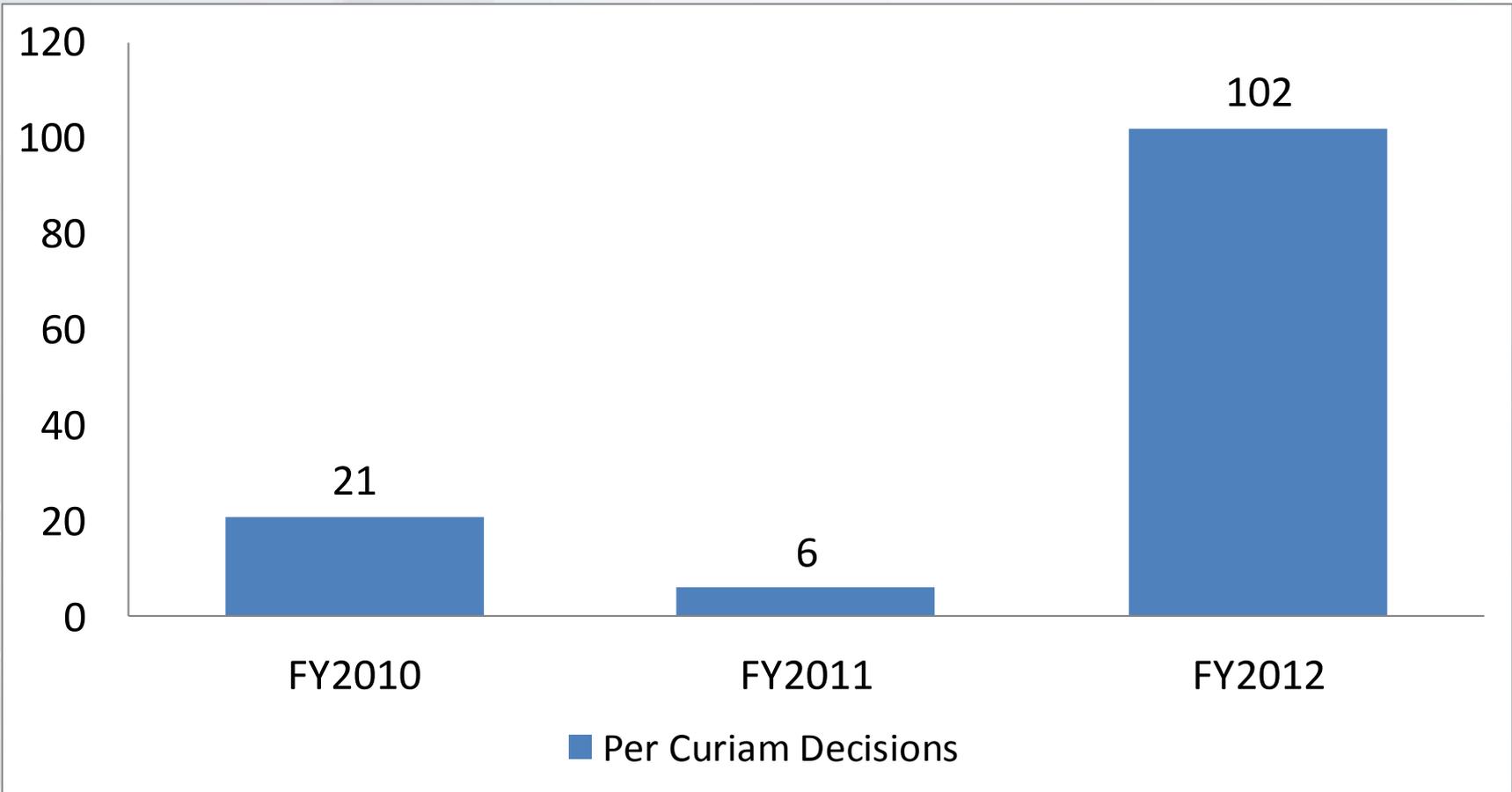
Decisions Adopting Persuasive Arguments Made in the Record

- 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





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