

**UNITED STATES  
PATENT AND TRADEMARK OFFICE**



# Patent Public Advisory Committee Quarterly Meeting

## FY17 End of Year Stats Review

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# Key Points of Interest

- **FY17 4<sup>th</sup> Q Statistics**
  - First Action pendency was 16.3 months
    - First action pendency goal was 14.8
  - Total Pendency was 24.2 months
    - Total pendency goal was 24.8
- **Attrition rate continues to be low (4.1%)**
- **Filings were lower than expected**

# **Analysis and Discussion**

# FY 2017 Pendency

- First action pendency has been negatively impacted by:
  - Hiring freeze
  - Reduced overtime
  - Additional time adjustments due to the new classification system (CPC)

# FY 2017 Filing Trends

- **Serialized filings were up 0.3%**
  - In line with both model forecast and recent trends
- **RCE filings were down 3.8%**
  - Decrease was expected
  - Less rework is positive
  - RCE drop causes total filings to be down 1%
- **Design filings were up 6.1%**
  - Slightly lower than expected
- **Provisional filings were down 0.3%**

# RCE Filing Trends

Tech Center	FY16 Q4	FY17 Q4	Change
1600	16607	16623	.1%
1700	24368	23472	-3.7%
2100	20519	20084	-2.1%
2400	24360	23033	-5.4%
2600	23775	22380	-5.9%
2800	28653	26671	-6.9%
3600	25065	22461	-10.4%
3700	29088	28618	-1.6%

# Attrition

- **FY 2017 attrition rate was 4.1%**
- **Highest attrition rate continues to be among new examiners**
  - 25% for those under one year of service
- **Falls to 5% and under by the third year of service**
- **Under 1% attrition rate for those with 10+ year of service**



# Variations from Model Estimates

- Lower than expected serial filings
- Lower than expected RCE filings
- Lower overtime usage

# Summary of Alice Impacts

- Alice impacts were limited to the Business Methods area
- RCE filings first declined then spiked and have since slowly dropped back to pre-Alice levels
- Allowance rate dropped substantially, has since edged upward to about half the pre-Alice level
- Temporary spike in re-openings following PTAB reversals
- Decrease in serialized filings (from ~1300/month pre-Alice to ~975/month recently)

# Track One

- **Pendency continues to be extremely low**
  - Average time from Filing to Petition grant: 1.4 months
  - Average time from petition grant to first action: 2.1 months
  - Average time from petition grant to final disposition: 6.5 months
- **Annual cap reached for first time in FY 2016**
- **FY17 filings slowed resulting in the cap not being reached**

# Patent Term Adjustment (PTA)

- On average, 56% of first actions were being completed later than 14 months from filing
  - Lowest compliance category
- Performance in the 4/4/4 categories has historically been fairly good and continues to be so currently
  - Through FY17 Quarter 4, the Corps averages are:
    - Amendments 6.7%
    - Appeal decisions 3.5%
    - Issues 1.5%
- Currently approximately 17% of issues exceed 36 months total PTA pendency
  - Will decline further along with overall average pendency

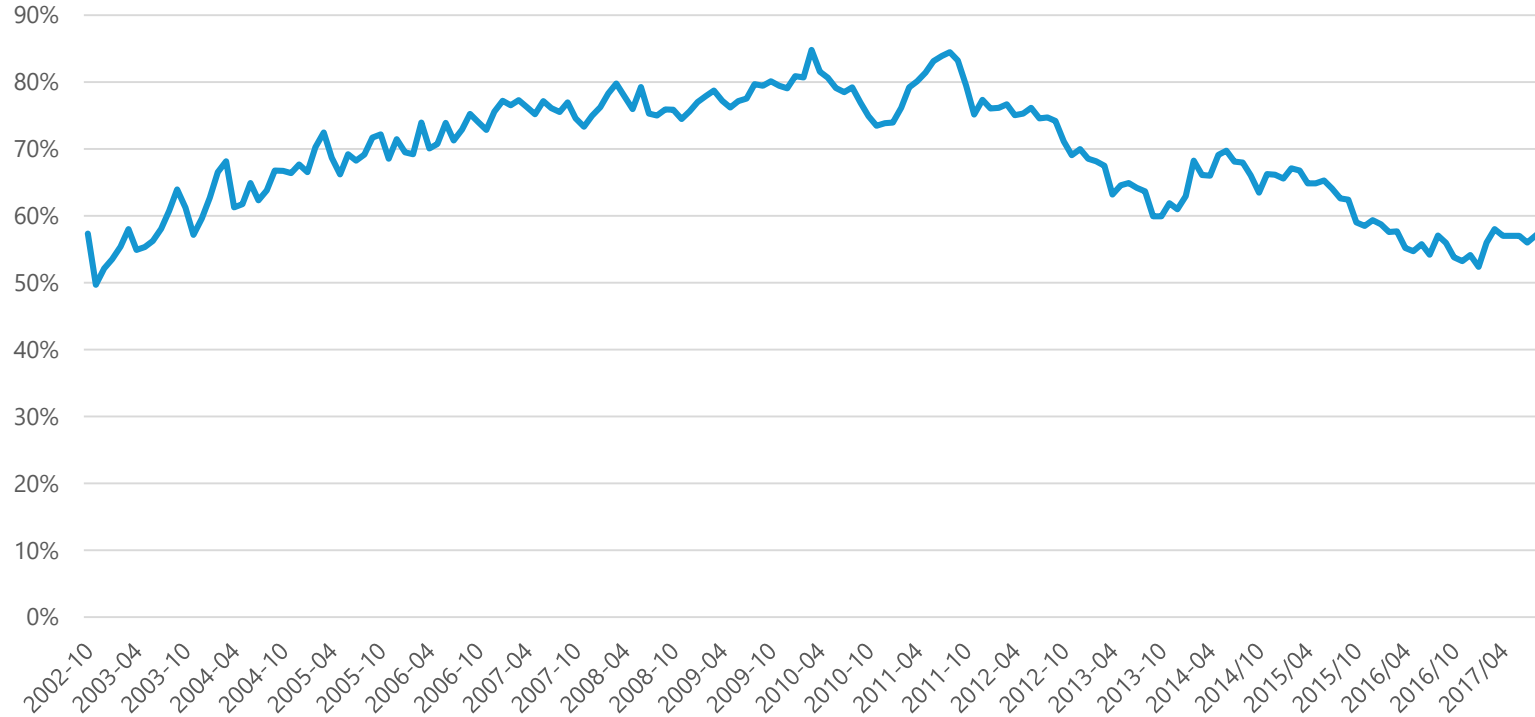
# PTAB Results

- **Overall affirmance rate of 56% for FY17**
  - Additional 12% affirmed-in-part
  - Tech center rates range from 43% (3700) to 68% (1600)

