



# UNITED STATES PATENT AND TRADEMARK OFFICE

## Patent Operations

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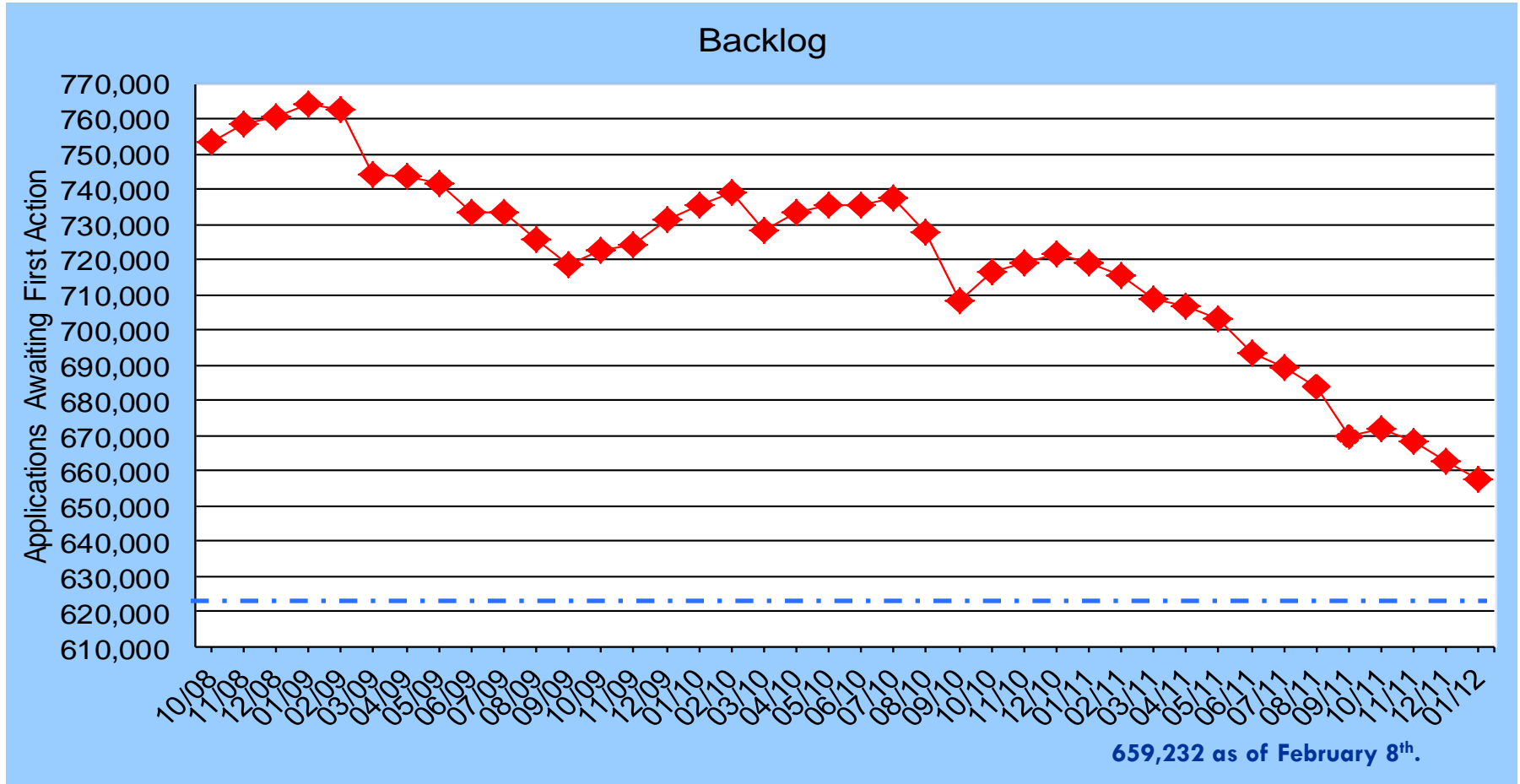
**Andy Faile**

**Acting Deputy Commissioner for Patents**

**February 14<sup>th</sup>, 2012**



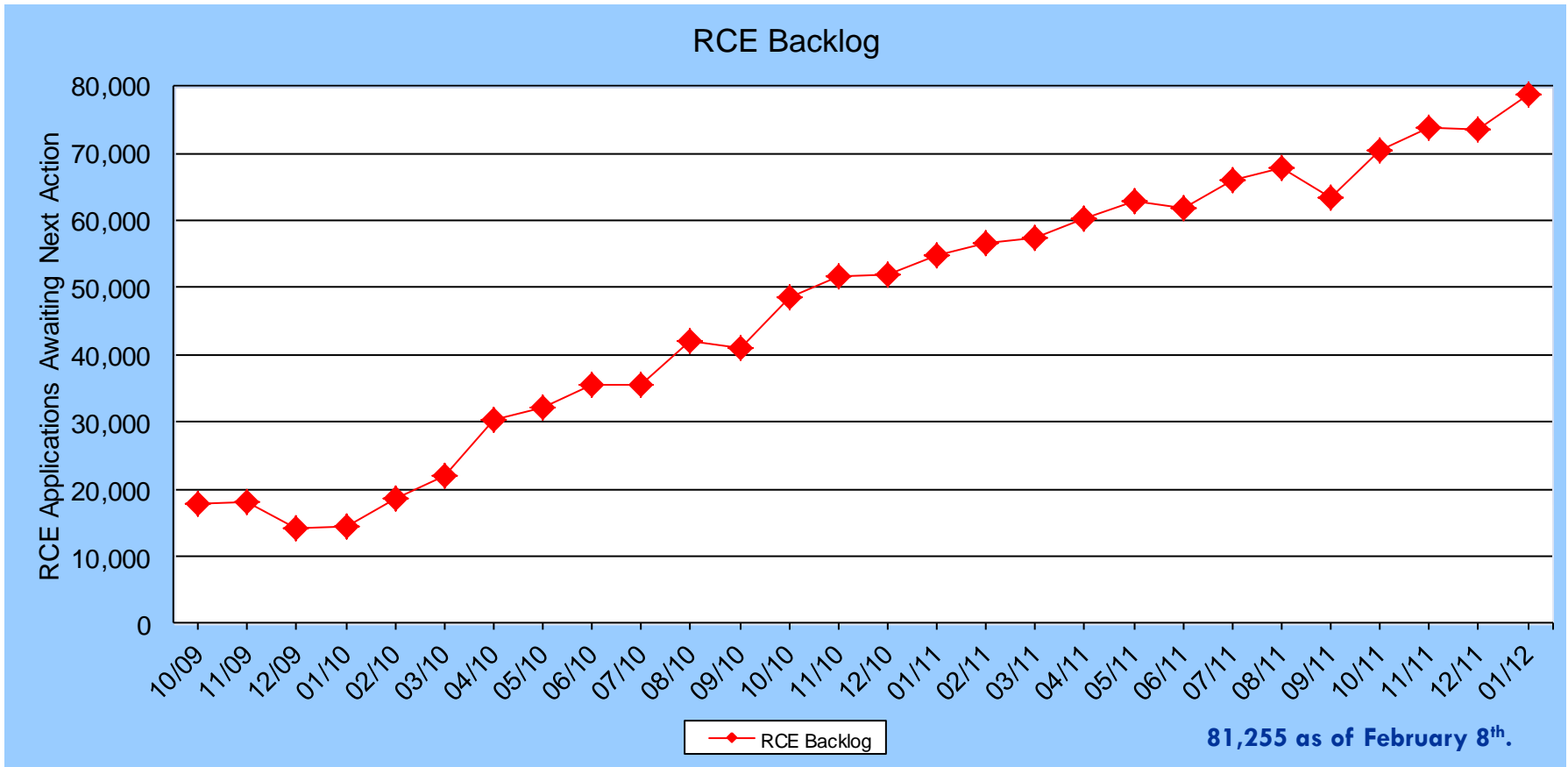
# Applications Awaiting First Action FY 2009 – FY 2012 (through January)





