

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

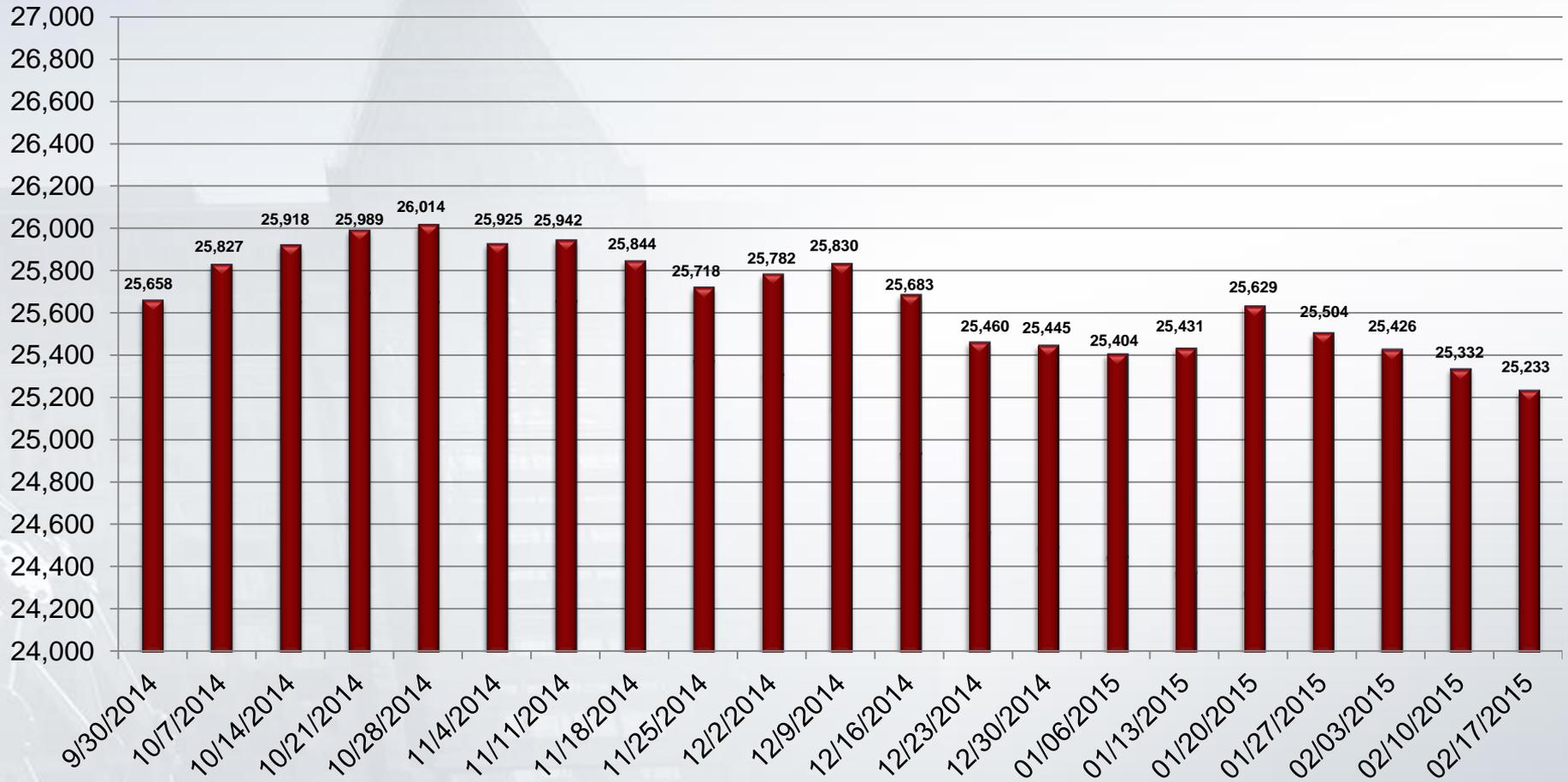
February 2015

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

