Patent Public Advisory Committee Quarterly Meeting

Examination Policy Updates

Office of the Deputy Commissioner for Patent Examination Policy

John Cottingham, Director of the Office of Petitions
Brian Hanlon, Director of the Office of Patent Legal Administration

August 20, 2015
Office of Petitions Update

John Cottingham
Director, Office of Petitions
Inventor’s Assistance Center

- The Inventor’s Assistance Center has new expanded hours effective as of August 17, 2015
- Open now from 8:30am to 8:00pm Eastern Time M-F
- To support our Enhanced Patent Quality Initiative and provide excellent customer service across the country
Current Petitions Dashboard

- www.uspto.gov/dashboards/patents/main.dashxml
Patents Dashboard
The patent term adjustment petitions were delayed due to the Federal Circuit deciding Novartis AG v. Lee and these petitions are currently being processed.
## Petitions Dashboard

### E-Petitions and Non-E-Petitions Data

<table>
<thead>
<tr>
<th>Petition Type</th>
<th>Total E-Petitions Decided/Pending in Past 12 Months</th>
<th>Average Days Pending of E-Petitions</th>
<th>Grant Rate Percent of Total E-Petitions Decided in the Past 12 Months</th>
<th>Total Non-E-Petitions Decided in the Past 12 Months</th>
<th>Average Days Grant Rate Percent of Total Non-E-Petitions Decided in the Past 12 Months</th>
</tr>
</thead>
<tbody>
<tr>
<td>To Make Application Special on the Bottom Line</td>
<td>1,352</td>
<td>0</td>
<td>100%</td>
<td>1,756</td>
<td>89</td>
</tr>
<tr>
<td>Revival based on Unintentional delay in abandoned application</td>
<td>835</td>
<td>0</td>
<td>100%</td>
<td>3,189</td>
<td>117</td>
</tr>
<tr>
<td>Revive Application for Continuity Purposes Only When Abandoned Unintentionally</td>
<td>75</td>
<td>0</td>
<td>100%</td>
<td>45</td>
<td>116</td>
</tr>
<tr>
<td>Withdraw Application From Issue After Fee is Paid</td>
<td>59</td>
<td>0</td>
<td>100%</td>
<td>53</td>
<td>132</td>
</tr>
<tr>
<td>Withdrawn Patent Application With Patient Number Assigned</td>
<td>1,465</td>
<td>0</td>
<td>100%</td>
<td>829</td>
<td>134</td>
</tr>
<tr>
<td>Withdrawn Patent Application From Issue to Expiration Abandonment</td>
<td>1,654</td>
<td>0</td>
<td>100%</td>
<td>294</td>
<td>0</td>
</tr>
<tr>
<td>Withdrawn Patent Application for Unintentional Late Payment of the Issue Fee</td>
<td>667</td>
<td>0</td>
<td>100%</td>
<td>950</td>
<td>104</td>
</tr>
<tr>
<td>Withdrawn from Issue Patent Application With Patient Number Assigned</td>
<td>2,607</td>
<td>0</td>
<td>100%</td>
<td>366</td>
<td>0</td>
</tr>
<tr>
<td>Withdrawn Patent Application From Issue to Expiration Abandonment</td>
<td>20</td>
<td>0</td>
<td>100%</td>
<td>15</td>
<td>0</td>
</tr>
<tr>
<td>Issue Patent in the Name of Assignee After the Issue Fee is Paid</td>
<td>103</td>
<td>0</td>
<td>100%</td>
<td>462</td>
<td>138</td>
</tr>
<tr>
<td>To Accept Unintentional Delayed Payment of the Maintenance Fee</td>
<td>13,242</td>
<td>0</td>
<td>100%</td>
<td>725</td>
<td>112</td>
</tr>
</tbody>
</table>

For additional information on the above petitions, please click here.
Patents Petitions Timeline

Patents Petitions Timeline

USPTO Petitions Timeline

The USPTO Petitions Timeline provides applicants access to petitions that can be submitted during each stage of the patent prosecution process and information related to each specific petition and deciding office. Also, the timeline provides information on both the historical grant rates and the pendency of decided petitions.

PRIOR TO EXAMINATION

- Abandonment Related
- Access
- Advancement of Examination
- Applicant Publications
- Assignee Related
- Conversion of Applications
- Correction of Inventions
- Entity Status
- Expediting Papers
- Extensions of Time
- Filing Date Related
- Foreign Priority or Domestic Benefit Related
- General and Misc.
- Public Use Related
- Retroactive Foreign filing Licenses
- Specifically Related To International Applications
- Suspension or Waiver of Rules (not provided for in any Statute)
- Withdrawal of Attorney Related

DURING EXAMINATION
Patents Petitions Timeline

1. PRIOR TO EXAMINATION
   - General and Misc.
   - Public Use Related
   - Retroactive Foreign Filing Licenses
   - Specifically Related to International Applications

2. DURING EXAMINATION
   - Suspension or Waiver of Rules (not provided for in any Statute)
   - Withdrawal of Attorney Related

