

Organizational Structure and Administration of the Patent Trial and Appeal Board

The USPTO aims to achieve transparency in its operations because we want users to understand the agency as well as provide constructive feedback for strengthening our patent system. As part of our transparency efforts, we would like to share how the Patent Trial and Appeal Board is structured and manages its workload. The Board has almost tripled in size over the past three years, in large part due to the establishment of the AIA trials under the America Invents Act, and the Board's organizational structure and administration has evolved to meet this growth.

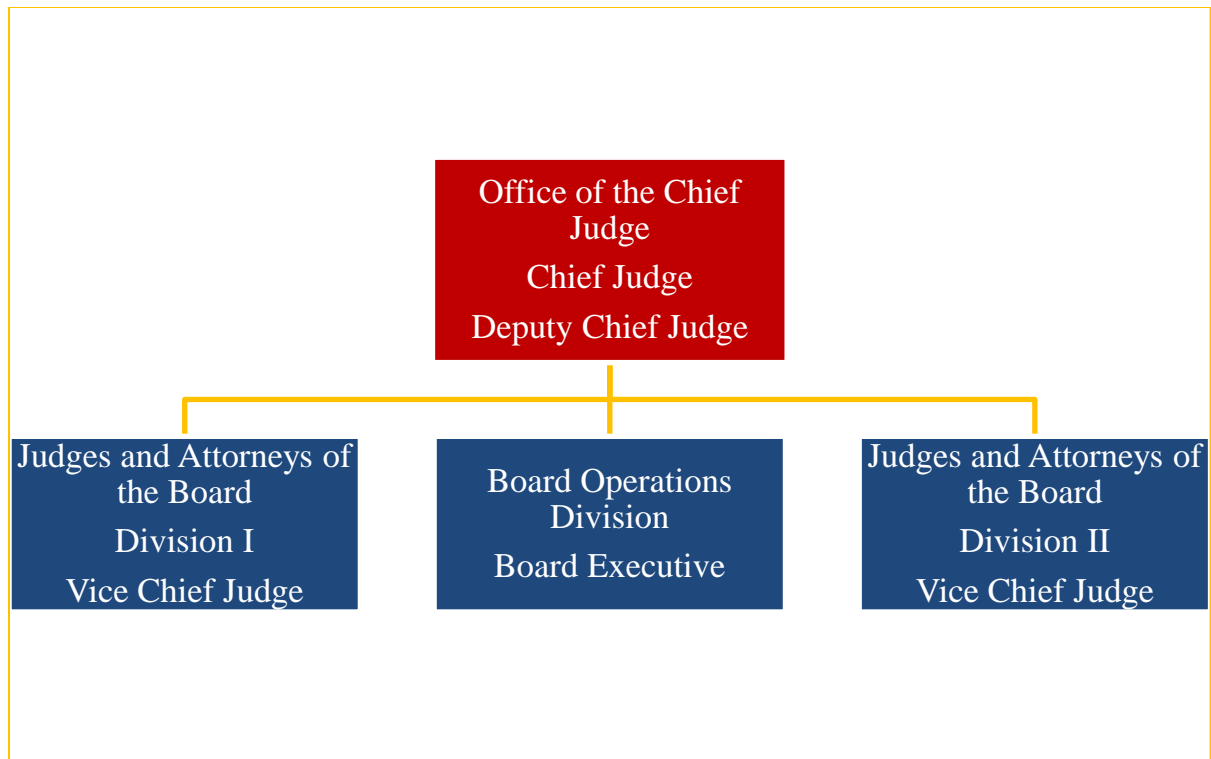
Organizational Structure of the Board

The patent statute sets forth the basic organization of the Board,¹ and the agency has filled in details over the years of operation. The United States Code, 35 U.S.C. § 6, provides: "There shall be in the Office a Patent Trial and Appeal Board. The Director, the Deputy Director, the Commissioner for Patents, the Commissioner for Trademarks, and the administrative patent judges shall constitute the Patent Trial and Appeal Board." The same statutory provision mandates the duties of the Patent Trial and Appeal Board ("Board" or "PTAB"), the composition of the Board, the qualifications for membership on the Board, and the panel form of decision-making for appeals, derivation proceedings, post-grant reviews (including covered business method reviews), and *inter partes* reviews. To issue decisions in the matters that come before it, the Board involves more than 300 people serving in many positions including Chief Administrative Patent Judge, Deputy Chief Administrative Patent Judge, Vice Chief Administrative Patent Judges, Lead Administrative Patent Judges, Administrative Patent Judges, Supervisory Patent Attorneys, Patent Attorneys, Paralegal Specialists, Legal Instrument Examiners, Administrators, Analysts, and Support Specialists.