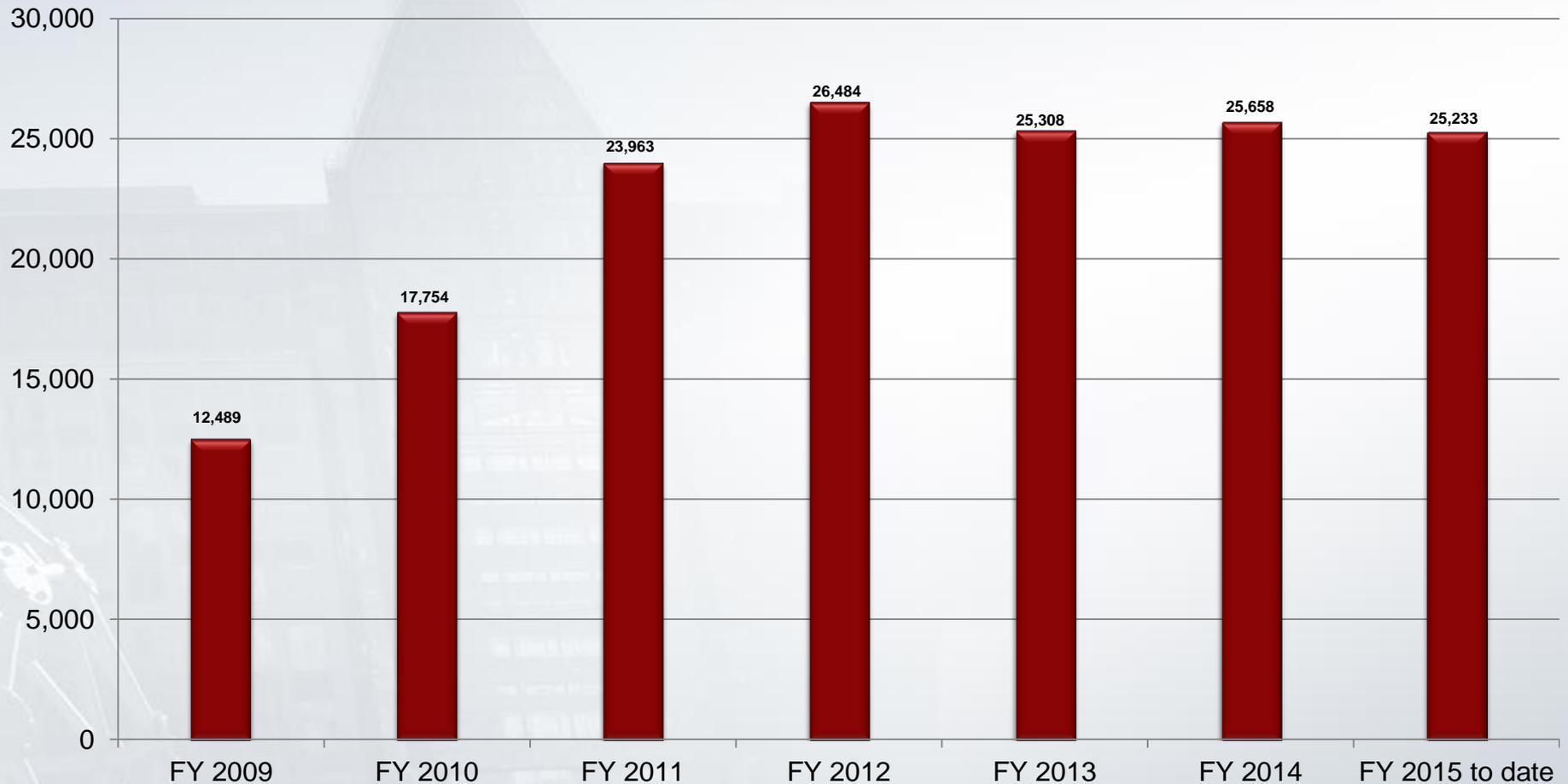


PTAB Inventory – Pending Ex Parte Appeals (excluding appeals from reexamination proceedings)