# RCE Backlog

## FY 2010 – FY 2012 (through January)





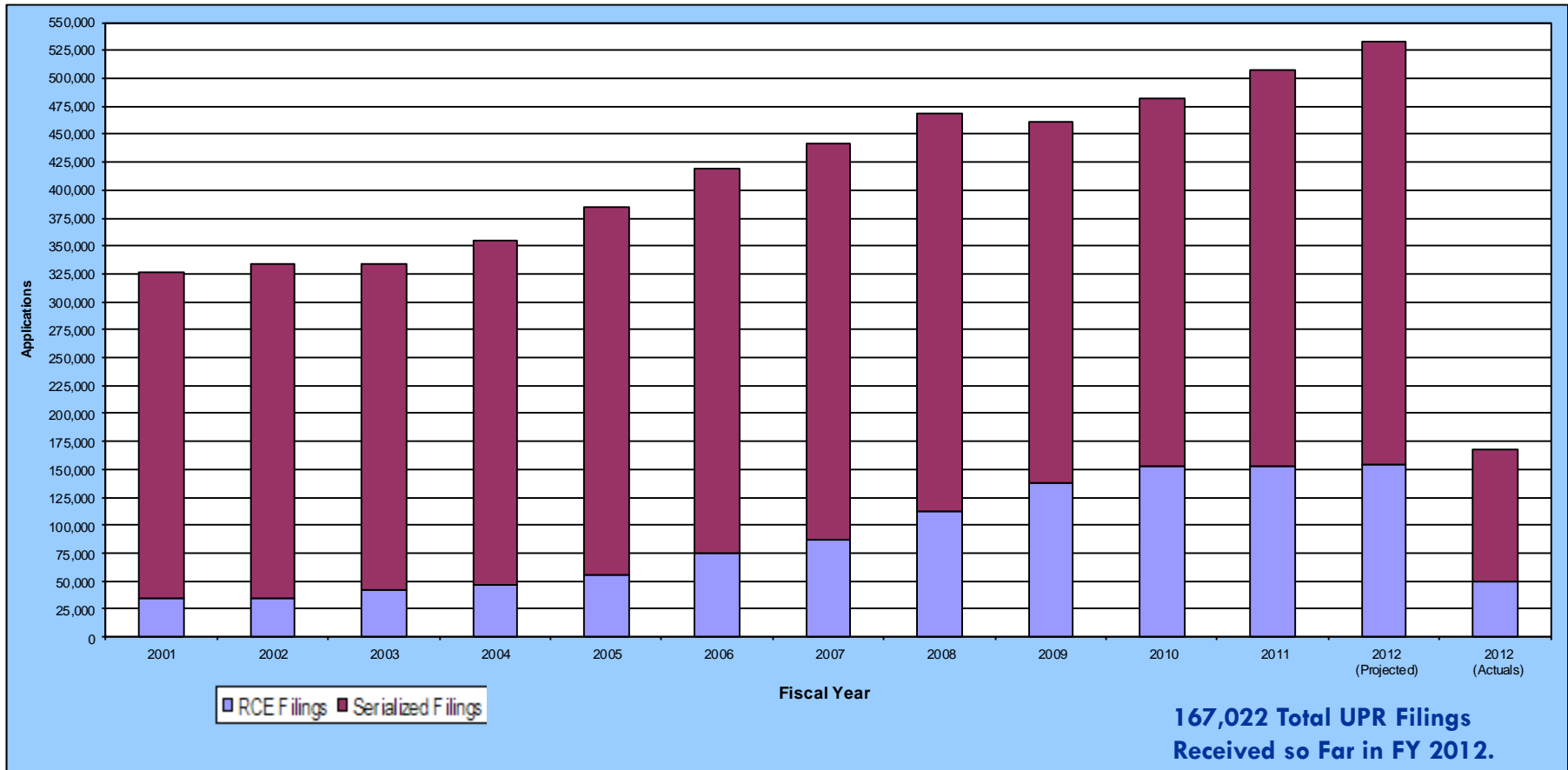
# Reducing RCEs

**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

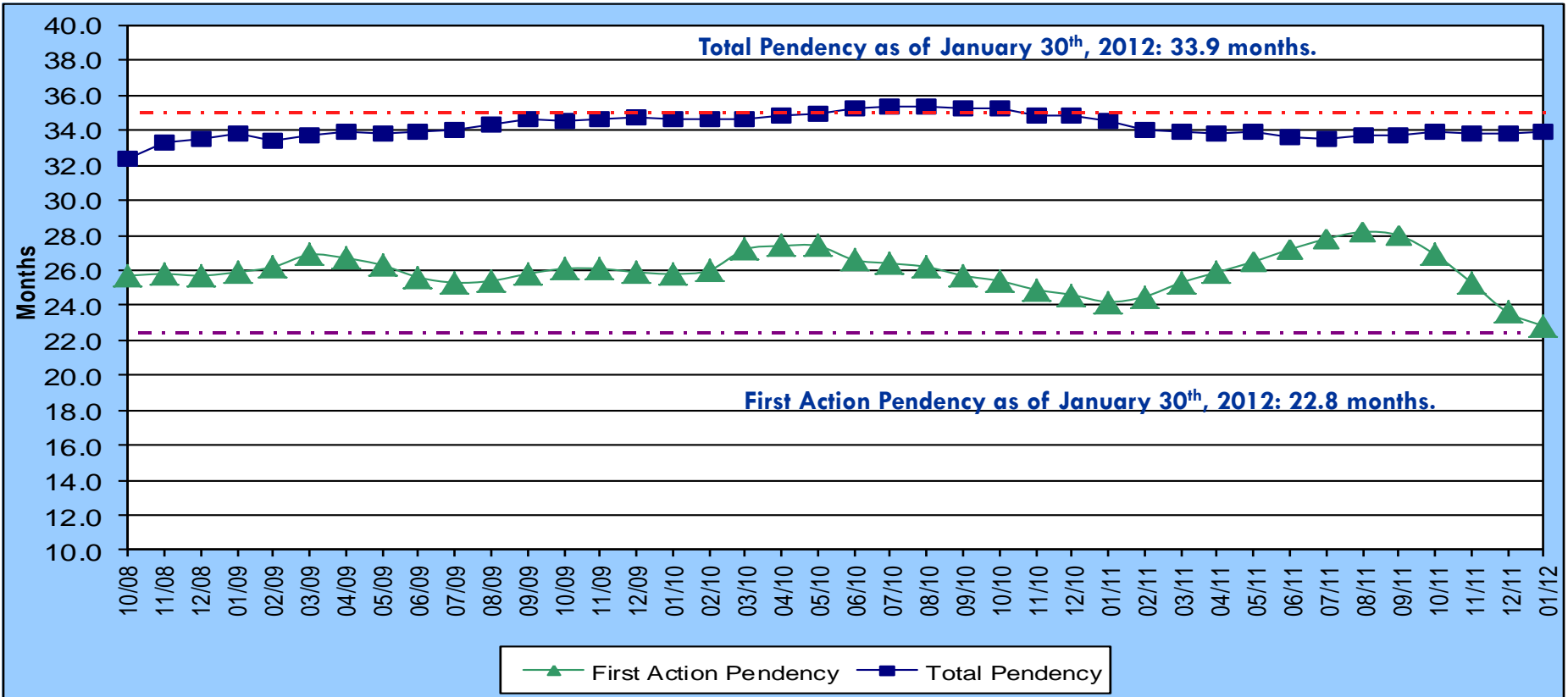


**FY 2012 Target based on 2013 President's Budget:**

**533,300 (5.2% Projected Growth over FY 2011)**



# First Action