

Patent Public Advisory Committee Quarterly Meeting

Patent Trial and Appeal Board Update



James Donald Smith, Chief Administrative Patent Judge
Scott Boalick, Deputy Chief Administrative Patent Judge
February 19, 2015



Appeals Statistics



Appeal Inventory

November 2014

25,844

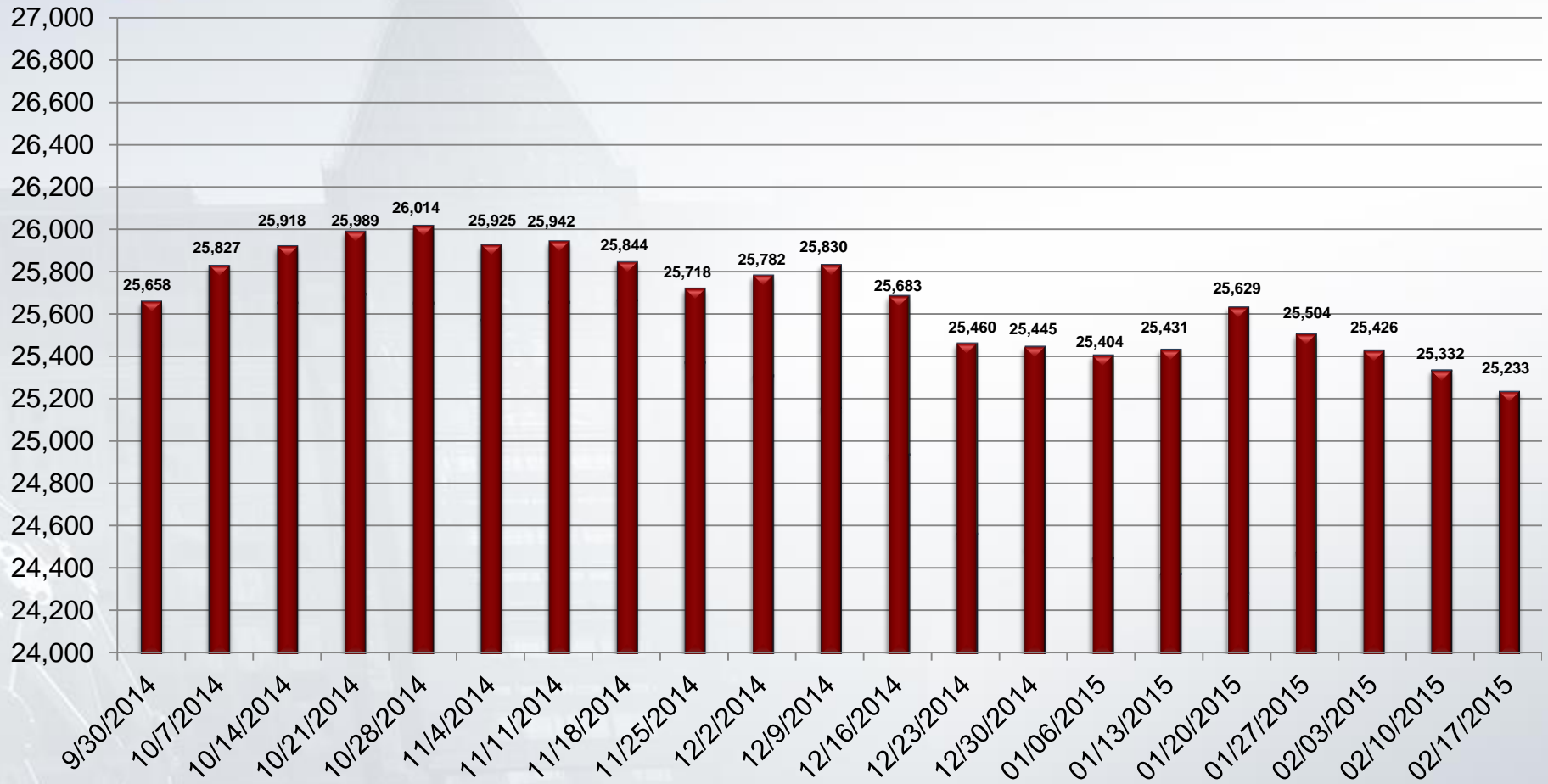
February 2015

25,233

- Inventory is on a downward trajectory.
- Project further decrease inventory by May 2015.
- Collaboration efforts underway with Patents Business Unit to reduce existing inventory (short-term) and reduce intake (long-term)
- Quality Initiatives can assist with reducing intake



