

35 USC 112 Statutory Compliance Metrics

		All Reviews		Non-Final		Final		Allowance	
		Count	Column N %	Count	Column N %	Count	Column N %	Count	Column N %
Quality Metric Category: 112	Compliant	3738	93.7%	2874	92.7%	146	90.1%	718	98.8%
	Not Compliant	250	6.3%	225	7.3%	16	9.9%	9	1.2%
	Total	3988		3099		162		727	
Quality Metric Category: 35 USC 112(a) - Enablement	Compliant	3938	98.7%	3058	98.7%	158	97.5%	722	99.3%
	Not Compliant	50	1.3%	41	1.3%	4	2.5%	5	.7%
	All Reviews	3988		3099		162		727	
Quality Metric Category: 35 USC 112(a) - Written Description	Compliant	3928	98.5%	3048	98.4%	156	96.3%	724	99.6%
	Not Compliant	60	1.5%	51	1.6%	6	3.7%	3	.4%
	All Reviews	3988		3099		162		727	
Quality Metric Category: 35 USC 112(b)	Compliant	3847	96.5%	2968	95.8%	157	96.9%	722	99.3%
	Not Compliant	141	3.5%	131	4.2%	5	3.1%	5	.7%
	All Reviews	3988		3099		162		727	
Quality Metric Category: 35 USC 112(a)/(b), (f)-related	Compliant	3961	99.3%	3074	99.2%	161	99.4%	726	99.9%
	Not Compliant	27	.7%	25	.8%	1	.6%	1	.1%
	All Reviews	3988		3099		162		727	

The Office's 35 USC 112 Statutory Compliance metrics are based on reviews assessing patentability under 35 USC 112(a) written description, 35 USC 112(a) enablement, and 35 USC 112(b), where the reviews were conducted by OPQA on every Office action type from all technologies. An action that does not reject a claim under a given statute is considered to be compliant as long as the reviewer does not identify an omitted rejection. As such, the compliance metric for 35 USC 112 includes as a compliant action any action in which no rejection was made and no rejection was warranted. Also, the number of instances of non-compliance under the overall metric will not necessarily be the sum of the number of instances of non-compliance under each of the breakdowns because a single case that is non-compliant with respect to, say, both 35 USC 112(a) and 35 USC 112(b) will be counted only as a single instance of non-compliance in the overall 35 USC 112 metric.