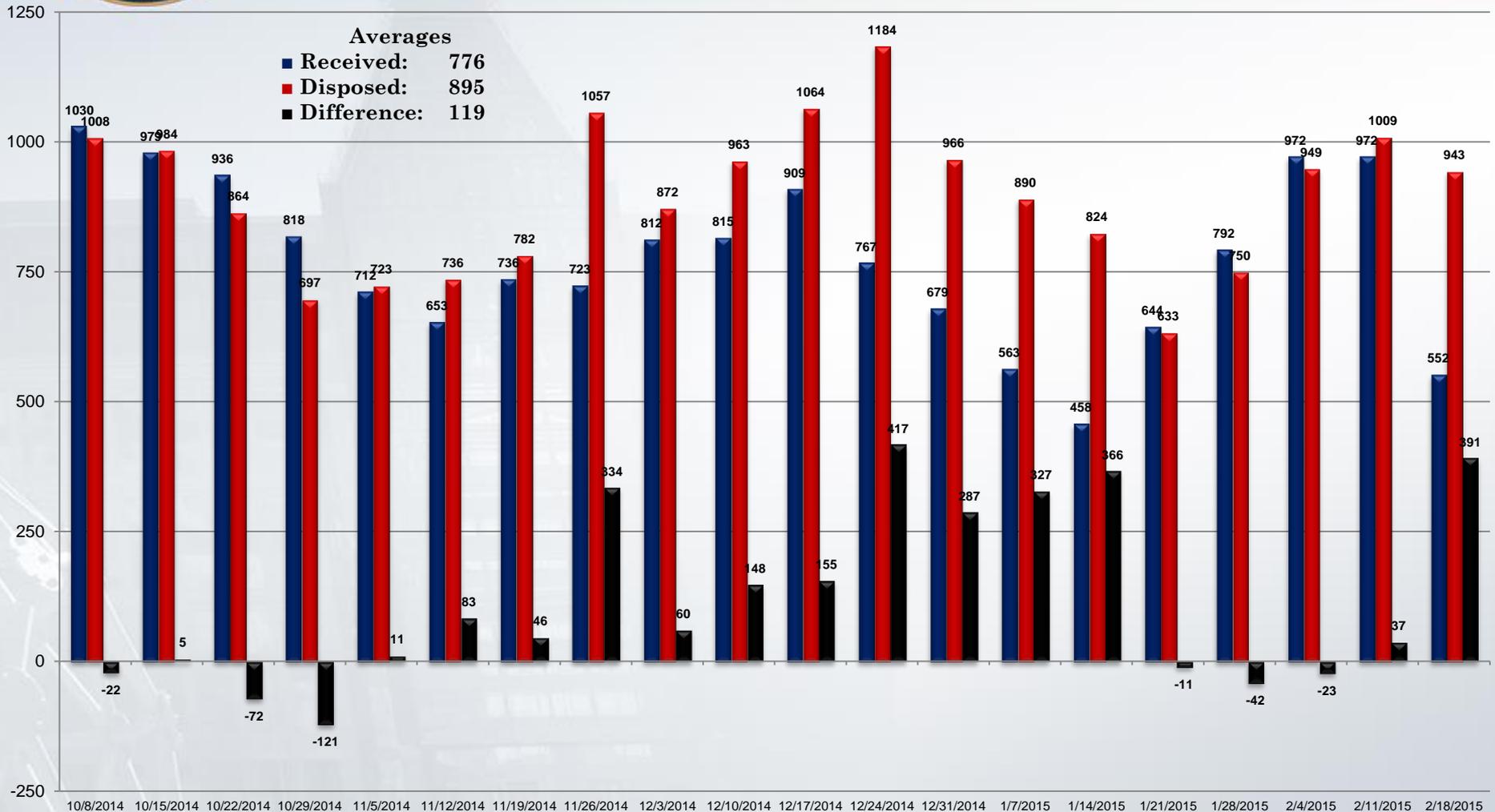


PTAB Inventory – Pending Ex Parte Appeals (excluding appeals from reexamination proceedings)

