

- TTAB Receipts – Third Quarter FY10 compared to Third Quarter FY09
  - New Appeals: 638, down 20% from 797 received in third quarter FY09
  - New Oppositions: 1,110, down 16% from 1,319 received in third quarter FY09
  - New Cancellations: 320, down 15% from the 378 received in third quarter FY09
  - Cases maturing for final decision on merits: 128, down 17% from the 155 maturing in third quarter FY09
  
- Pendency – Third Quarter FY10 compared to Third Quarter FY09
  - Final Decisions on Merits: 13.2 weeks from RFD date<sup>1</sup> (5.0 weeks for third quarter FY09)
  - Decisions on Contested Motions: 8 weeks from RFD date<sup>2</sup> (6.15 weeks during third quarter FY09)
  - Total number of final decisions on the merits: 120, down 35% from the 185 issued during third quarter FY09; 132 cases awaiting decision at end of third quarter FY10 [95 appeals, 26 oppositions, 11 cancellations], up 193% from 45 cases awaiting decision at end of third quarter FY09 [26 appeals, 17 oppositions, 2 cancellations] (approximately half of the Board's ATJs were working on the TBMP revision during the third quarter of FY10)
  - Total number of decisions on contested motions (third quarter FY10): 238, down 13% from the 274 issued during third quarter FY09 (there was a smaller number of Interlocutory Attorneys than ATJs working on the TBMP revision, thus drop-off vis-a-vis final decisions not as great)
  - Encouraging decision of motions by telephone (third quarter FY10): 21.4%, up slightly from the 21% during third quarter FY09
  - Total pendency of those cases that go all the way to decision by a panel of judges:
    - Appeals: 39.7 weeks, on average, for cases decided during third quarter FY10 (up slightly from 38 week average during third quarter FY09); median figure of 35 weeks for cases decided during third quarter up from 32 weeks figure during third quarter FY09
    - Trial cases: 260 weeks on average for cases decided during third quarter FY10 (up from 174 week average for trial cases decided during third quarter FY09); median figure of 183 weeks for cases decided during the third quarter FY10 also up from median of 139 weeks during third quarter of FY09

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<sup>1</sup> Ready for Decision (RFD) date, for final decisions on merits, is either, date ex parte appeal or inter partes proceeding is submitted for consideration on briefs, or date of oral hearing, if one was held.

<sup>2</sup> Ready for Decision (RFD) date, for decisions on contested motions, is date of filing of reply brief on motion (final reply brief if multiple motions involved), or due date for reply brief (when no reply brief is filed), or date of phone conference with Interlocutory Attorney if conference held after briefing of motion(s).

- Approximately 97% of trial cases are withdrawn, involve default or failure to prosecute, or settle and therefore do not require a final decision by a panel of judges
- Precedential Decisions: 43 through third quarter of FY10, up five compared to 38 through third quarter of FY09 (49 total for all of FY09; 51 total for all of FY08)
- Accelerated Case Resolution (ACR)
  - Description: “Classic” ACR is a method to expedite decision on the merits; case presented on cross-motions for summary judgment or cross-ACR submissions, with stipulation Board can resolve any lingering issues of material fact; agreement of the parties required
  - Three cases resolved by classic ACR through third quarter of year (one per quarter); however many more cases involved agreements of parties to employ testimony by affidavit or declaration, some stipulation of facts, or other procedures for streamlining taking of discovery or presentation of evidence.
  - Advertising availability of ACR and streamlining options: Q & A format article published in ABA-IP Section publication and posted on TTAB website, focusing on “classic” ACR cases and cases involving similar efficiencies; list of case names/numbers illustrating more efficient approaches also published and posted
  - Presentation on ACR and other possible areas for realizing efficiencies made to Bar Association for District of Columbia, Boston Patent Law Association and Pennsylvania Bar Institute annual IP Institute, AIPLA webinar, and INTA annual meeting in Boston
- TTAB Manual of Procedure (TBMP): Revision under way with the participation of:
  - 9 administrative trademark judges
  - 4 interlocutory attorneys
  - 4 paralegals/administrative staff
  - Completion of internal (TTAB/Solicitor) revision work by end of FY10; expected posting of revised manual during first quarter FY11