PTAB Inventory – Pending Ex Parte Appeals (excluding appeals from reexamination proceedings)



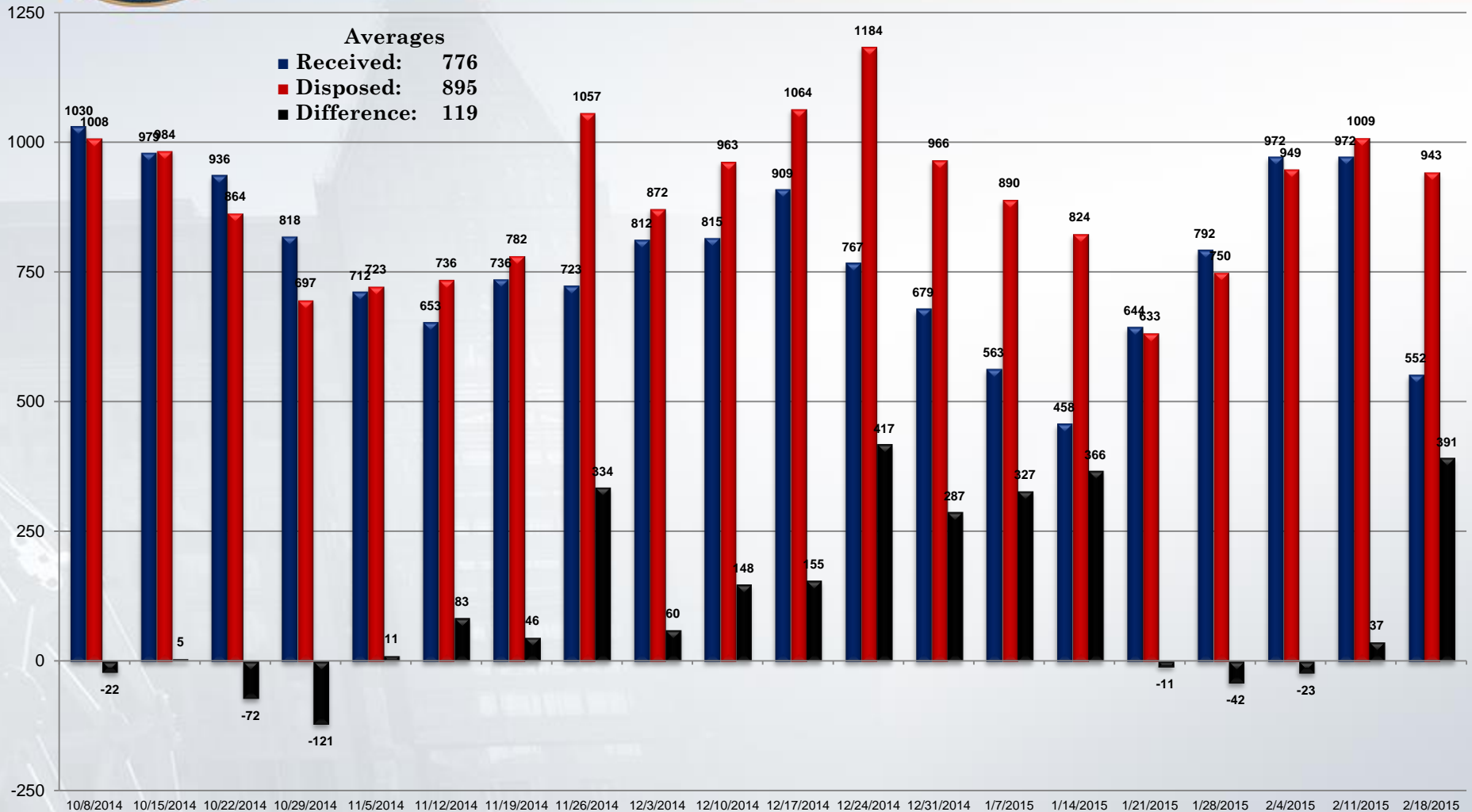


PTAB Inventory – Pending Ex Parte Appeals (excluding appeals from reexamination proceedings)

