Pendency update and continuation practice data

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Key points of interest

• Serialized growth rate is 1.3% at end of Q3
• Overall productivity for the year is up 0.5%
• Patent Term Adjustment (PTA)
  – Overall PTA compliance of mailed actions: 84%
  – Overall PTA compliance of remaining inventory: 88%
• Utility, Plant, Reissue (UPR) first action pendency is 15.9 months
  – Decrease from 16.2 months in Q3 of FY19
• UPR total pendency is 23.1 months
  – Slight decrease compared to 24.2 months in Q3 of FY19
• Attrition rate is 4.4%
FY 2020 filing trends

• Serialized filings increased by 1.3% through Q3
  – Compared to 4.2% growth for FY19 Q3
  – As of 8/11/2020, filings are up 0.5%

• RCE filings have decreased by 7.7%
  – Compared to 1% decrease this time last year
  – Less rework is a positive
  – As of 8/11/2020, RCE filings are down 8.2%

• Provisional filings have increased by 2.4%
  – Compared to the 1.3% increase last year

• Design filings decreased by less than 1% (-0.2%)
  – Compared to 2.4% decrease in FY19 Q3
  – As of 8/11/2020, filings are up 0.4%
Continuation filing trends

- Continuations are rapidly increasing
  - Tripled in a decade
  - Now account for nearly a quarter of all serialized filings
- Impacts workload and docketing practice
  - Makes first-in-first-out and workload balancing more difficult
- Large majority filed from allowed cases
  - 70% of continuations have a patented parent
  - 26% of issued patents spawn a continuation
• Continuations have increased in both raw numbers and percent of filings
• Ratio between large and small entity continuation filings generally matches the overall ratio in overall filings
• Micro entities are somewhat underrepresented in continuation filings
• Majority of continuations have a single parent application, usually an allowed case
• More and more multi-parent continuations have been filed over time
**Plurality of continuations have a single allowed parent**

**More multi-patent families are being developed over time**
Continuation filings are skewed to U.S. origin compared to overall filings (~60% of CONs vs ~50% total)

Japan and China rapidly adopting continuation usage
• Usage of bypass continuations has increased over six-fold since 2000
• Japan and China are heaviest users of bypass continuation practice
• Bypass continuations account for ~15% of all continuations
Continuations by Technology Center (TC)

- TC 1600 (biotech and organic chemistry) has a long history of heavy continuation usage
- Electrical tech centers have greatly increased their usage since 2009
  - TC 2400 (networks, multiplex, cable, and security) has highest percentage of CONs in the corps
Thank you!

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