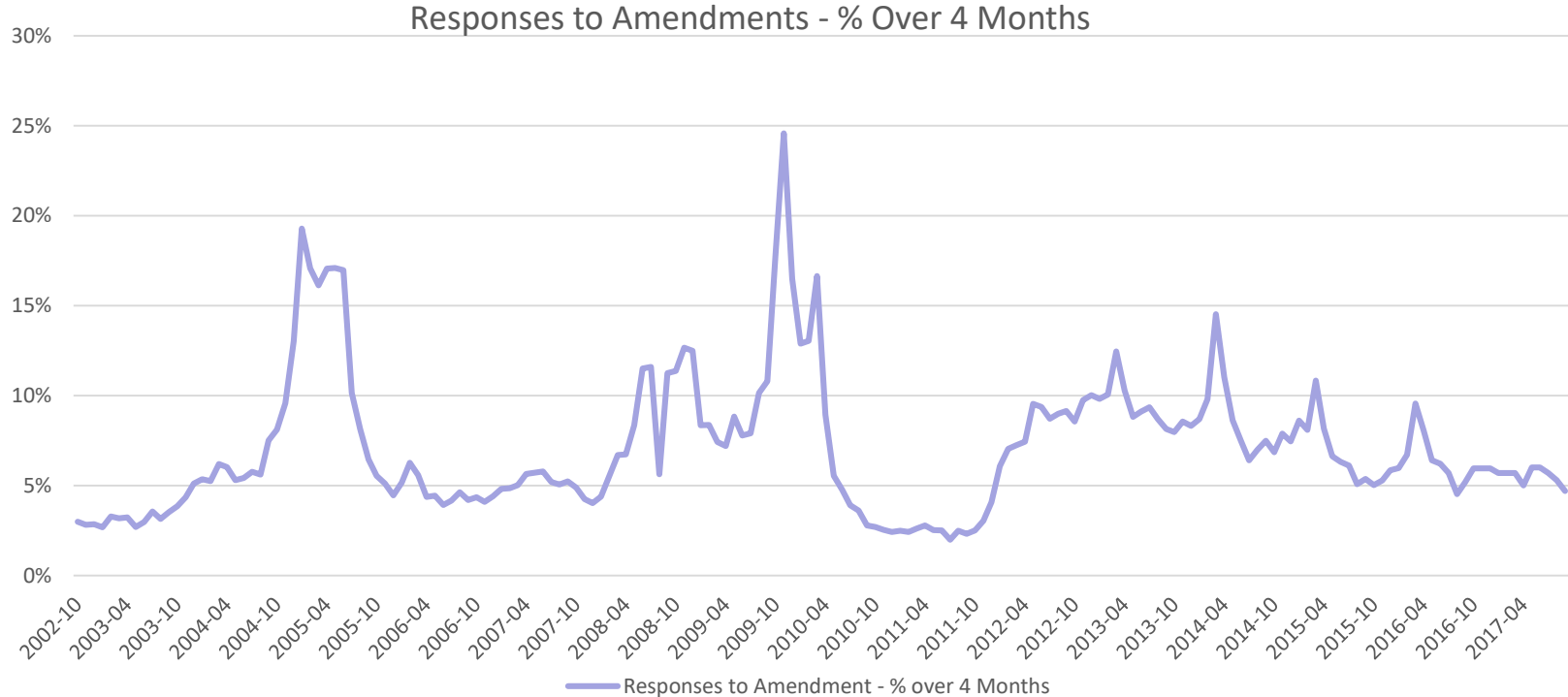
# Supporting Data

# Historical PTA Results – First Actions

First Actions - % over 14 Months



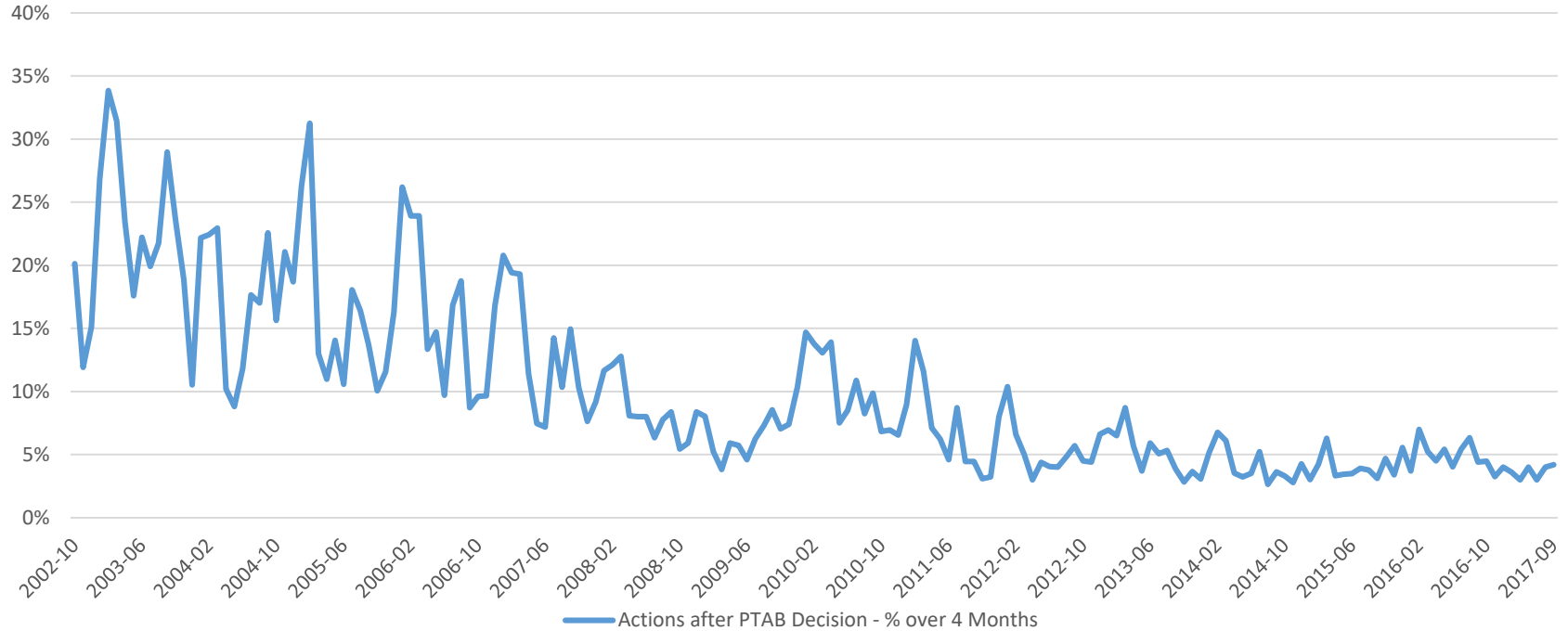
# Historical PTA Results – Amendments



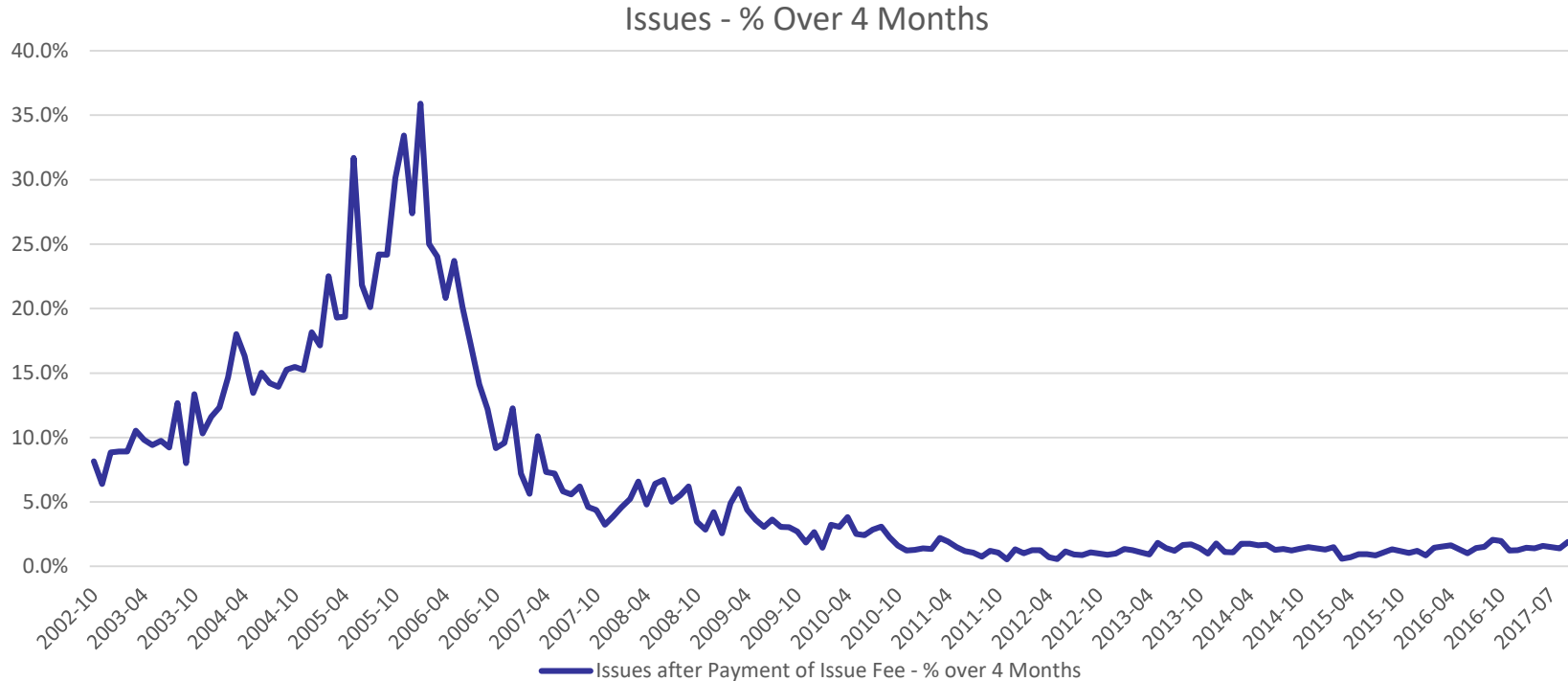