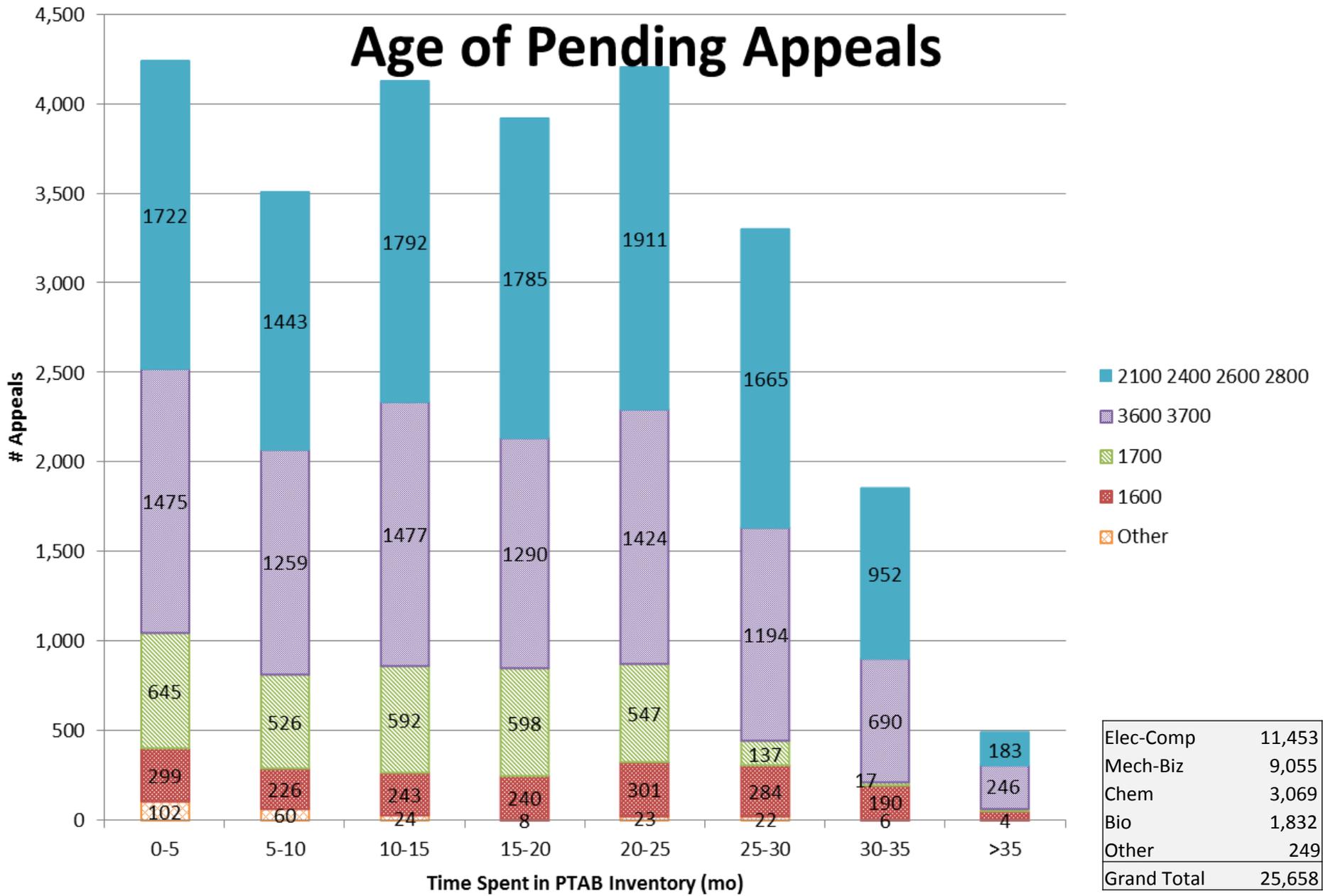




Receipts & Dispositions Summary Report FY 2015



Age of Pending Appeals



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



