

**UNITED STATES
PATENT AND TRADEMARK OFFICE**

uspto

Patent Public Advisory Committee
Quarterly Meeting

Patent Trial and Appeal Board Update

David Ruschke

Chief Judge, Patent Trial and Appeal Board

Scott R. Boalick

Deputy Chief Judge, Patent Trial and Appeal Board

May 4, 2017

UNITED STATES
PATENT AND TRADEMARK OFFICE

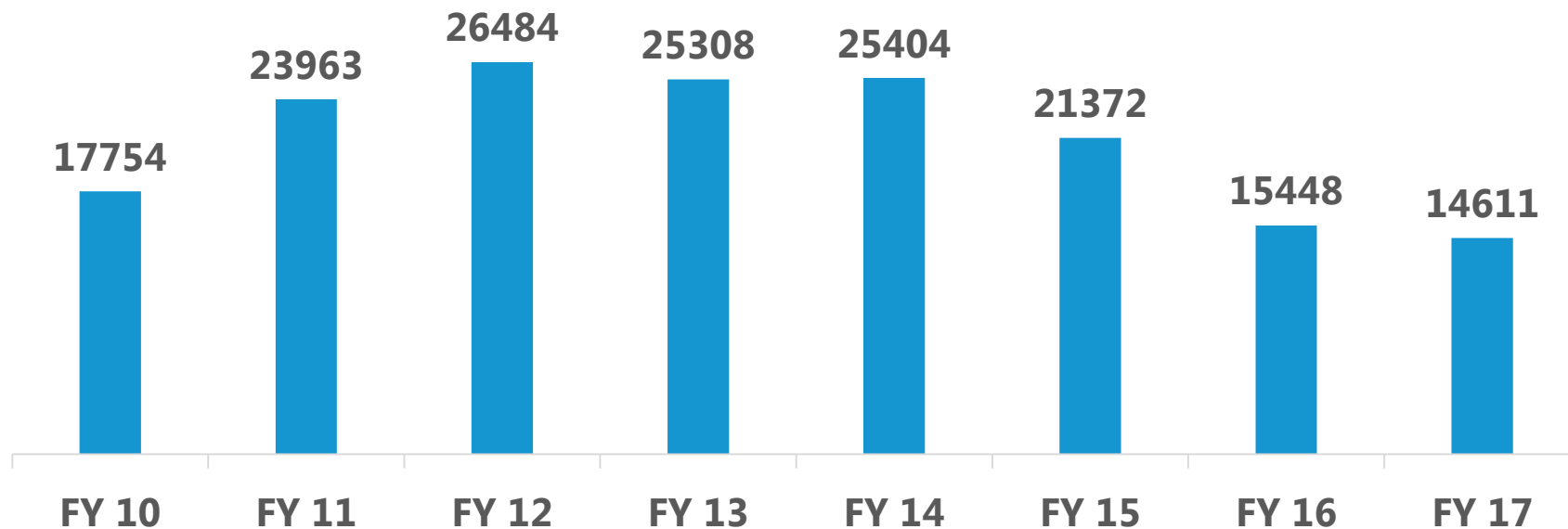