Pendency and Total Pendency FY 2009 – FY 2012 (through January)



**FY 2012 First action Target Based on 2013 President's Budget:**

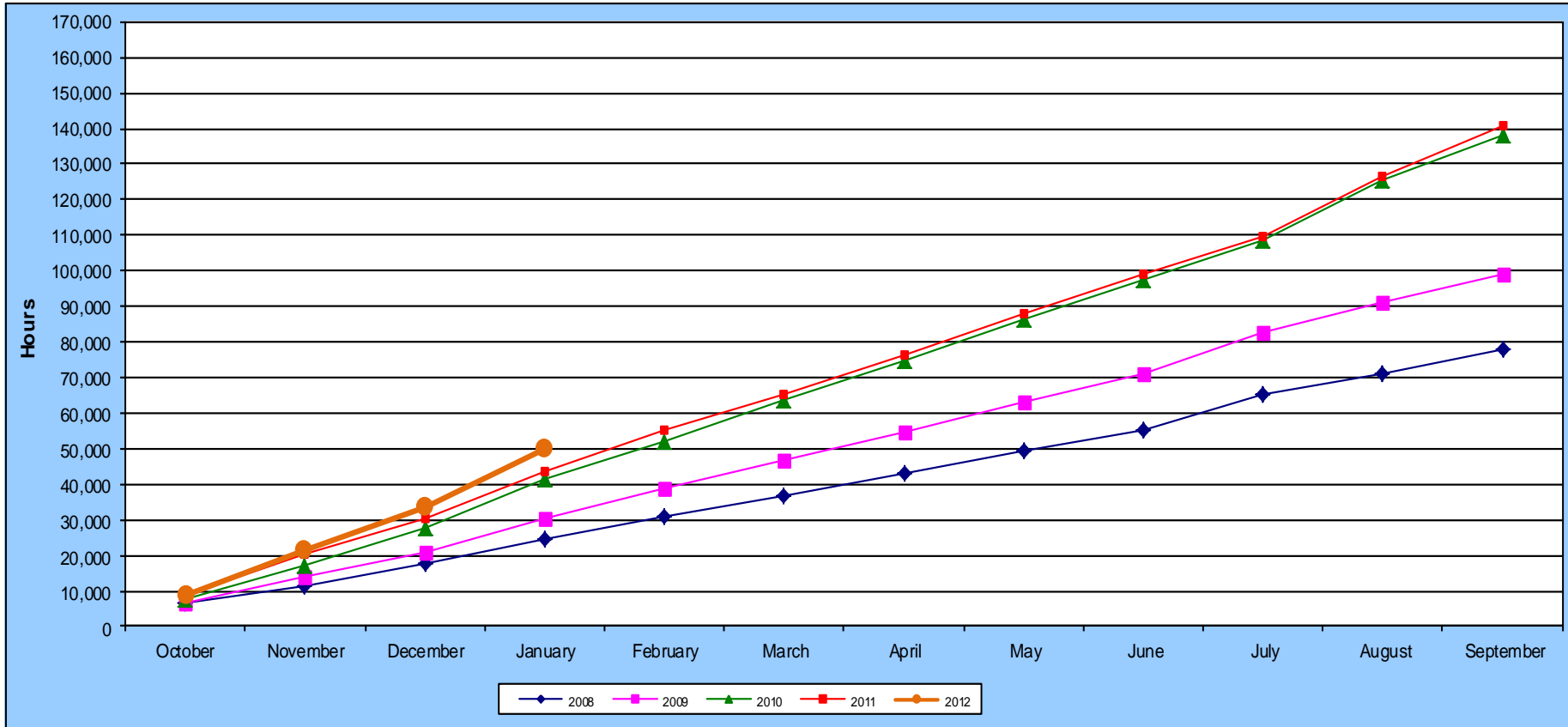
**22.5 Months**

**Preliminary FY 2012 Total Pendency Target:**

**34.7 Months**



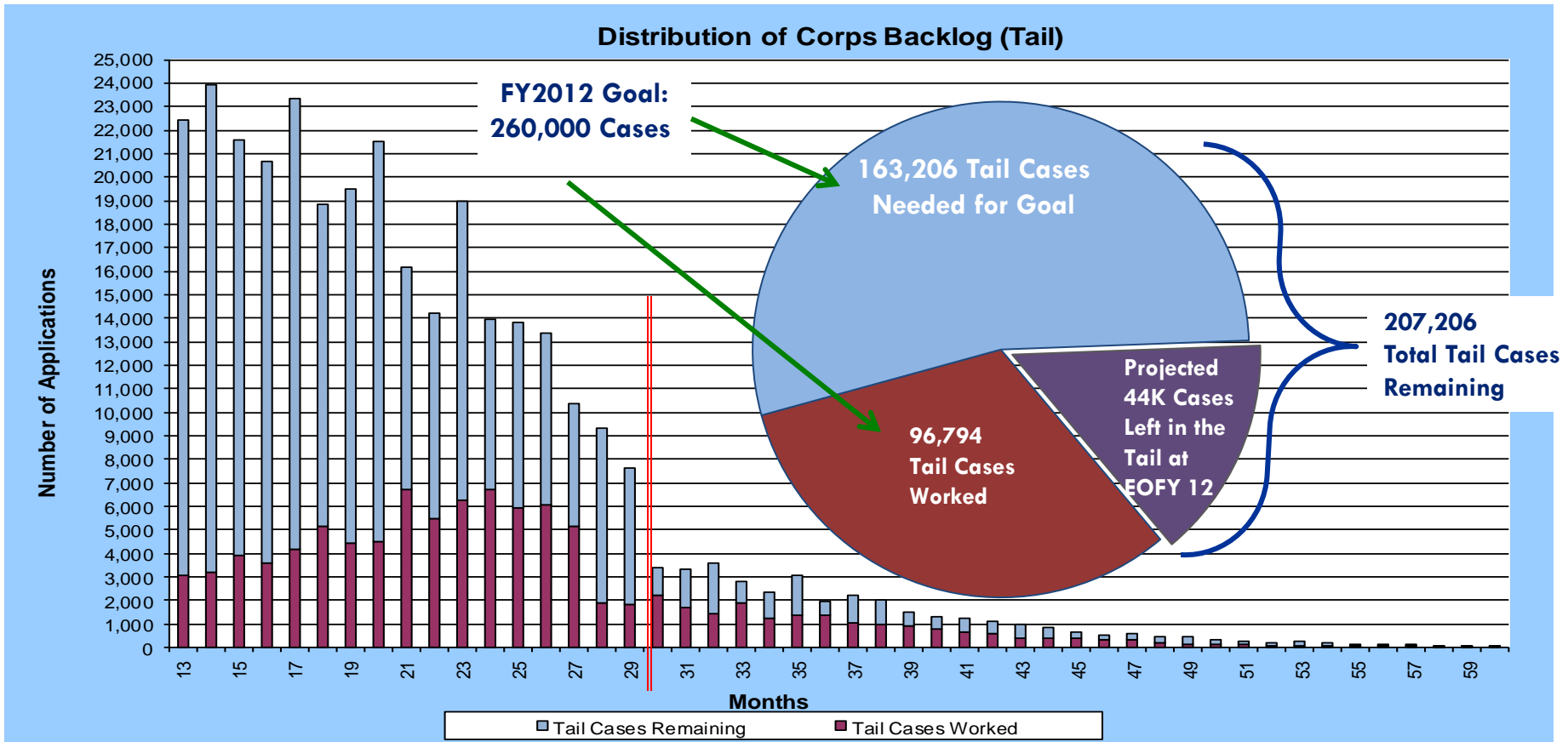