AIA Statistics



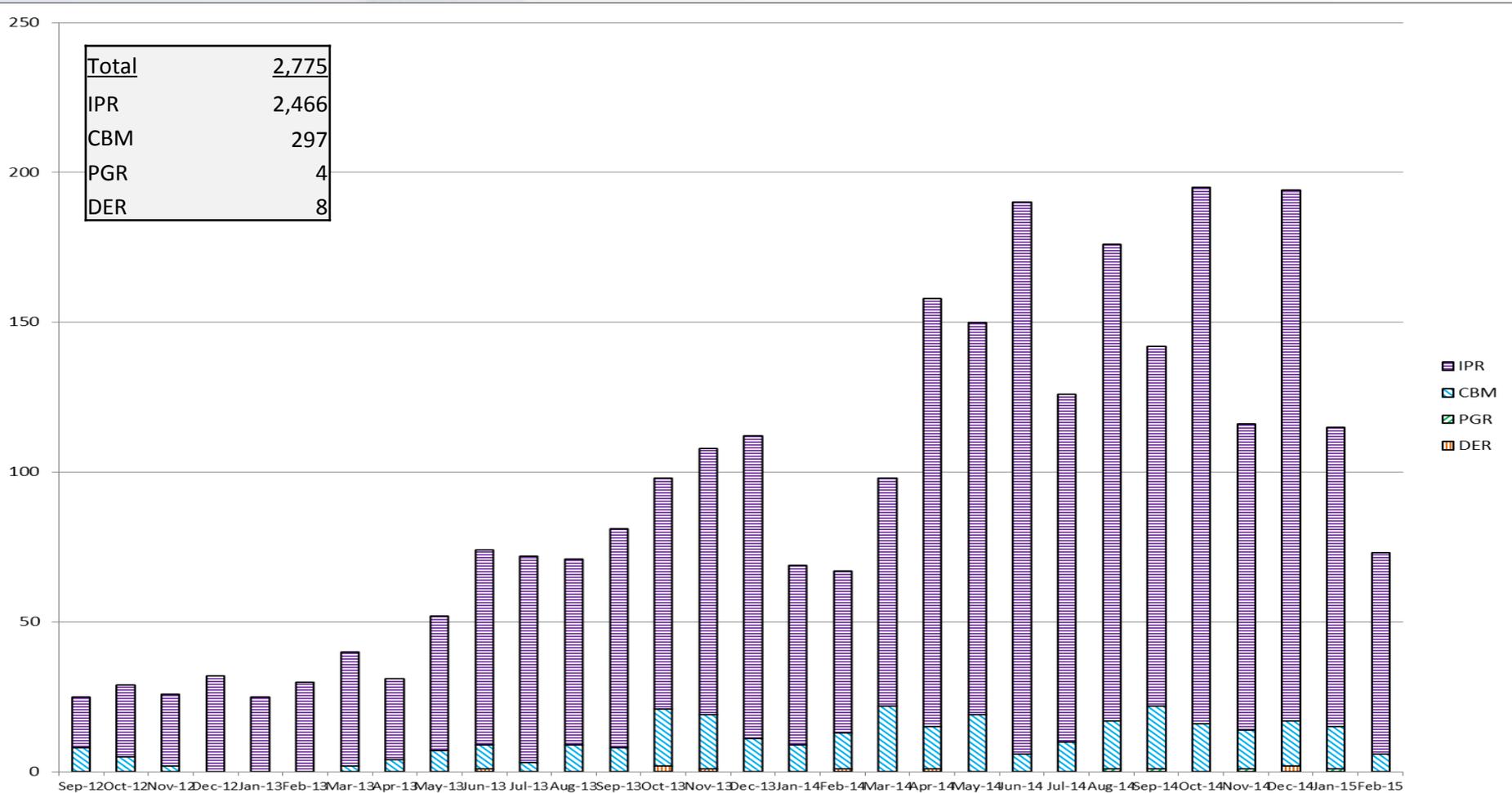
Comparison by Technology Center of FY 2014 AIA Filings v. Patent Grants

| 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)