# Historical PTA Results – PTAB

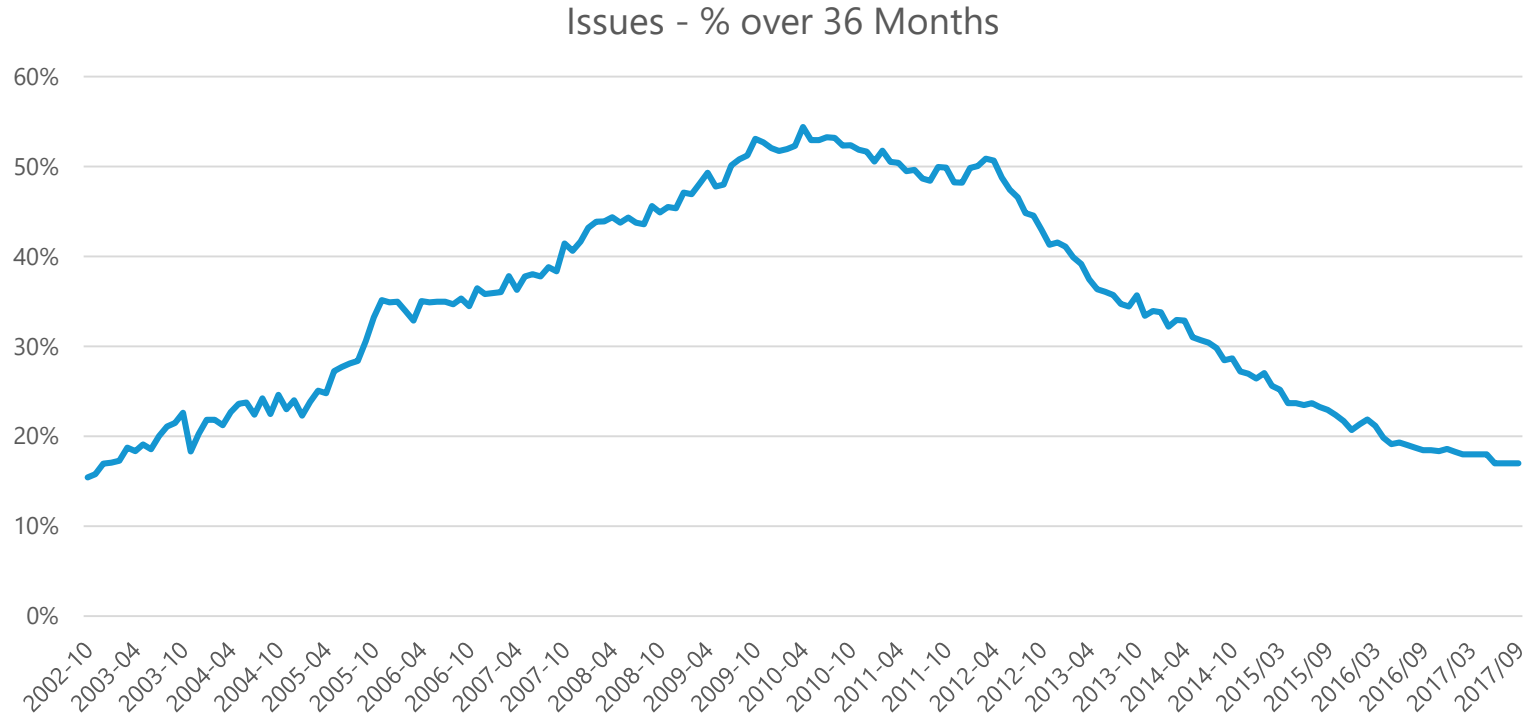
Actions after Appeal Decisions - % Over 4 Months



# Historical PTA Results – Issues

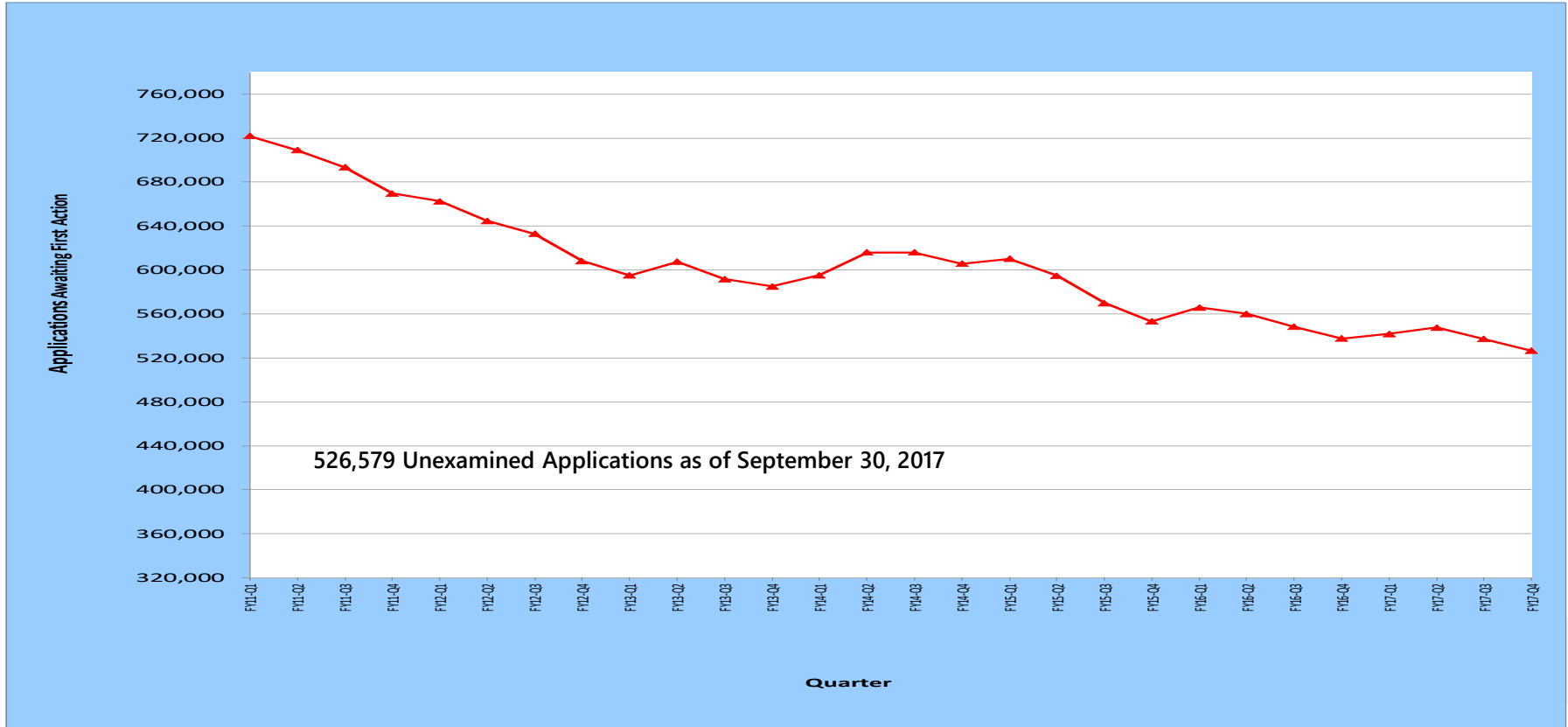


# Historical PTA Results – Total Pendency



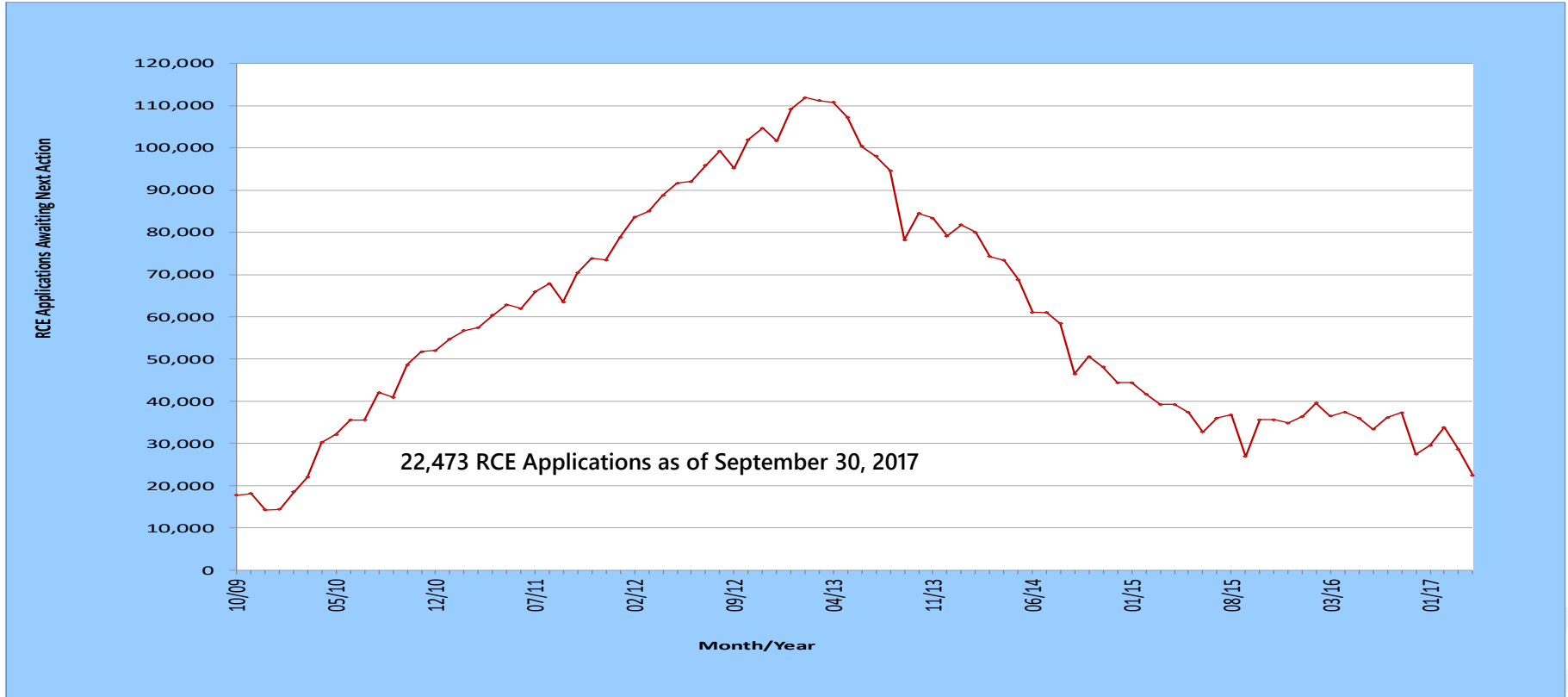
# Unexamined Patent Application Inventory

