Patent Public Advisory Committee
Quarterly Meeting

Patent Trial and Appeal Board Update

David Ruschke
Chief Judge, Patent Trial and Appeal Board

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March 2, 2017
Ex Parte Appeals

APPEAL STATISTICS
Pending Ex Parte Appeals (excluding appeals from reexamination proceedings)
(FY10 to FY17: 10/1/09 to 1/31/17)

<table>
<thead>
<tr>
<th>Fiscal Year</th>
<th>Number</th>
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<tbody>
<tr>
<td>FY 10</td>
<td>17,754</td>
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<tr>
<td>FY 11</td>
<td>23,963</td>
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<tr>
<td>FY 12</td>
<td>26,484</td>
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<tr>
<td>FY 13</td>
<td>25,308</td>
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<tr>
<td>FY 14</td>
<td>25,404</td>
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<tr>
<td>FY 15</td>
<td>21,372</td>
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<td>FY 16</td>
<td>15,448</td>
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<tr>
<td>FY 17</td>
<td>14,996</td>
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</tbody>
</table>
Pendency of Decided Appeals by Technology Center in FY16 and FY17 in Months
(at 1/31/16 compared to 1/31/17)

Pendency measured from appeal number assignment date to decision by the Board.
Post-Grant Proceedings

TRIAL STATISTICS
Total AIA Petitions by Trial Type
(All Time: 9/16/12 to 1/31/17)

- IPR: 5828 (91%)
- CBM: 504 (8%)
- PGR: 48 (1%)

Total: 6380
Total Petitions Filed by Technology in FY17
(FY17: 10/1/16 to 1/31/17)

- Electrical/Computer: 412 (57%)
- Mechanical/Business Method: 181 (25%)
- Chemical: 47 (6%)
- Bio/Pharma: 71 (10%)
- Design: 13 (2%)

Total: 724
Petitions Filed by Month
(Jan. 2017 & Previous 12 Months: 1/1/16 to 1/31/17)

- **IPR**
  - Jan-16: 96
  - Jan-17: 237
  - FY17: 685

- **PGR**
  - Jan-16: 6
  - Jan-17: 11
  - FY17: 11

- **CBM**
  - Jan-16: 0
  - Jan-17: 28
  - FY17: 1
Preliminary Response Rates in All Trial Types
Pre- and Post-Rule To Allow New Testimonial Evidence (NTE)
(All Time: 9/16/12 to 1/31/17)

<table>
<thead>
<tr>
<th>Domain</th>
<th>Pre</th>
<th>Post</th>
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<tbody>
<tr>
<td>Bio/Pharma</td>
<td>85%</td>
<td>84%</td>
</tr>
<tr>
<td>Chemical</td>
<td>86%</td>
<td>91%</td>
</tr>
<tr>
<td>Design</td>
<td>86%</td>
<td>91%</td>
</tr>
<tr>
<td>Electrical/Computer</td>
<td>85%</td>
<td>81%</td>
</tr>
<tr>
<td>Mechanical &amp; Business Method</td>
<td>83%</td>
<td>87%</td>
</tr>
</tbody>
</table>
Institution rate is calculated by dividing total institutions by total decisions on institution.
Institution Rates in IPRs  
(FY13 to FY17: 10/1/12 to 1/31/17)

Institution rate is calculated by dividing total institutions by total decisions on institution.

- FY13: 177 Instituted, 26 Denied
- FY14: 572 Instituted, 193 Denied
- FY15: 917 Instituted, 426 Denied
- FY16: 948 Instituted, 444 Denied
- FY17: 264 Instituted, 139 Denied
Institution Rate is calculated by dividing total institutions by total decisions on institution.

Institution Rates in CBMs
(FY13 to FY17: 10/1/12 to 1/31/17)

Instituted

<table>
<thead>
<tr>
<th>Year</th>
<th>Instituted</th>
<th>Denied</th>
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<tbody>
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<tr>
<td>FY17</td>
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<td>11</td>
</tr>
</tbody>
</table>

Institution rate is calculated by dividing total institutions by total decisions on institution.
Institution Rates in PGRs
(FY13 to FY17: 10/1/12 to 1/31/17)

Institution rate is calculated by dividing total institutions by total decisions on institution.
Status of Petitions in All Trial Types
(All Time: 9/16/12 to 1/31/17)

50% of Petitions

Instituted Claims Unpatentable
None: 223
Some: 240
All: 953

1416
Questions and Comments

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