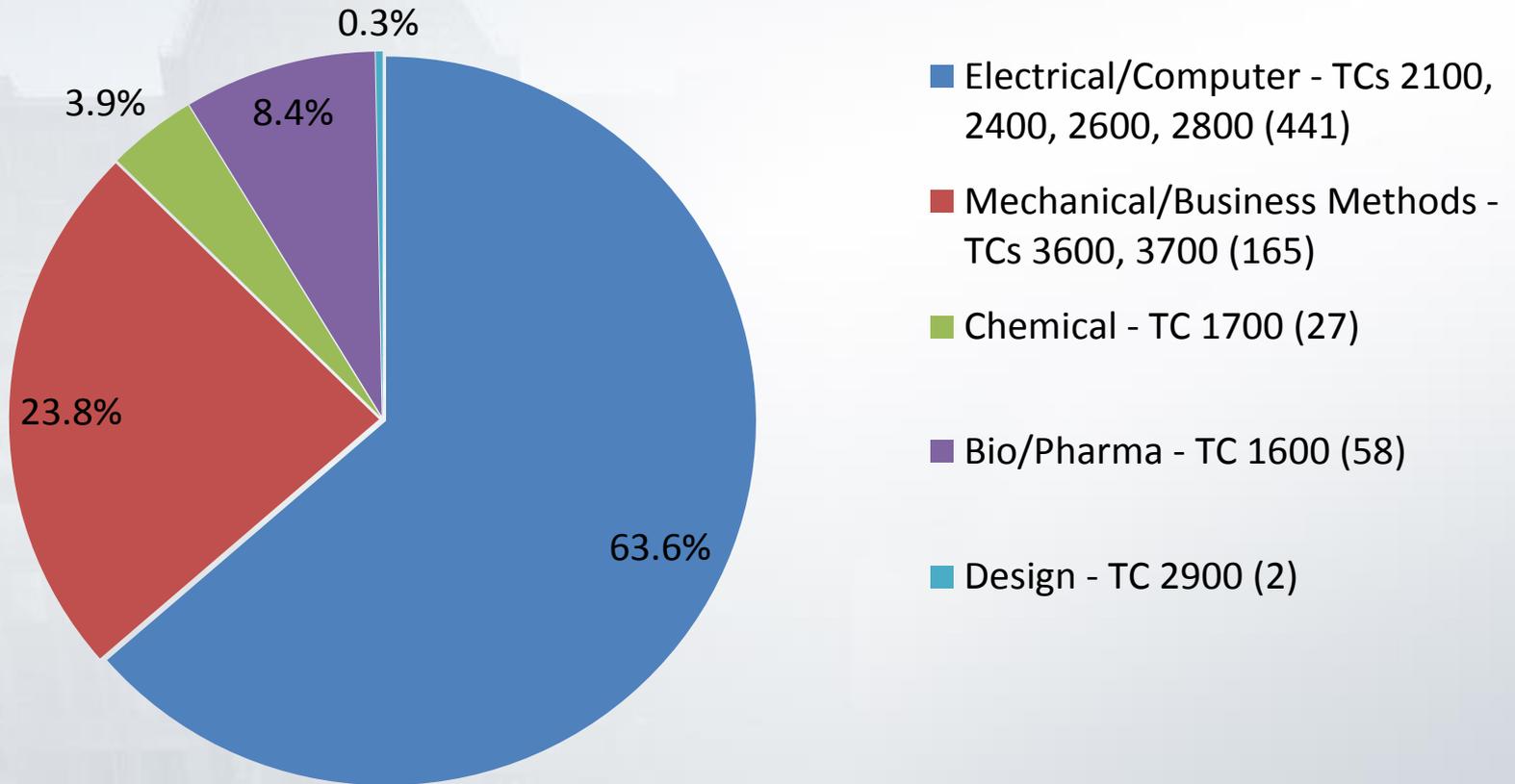
- AIA Monthly Filings





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