Patent Public Advisory Committee
Quarterly Meeting

Reexaminations, Reissues & Supplemental Examination in the Central Reexamination Unit

John Cottingham
Director, Central Reexamination Unit

August 2, 2018
Central Reexamination Unit (CRU) Staff

- 1 Director
- 10 Supervisory Patent Reexamination Specialists (SPRS)
- 79 Reexamination Specialists
  - 15 Chemical
  - 49 Electrical
  - 15 Mechanical
- Technical Support
  - One Supervisory Paralegal Specialist
  - 7 Paralegals
  - 3 Legal Instrument Examiners (LIE)
CRU Proceedings

• All utility patent ex parte Reexamination Proceedings (EP) and Supplemental Examination Proceedings (SE).

• All reissue applications filed on utility patents.

• Legacy *inter-partes* Reexamination Proceedings (*IP*)
Inter-Partes Reexamination, Supplemental Examination and the America Invents Act

• With the implementation of the America Invents Act (AIA) in September 2012, *inter partes* reexamination proceedings became no longer available and were replaced with *inter-partes* review proceedings.

• The passage of the AIA also introduced the Supplemental Examination proceeding as a mechanism for Patent Owners to have information considered, reconsidered or corrected in an issued patent.
Ex Parte Reexamination and Supplemental Examination Filings

Ex Parte Reexamination Request Filings

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Supplemental Examination Request Filings

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Findings of Substantial New Questions (SNQ) of Patentability (2013-2018)

Disposition of Ex Parte Reexamination Requests

- Ordered: 95%
- Denied: 5%

Disposition of Supplemental Examination Requests

- SE Determination of SNQ No: 29%
- SE Determination of SNQ Yes: 71%

Data as of 4/2/2018
Legacy *Inter Partes* Reexaminations

- 167 *inter-partes* Reexamination proceedings are currently still pending
- 7 are before CRU, the remaining proceedings are awaiting disposition by the PTAB or CAFC.
Time to Determination of *Ex Parte* Reexamination Proceedings and Supplemental Examination Certificate

**Average Time to *Ex Parte* Reexamination Determination (Order Granting/Denying Reexamination)**

**Average Time from Filing to Issuance of Supplemental Examination Certificate (SNQ Yes/No)**
Time to Conclusion of *Ex Parte* Reexamination Proceedings and Supplemental Examination Requests

Average time to *ex parte* Reexamination (EP) NIRC

- EP without appeals average 13 months to NIRC

Average time to *ex parte* reexamination NIRC based on Supplemental Examination (SE)

- SE without appeals average 9 months to NIRC
Reissue Applications Before the CRU

• The CRU assumed responsibility for examination of all reissue applications in spring 2015.

• The purpose of bringing reissue applications under the purview of the CRU was to provide consistent and quality handling of all reissue applications.
Reissue Filings

Serial and RCE Reissue Filings

- Designs RCE
- Designs New
- 3993 RCE
- 3993 New
- 3992 RCE
- 3992 New
- 3991 RCE
- 3991 New
Questions and Comments

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