# Interview Time FY 2008 – FY 2012 (through January)



**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 1<sup>st</sup>, 2010 (304,000 on Oct. 1, 2011)**

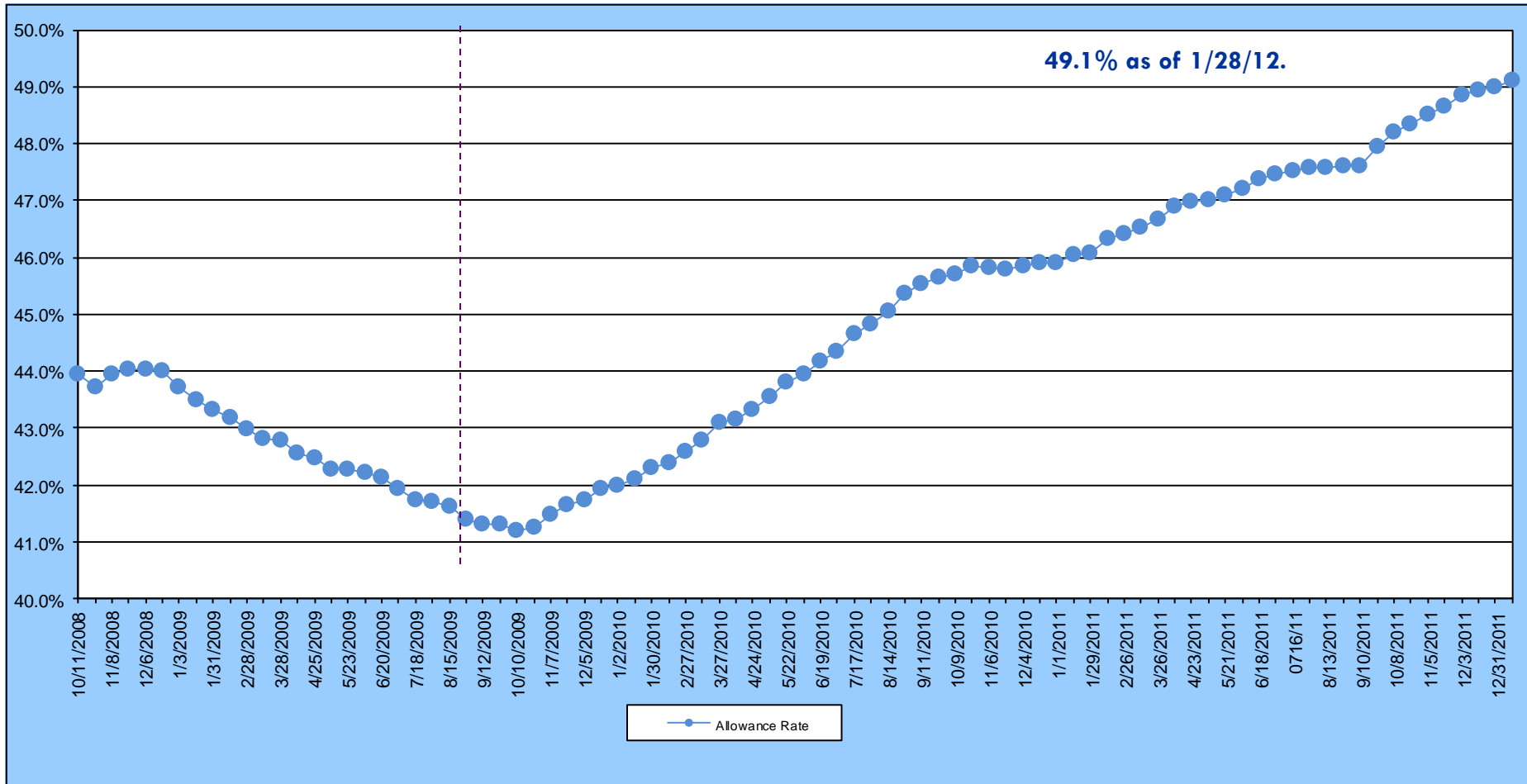
**FY 2012 Goal: Reduce COPA Backlog (Tail) by 260,000 applications**

Applications to the right of the red line include pending cases from the COPA 1.0 initiative.





