

A Primer on the USPTO's Activities and Initiatives



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Satellite Office Program

Dallas-
Fort Worth

Denver

Detroit

Silicon Valley

● historic expansion ● regional job growth ● an innovation ecosystem ● concepts of operation

2/25/2013

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Expanded Outreach in NYC



- U.S. Department of Commerce partners with Cornell University to provide commercialization support to the innovation community in New York City as a part of the Cornell NYC Tech Campus.



Cornell NYC Tech – Roosevelt Island





AIA Implementation

Group 2 Rulemaking (Effective September 16, 2012)

Patent Related

- Inventor's oath / declaration
- Preissuance submission
- Supplemental examination
- Citation of patent owner claim scope statements

Administrative Trials

- Inter partes review
- Post grant review
- Covered business method review



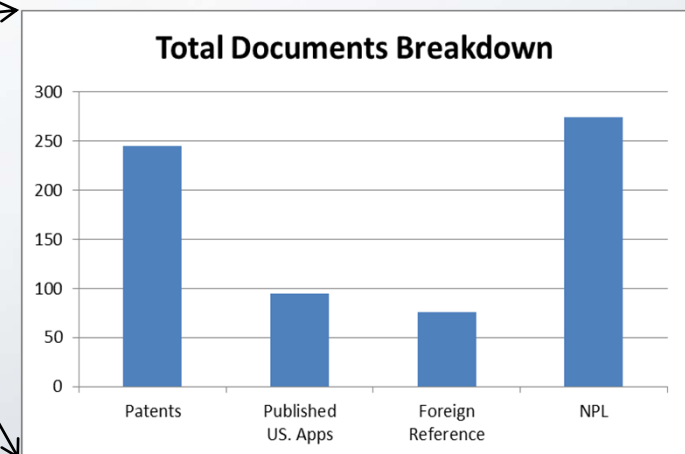
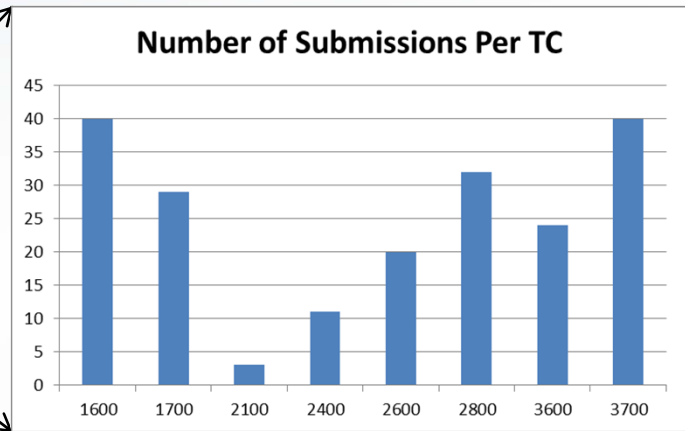
Preissuance Submission: Statistics

(Sept 16th-Nov 30th)

3rd Party Submissions	
Proper	135
Improper (including 26 resubmissions and 6 that were not 3rd party)	60
Not Yet Reviewed	10
Total	205

Total Documents Breakdown w/o resubmissions	
Patents	245
Published US. Apps	95
Foreign Reference	76
NPL	274
Total Documents	690

Stack Exchange	
# days the Ask Patents website has been active	72
# questions asked on the site	254
# questions answered	230
# questions with the "prior art" tag	90
# prior art submissions to the USPTO	0
# references used in Office Actions by examiners (rejections & cited as relevant)	TBD





Technology Breakdowns of AIA Petitions

As of December 31, 2012, the Office received a Total of 112 AIA Petitions: 15 CBMs and 97 IPRs

Technology	Number of Petitions	Percentage
Electrical/Computer	83	74.12%
Mechanical	3	2.68%
Chemical	16	14.29%
Bio/Pharma	9	8.04%
Design	1	.89%

Majority of challenged patents are currently or previously subject to district court litigation.



First Inventor to File: Ongoing Rulemaking

- Effective Date: March 16, 2013
- Comment Period closed November 5, 2012
- Roundtable on First-Inventor-to-File Provision held September 6, 2012 at USPTO headquarter in Alexandria, VA



First Inventor to File: Goals

- Provide guidance to examiners and the public on changes to examination practice in light of the AIA
- Address examination issues raised by the AIA
- Provide the Office with information to readily determine whether the application is subject to the AIA's changes to 35 U.S.C. 102 and 103



First Inventor to File

- Transitions the U.S. to a first-inventor-to-file patent system while maintaining a 1-year grace period for inventor disclosures
- Prior public use or prior sale anywhere qualifies as prior art (prior public use and sale is no longer limited to the U.S.)



First Inventor to File

- U.S. patents and patent application publications are effective as prior art as of their priority date (no longer limited to U.S. priority date), provided that the subject matter relied upon is disclosed in the priority application
- Applies to:
 - Claim with an effective filing date on or after March 16, 2013; and
 - Claim for benefit to an application that ever had a claim with an effective filing date on or after March 16, 2013



AIA Help

- 1-855-HELP-AIA (1-855-435-7242)
- HELPAIA@uspto.gov
- www.uspto.gov/AmericaInventsAct



FY 2012 Patents Performance Overview

- **Patent Application Backlog = 608,283**
- **Total UPR Applications Pending = 1,208,983**
- **Total UPR Filings = 533,308**
- **UPR Patents Issued = 247,868**
- **UPR Patent Examiners Onboard = 7,837**