## FY 2011 – FY 2017 Q4



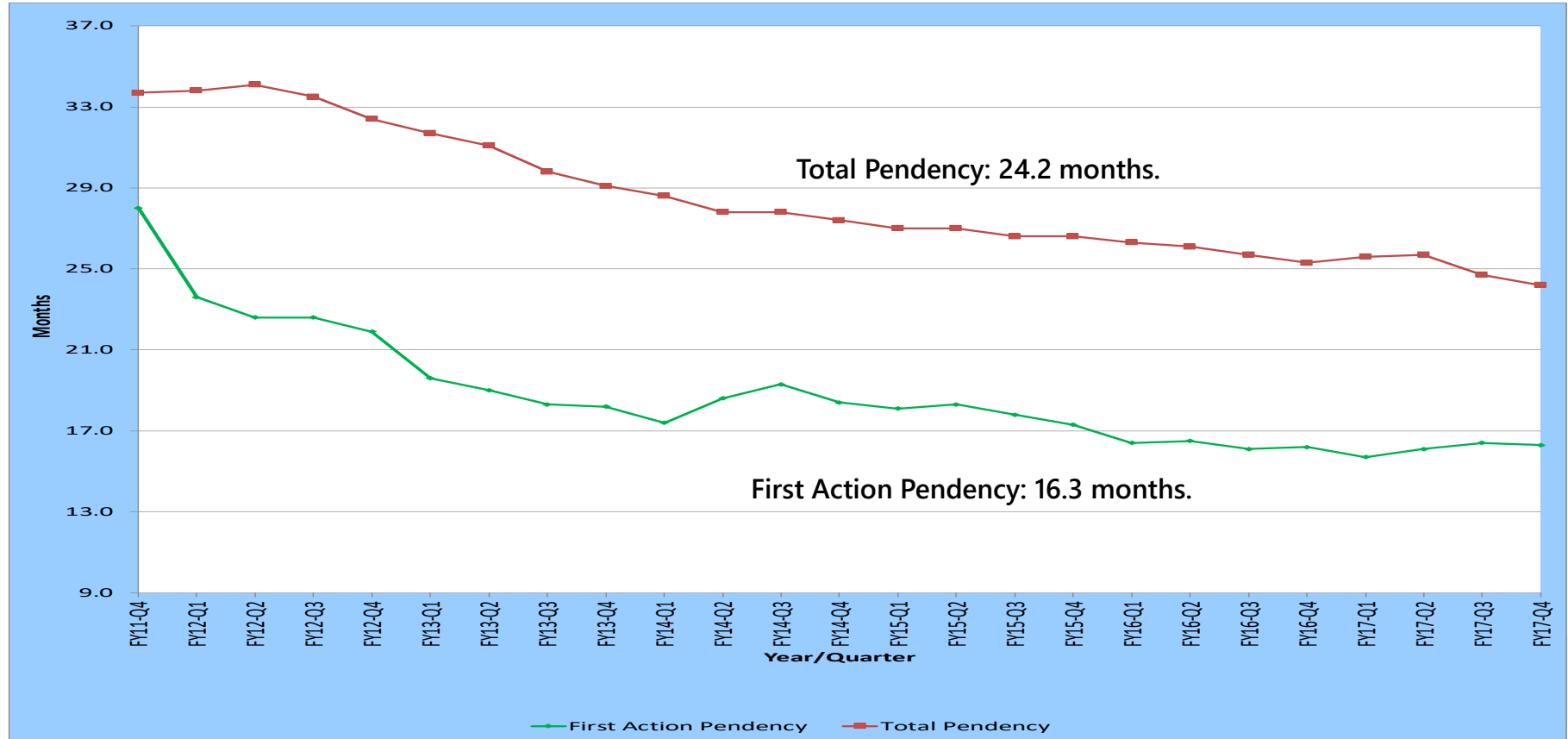
# RCE Inventory

FY 2010 – FY 2017 Q4

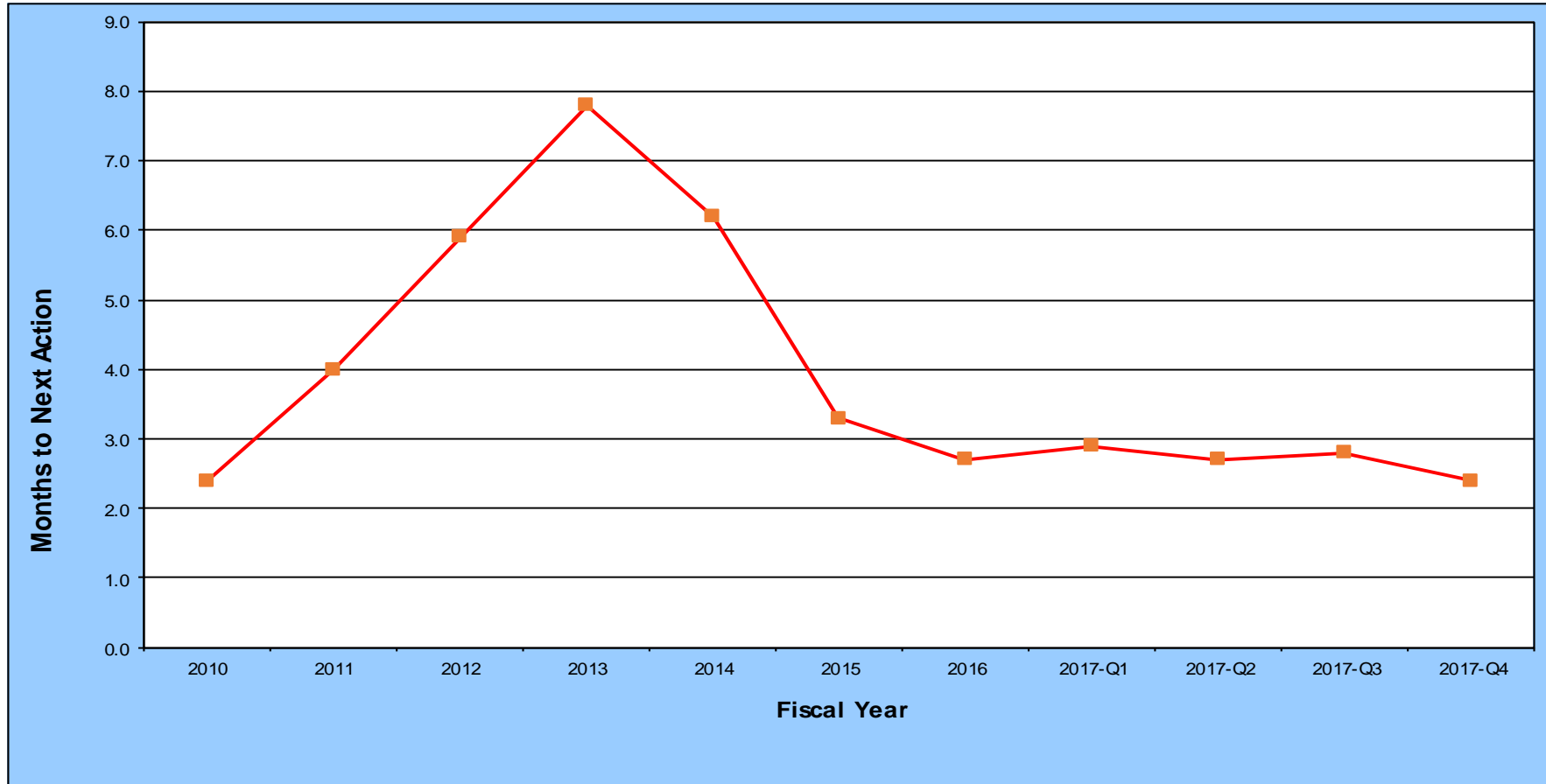


# First Action Pendency and Total Pendency

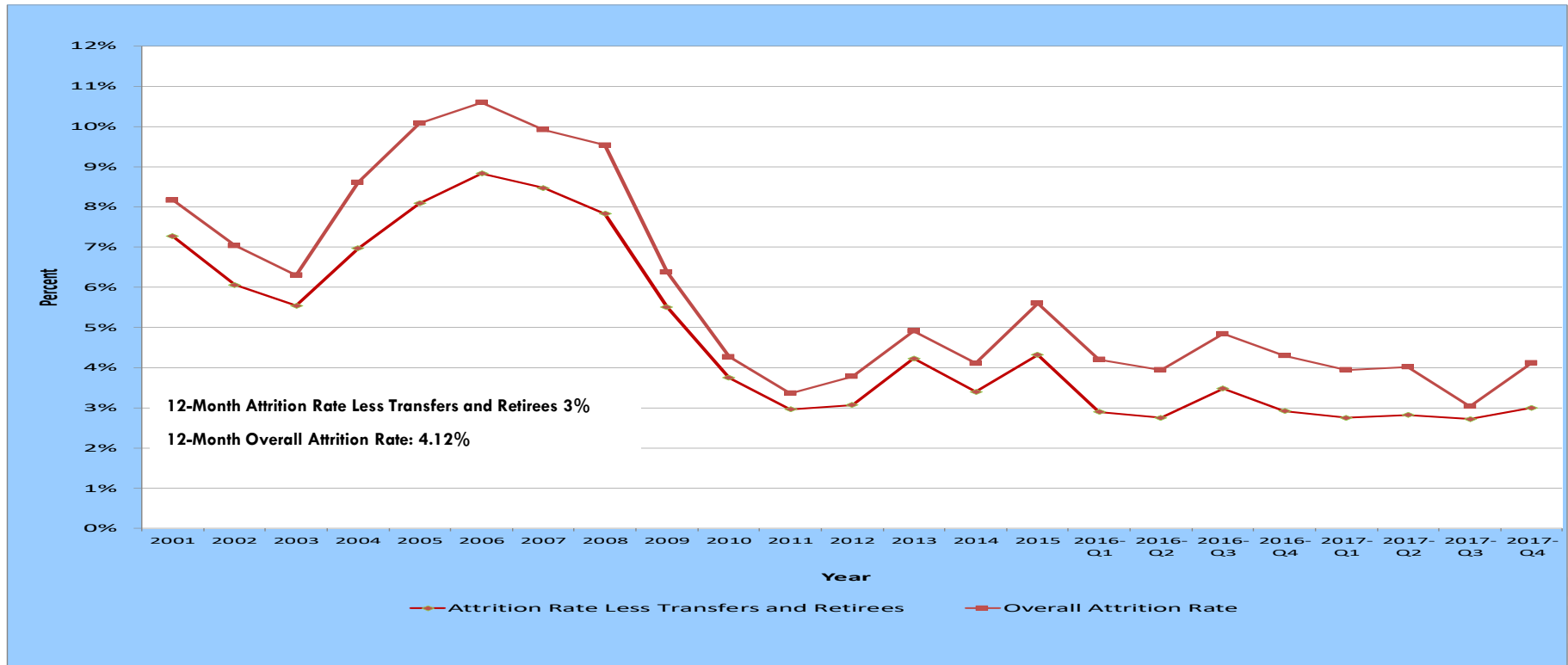