Ex Parte Appeals

APPEAL STATISTICS

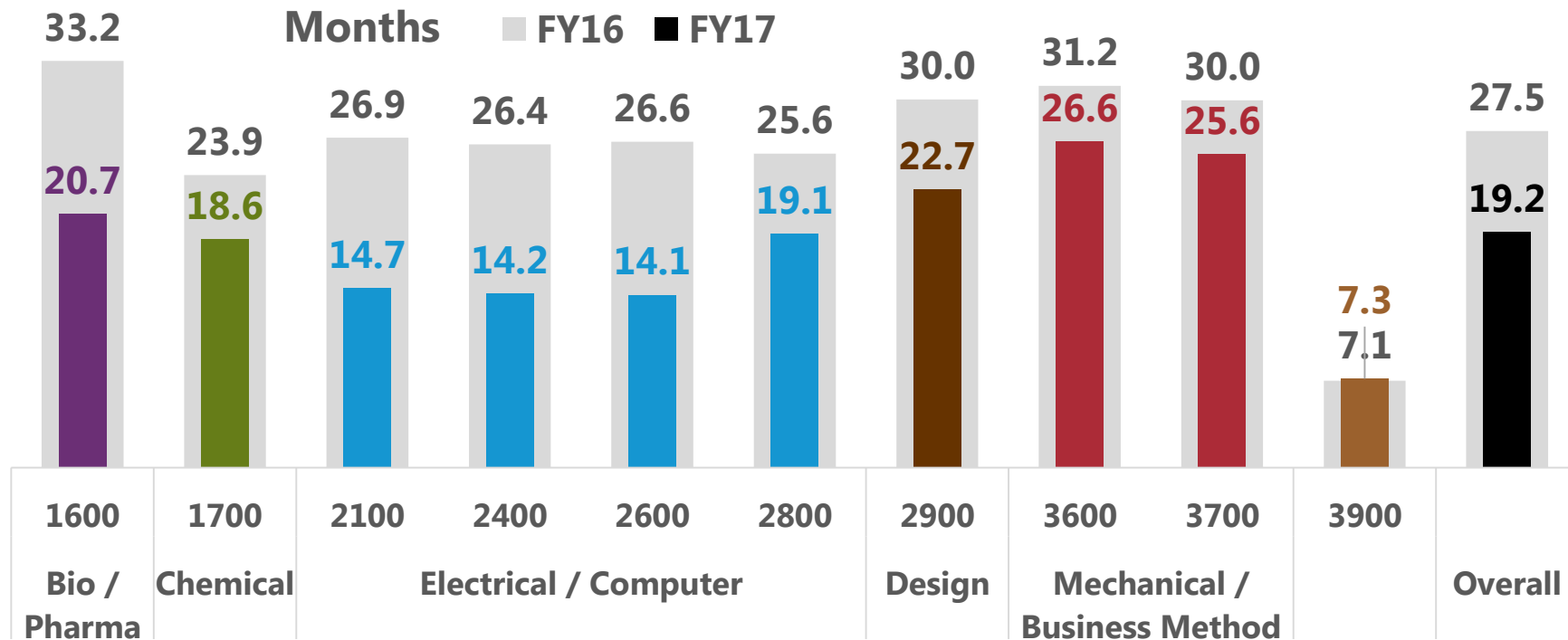
Pending Ex Parte Appeals (excluding appeals from reexamination proceedings)

(FY10 to FY17: 10/1/09 to 3/31/17)



Pendency of Decided Appeals in FY16 and FY17

(3/31/16 compared to 3/31/17)



Pendency is calculated as average months from receipt to decision.