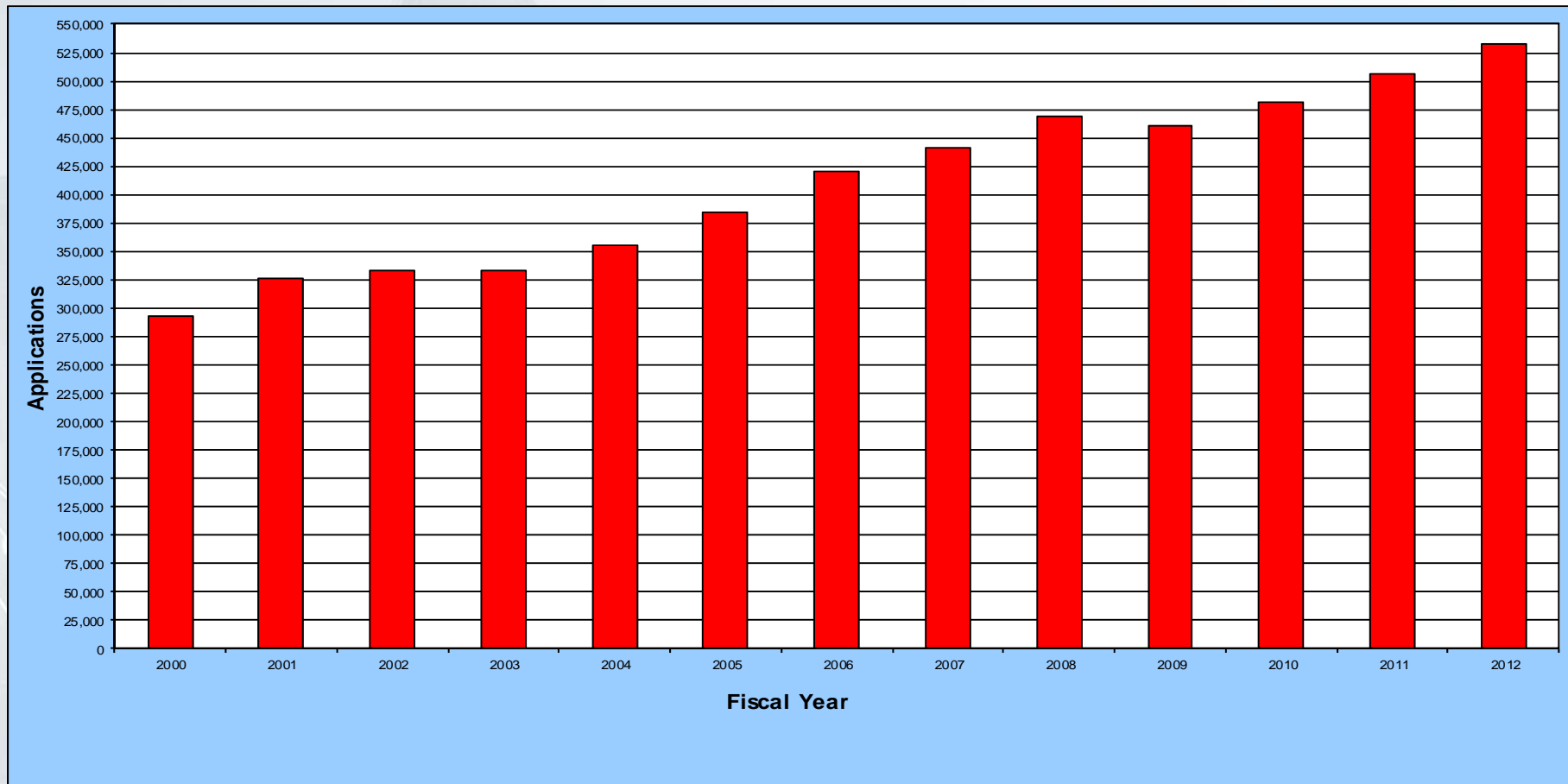


FY 2012 Patents Performance Overview (continued)

- **Pendency**
 - **First Action Pendency = 21.9 months**
 - **Total Pendency = 32.4 months**
 - **Forward Looking First Action Pendency = 16.2 months**
- **Quality:**
 - **Quality Composite Score = 72.4**
 - **External Quality Survey = 9.4 (over 9 positive responses for every 1 negative response)**
 - **Internal Quality Survey = 5.2**



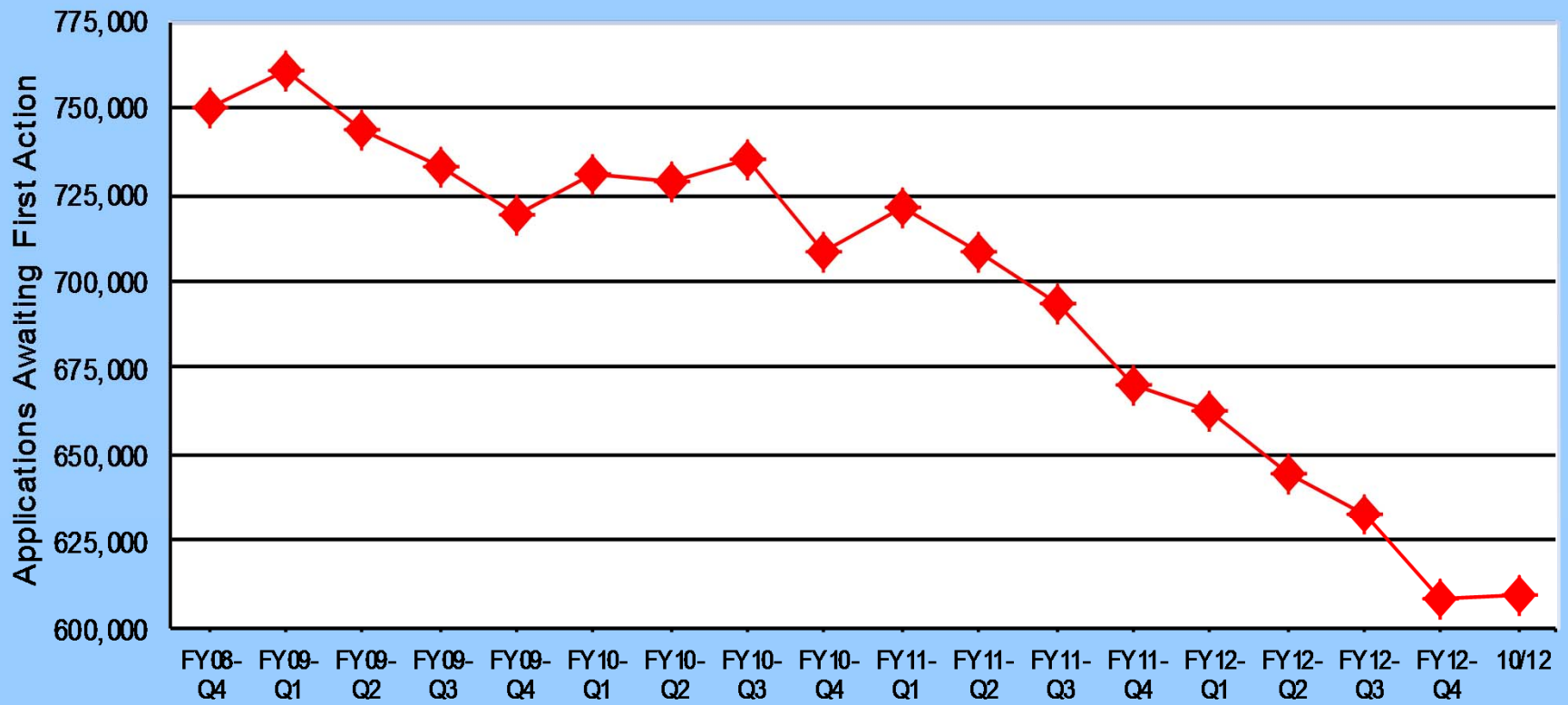
Total UPR Filings (FY 2000 – FY 2012)