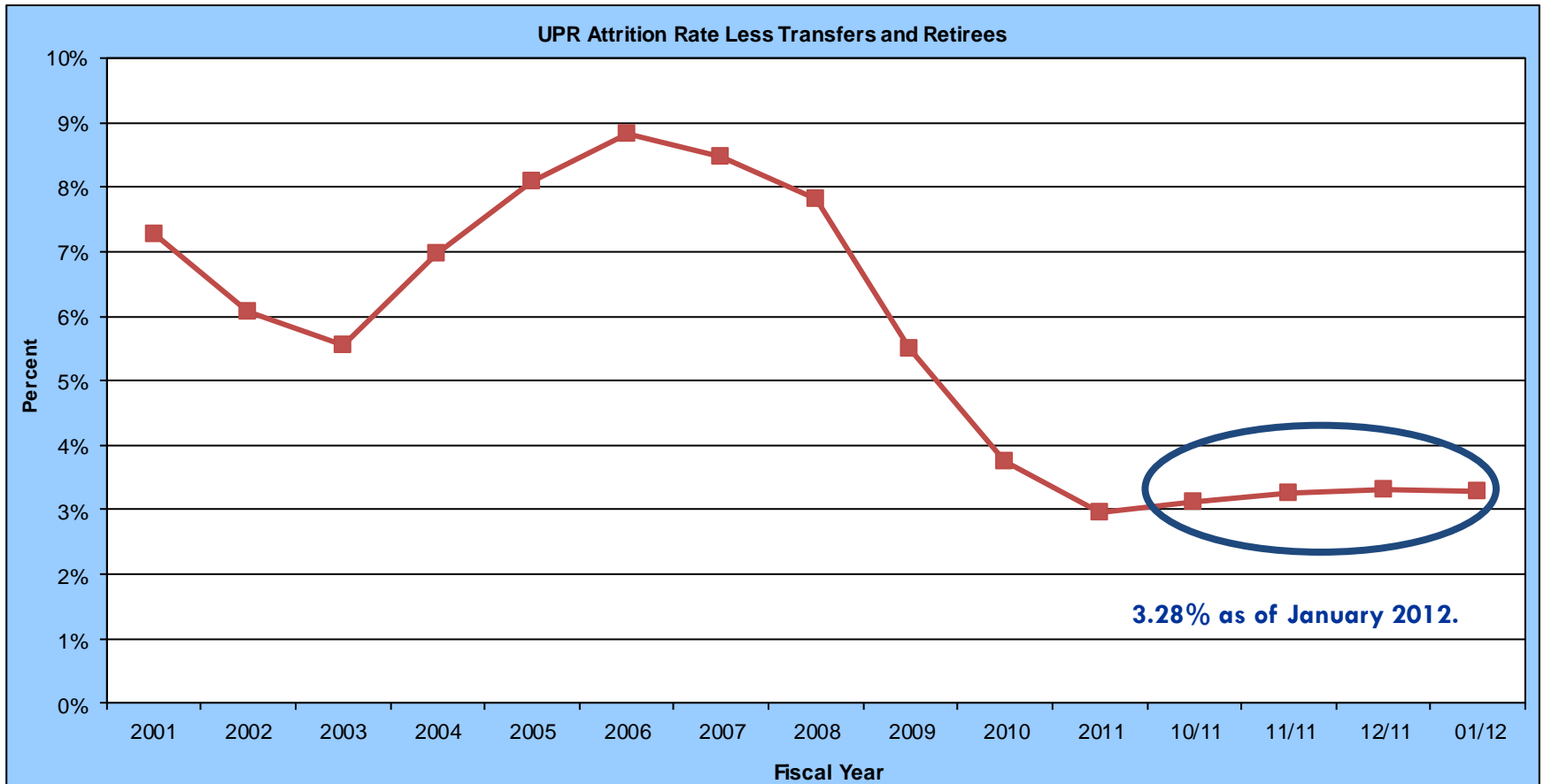
# 12 Month Rolling Average Allowance Rate, by Bi-Week FY 2009 – FY 2012 (through January 28<sup>th</sup>)



Sustained increase in allowance rate is a positive indicator – it shows increased efficiency of the workforce.