FY 2011 – FY 2017 Q4



# Pendency from RCE Filing to Next Action

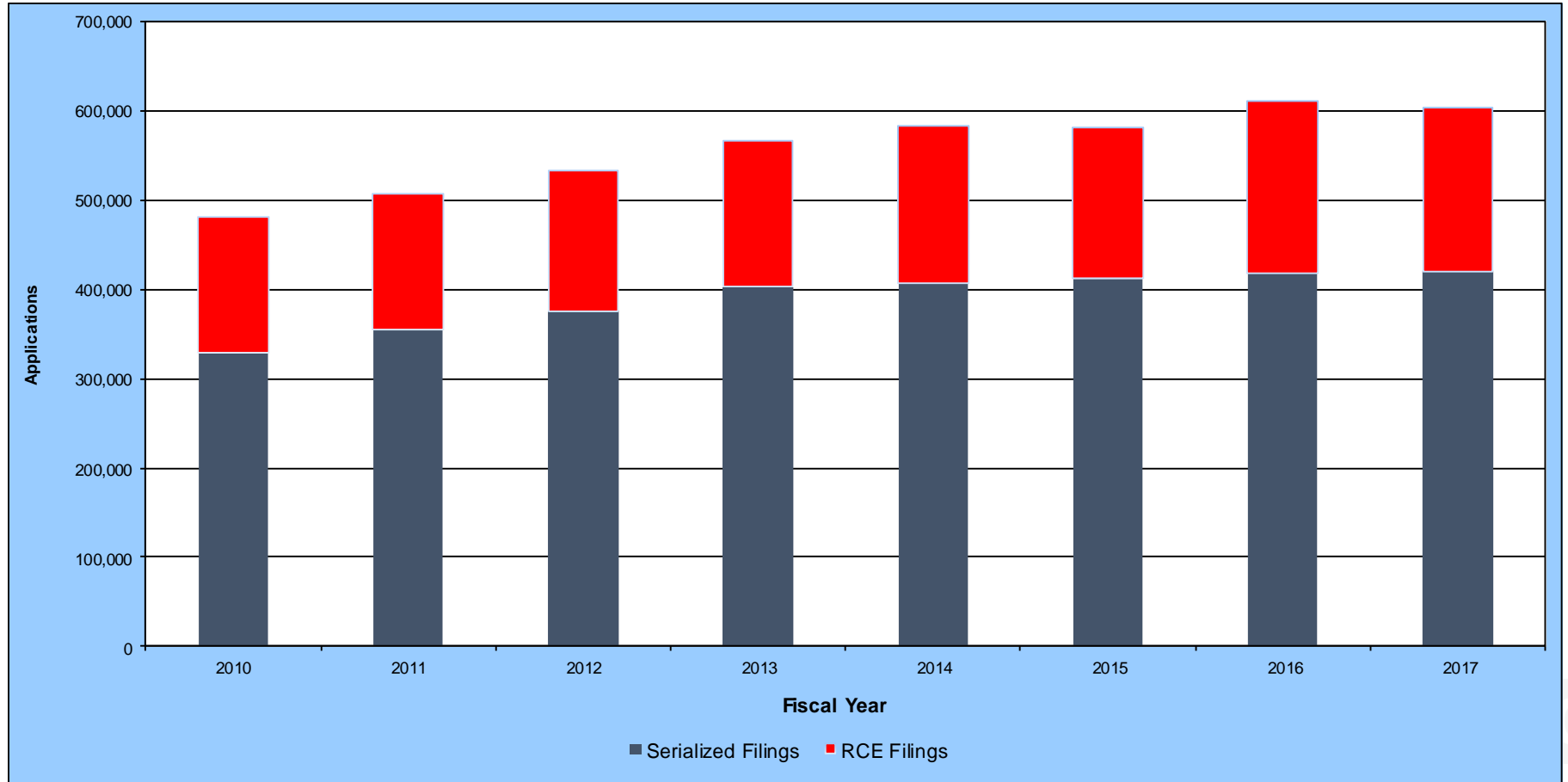


# 12-Month Average UPR Examiner Attrition Rate Less Transfers and Retirees and Overall Attrition Rate FY 2001 – FY 2017 Q4