3. AFTER CLOSE OF PROSECUTION

4. ALLOWANCE/AFTER PAYMENT OF ISSUE FEE

5. POST ISSUANCE

DURING EXAMINATION
- Abandonment Related
- Access
- Advancement of Examination
- Application Publications
- Assignee Related
- Conversion of Applications
- Correction of Inventions
- Entity Status
- Expunging Papers
- Extensions of Time
- Filing Date Related
- Foreign Priority or Domestic Benefit Related
- General and Misc.
- Public Use Related
- Retroactive Foreign Filing Licenses
- Suspension or Waiver of Rules (not provided for in any Statute)
- Withdrawal of Attorney Related

AFTER CLOSE OF PROSECUTION
- Abandonment Related
- Access
- Assignee Related
- Correction of Inventories
- Entity Status
- Expunging Papers
- Extension of Time
## Patents Petitions Timeline

### Prior to Examination

<table>
<thead>
<tr>
<th>Petition Type</th>
<th>Avg. Days Pending of Decided Petitions</th>
<th>Grant Rate Percentage</th>
<th>Deciding Office</th>
</tr>
</thead>
<tbody>
<tr>
<td>220 - To Excuse a Delay in a Hague Application</td>
<td>None</td>
<td>None</td>
<td>IPLA</td>
</tr>
<tr>
<td>272 - To Revive an Abandoned International Application - Unintentional Delay 37 CFR 1.137(a)</td>
<td>47</td>
<td>88%</td>
<td>IPLA</td>
</tr>
<tr>
<td>273 - Withdrawal a Holding of Abandonment - 37 CFR 1.181</td>
<td>104</td>
<td>81%*</td>
<td>IPLA</td>
</tr>
<tr>
<td>529 - To Withdraw a Holding of Abandonment in Pre-Exam Status (37 CFR 1.181)</td>
<td>154</td>
<td>23%</td>
<td>OPET</td>
</tr>
<tr>
<td>529 - To Withdraw a Holding of Abandonment in Pre-Exam Status (37 CFR 1.181)</td>
<td>- Reply Timely Filed</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

*Infrequently Filed Petition

This is a 12 Month Rolling Average. The data is current as of August 1, 2015 and is updated quarterly.
## Patents Petitions Timeline

### Abandonment Related Petitions

<table>
<thead>
<tr>
<th>Petition Type</th>
<th>Avg. Days Pending of Decided Petitions</th>
<th>Grant Rate Percentage</th>
<th>Deciding Office</th>
</tr>
</thead>
<tbody>
<tr>
<td>502 - To Revive an Abandoned Application-Unintentional Delay (37 CFR 1.137(a))</td>
<td>113</td>
<td>85%</td>
<td>OPET</td>
</tr>
<tr>
<td>510 - To Accept Late Payment of Issue Fee - Unintentional Late Payment (37 CFR 1.137(a))</td>
<td>81</td>
<td>88%</td>
<td>OPET</td>
</tr>
<tr>
<td>525 - To Withdraw a Holding of Abandonment (37 CFR 1.181) - Failure to receive an Office Action</td>
<td>180</td>
<td>52%</td>
<td>OPET</td>
</tr>
<tr>
<td>525 - To Withdraw a Holding of Abandonment (37 CFR 1.181) - Reply Timely Filed</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>536 - Under 37 CFR 1.137(f)</td>
<td>58</td>
<td>95%*</td>
<td>OPET</td>
</tr>
<tr>
<td>561 - Revive Abandoned Application, Continuity Purposes Only</td>
<td>71</td>
<td>99%</td>
<td>OPET</td>
</tr>
<tr>
<td>613 - Relating to Withdraw of holding of Abandonment (37 CFR 1.137, MPEP 711.03)</td>
<td>57</td>
<td>33%*</td>
<td>TC</td>
</tr>
<tr>
<td>614 - To Withdraw a Holding of Abandonment (MPEP 711)</td>
<td>55</td>
<td>79%*</td>
<td>TC</td>
</tr>
<tr>
<td>650 - For Express Abandonment under 37 CFR 1.138(c)</td>
<td>20</td>
<td>69%*</td>
<td>ODM</td>
</tr>
<tr>
<td>651 - For Express Abandonment under Rule 37 CFR 1.138(d)</td>
<td>25</td>
<td>78%*</td>
<td>ODM</td>
</tr>
</tbody>
</table>

IPLA – International Patent Legal Administration  
ODM – Office of Data Management  
OPET – Office of Petitions  
TC – Technology Center
Questions and Comments

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Patent Public Advisory Committee
Quarterly Meeting

Examination Policy Updates

Brian Hanlon, Director of the Office of Patent Legal Administration
Subject Matter Eligibility Update

• Update to the 2014 Interim Eligibility Guidance issued July 30
  – Addresses the five major themes from the public comments
  – Includes new set of examples, chart of all existing examples, and chart of relevant court decisions from the Supreme Court and the Federal Circuit
  – Opens a new 90 day period for public comment

• Will continue to monitor decisions and listen to feedback for further iterations
  – Currently working on life science examples and monitoring status of Sequenom
Training

- Training related to 35 U.S.C. 112 and the Executive Actions
  - Examining Functional Claim Limitations: Focus on Computer/Software-related Claims – completed
  - Examining Claims for Compliance with 35 U.S.C. 112(a): Overview and Part I – Written Description, Focus on Electrical/Mechanical and Computer/Software-related Claims – CBT completed, workshops in process
- Next module: 35 U.S.C. 112(b)
Questions and Comments

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