 |



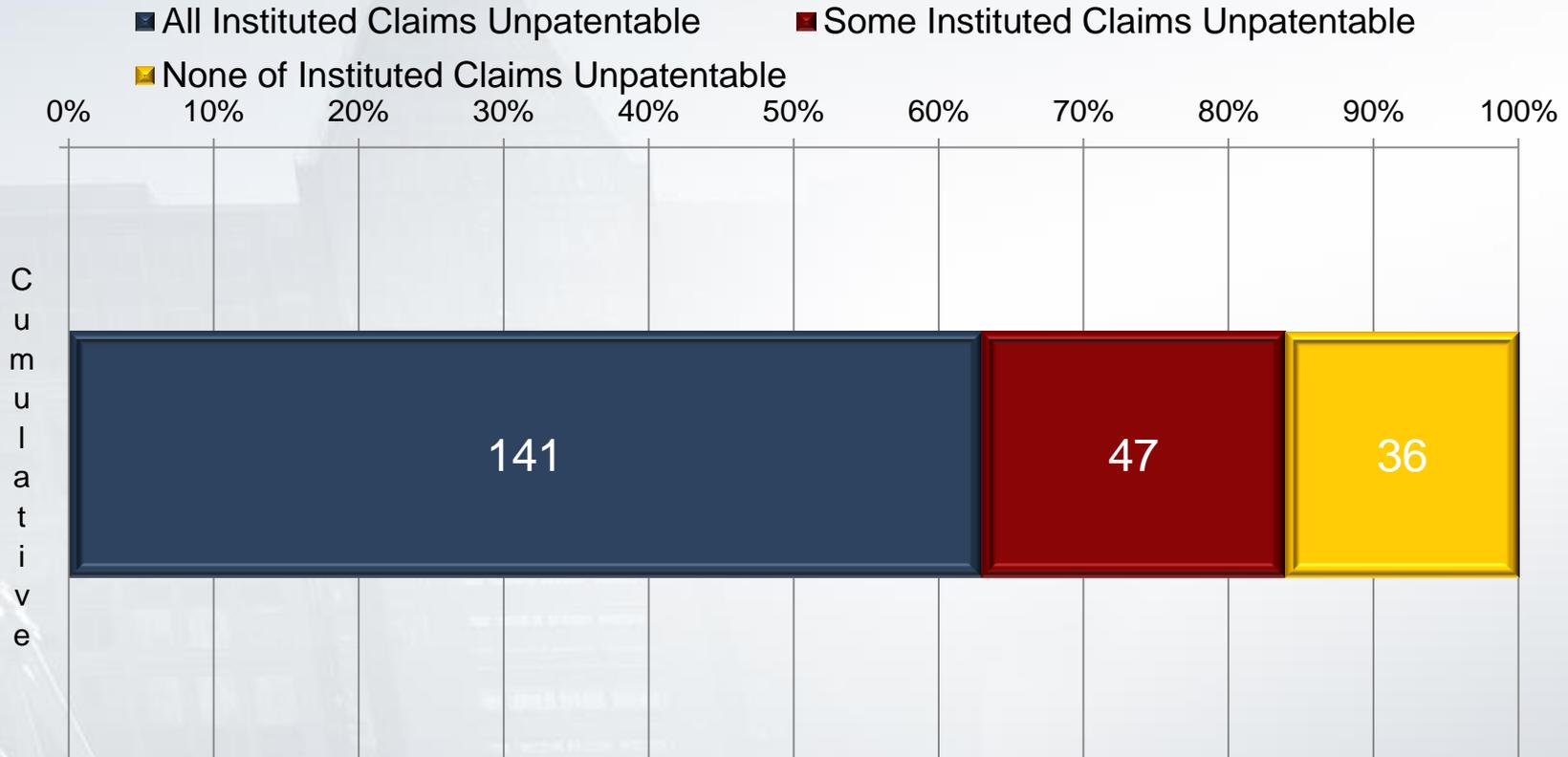
AIA Progress (as of February 12, 2015)

