Patent Public Advisory Committee
Quarterly Meeting

PTAB Update

David P. Ruschke
Chief Administrative Patent Judge
November 3, 2016
PTAB END TO END (PTAB E2E)
## PTAB End to End (PTAB E2E)

<table>
<thead>
<tr>
<th>Activity</th>
<th>Deployment</th>
</tr>
</thead>
<tbody>
<tr>
<td>IPR, PGR, CBM</td>
<td>July 2016</td>
</tr>
<tr>
<td>DER</td>
<td>December 2016</td>
</tr>
<tr>
<td>Appeals</td>
<td>FY 2018</td>
</tr>
<tr>
<td>Interferences</td>
<td>FY 2018</td>
</tr>
</tbody>
</table>

- Incremental deployments to address known defects and address feedback
  - Known issues list

- Twice a day report on recent cases entered: [AIA Review Decisions webpage](#)

- Search and access bulk PTAB data: [USPTO Open Data Portal](#)
PTAB End to End Support

- PTAB E2E system link, user manual, FAQ, and quick reference guide:

- Customer support:
  - Weekdays, 8 AM to 6 PM ET
  - 571-272-7822

- Send comments to: PTABE2EADMIN@uspto.gov.
PTAB OUTREACH
PTAB Outreach

• Boardside Chats: start in January 2017

• Stadium Tours with TTAB
  – Spring 2017
  – Fall 2017

• PTAB Bench and Bar: June 2017

• Live AIA Trial Hearing with AIPLA
Appeal, Interference, Reexamination, and Trial Statistics

PTAB STATISTICS
Ex Parte Appeal

APPEAL STATISTICS
This graph shows the total number of ex parte appeals pending at the end of each fiscal year, excluding reexamination, reissue and supplemental examination appeals.

* As a result of an internal audit the number of pending appeals for 9/30/2015 has been updated from 21,293 to 21,372.
This bar chart shows Average Pendency of Decided Appeals by Technology Center for Appeals Decided in FY16 to date (Oct 1, 2015 through September 30, 2016). Pendency is measured from date of PTAB docketing (assignment of appeal number) to date of Decision.
This slide shows the number of appeals the Board has received from each Tech Center for this fiscal year (through the end of September 2016).
Outcomes in Appeals in FY16

- **AFFIRMED**: 57.4%
- **AFFIRMED-IN-PART**: 0.3%
- **REVERSED**: 28.6%
- **PANEL REMANDS**: 0.0%
- **ADMINISTRATIVE REMANDS**: 0.0%
- **DISMISSED**: 0.8%
Post Grant Proceedings

TRIAL STATISTICS
Narrative:
This pie chart shows the total number of cumulative AIA petitions filed to date broken out by trial type (i.e., IPR, CBM, and PGR).

*Data current as of: 9/30/2016
Number of AIA Petitions Filed by Fiscal Year by Type

<table>
<thead>
<tr>
<th></th>
<th>FY14</th>
<th>FY15</th>
<th>FY16*</th>
</tr>
</thead>
<tbody>
<tr>
<td>IPR</td>
<td>1310</td>
<td>1737</td>
<td>1565</td>
</tr>
<tr>
<td>CBM</td>
<td>177</td>
<td>149</td>
<td>94</td>
</tr>
<tr>
<td>PGR</td>
<td>2</td>
<td>11</td>
<td>24</td>
</tr>
</tbody>
</table>

Narrative:
This bar graph depicts the number of AIA petitions filed each fiscal year, with each bar showing the filings for that fiscal year by trial type (i.e., IPR, CBM, and PGR).

*Data current as of: 9/30/2016
Narrative:
This pie chart shows the total number of AIA petitions filed in the current fiscal year to date as well as the number and percentage of these petitions broken down by technology.

*Data current as of: 9/30/2016*
Number of Patent Owner Preliminary Responses

- Patent Owner Preliminary Responses (POPR) filed 84% of the time (all AIA Trials through FY16)

- Rule change effective May 1, 2016 allowing new testimonial evidence (NTE) in POPRs

- NTE included with 40% of POPRs since rule change
Institution Rate per FY (IPR, PGR, CBM)

Narrative:
This graph shows the percentage of decisions on institution by fiscal year by trials instituted (including joinders*) in IPR, CBM, and PGR proceedings. A trial that is instituted in part is counted as an institution in this graph.

*Data current as of: 9/30/2016
Narrative:
This chart shows the percentage of petitions instituted of all decisions on petition, by technology area.

*Data current as of: 9/30/2016*
Narrative:
This graph shows a stepping stone visual depicting the outcomes for all IPR petitions filed to-date that have reached a final disposition.

*Data current as of: 9/30/2016*
Disposition of CBM Petitions Completed to Date*

Narrative:
This graph shows a stepping stone visual depicting the outcomes for all CBM petitions filed to-date that have reached a final disposition.

*Data current as of: 9/30/2016
Narrative:
This chart shows claim outcomes for instituted trials, by technology area.

Note: Claims involved in instituted trials that settle or are dismissed are not depicted. Accordingly, a bar may not add up to 100%.

*Data current as of: 9/30/2016

* Includes IPR and CBM trial outcomes
Questions and Comments

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