# 12-Month Rolling Average UPR Examiner Attrition Rate Less Transfers and Retirees FY 2001 – FY 2012 (January)

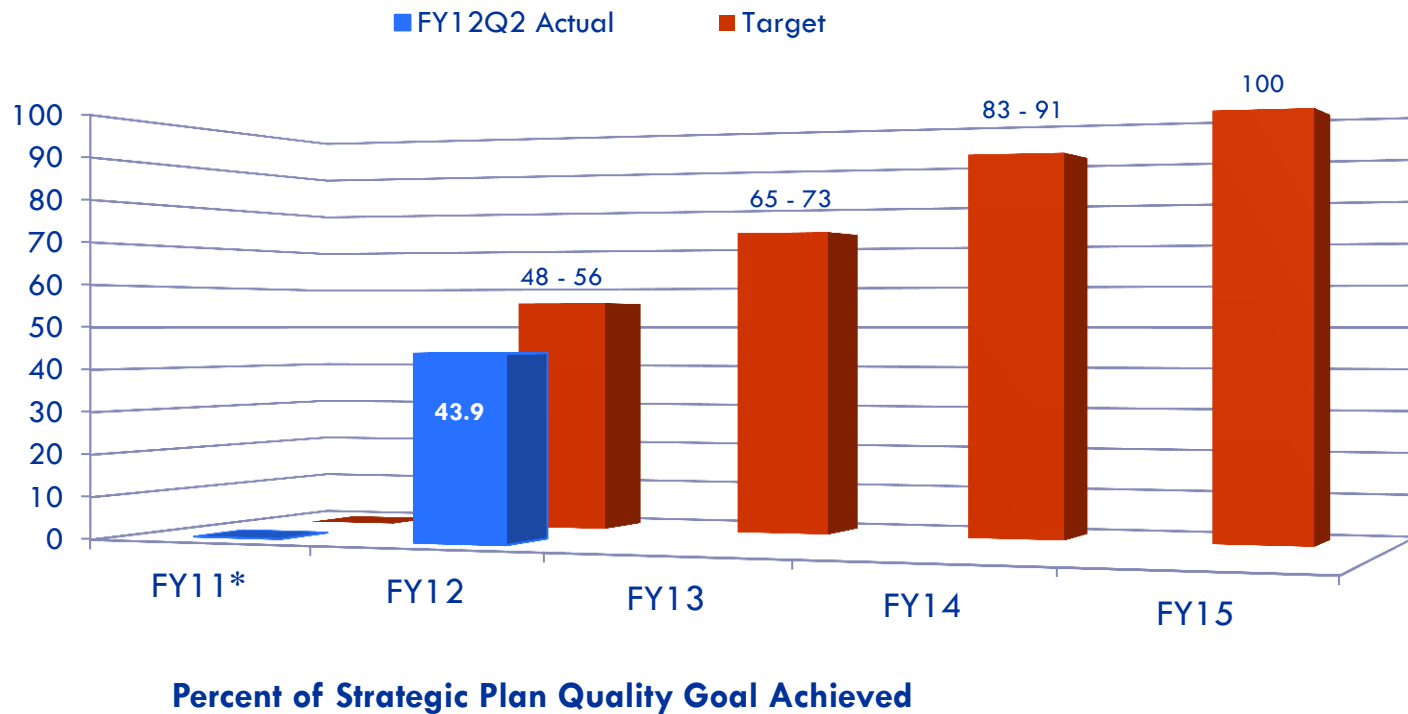


The circle represents when monthly data begins.



# Patent Quality Composite

## Monitoring Continuous Improvement

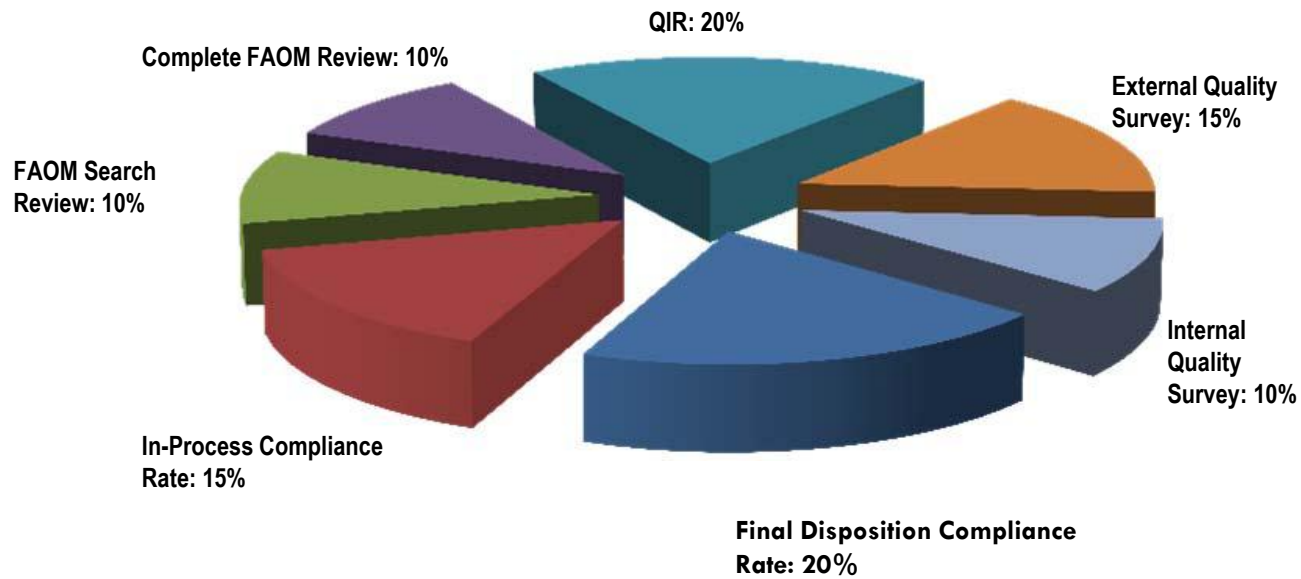


\*Baseline



# Patent Quality Composite

Each component has a specific weight in the composite.



# Patent Quality Composite

FY12 Q2 \* : 1/31/2012

Component Metric	Definition	Component Weight (sum to 100) <i>W<sub>o</sub></i>	Base Year <sup>a/</sup> <i>B<sub>o</sub></i>	Stretch Goal <sup>a/</sup> [Expiration of Strategic Plan: FY15] <i>S<sub>o</sub></i>	Current Level FY12 Q2* <i>C<sub>t</sub></i>	Component Score $((C_t - B_o) / (S_o - B_o)) * 100$ [Progression from Base Year to Stretch Goal, with 0=Base Year] <i>CS<sub>t</sub></i>
A. Final Disposition Compliance Rate	12-month % Compliance as determined by OPQA random-sample-review of Allowances and Final Office Actions.	20%	94.4	97.0	<b>95.9</b>	57.7
B. In-Process Compliance Rate	12-month % Compliance as determined by OPQA random-sample-review of Non-Final Office Actions.	15%	93.6	97.0	<b>96.3</b>	79.4
C. FAOM Search Review	12-Month Average Score as determined by OPQA random-sample, points-based-review of examiner-conducted search. Score= Points Earned/Available Points.	10%	94.6	97.0	<b>95.6</b>	41.7
D. Complete FAOM Review	12-Month Average Score as determined by OPQA random-sample, points-based-review of First Actions on the Merits (FAOMs). Score= Points Earned/Available Points.	10%	90.9	95.0	<b>91.0</b>	2.4
E. QIR <sup>b/</sup>	12-month average of 5 Quality Index Reporting metrics <sup>b/</sup> being tracked for quality performance. Converted to % desired behavior <sup>b/</sup> for inclusion in Composite. Each unique item has 4% of total Composite weight (20/5).	20%	85.9	94.0	<b>89.5</b>	44.4
F. External Quality Survey	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 that reports quality as "Poor" or "Very Poor" over the previous 3 months. Responses of "Fair" are excluded from the analysis.	15%	1.2	5.0	<b>3.0</b>	47.4
G. Internal Quality Survey	Data collected from semi-annual Internal Quality Survey administered to a random sample of patent examiners. Metric is number of respondents reporting "Good" or "Excellent" for every single respondent that reports "Poor" or "Very Poor" when asked about factors impacting their ability to provide high-quality patent examination. Responses of "Fair" are excluded from the analysis.	10%	4.3	6.0	<b>4.3</b>	0.0

### 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.

**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 end of Q2 and Q4.

<sup>a/</sup> 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 of the end of FY09 for the baseline level. All composite items use FY15 as the stretch goal period.