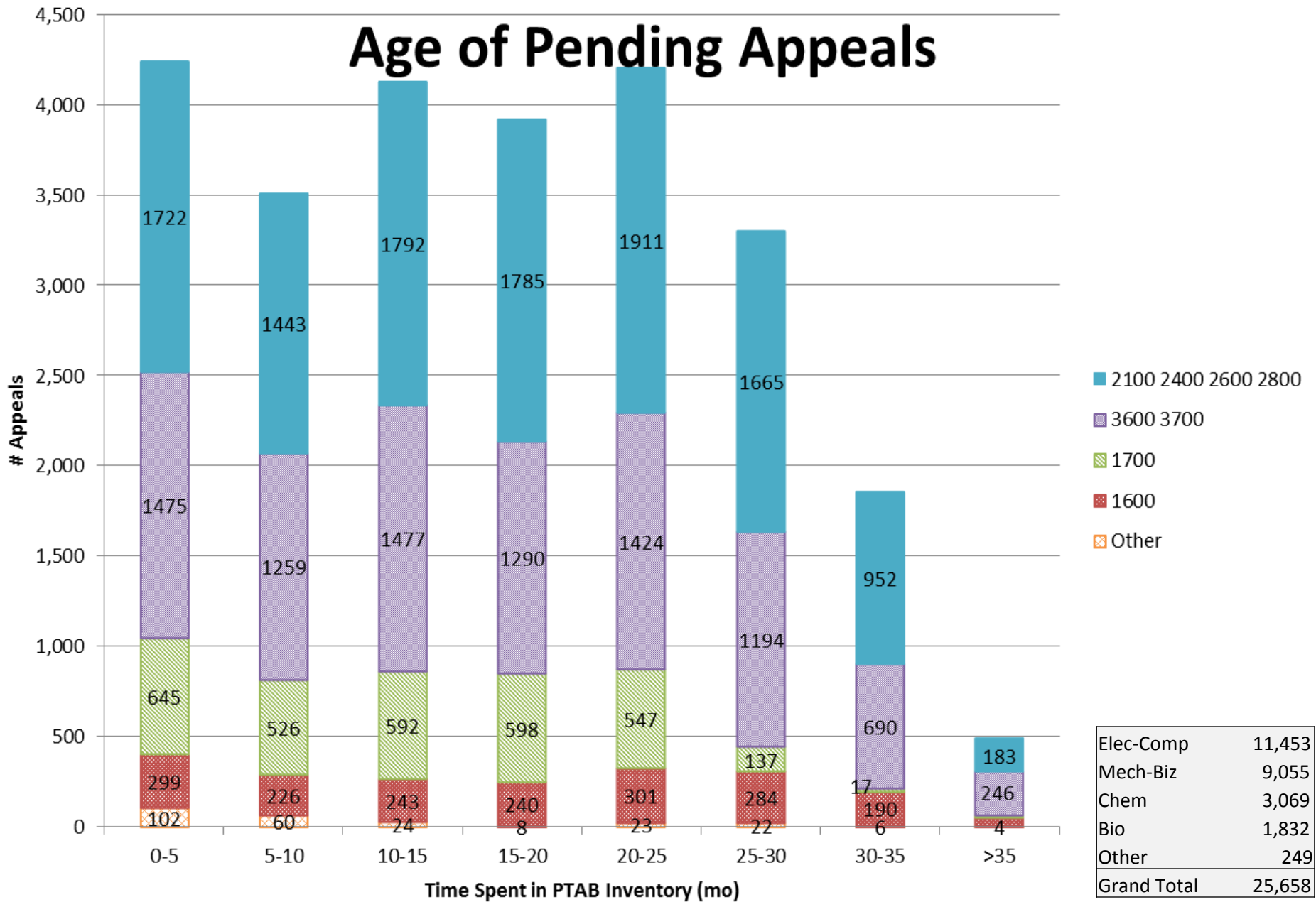




Receipts & Dispositions Summary Report FY 2015



Age of Pending Appeals



Elec-Comp	11,453
Mech-Biz	9,055
Chem	3,069
Bio	1,832
Other	249
Grand Total	25,658