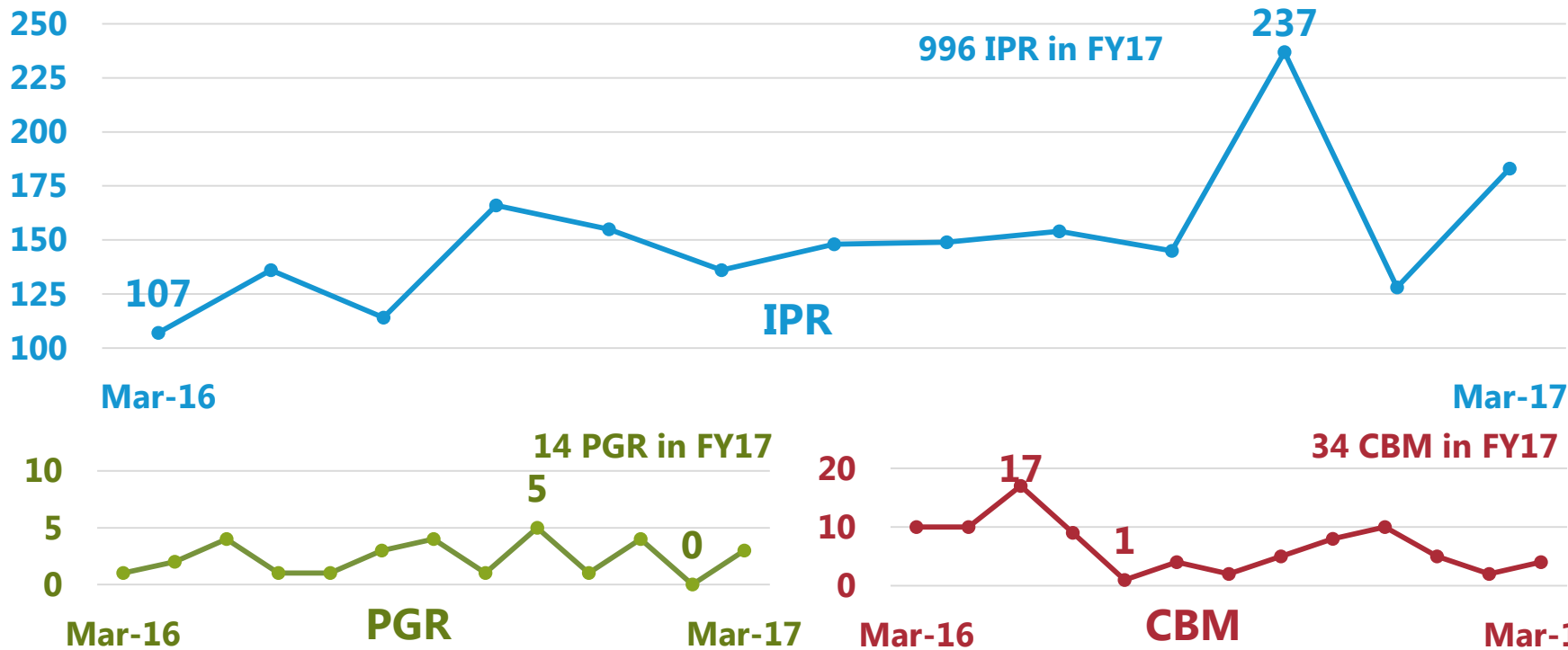


Post-Grant Proceedings

TRIAL STATISTICS

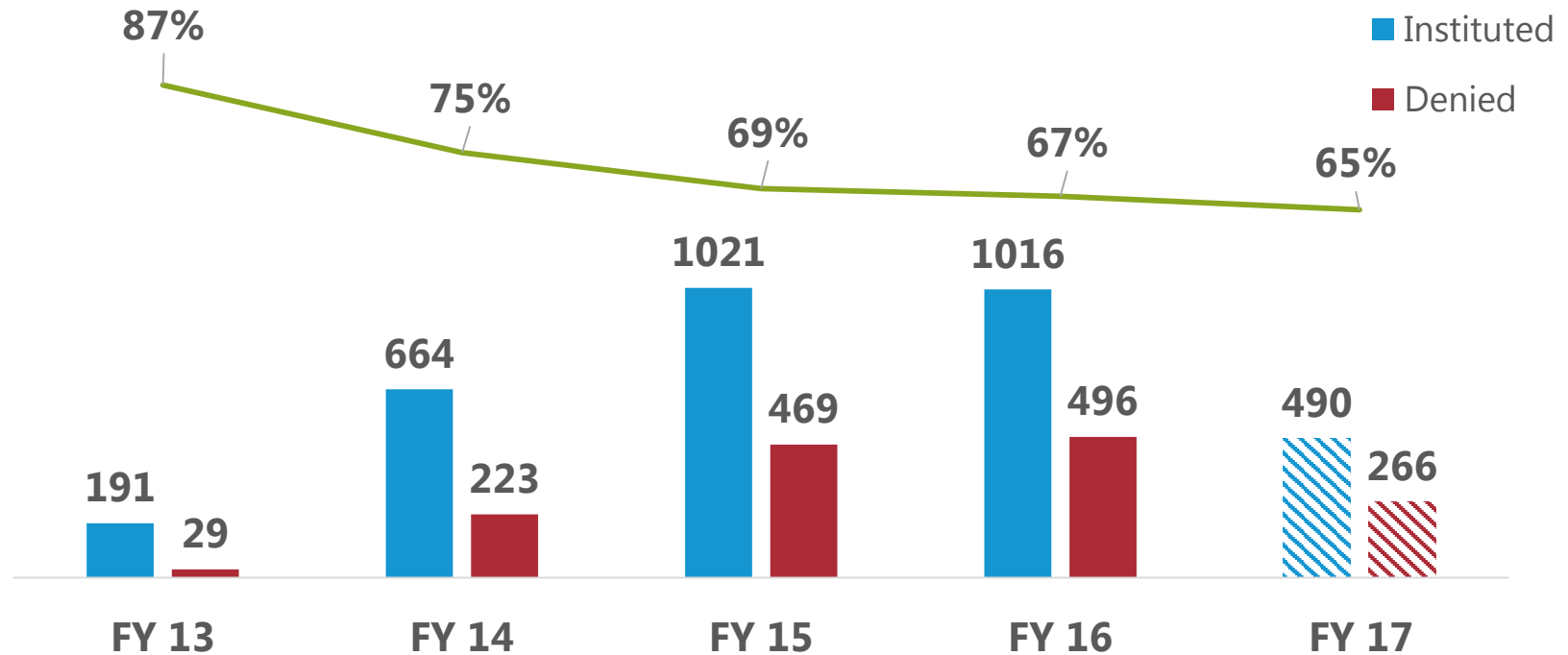
Petitions Filed by Month

(March 2017 and Previous 12 Months: 3/1/16 to 3/31/17)



Institution Rates in All Trial Types

(FY13 to FY17: 10/1/12 to 3/31/17)

