Patent Public Advisory Committee
Quarterly Meeting

PTAB Update

David P. Ruschke
Chief Administrative Patent Judge

August 3, 2017
PTAB Procedural Reform Initiative: Status
Suggestion Box

Please send any suggestions regarding PTAB E2E to the PTAB E2E Admin mailbox.

Please send any suggestions regarding the Appeals Process to the Board at PTAB Appeals Suggestions.

Please send any suggestions regarding the Trials Process to the Board at PTABATTrialSuggestions@uspto.gov.

If you have suggestions for other topics that you would like to see covered by the PTAB in a future Outreach event, please email your suggestions to PTABOutreach@uspto.gov.

Accessible via the public PTAB Website at the following address:
Ex Parte Appeals

APPEAL STATISTICS
Pending Appeals
(FY10 to FY17: 10/1/09 to 6/30/17)

<table>
<thead>
<tr>
<th>Year</th>
<th>Count</th>
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<tbody>
<tr>
<td>FY10</td>
<td>17,851</td>
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<tr>
<td>FY11</td>
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<td>FY12</td>
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<td>FY16</td>
<td>15,533</td>
</tr>
<tr>
<td>FY17</td>
<td>14,092</td>
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</tbody>
</table>
Pendency of Decided Appeals in FY16 and FY17
(6/30/16 compared to 6/30/17)

Pendency is calculated as average months from Board receipt date to final decision.
*CRU (Central Reexamination Unit) includes ex parte reexams, inter partes reexams, supplemental examination reviews and reissues from all technologies.
Post-Grant Proceedings

TRIAL STATISTICS
Institution rate for each fiscal year is calculated by dividing petitions instituted by decisions on institution (i.e., petitions instituted plus petitions denied). The outcomes of decisions on institution responsive to requests for rehearing are excluded.
Status of Petitions
(All Time: 9/16/12 to 6/30/17)

Instituted Claims Unpatentable
- No Claims: 299 (18%)
- Some Claims: 274 (17%)
- All Claims: 1,079 (65%)

These figures reflect the latest status of each petition. For example, the outcomes of decisions on institution responsive to requests for rehearing are incorporated. Once joined to a base case, a petition remains in the Joined category regardless of subsequent outcomes.
PPAC/USPTO Joint Efforts To Facilitate Communication And Education With Public Regarding AIA Proceedings
PTAB Interim Activities Before New Senate Confirmed Director Arrives

- Precedential Opinions
  - *Athena v. Husky*
  - Upcoming New *Ex Parte* Appeals Precedential Decision
  - Website Revamp
- Expanded Panels
- SOP Review and Update
  - New SOP9 Regarding Remands
- Data Analysis and Update
  - Amendments
  - Multiple Petitions
Questions and Comments

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