



# UNITED STATES PATENT AND TRADEMARK OFFICE

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## **PPAC**

# **Quality updates and initiatives**

**October 15, 2009**



# Quality Results

Improving Quality is our  
Highest Priority.

2004 Result	2005 Result	2006 Result	2007 Result	2008 Result	2009 Result
5.3% allowance error	4.6% allowance error	3.5% allowance error	3.5% allowance error	3.7% allowance error	3.1% allowance error
82% in- process compliance	86.2% in- process compliance	90% in- process compliance	92.2% in- process compliance	92.5% in- process compliance	93.2% in- process compliance



# Quality Initiatives throughout the Corps

Recapture resources from OPQA to provide training/support specific to certain areas

Recapture resources from the PTA

Focus on outliers (Using QIR data) in areas such as multiple non-finals, multiple finals, high allowance rates and high RCE filings

Improve the TC's classification/transfer process by providing training and re-focus on proper classification

Corps wide 101 training

- Developing Examiner Interview/Negotiation Training

Management Skills Enhancement:

- Review of PAP Guidelines, TC Guidelines, Providing Feedback Workshop, ER Refresher Series, PFW, FCIP Evaluation Automation Tool Trainings are some examples



# Quality Initiatives throughout the Corps Search Training

Provide training and enforcement of text and classification searching

Peer-to-Peer Search Strategy Training – Each SPE designated one outstanding searcher from among their employees

One-on-One Patent Search Information Exchange – for all confirmed errors based on newly found art, the reviewer will meet with the examiner to explain the search used to find the prior art and evaluate the search actually conducted by the examiner

Developed SPE Survey for assessing the search training needs for each art unit



# Allowance Error Rate

Year	5 Percent Allowed of Disposals % Allowed of Disposals
1975	68.0
1976	67.0
1977	66.0
1978	66.0
1979	68.00
1980	67.6
1981	65.9
1982	65.2
1983	64.4
1984	61.8
1985	63.6
1986	63.3
1987	63.2
1988	65.4
1989	67.5
1990	67.8
1991	65.5

Year	5 Percent Allowed of Disposals % Allowed of Disposals
1992	63.4
1993	63.1
1994	63.2
1995	61.6
1996	67.5
1997	68.8
1998	70.4
1999	70.8
2000	70.9
2001	69.7
2002	66.0
2003	66.2
2004	62.5
2005	58.7
2006	53.6
2007	50.9
2008	43.2
2009	40.6



# UNITED STATES PATENT AND TRADEMARK OFFICE

## **PPAC** **Pendency and Operations** **updates and initiatives**

**October 15, 2009**



# Filings, First Actions, & Backlog

Year	2003	2004	2005	2006	2007	2008	2009
Filings	355,418	378,984	384,228	419,760	441,637	468,669	460,000
First Actions	302,124	305,643	317,395	343,640	367,953	422,065	469,839
Backlog	471,382	528,685	611,114	701,147	760,924	771,529	735,961

## FY09

- Backlog decreased 4.6%
- Filings decreased 1.9%
- 1st Actions increased 10%
  
- FY09 Estimated filings



## End-of-Year Statistics (FY 2009)

460,000 UPR applications filed (preliminary)

24,313 design applications filed (preliminary)

-1.9% filing growth over 2008

6.3% attrition (9.5% in FY08, 9.9% in FY07)

Patents Staff is composed of the following:

- 6,242 UPRD examiners

- 454 Supervisory Patent Examiners

- 100 Quality Assurance Specialists



# Hires and Attritions

Hires and Attritions	1600	1700	2100	2400	2600	2800	3600	3700	4100	Corps
FY 08 Hiring	33	209	183	N/A	294	132	173	187	N/A	1211
FY 08 Attrits	42	58	105	N/A	135	86	69	88	N/A	583
FY 08 EOY Staff	540	597	622	531	770	1011	694	644	1008	6417
FY 09 Hires	36	89	82	58	94	60	67	102	N/A	588
FY 09 Attrits	23	49	36	57	69	49	47	80	N/A	410



# RCE and Continuations Percentage of Total UPR Filings

## RCE and Continuations Percentage of Total UPR Filings

\*as of September 21, 2009

Fiscal Year	RCE&CPA&R129 / Total UPR Filings	CON/ Total UPR Filings
FY2000	11.0%	6.1%
FY2001	10.7%	6.7%
FY2002	10.4%	7.8%
FY2003	12.6%	7.9%
FY2004	13.0%	7.9%
FY2005	14.4%	8.0%
FY2006	17.8%	7.8%
FY2007	19.7%	7.6%
FY2008	24.1%	7.8%
FY2009	29.9%	6.0%



# Patent Pendency – FY 2008 and 4<sup>th</sup> QTR FY 2009

Technology Center	Average 1 <sup>st</sup> Action Pendency (months) <sup>1</sup> 4 <sup>th</sup> Quarter FY08	<b>Average 1<sup>st</sup> Action Pendency (months)<sup>1</sup></b> <b>4<sup>th</sup> Quarter FY09</b>	Average Total Pendency (months) <sup>2</sup> 4 <sup>th</sup> Quarter FY08	<b>Average Total Pendency (months)<sup>2</sup></b> <b>4<sup>th</sup> Quarter FY09</b>
1600 - Biotechnology and Organic Chemistry	19.9	<b>22.5</b>	34.8	<b>35.1</b>
1700 - Chemical and Materials Engineering	27.5	<b>25.9</b>	36.3	<b>37.4</b>
2100 - Computer Architecture Software	30.8	<b>29.4</b>	42.4	<b>40.7</b>
2400 - Networking, Multiplexing, Cable, and Security		<b>28.6</b>	N/A	<b>47.7</b>
2600 – Communications	32.5	<b>33.0</b>	43.6	<b>42.7</b>
2800 - Semiconductor, Electrical, Optical Systems	19.5	<b>20.8</b>	28.2	<b>29.7</b>
3600 - Transportation, Construction, Electronic Commerce	24.3	<b>24.4</b>	34.8	<b>35.1</b>
3700 - Mechanical Engineering, Manufacturing and Products	24.7	<b>26.5</b>	32.7	<b>35.5</b>
<b>UPR Total</b>	<b>25.6</b>	<b>25.8</b>	<b>32.2</b>	<b>34.6</b>