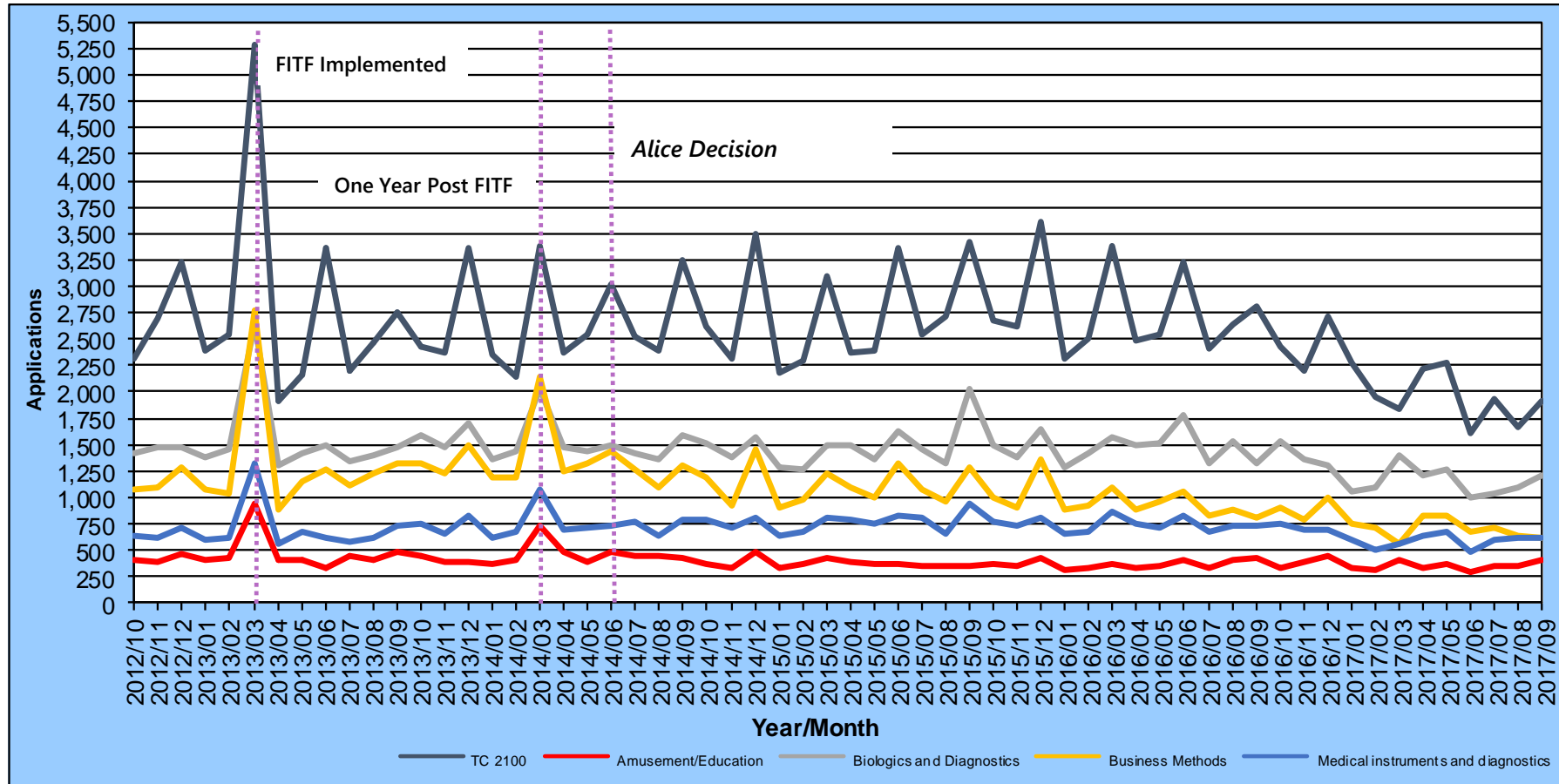




# Serialized and RCE Filings FY10-17

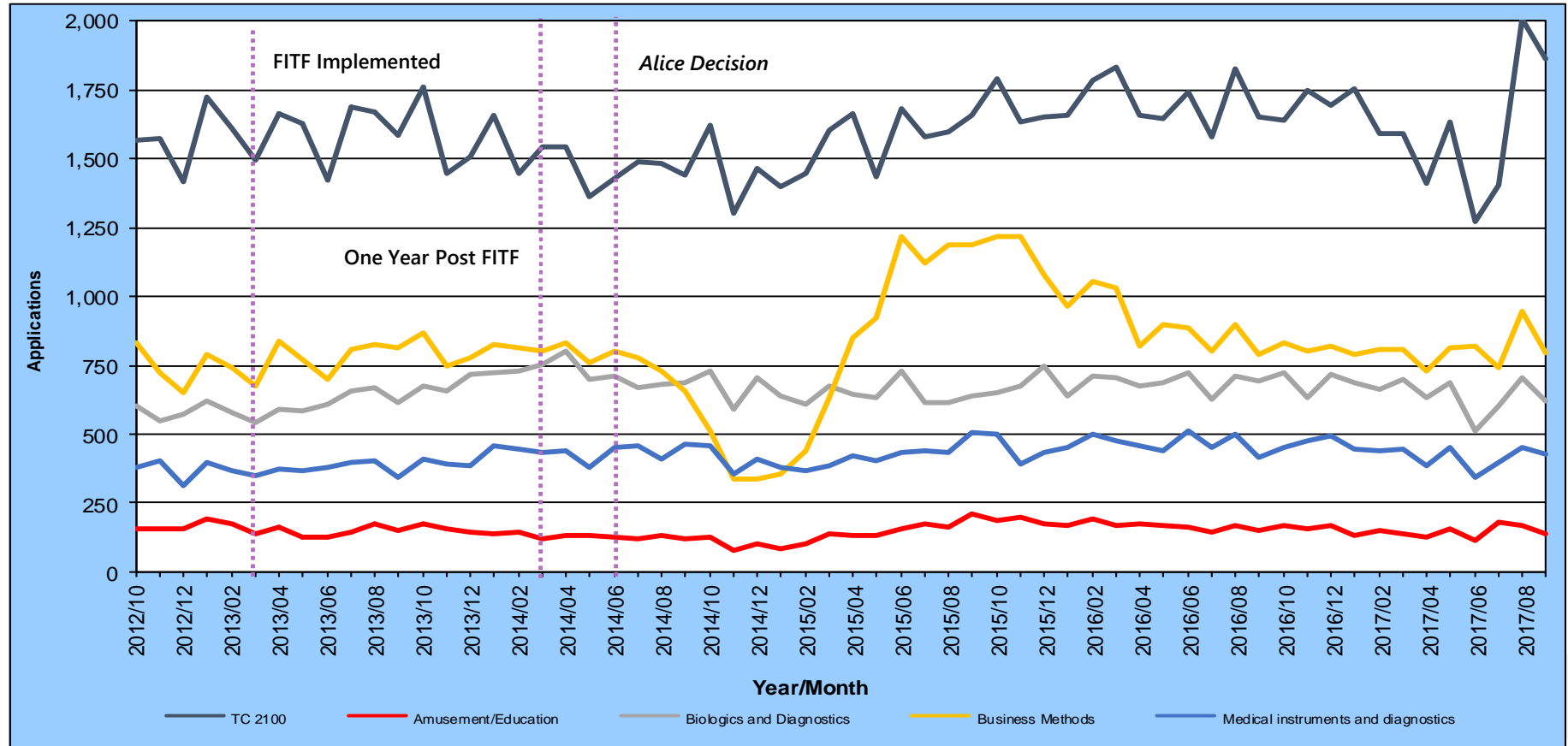


# Monthly Serialized Filings FY 2013 – FY 2017

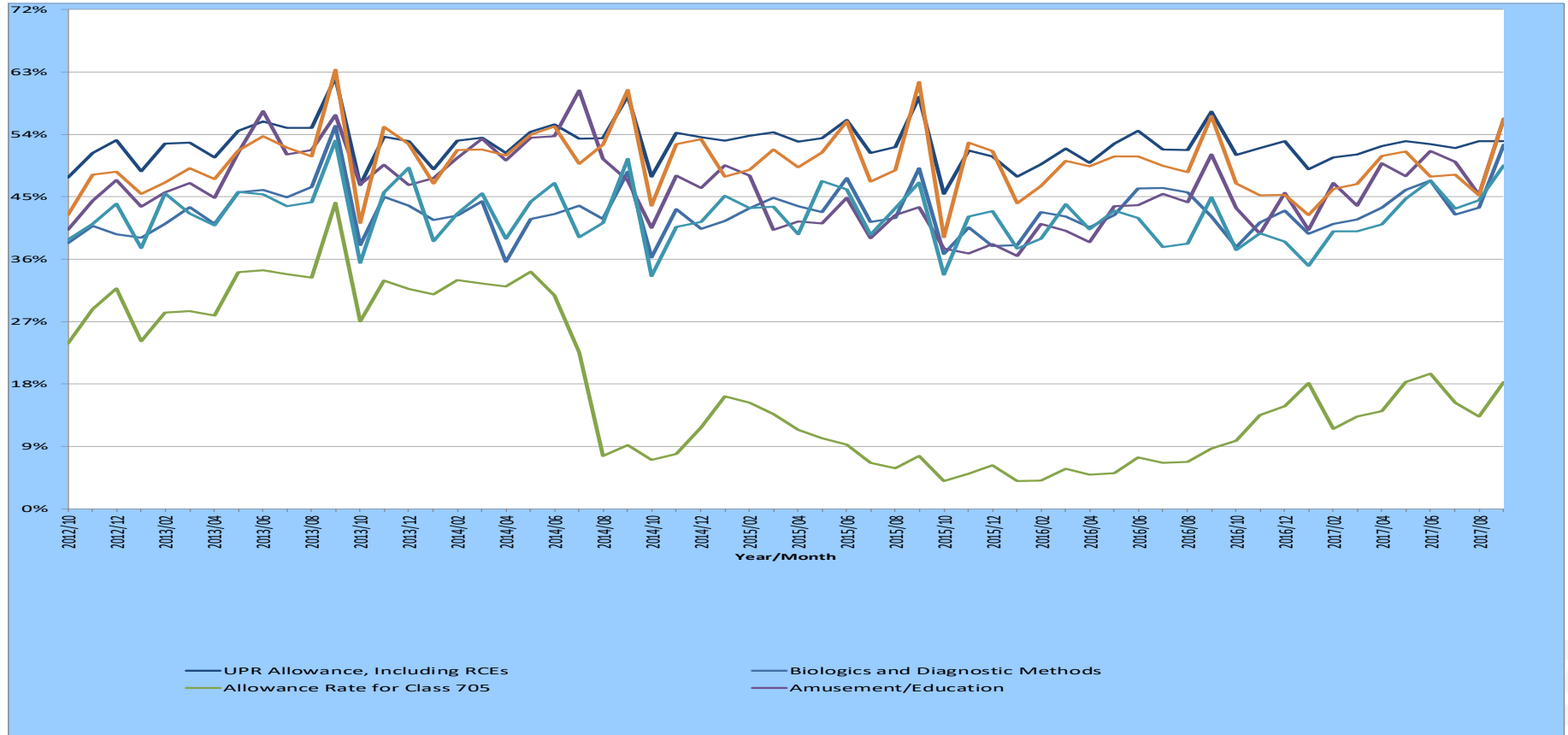


Note: RCE filings are not included. There is some delay (up to several months) between filing and assignment of classification data, so recent months may under-count class-based filings.