Fiscal Year 2012 UPR Filings = 533,308



Unexamined Patent Application Backlog FY 2009 – FY 2013 (through October 18)

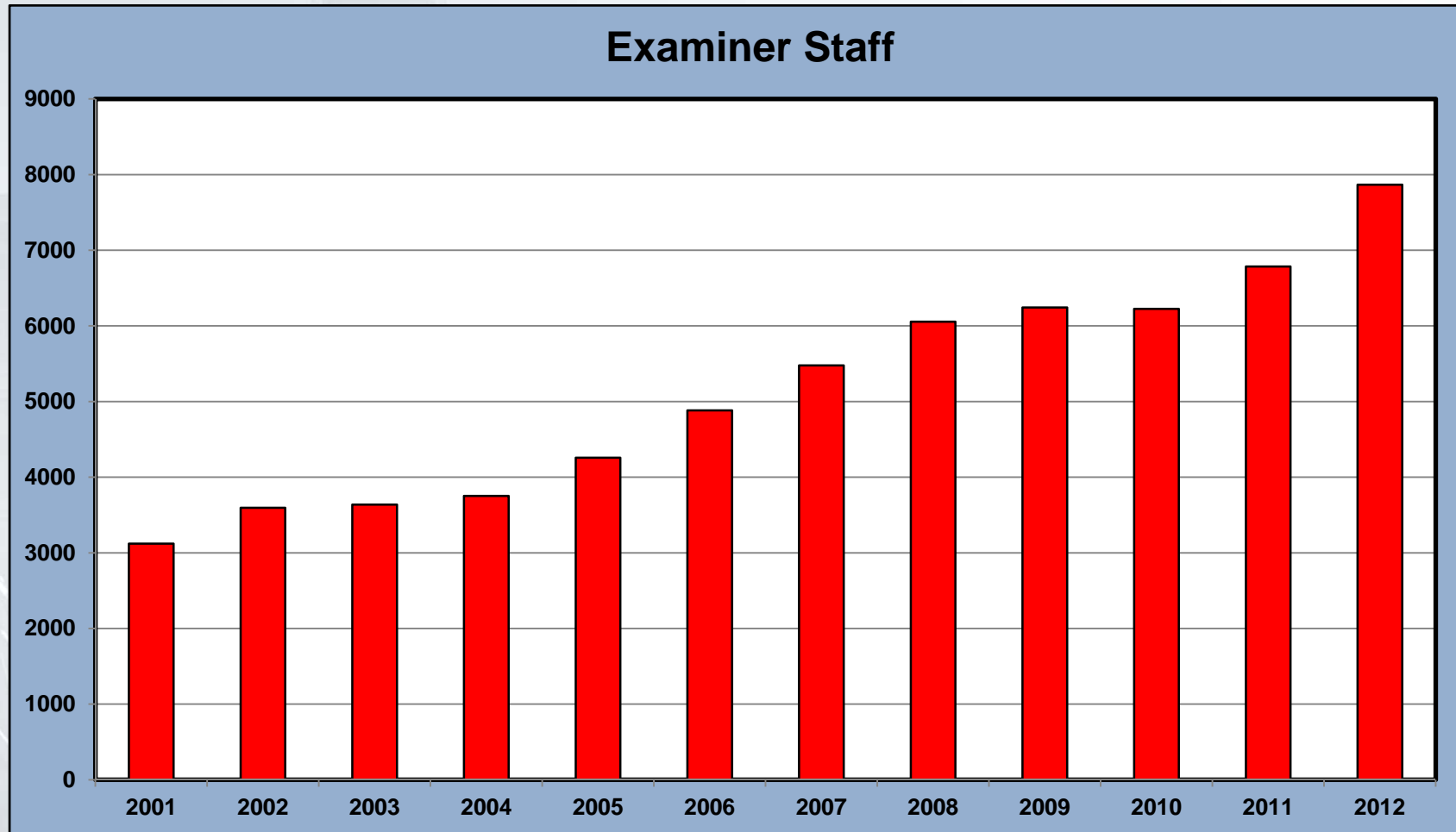


608,651 Excess Unexamined Applications as of October 18, 2012.

End of Fiscal Year 2012 backlog was 608,283.



