FY21 pendency stats review

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Assistant Commissioner for Patents
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Patent Public Advisory Committee quarterly meeting
Key points of interest

• Patent term adjustment
  – Overall PTA compliance of mailed actions: 83%
  – Overall PTA compliance of remaining inventory: 86%

• Serialized growth rate was -0.1%

• Attrition rate was 5.8%
FY 2021 filing trends

• Serialized filings decreased by 0.1%
  – Compared to 0.7% growth in FY20

• RCE filings have decreased by 6.5%
  – Compared to 9.0% decrease in FY20

• Provisional filings have decreased by 9.2%
  – Compared to 2.9% increase in FY20

• Design filings increased by 17.6%
  – Compared to 4.2% increase in FY20
FY21 USPTO serialized filings by country of origin

<table>
<thead>
<tr>
<th>Country of Origin</th>
<th>FY2020</th>
<th>FY2021</th>
<th>% Growth</th>
</tr>
</thead>
<tbody>
<tr>
<td>JAPAN</td>
<td>62566</td>
<td>59312</td>
<td>-5.2%</td>
</tr>
<tr>
<td>CHINA</td>
<td>36106</td>
<td>35606</td>
<td>-1.4%</td>
</tr>
<tr>
<td>SOUTH KOREA</td>
<td>29778</td>
<td>28606</td>
<td>-3.9%</td>
</tr>
<tr>
<td>GERMANY</td>
<td>21098</td>
<td>20896</td>
<td>-1.0%</td>
</tr>
<tr>
<td>TAIWAN</td>
<td>16283</td>
<td>15693</td>
<td>-3.6%</td>
</tr>
<tr>
<td>CANADA</td>
<td>8718</td>
<td>9071</td>
<td>4.0%</td>
</tr>
<tr>
<td>UNITED KINGDOM</td>
<td>8956</td>
<td>8652</td>
<td>-3.4%</td>
</tr>
<tr>
<td>FRANCE</td>
<td>7921</td>
<td>7953</td>
<td>0.4%</td>
</tr>
<tr>
<td>INDIA</td>
<td>5726</td>
<td>6638</td>
<td>15.9%</td>
</tr>
<tr>
<td>UNITED STATES</td>
<td>207404</td>
<td>209958</td>
<td>1.2%</td>
</tr>
</tbody>
</table>
FY 2021 serialized filings were flat; however, there was an increase in continuations.

National stage applications also showed an increase in filings, while applications claiming foreign priority and divisionals showed a decrease.

<table>
<thead>
<tr>
<th>Priority Type</th>
<th>2020</th>
<th>2021</th>
<th>% Growth</th>
</tr>
</thead>
<tbody>
<tr>
<td>CON</td>
<td>110722</td>
<td>112119</td>
<td>1.3%</td>
</tr>
<tr>
<td>NST</td>
<td>102180</td>
<td>106745</td>
<td>4.5%</td>
</tr>
<tr>
<td>None</td>
<td>75358</td>
<td>75779</td>
<td>0.6%</td>
</tr>
<tr>
<td>FOR</td>
<td>72360</td>
<td>66348</td>
<td>-8.3%</td>
</tr>
<tr>
<td>PRO</td>
<td>60378</td>
<td>61417</td>
<td>1.7%</td>
</tr>
<tr>
<td>DIV</td>
<td>18498</td>
<td>16834</td>
<td>-9.0%</td>
</tr>
<tr>
<td>CIP</td>
<td>10789</td>
<td>10533</td>
<td>-2.4%</td>
</tr>
<tr>
<td>REI</td>
<td>695</td>
<td>682</td>
<td>-1.9%</td>
</tr>
</tbody>
</table>
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
  - 80% of continuations have a patented parent
  - 21% of issued patents spawn a continuation
Historical continuation filings

- Continuations have increased in both raw numbers and percent of filings
- Ratio between large and small entity continuation filings generally matches the 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
- Continuation filings are skewed to US origin compared to overall filings (~60% of CONs vs ~50% total)
- Japan and China rapidly adopting continuation usage
- China now 2nd to US
Usage of bypass continuations has increased over six-fold since 2000
China heaviest user 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
Serialized filings by entity status

- Ratio of entity status relatively stable
- Most growth appears to have come from large entities
Thank you!

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