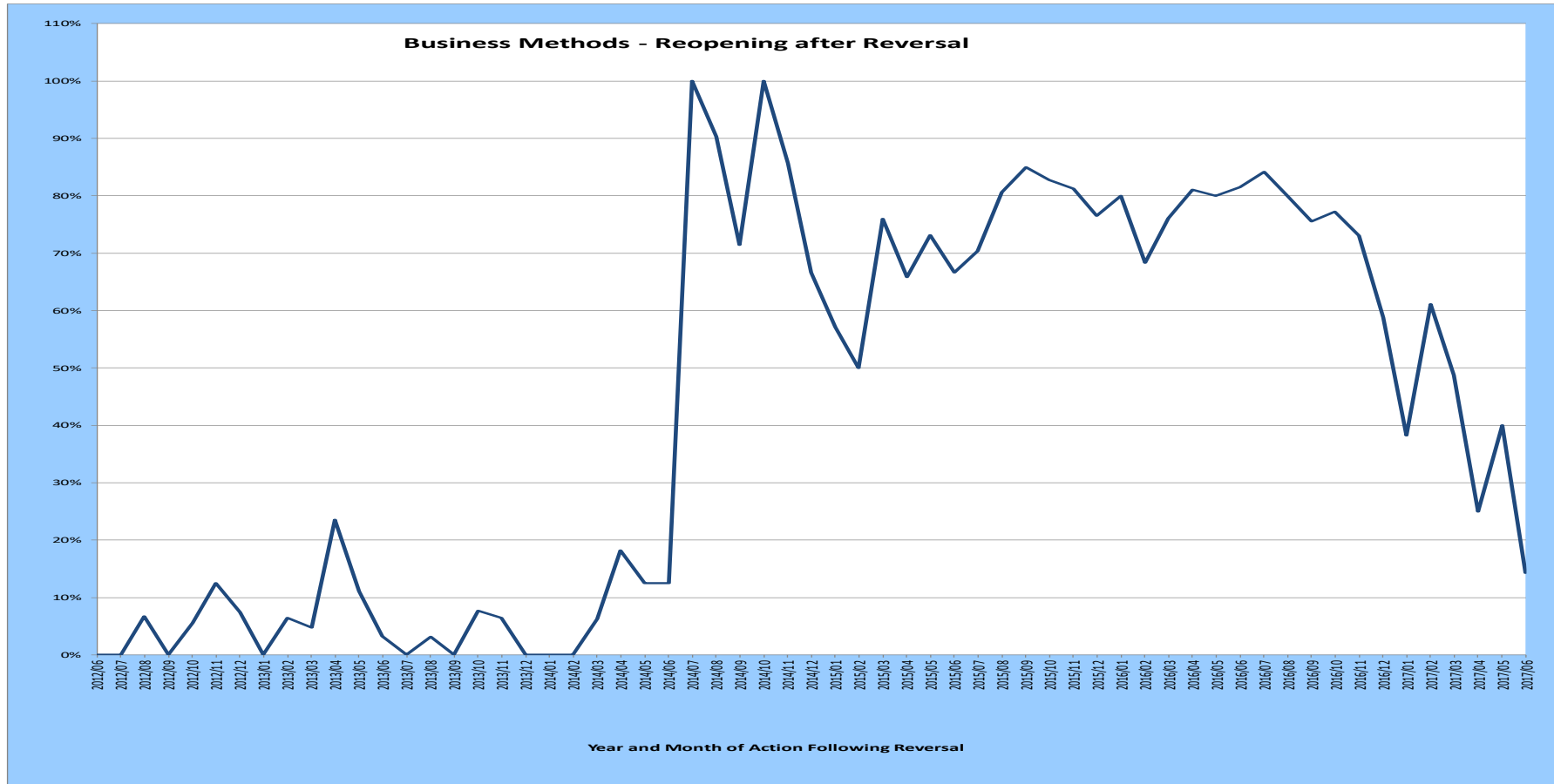
# Monthly RCE Filings FY 2013 – FY 2017



# Monthly Allowance Rate



# Reopening Rates Following Reversals

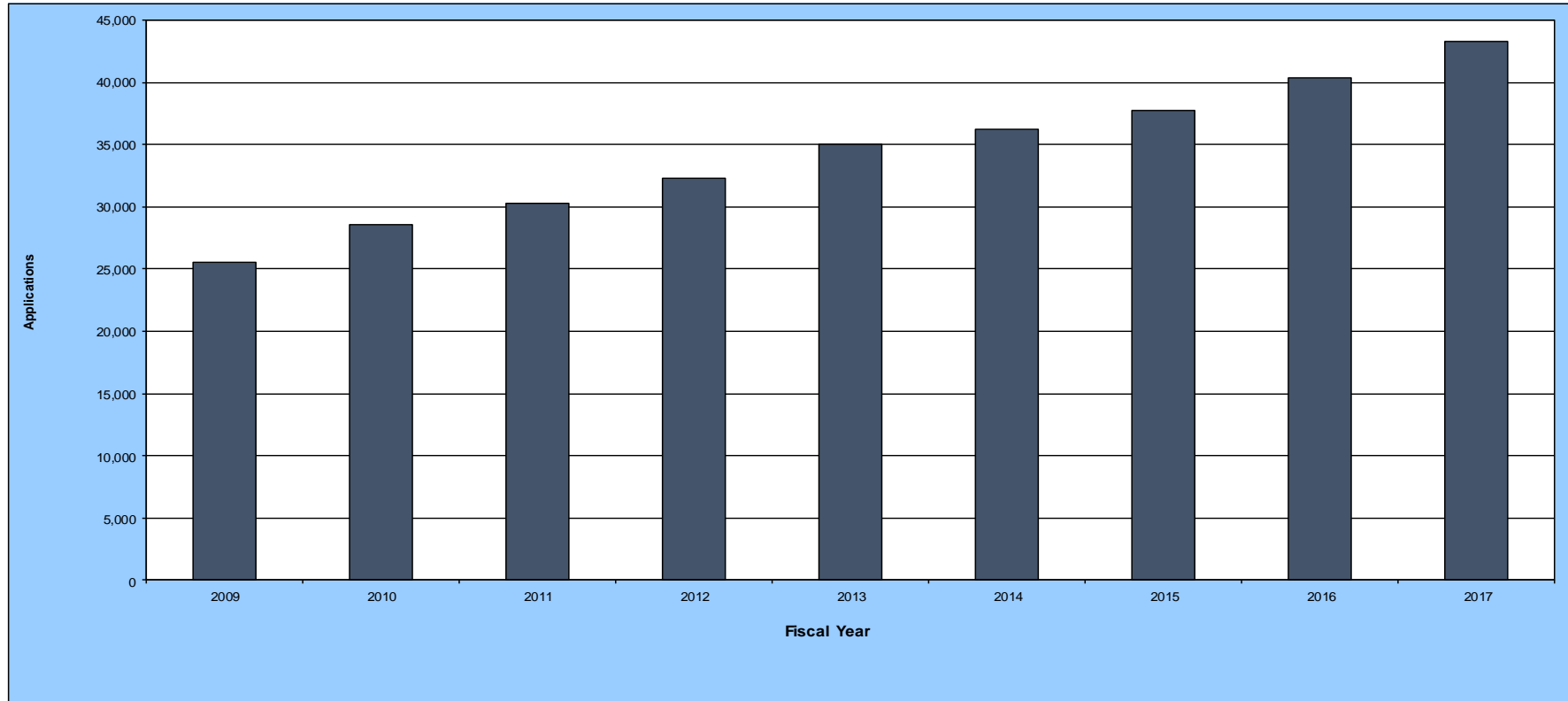


# Track One Filings

Petitions Received	October	November	December	January	February	March	April	May	June	July	August	September	Total
FY 11												855	855
FY 12	390	302	285	292	371	442	457	516	436	470	517	559	5,037
FY 13	505	513	575	504	468	1,029	400	508	530	584	642	636	6,894
FY 14	715	570	732	650	629	1,028	822	803	795	796	673	911	9,124
FY 15	833	633	758	662	665	867	778	768	877	868	720	857	9,286
FY 16	729	844	1,155	766	773	868	824	776	848	679	773	976	10,011
FY 17	926	735	781	632	656	841	746	886	930	779	821	866	9,599

