

UNITED STATES
PATENT AND TRADEMARK OFFICE



Pendency and Quality

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Key takeaways and recommendations

- The Patent Office is experiencing an unprecedented unexamined inventory that will require a multi-faceted approach to manage, including massive hiring, which adds significant compensation costs and case inventory examination challenges. The PPAC recommends the USPTO continue to monitor and balance hiring needs against the Office's financial stability consistent with the Office's core mission of issuing robust and reliable patents.
- Care must be taken with additional hires to ensure that training (which will require additional work for current Examiners) is not curtailed, particularly in light of the current small declines in patent examination satisfaction.

Key takeaways and recommendations cont.

- Previous Patent Examiner incentives to increase workload and turnaround and additional investment in IT have shown limited success, although gainsharing award and 1:1 did increase production slightly, and 2023 was the first production increase since 2019 and largest since 2015. The PPAC recommends the USPTO to continue to explore additional incentive alternatives.
- Patent Quality continues to be undermined by the PTAB invalidation rate, remains over 50% for claims that are reviewed in Post Grant challenges, and the PPAC recommends the patent office to continue to study this trend and publish all data on conclusions that are reached, which will help educate stakeholders as to likely causes for invalidation and help to close the loop.