- 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 | - | - |



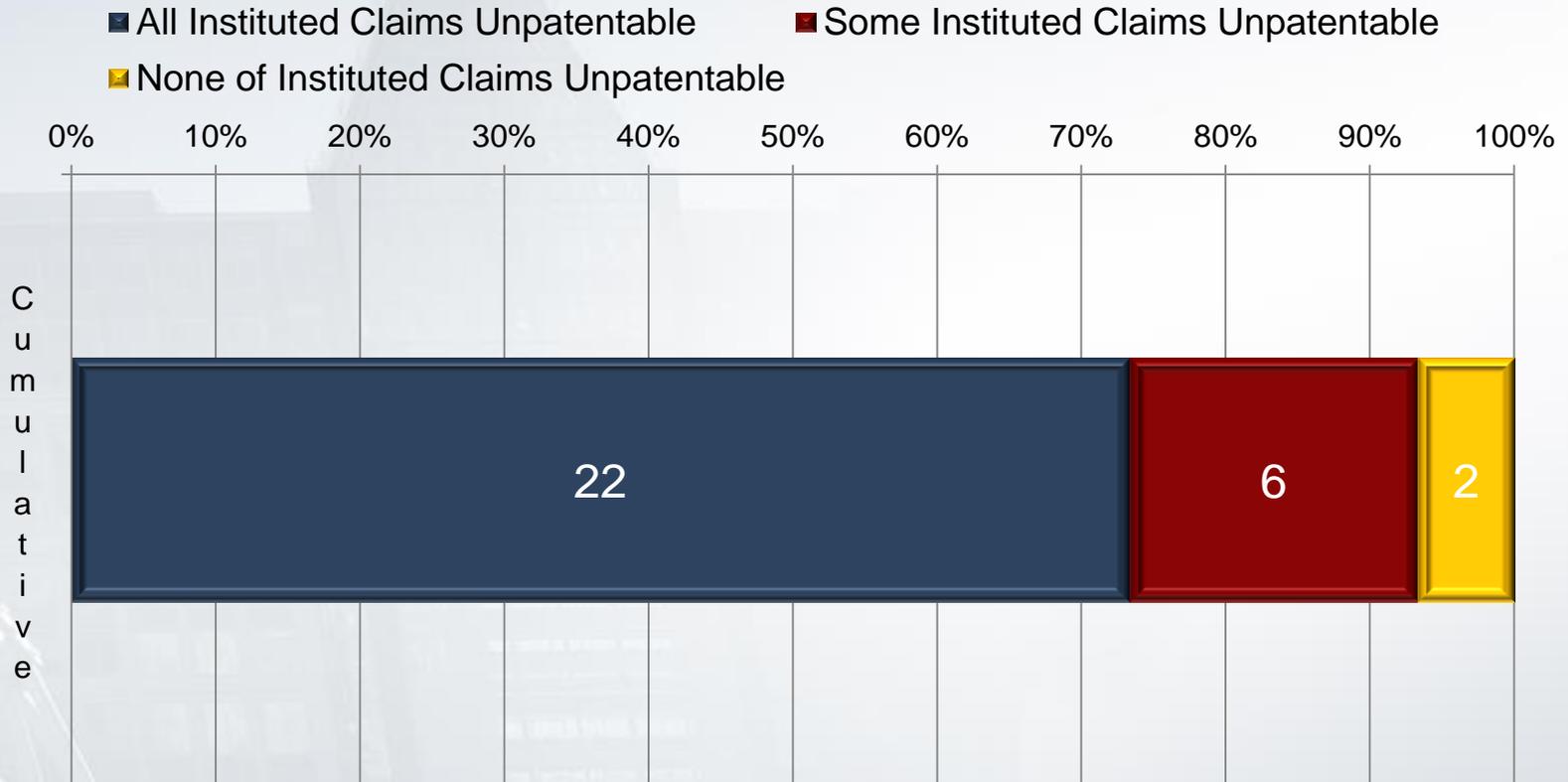
Final Written Decisions in IPRs (As of 2/5/2015)



*IPR (224 Final Written Decisions)



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



*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?

James Donald Smith

Chief Administrative Patent Judge

571-272-9797

James.Smith@uspto.gov

Scott Boalick

Deputy Chief Administrative
Patent Judge

571-272-9797

Scott.Boalick@uspto.gov