<sup>b/</sup> QIR - Based on analysis of all examiners on board at least 1 year at the beginning of each FY.

	Baseline (FY09)	FY12Q2 as of 1/31/12
Actions per Disposal : % Employees Averaging < 3 actions per disposal	78.4%	83.5%
RCEs of Total Disposals: % Disposals Not RCE	73.9%	75.5%
Reopens After Final: % Finals Not Reopened	95.5%	96.4%
2nd+ Action NonFinals: % Total Actions Not 2nd+Nfs	94.7%	97.0%
Restrictions After First Action: % of Total Restrictions Not Made on 2nd or Subsequent Action	87.2%	95.2%
Average	85.9%	89.5%

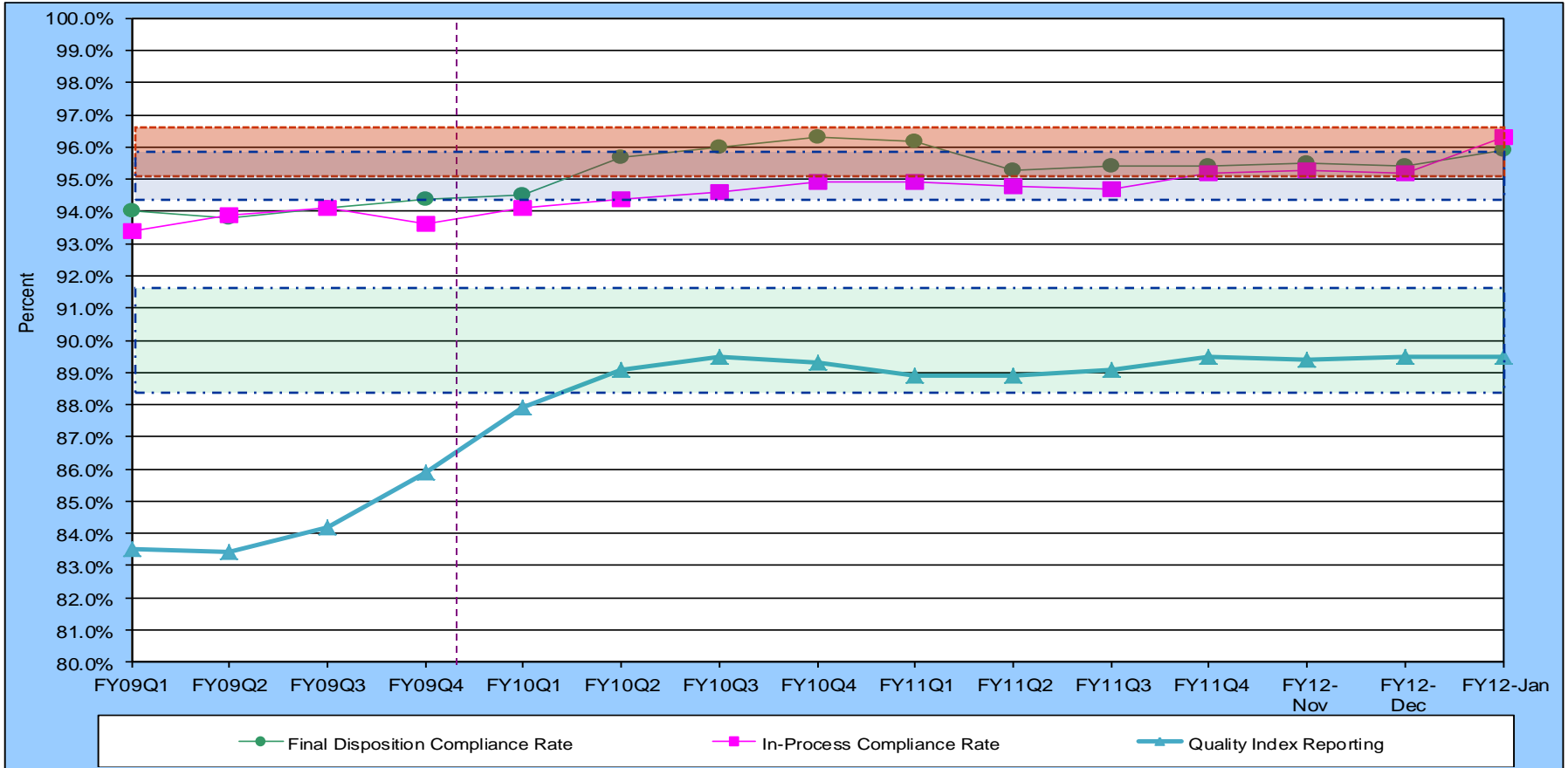


# Quality Measures

## Final Disposition, In-Process and QIR

### 12 Month Rolling Average

### FY 2009 – FY 2012 (through January)



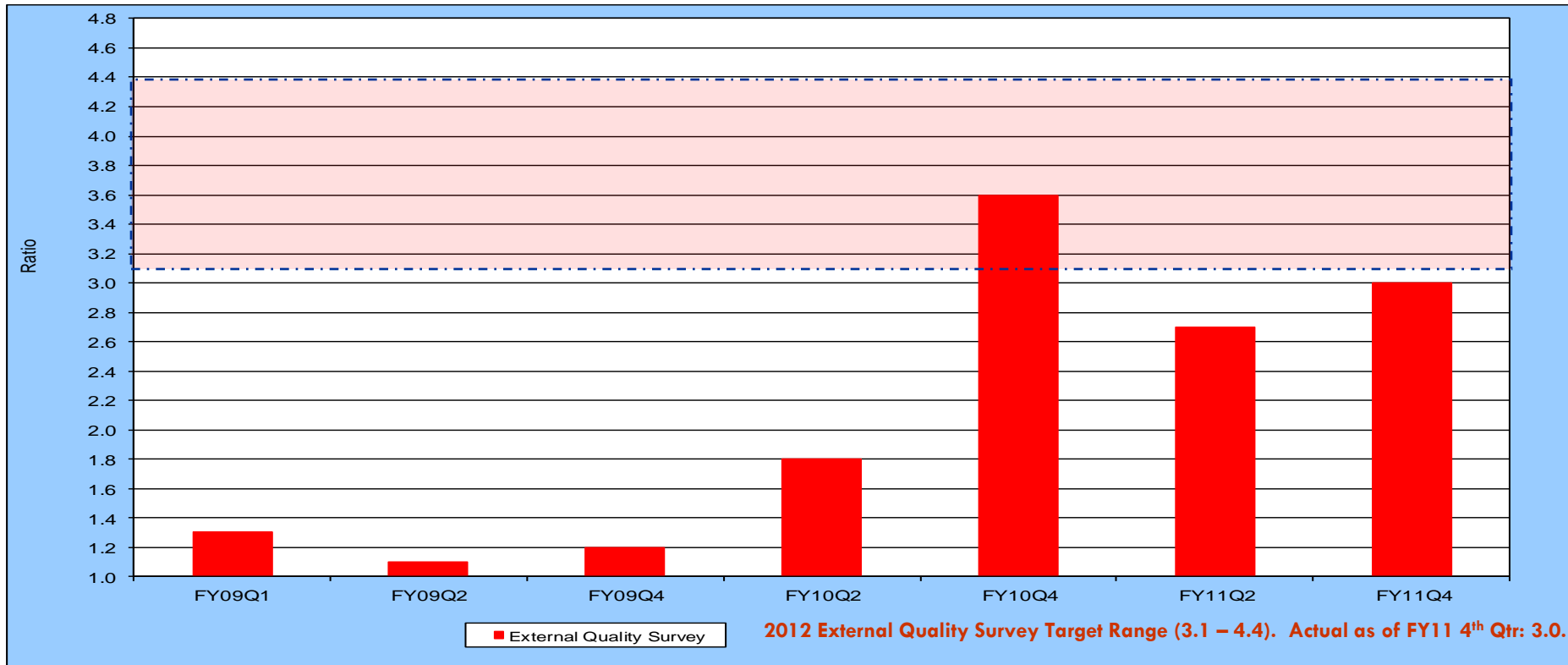
**2012 Final Disposition Compliance Rate Target Range** (95.6% - 96.7%). **Actual as of January: 95.9%**
**2012 In-Process Compliance Rate Target Range** (94.6% - 96.0%). **Actual as of January: 96.3%**
**2012 Quality Index Reporting Target Range** (88.3% - 91.60%). **Actual as of January: 89.5%**



# Quality Measures

## External Quality Surveys

### FY 2009 – FY 2011



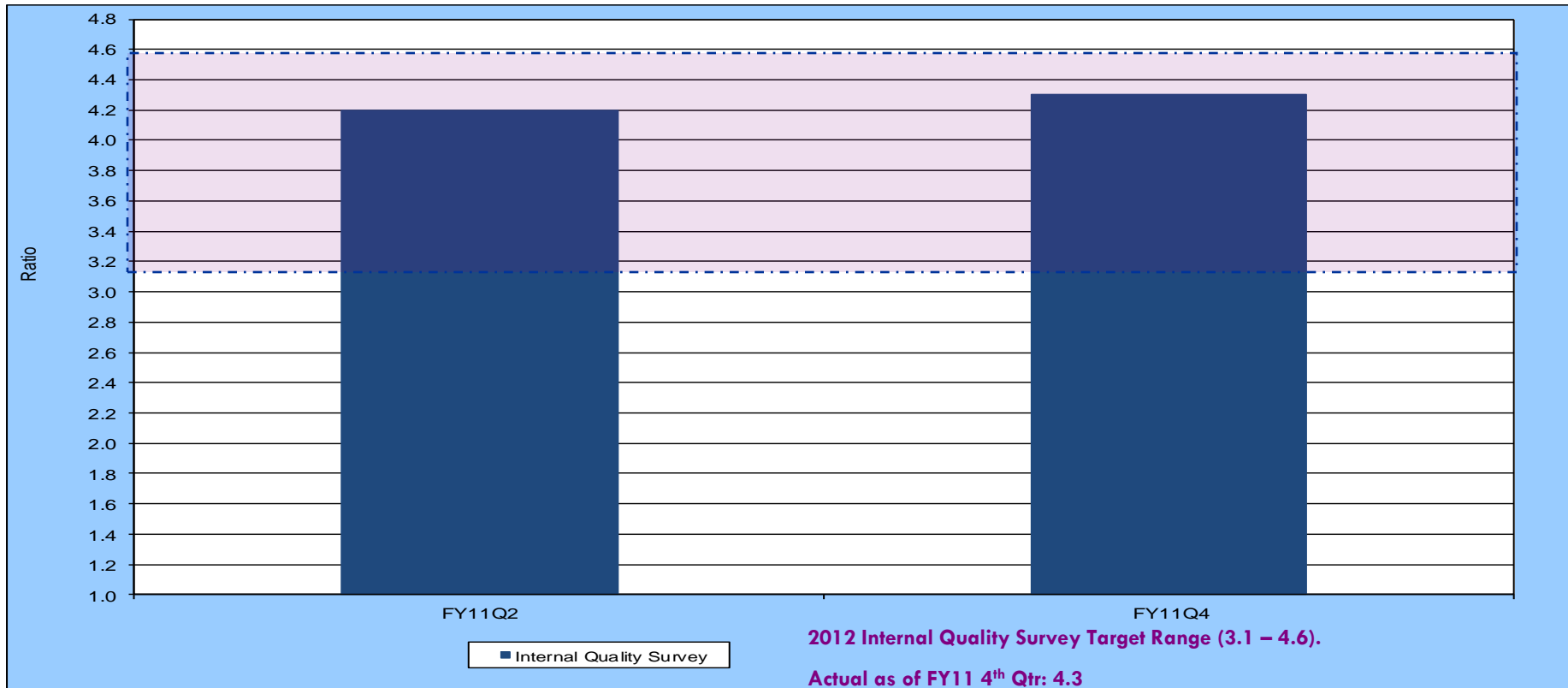
The External Quality Survey provides a measure of the degree to which the experience of patent applicants and practitioners reveal trends and issues indicative of quality concerns. The survey is conducted semi-annually and solicits input from stakeholders who are frequent customers of the USPTO on their 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.



# Quality Measures

## Internal Quality Surveys

### FY 2011



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)

	Petitions Filed	Percent of Petitions From Small Entities	Average Days to Petition Decision	% Petitions Granted
Total Received in FY11 and FY12	2,205	31%	44.6	99%

Examination Status	First Actions Completed	Average Days from Petition Grant to First Office action	Final Rejections	Number of Allowances	Average Days From Petition Grant to Allowance
Number of Track I applications	1,080	36	3	71	51

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