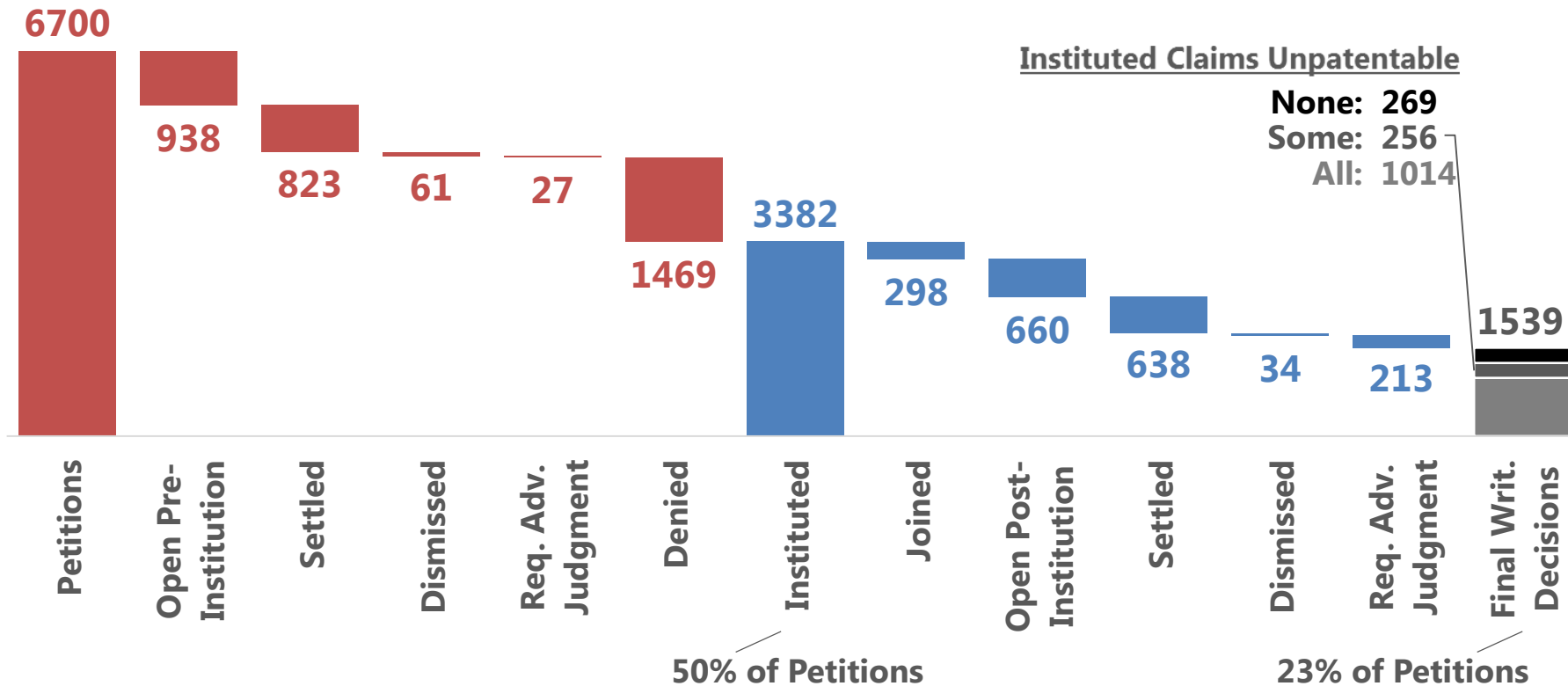


Institution rate is calculated by dividing institutions by decisions on institution.



Status of Petitions in All Trial Types

(All Time: 9/16/12 to 3/31/17)



PTAB Procedural Reform Initiative

PTAB Procedural Reform Initiative

At the direction of the Under Secretary of Commerce for Intellectual Property and Director of the U.S. Patent and Trademark Office, Michelle K. Lee, the USPTO is launching an initiative to use nearly five years of historical data and user experiences to further shape and improve Patent Trial and Appeal Board (PTAB) trial proceedings, particularly inter partes review proceedings. The purpose of the initiative is to ensure that the proceedings are as effective and fair as possible within the USPTO's congressional mandate to provide administrative review of the patentability of patent claims after they issue.

Since being created through the passage of the America Invents Act (AIA), PTAB proceedings have significantly changed the patent landscape by providing a faster, cost-efficient quality check on issued patents. Since AIA trials debuted in 2012, the USPTO has continuously looked for ways to improve the proceedings. Over time, we have listened to our stakeholders' experiences, and we have now compiled data derived from thousands of case filings and dispositions.

This initiative will examine procedures including, but not limited to, procedures relating to multiple petitions, motions to amend, claim construction, and decisions to institute. It will also examine when it would be appropriate to extend the length of the proceedings beyond 12 months and when it would be appropriate to review a decision to institute. It will evaluate the input already received from small and large businesses, startups and individual inventors, IP law associations, trade associations, and patent practitioners, and will seek to obtain more feedback regarding potential procedural enhancements.

Coke Morgan Stewart, Senior Advisor to the Director, will be coordinating this effort.

Members of the public may submit their ideas regarding PTAB procedural reform to: PTABProceduralReformInitiative@uspto.gov ✉.

As this initiative progresses, the USPTO will share news through this website.

uspto

👍 Helpful | 19

👎 Not Helpful | 7

🔗 Share

🖨️ Print

Judge Training

- Daily updates on CAFC decisions
- Monthly Trial and Appeal meetings
- Monthly “brown bag” training

PTAB Judicial Conference

- Thursday, June 29, 2017 from 1 to 5 pm
- Madison Auditorium
- Free and will be webcast
- Highlights include ex parte appeals, PTAB Procedural Reform Initiative, and comparison with post grant proceedings at EPO and JPO

Questions and Comments

David Ruschke

Chief Judge, Patent Trial and Appeal Board

(571) 272-9797

David.Ruschke@USPTO.GOV

Scott R. Boalick

Deputy Chief Judge, Patent Trial and Appeal Board

(571) 272-8138

Scott.Boalick@USPTO.GOV