Patent Examiner Staffing FY 2001 – FY 2012

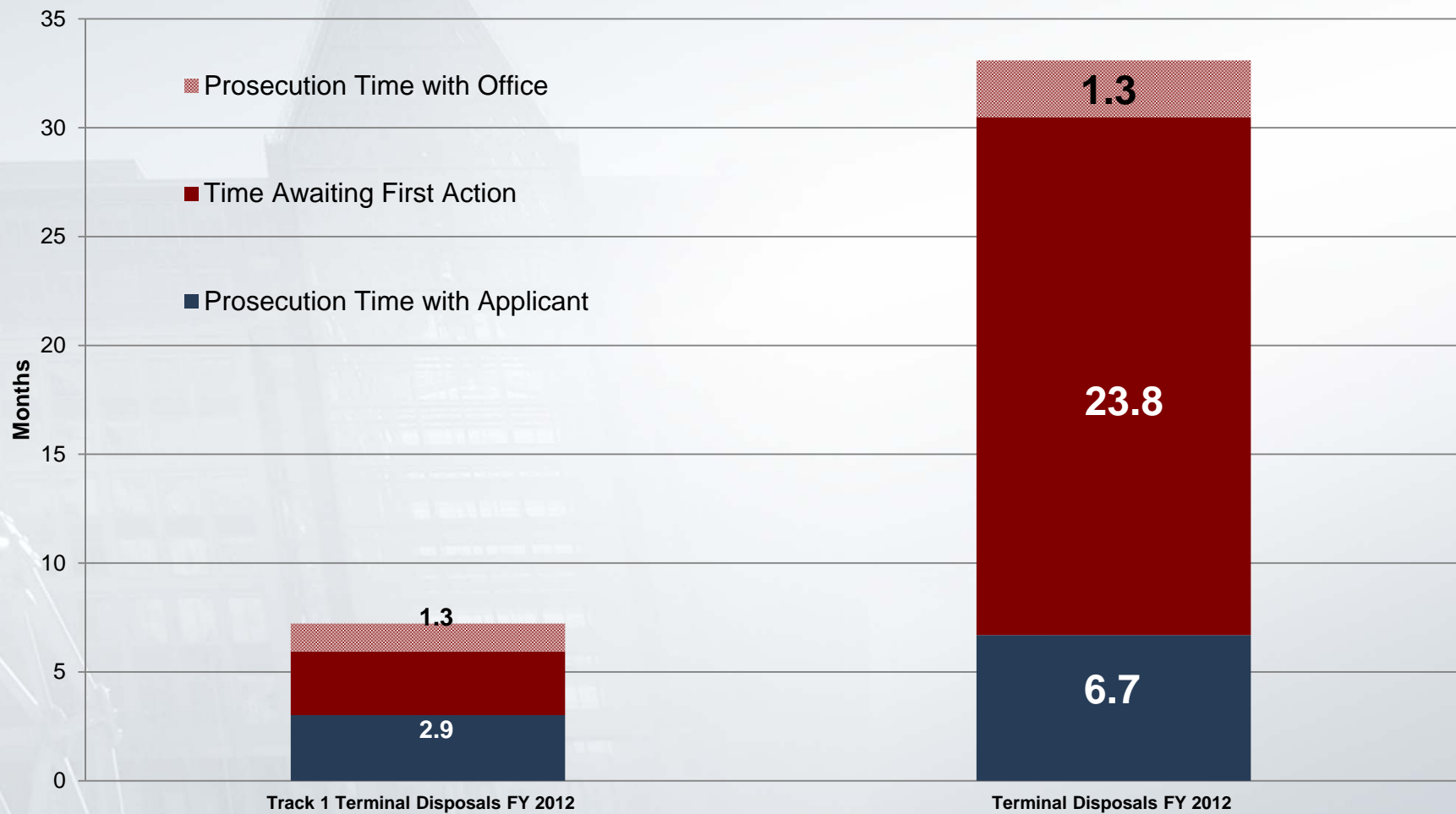


End of Fiscal Year 2012 Examiner Staff = 7,837

Fiscal Year

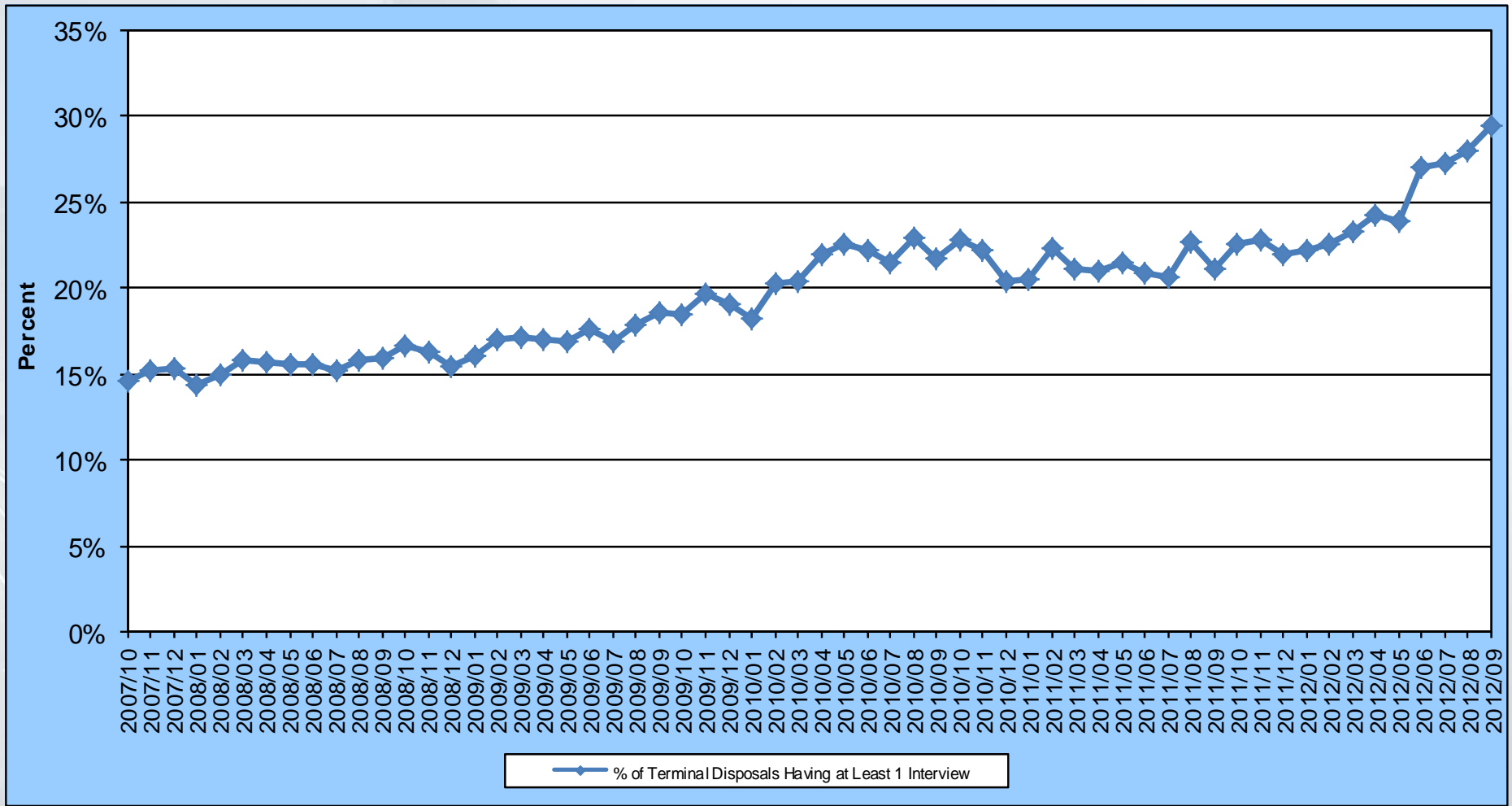