Sources: Weekly OPIM PALM Status 124 & 132 Reports
(1/28/15)



AIA Statistics



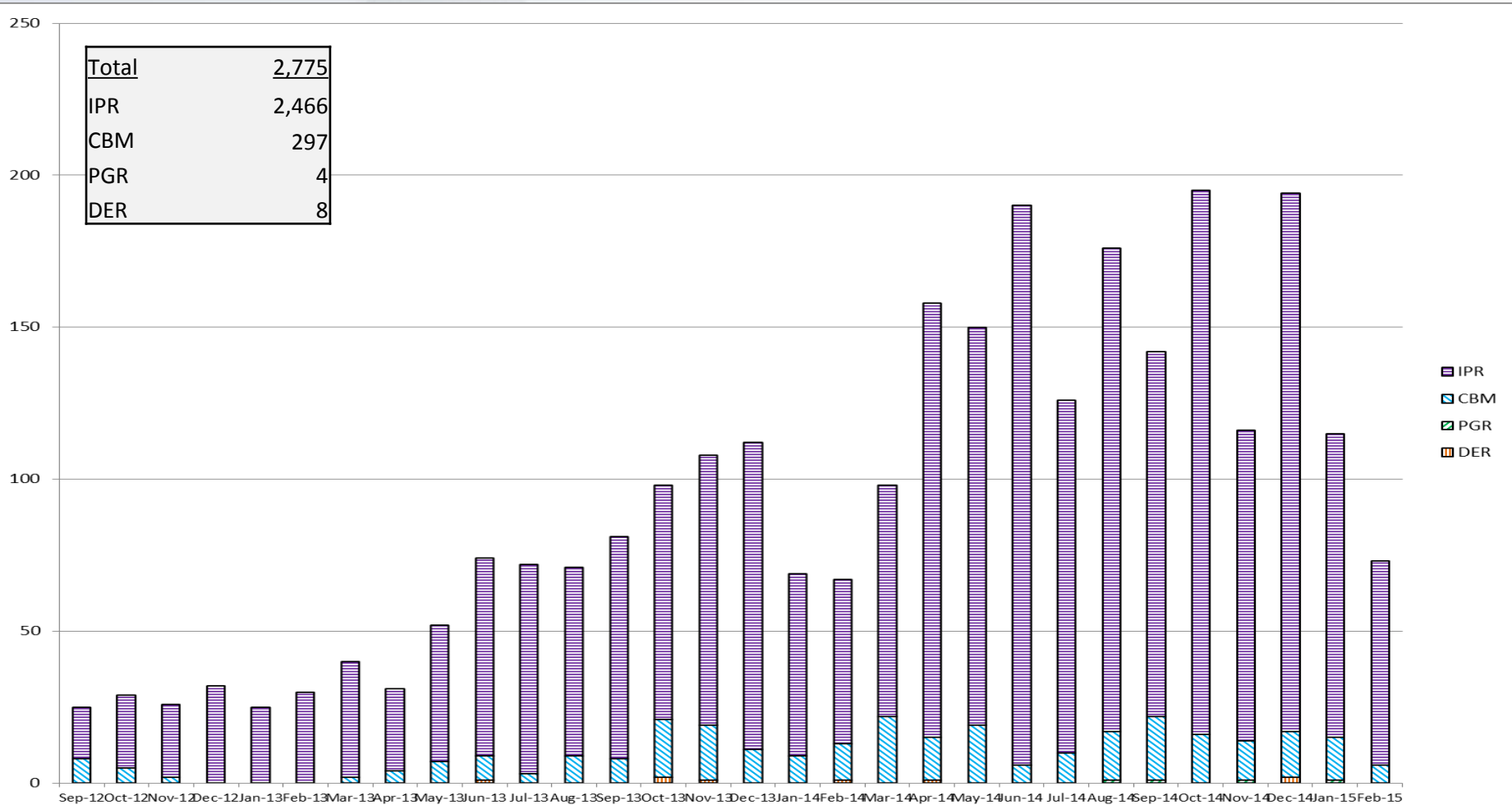
Comparison by Technology Center of FY 2014 AIA Filings v. Patent Grants