<sup>1</sup> “Average 1<sup>st</sup> action pendency” is the average age from filing to first action for a newly filed application.

<sup>2</sup> “Average total pendency” is the average age from filing to issue or abandonment of a newly filed application.



## Initiatives to increase output and reduce pendency.

FAI program - applicants are permitted to conduct interview with examiner after review of pre-interview communication providing result of prior art search conducted by the examiner.

AE program - applications will be advanced out of turn for examination if applicant files a petition, with a goal of completing examination within twelve months of filing date of the application.

Interview Practice Training to encourage interviews and increase the quality of interviews.

Compact Prosecution Awareness Training to provide examiners the information and tools they need to reduce the amount of work and time that is required between first action and final disposal.



## Initiatives to increase output and reduce pendency.

PCT outsourcing of Chapter I which allows examiners to focus on examination of U.S. applications.

Redirecting detailees back to examination positions.

Redirecting RQAS resource to TCs, training examiners on search techniques, claim interpretation and compact prosecution, which lead to early disposal of applications.

Our attrition rate for the year is about 6.5% including retirees and transfers, compared to 9.5% on 2008.

The redirecting and maximizing of resources throughout the TC resulted in over 10,000 more PUs being done for the corps in the same amount of hours.



# Actions Per Disposal

<b>FY Year</b>	<b>1995</b>	<b>1996</b>	<b>1997</b>	<b>1998</b>	<b>1999</b>	<b>2000</b>	<b>2001</b>	<b>2002</b>	<b>2003</b>	<b>2004</b>	<b>2005</b>	<b>2006</b>	<b>2007</b>	<b>2008</b>	<b>2009</b>
<b>Actions Per Office Disposal</b>	2.46	2.44	2.32	2.28	2.34	2.38	2.40	2.32	2.26	2.27	2.60	2.76	2.85	2.91	2.73



# Appeal Conference Effects Actions in Response to Appeal Brief

FY Year	Examiner's Answers	Reopens	Allowances	Other Actions
FY 98	58.3%	12.6%	27.8%	1.4%
FY 99	52.7%	15.2%	30.8%	1.4%
FY 00	47.0%	20.7%	30.9%	1.5%
FY 01	40.8%	24.9%	33.1%	1.3%
FY 02	39.3%	27.1%	32.8%	0.8%
FY 03	39.9%	29.9%	29.6%	0.6%
FY 04	40.1%	32.8%	26.2%	0.9%
FY 05	42.8%	35.0%	21.4%	0.8%
FY 06	51.2%	31.1%	16.7%	1.0%
FY 07	58.6%	27.7%	13.1%	0.6%
FY 08	60.0%	28.3%	11.2%	0.5%
FY 09	58.4%	28.9%	11.7%	0.9%



## Affirmance Rate\* at BPAI by TC

Technology Center	FY 06	FY 07	FY 08	FY 09
1600 Biotech	54%	73%	70%	69%
1700 Chemical Eng.	77%	81%	80%	76%
2100 Computers	60%	68%	76%	75%
2600 Communications	62%	80%	74%	74%
2800 Electrical	70%	74%	77%	75%
3600 Mechanical	50%	63%	70%	69%
3700 Mechanical Eng.	56%	73%	73%	68%
<b>Corps. Total</b>	<b>62%</b>	<b>72%</b>	<b>74%</b>	<b>73%</b>

\* Affirmed and Affirmed in Part



## FAI Statistics as of Sept 25, 2009

493 Applicants have joined the pilot program

381 Pre-interview Communications (PFA OA) have been mailed

320 Interviews have been conducted

276 First Action Interview Office Actions have been mailed

118 Allowances

- 53 allowed after pre-interview communication but before FAI office action
- 37 allowed after the FAI office action
- 28 allowed without/before pre-interview communication



# FAI Expansion

## Areas for expansion

**1610, 1795, 2160 (in original pilot), 2440&50  
(in original pilot), 2617, 2811+, 3670 and  
3760.**

**Pilot process changes**

**PALM tracking changes**

**EFS and EDAN changes**

**Applicant survey**



# PPH Statistics

PPH Partner	Type	Start Date	End date	Requests Received (9/1/09)
JPO	pilot	7/3/06	1/3/08	278
JPO	Full	1/4/08		1160
UKIPO	pilot	9/4/07	9/4/08 (extended until further notice)	66
KIPO (Korea)	pilot	1/28/08	1/28/09	283
CIPO (Canada)	pilot	1/28/08	1/28/09	16
IPAU (Australia)	pilot	4/14/08	4/14/09	22
EPO	pilot	9/29/08	9/29/09	12
DKPTO (Denmark)	pilot	11/3/08	11/3/09	6
IPOS (Singapore)	pilot	2/2/09	2/2/10	5
NBR	Pilot	7/1/09		0
Rospatent	pilot	10/1/09		0