# Design Filings

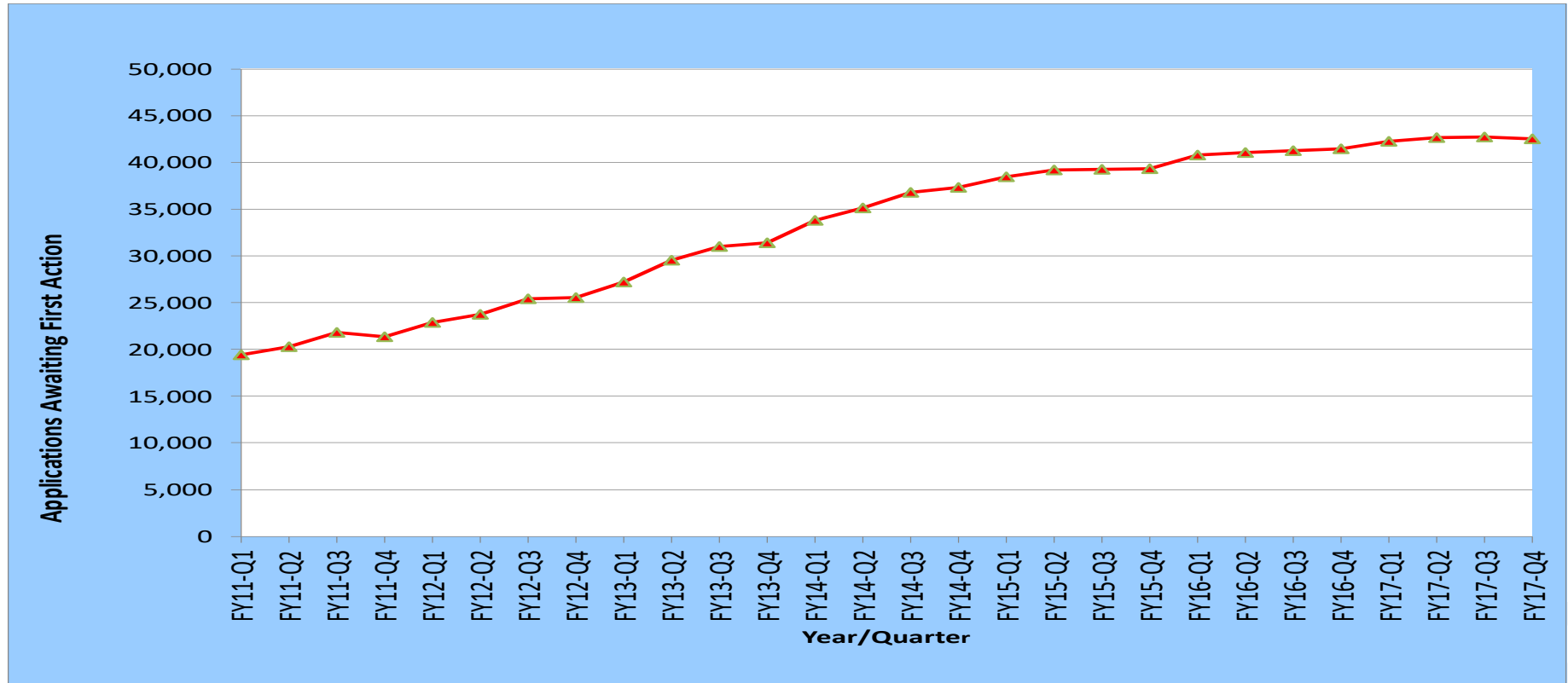
FY 2009 – FY 2017 Q4



**43,272 applications received in FY17 Q4**

# Design Unexamined Application Inventory

## FY 2011 – FY 2017 Q4

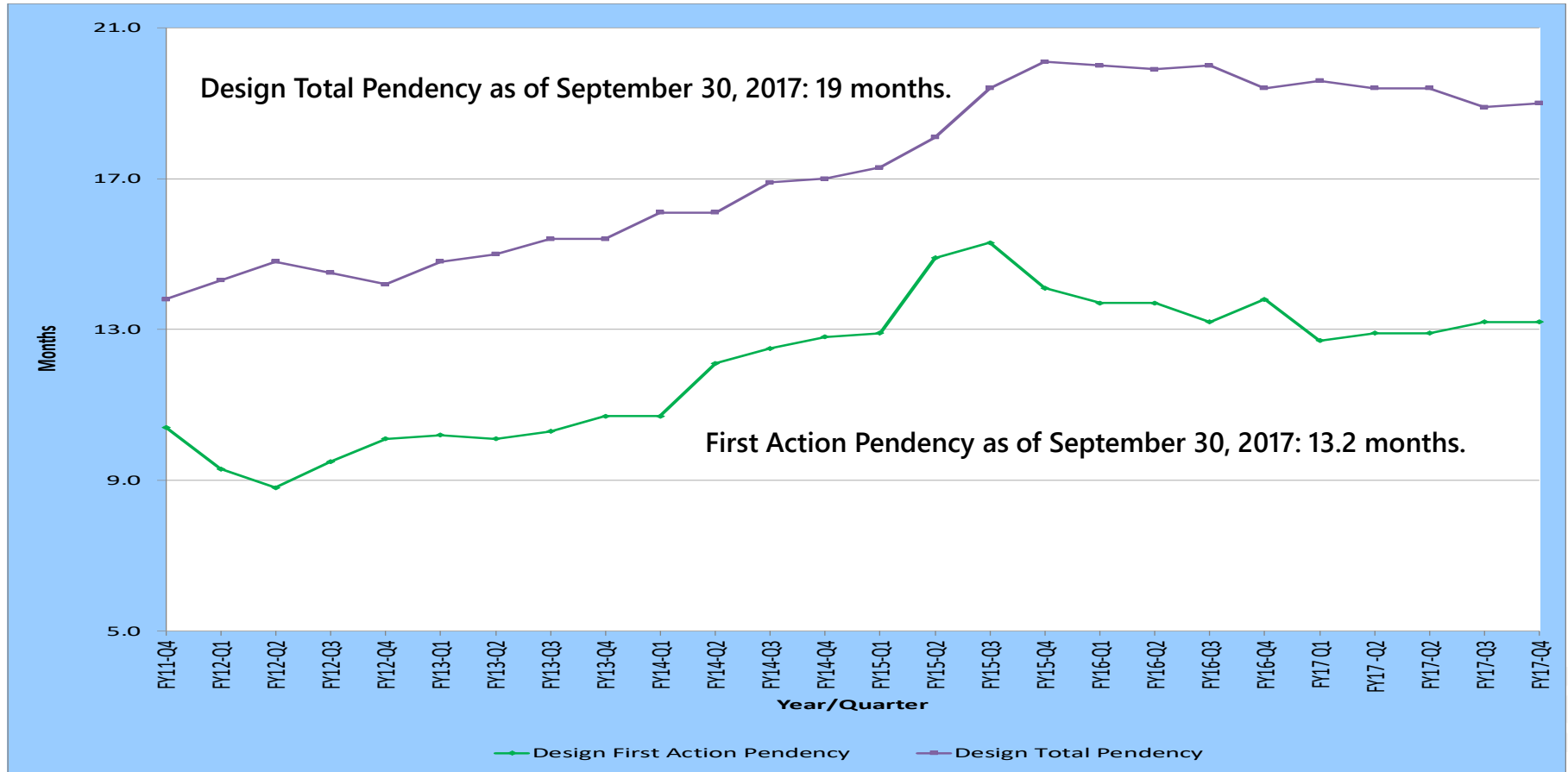


FY 2017 Q4 is 42,537



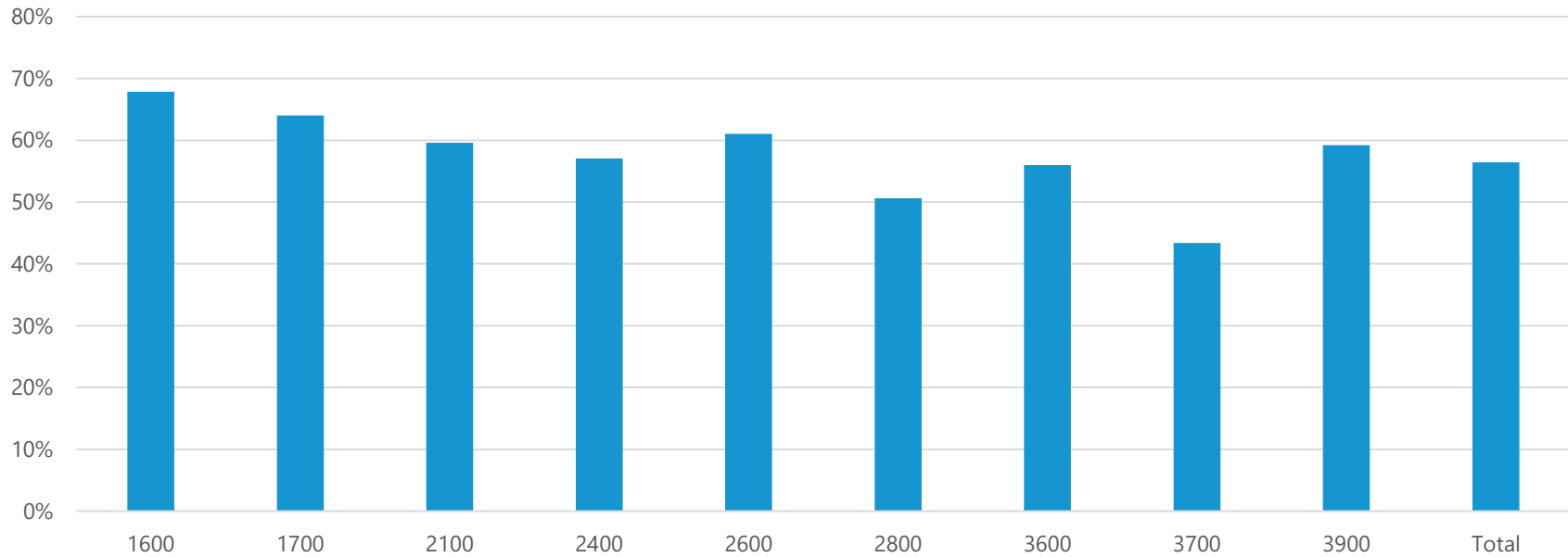
# Design First Action Pendency and Total Pendency

FY 2011 – FY 2017 Q4



# FY17 Appeal Results by Tech Center

% AFFIRMED FY17 Q4 BY TECH CENTER



# Questions and Comments

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