TC	AIA Filings	Patent Grants
1600	90	24,669
1700	107	31,863
2100	188	24,422
2400	114	30,983
2600	223	40,445
2800	289	70,281
2900	3	22,452
3600	226	38,160
3700	156	42,931
Other	98	176
Total	1,494	326,382



AIA Progress (as of February 12, 2015)

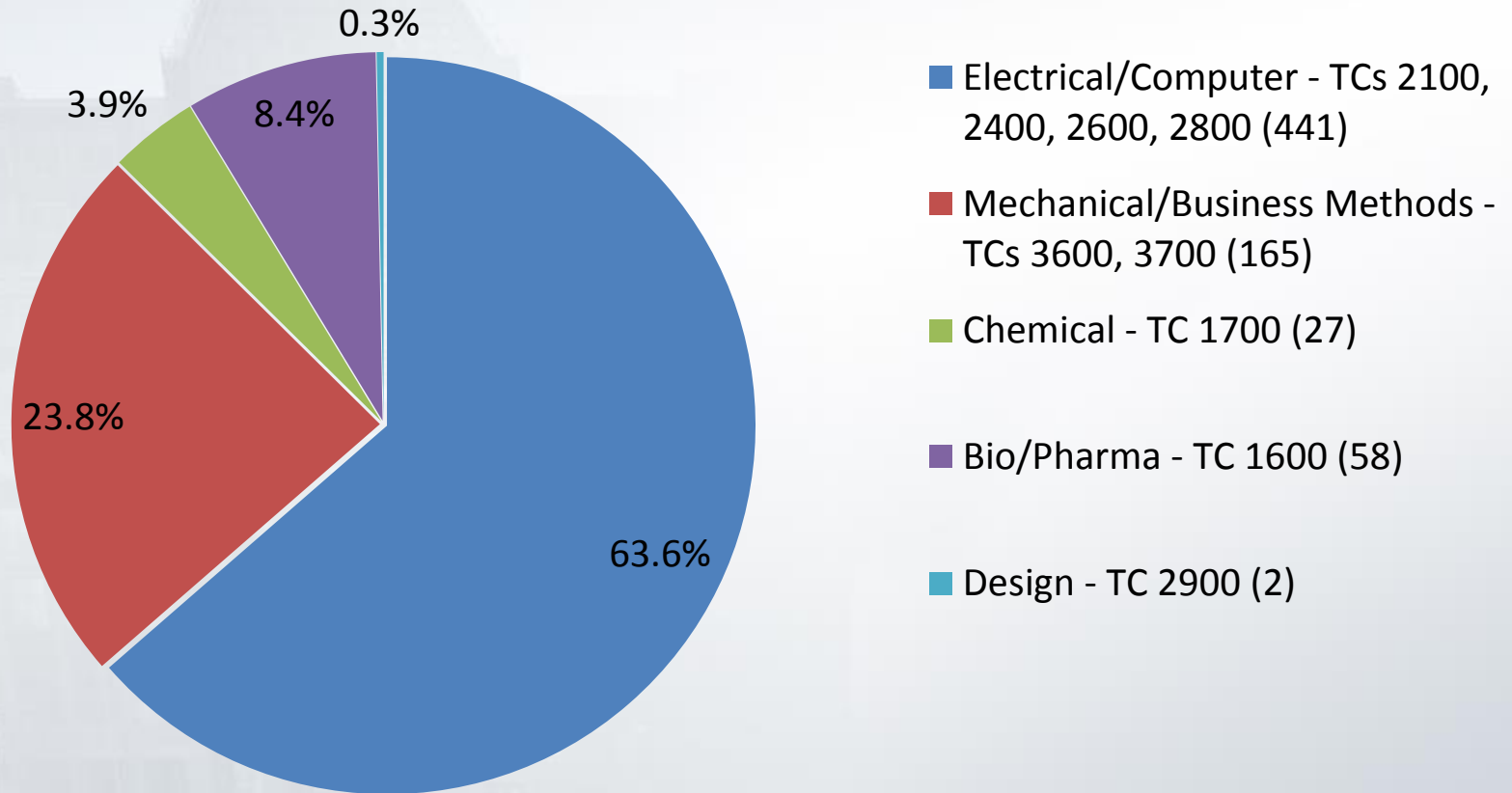
- AIA Monthly Filings





AIA Progress (for FY15 through February 12, 2015)

- AIA Petition Technology Breakdown





AIA Progress (as of February 12, 2015)

- Cumulative Patent Owner Preliminary Responses