Track 1 Total Pendency vs. Total Pendency





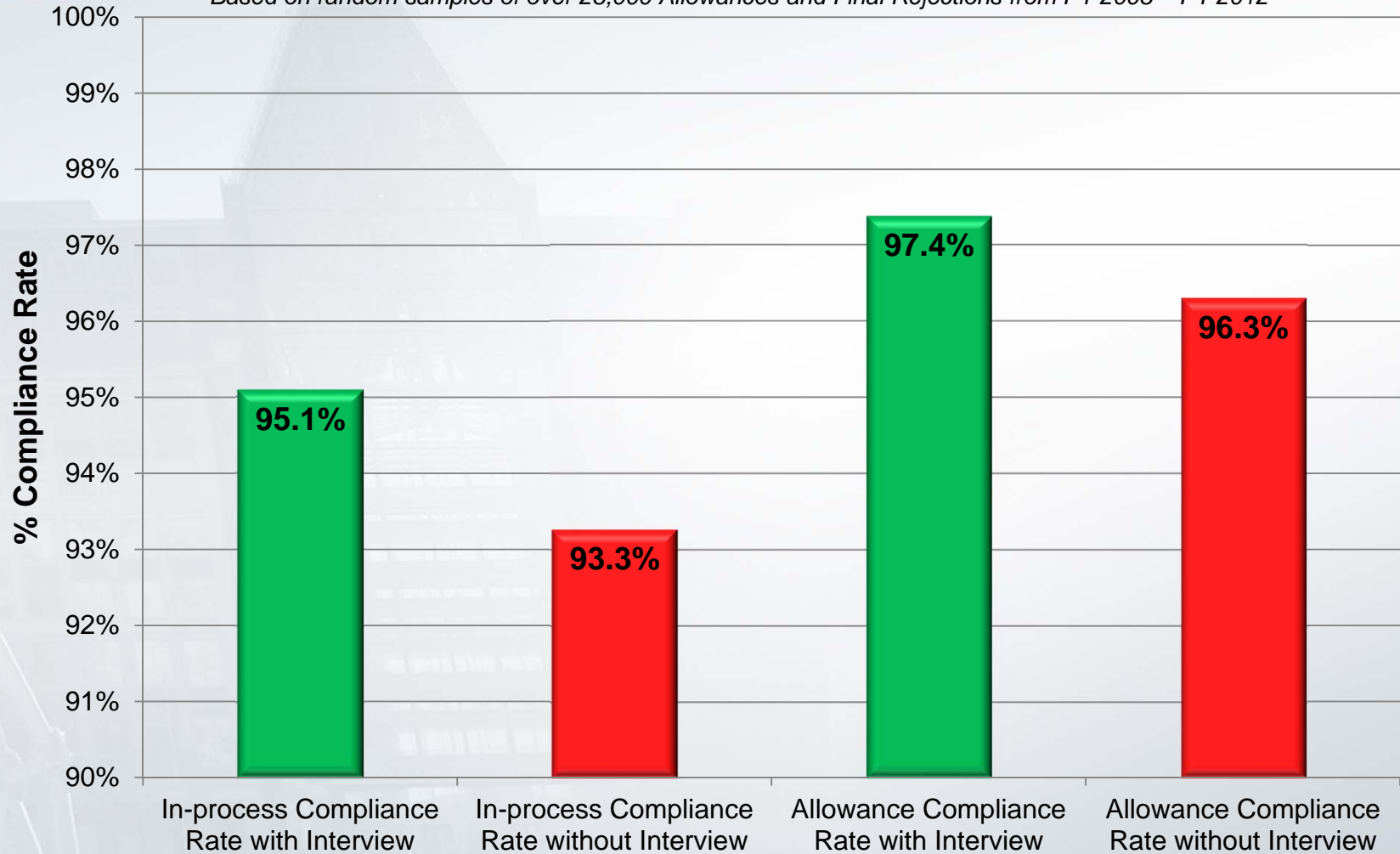
Percent of Serial Disposals Having at Least One Interview FY 2008 – FY 2012