	Filed	Waived
IPR	1,542	360
CBM	204	26
PGR	1	-



AIA Progress (as of February 12, 2015)

- AIA Petition Dispositions

		Trials Instituted	Joinders	Percent Instituted	Denials	Total No. of Decisions on Institution
IPR	FY13	167	10+	87%	26	203
	FY14	557	15+	75%	193	765
	FY15	306	80+	76%	124	510
CBM	FY13	14	0	82%	3	17
	FY14	91	1+	75%	30	122
	FY15	23	-	61%	15	38
DER	FY14	0	0	0%	3	3



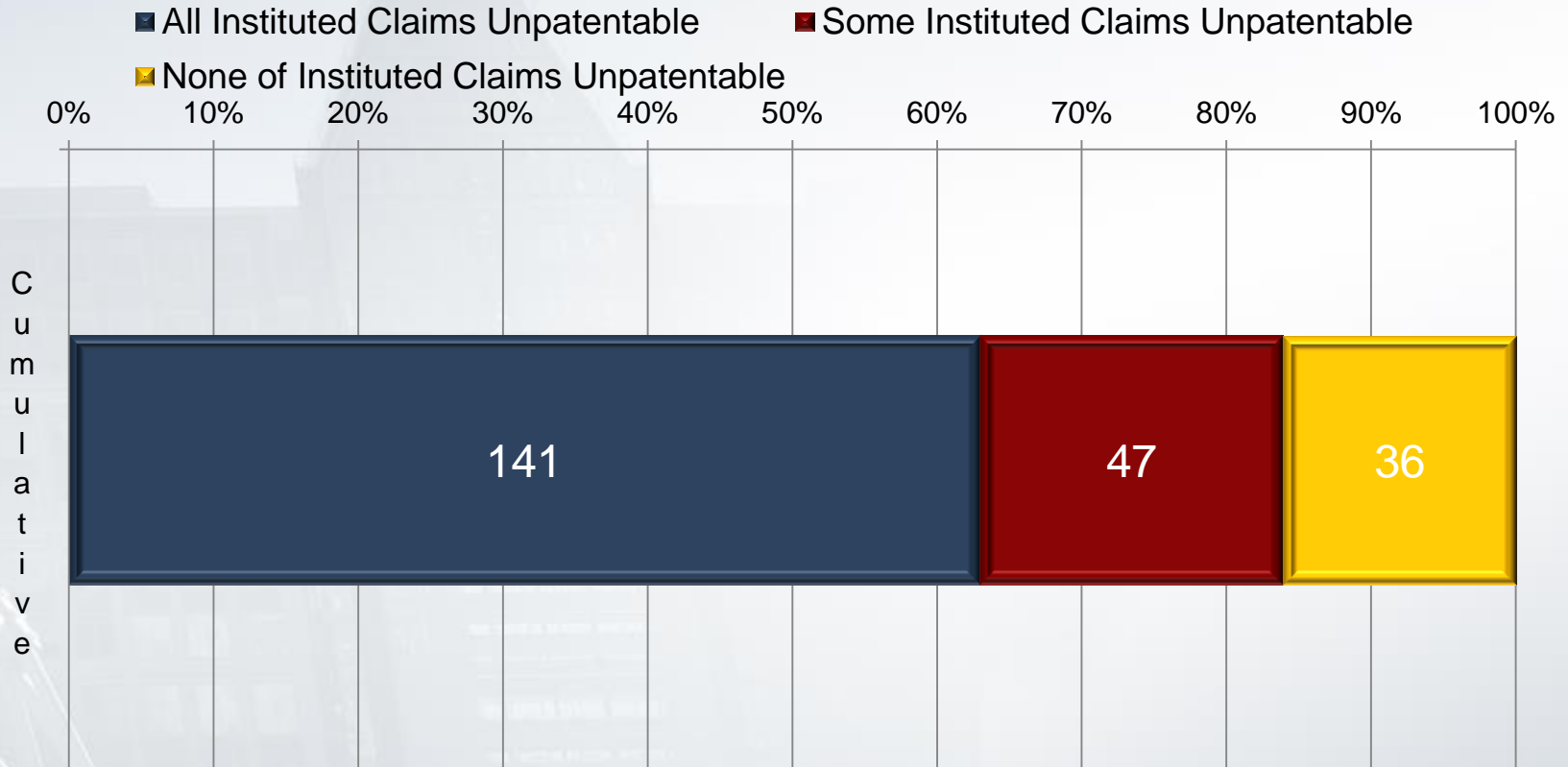
AIA Progress (as of February 12, 2015)