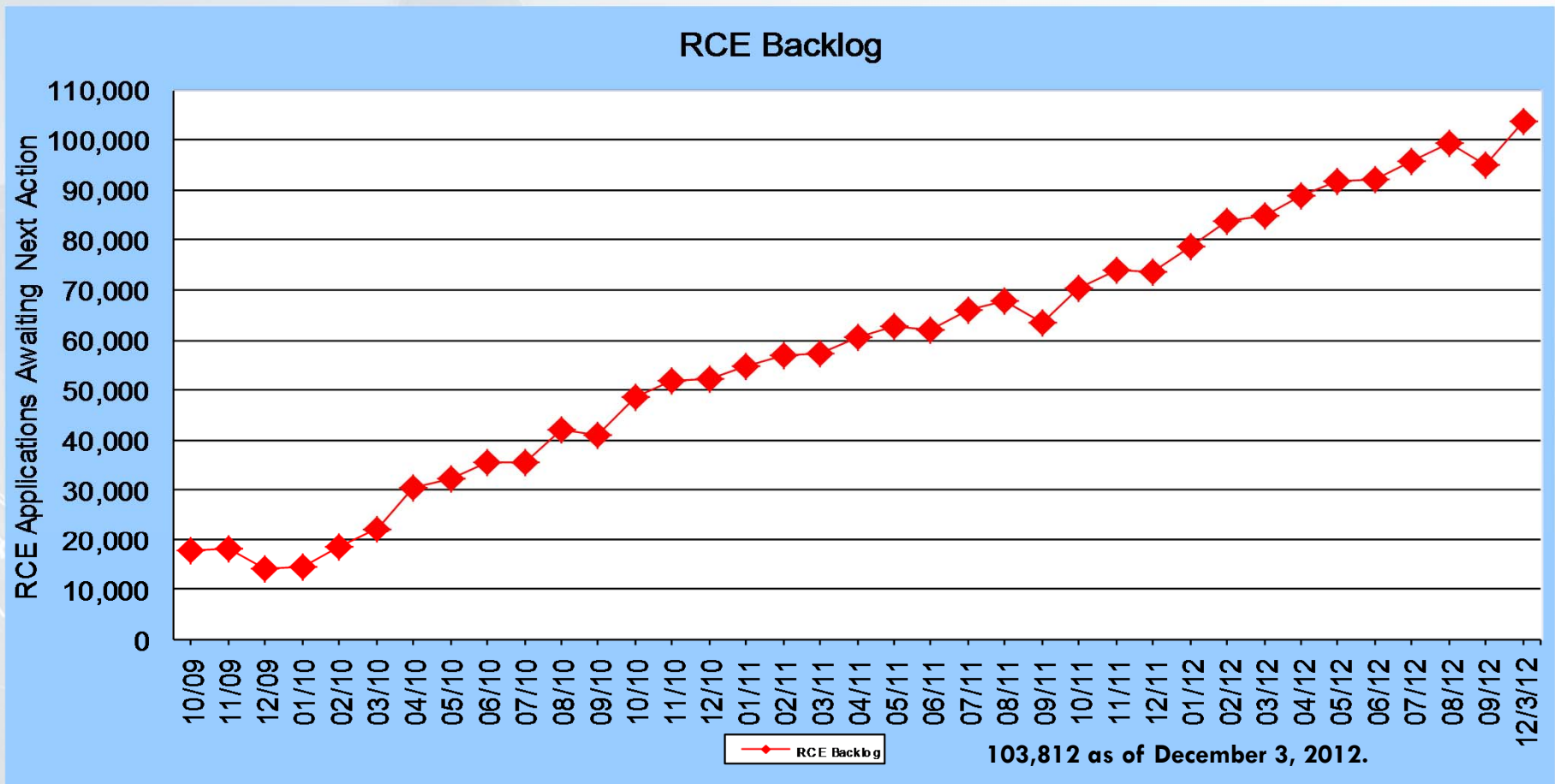
Influence of Interviews on Compliance Rate

Based on random samples of over 28,000 Allowances and Final Rejections from FY 2008 – FY 2012