- AIA Final Dispositions

		Settlements	Adverse Judgments	Final Written Decisions
IPR	FY13	38	2	0
	FY14	210	39	130
	FY15	160	17	108
CBM	FY13	3	0	1
	FY14	27	3	13
	FY15	20	2	16
PGR	FY15	2	-	-



Final Written Decisions in IPRs (As of 2/5/2015)

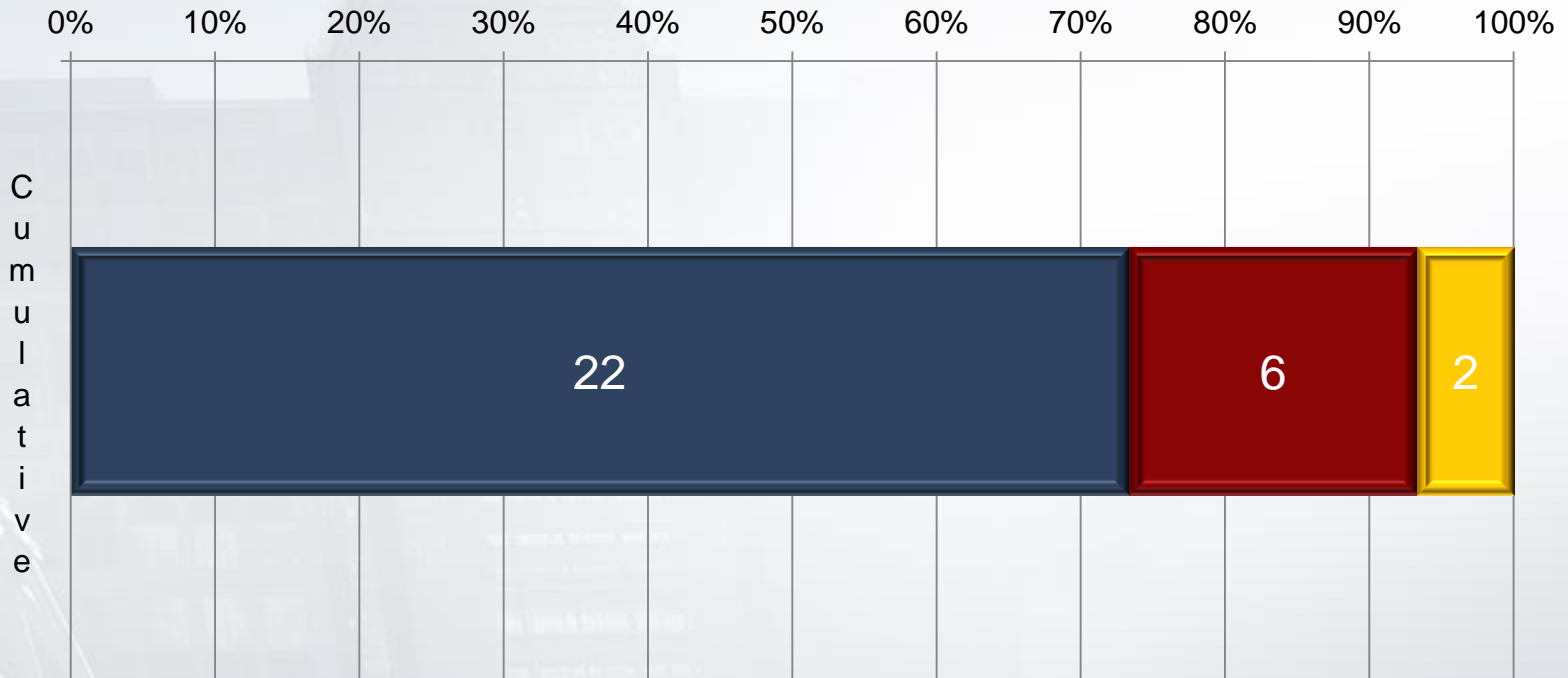


*IPR (224 Final Written Decisions)



Final Written Decisions in CBMs (As of 2/5/2015)

- All Instituted Claims Unpatentable
- Some Instituted Claims Unpatentable
- None of Instituted Claims Unpatentable



*CBM (30 Final Written Decisions)



AIA Trial Rulemaking Update



AIA Trial Rulemaking

- In response to stakeholder requests, the Office will move forward with two rule packages:
 1. A first package, issued as interim rules, will encompass less difficult “quick-fixes” based upon both stakeholder comments and internal PTAB suggestions. Plan to issue in Q2 of FY 2015.
 2. A second package, issued as proposed rules, will address more difficult changes to the rules, and also will include any changes to the Trial Practice Guide. Plan to issue in Q3 or Q4 of FY 2015.
- The first and second packages will issue together as a single final rule package.



AIA Trial Rulemaking

Quick-Fixes Proposed by Stakeholders

- Increase the number of pages for a motion to amend from 15 to 20 pages, with a commensurate increase in the number of pages for the opposition, in addition to allowing the Patent Owner to list the amended claims in an appendix.
- Increase the number of pages for a Petitioner's reply brief from 15 to 20 pages.
- Change the default protective order to place the burden on the party who designated material as confidential to show why the material is confidential and good cause exists to have the information sealed.



Boardside Chats



Boardside Chats

2015

Date	Time	Topic	Speakers
Tuesday, February 3	Noon to 1 pm Eastern Time	PTAB Statistics and Key Decisions	Chief Judge James Donald Smith
Tuesday, April 7		Do's and Don'ts for Ex Parte Appeals	Panel of Administrative Patent Judges
Tuesday, June 2		Discovery in AIA Trials	Panel of Practitioners and Administrative Patent Judges
Tuesday, August 4		AIA Rulemaking and Guidance Changes	Lead Judge Susan Mitchell
Tuesday, October 6		Best Practices before the PTAB	Panel of Administrative Patent Judges

- “Boardside Chat” is a lunchtime webinar series to be held bi-monthly throughout 2015. The purpose of the Chats is to update you on current Board activities and statistics as well as to regularly receive your feedback about the same.
- All Chats are free and open to all. Also, all Chats will include time for attendee questions and comment.



Questions and Comments?

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