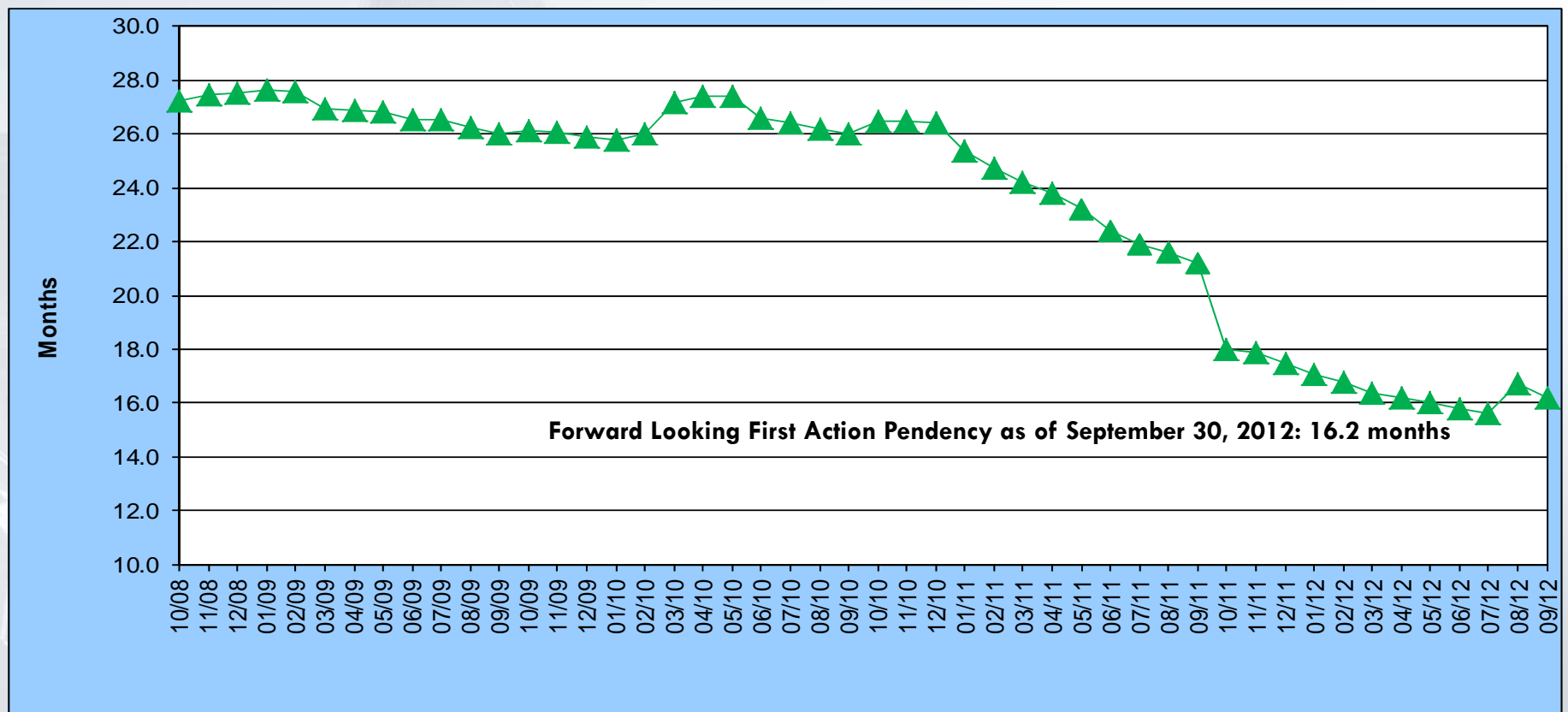
RCE Backlog



End of Fiscal Year 2012 RCE backlog was 95,200.



Forward Looking First Action Pendency FY 2009 – FY 2012



Forward Looking Pendency represents an estimate of the average number of months it would take to complete a first Office action under current and projected workload and resource levels for an application filed at the given date.



RCE Outreach Process





Communication Plan

- **Federal Register Notice**
 - **Soliciting feedback to better understand factors that impact the decision to file an RCE**
 - **Call for comments in response to questions**
 - **Comments due February 4, 2013**
- **Feedback**
 - **Submission of written comments**
 - **IdeaScale® web-based collaboration tool**
 - **Roundtables**
- http://www.uspto.gov/patents/init_events/rce_outreach.jsp



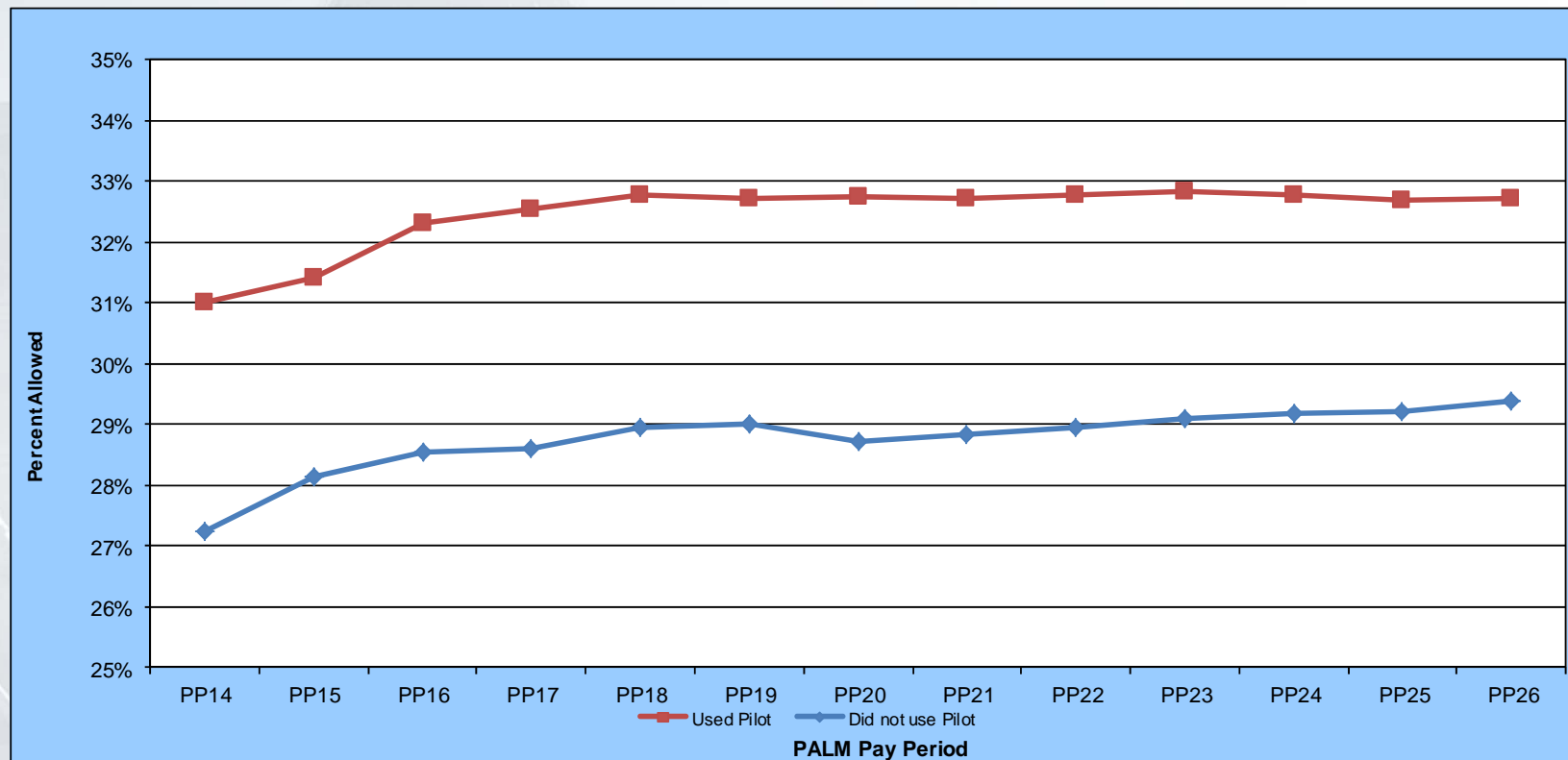
Deliverables

The Office plans to use the information it obtains to design additional programs and initiatives aimed at reducing RCE filings and the RCE Backlog:

- **Internal and external practice**
- **New programs to pilot**
- **Modifications to existing programs, e.g., AFCP and QPIDS.**
- **Modifications to internal examination processes**



After Final Consideration Pilot Cumulative Data for Pay Periods 1214 - 1226





Quick Path Information Disclosure Statement (QPIDS)

QPIDS	Fiscal Year 12										FY 2013		TOTALS
	PP 17	PP 18	PP 19	PP 20	PP 21	PP 22	PP 23	PP 24	PP 25	PP 26	PP 1	PP 2 (Current)	
Total Number filed	11	51	67	45	61	45	58	33	47	95	7	28	548
Total QPIDS completed process		9	31	36	37	45	34	61	35	53	10	27	378
• # Corrected NOA's mailed		4	26	29	29	41	29	54	29	50	9	23	323
• Total # RCE's process		5	5	7	8	4	5	7	6	3	1	4	55
# RCE's need to be processed due to QRCE (by examiner)		1	3	7	7	4	5	7	5	3	1	4	47
# non-compliant QPIDS request		4	2	0	1	0	0	0	1	0	0	0	8

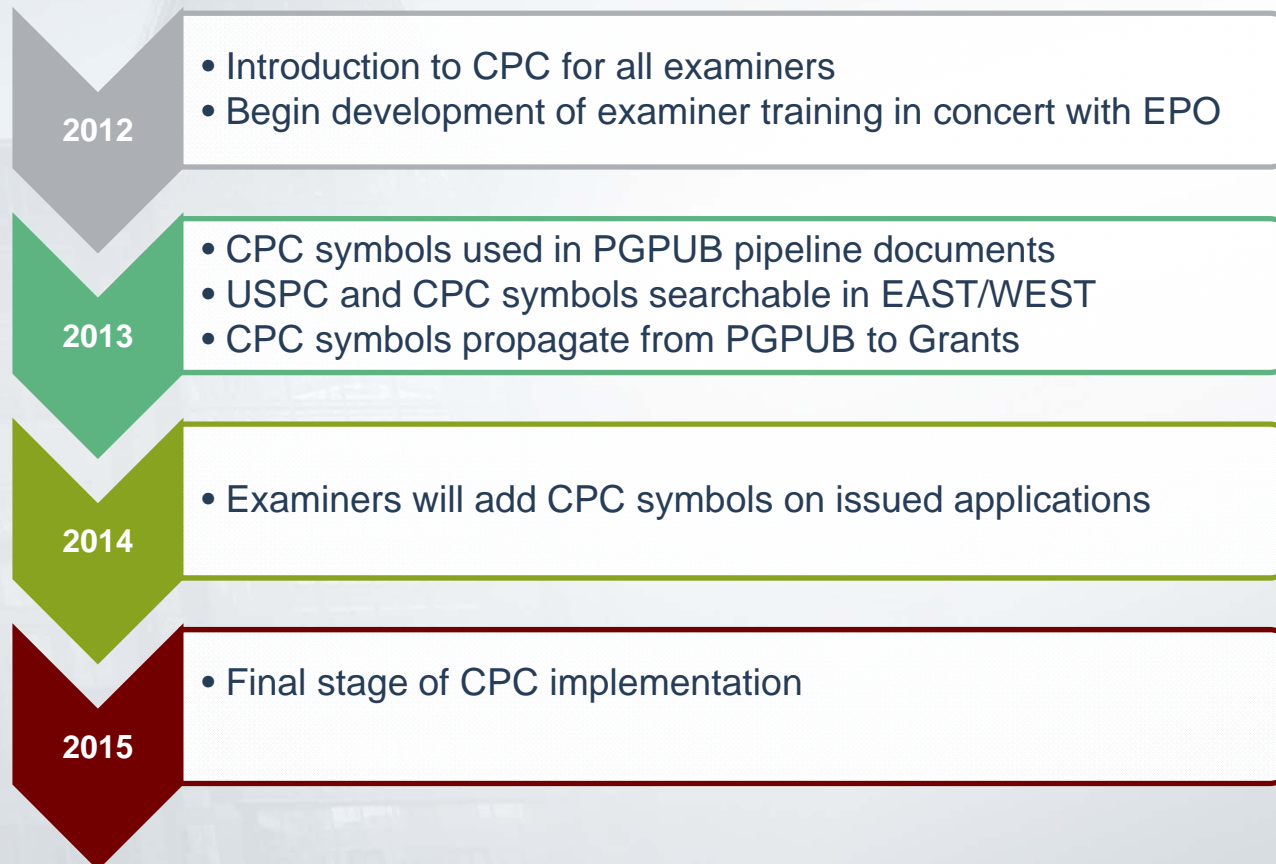
* 170 remaining cases are either awaiting action or not processed correctly.



Cooperative Patent Classification



CPC Implementation Timeline





Genetic Testing Study

- USPTO to report on effective ways to provide independent, confirming genetic diagnostic tests where:
 - gene patents; and
 - exclusive licensing for primary genetic diagnostic tests
- Previous Hearings held:
 - February 16, 2012 @ USPTO
 - March 9, 2012 @ San Diego
- Hearing held on **January 10, 2013** at the USPTO in Alexandria.



Real-Party-in-Interest Roundtable

The USPTO is considering promulgating regulations that would require greater public transparency concerning the ownership of patent applications and patents by requiring the provision of real-party-in-interest information during patent prosecution and at certain times post-issuance.

- The roundtable will be held on **Friday, January 11, 2013**, beginning at 8:30 a.m. and ending at 12:00 p.m. EDT.



Additive Manufacturing Partnership Meeting

Additive manufacturing is used in the fields of jewelry, footwear, architecture, engineering and construction, automotive, aerospace, dental and medical industries, education, geographic information systems, civil engineering, and many others. Representatives from 3D Systems, Sratasys and MakerBot will also be on site to provide an overview of the application of additive manufacturing in different technologies and demonstrations of 3D printers.

- The meeting will be held on **Wednesday, January 23, 2013**, beginning at 1 p.m. and ending at 5:00 p.m. EDT.



Software Patent Roundtable

The United States Patent and Trademark Office (USPTO) seeks to form a partnership with the software community to enhance the quality software-related patents (Software Partnership).

- A meeting will be held in New York City on **Wednesday, February 27, 2013**, beginning at 9 a.m. and ending at 12:00 p.m. EDT.
- The New York City event will be held at: New York University, Henry Kaufman Management Center, Faculty Lounge, Room 11-185, 44 West 4th St., New York, NY 10012.

Thank You