Executive Management of the Board

The Office of the Chief Judge serves as the senior level executive management of the Board. The Office of the Chief Judge consists of the Chief Judge and the Deputy Chief Judge. As shown in the organizational chart below, the Deputy Chief Judge of the Board reports directly to the Chief Judge. The next level of executive management at the Board consists of the Vice Chief Judges and the Board Executive. The Vice Chief Judges and the Board Executive report to the Deputy Chief Judge.

¹ <http://www.uspto.gov/patents-application-process/patent-trial-and-appeal-board/resources/about-ptab>

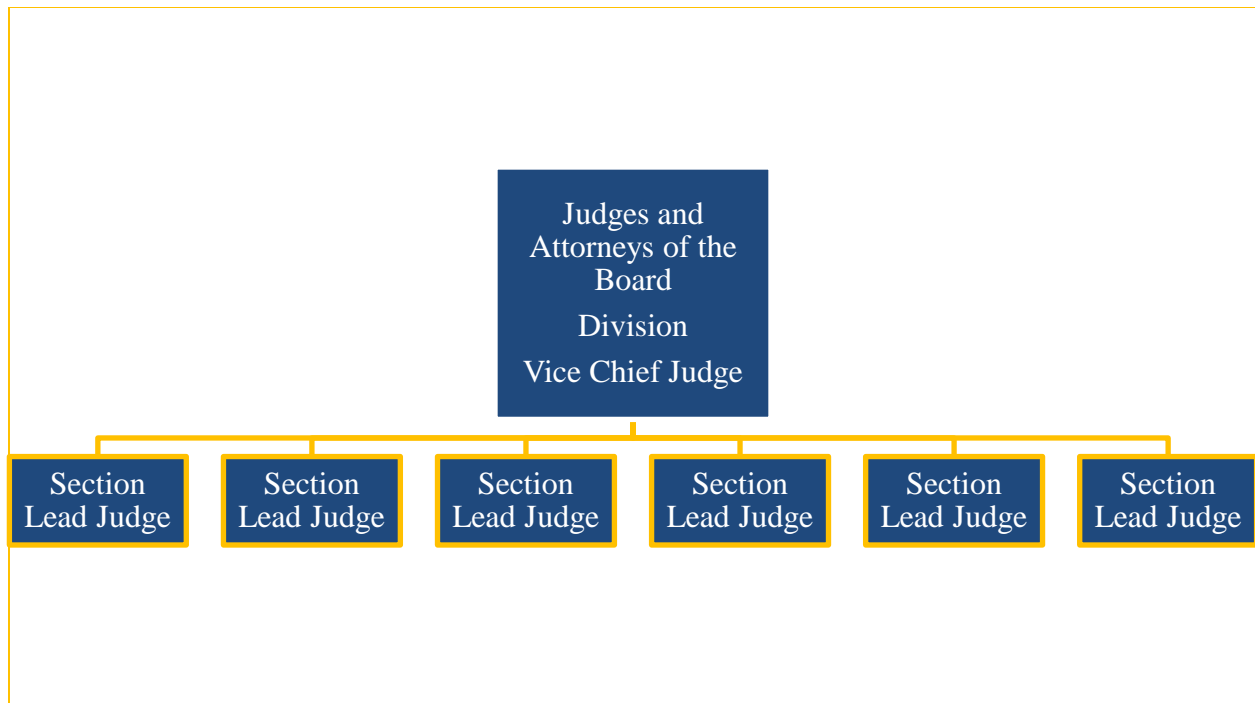


The chart above illustrates the overall organizational structure of the Board.

Judges and Patent Attorneys of the Board

The Vice Chief Judges each manage a division consisting of judges and patent attorneys. Currently, there are six sections in each division, and each section is managed by a Lead Administrative Patent Judge. Each section covers a broad technical focus, although many judges in a section may carry dockets that span a number of technical disciplines. In each section, some judges work exclusively on appeals, and other judges work on both trials and appeals. The Board is continuing to hire judges and patent attorneys and encourages interested candidate to apply through the USAJobs website.²

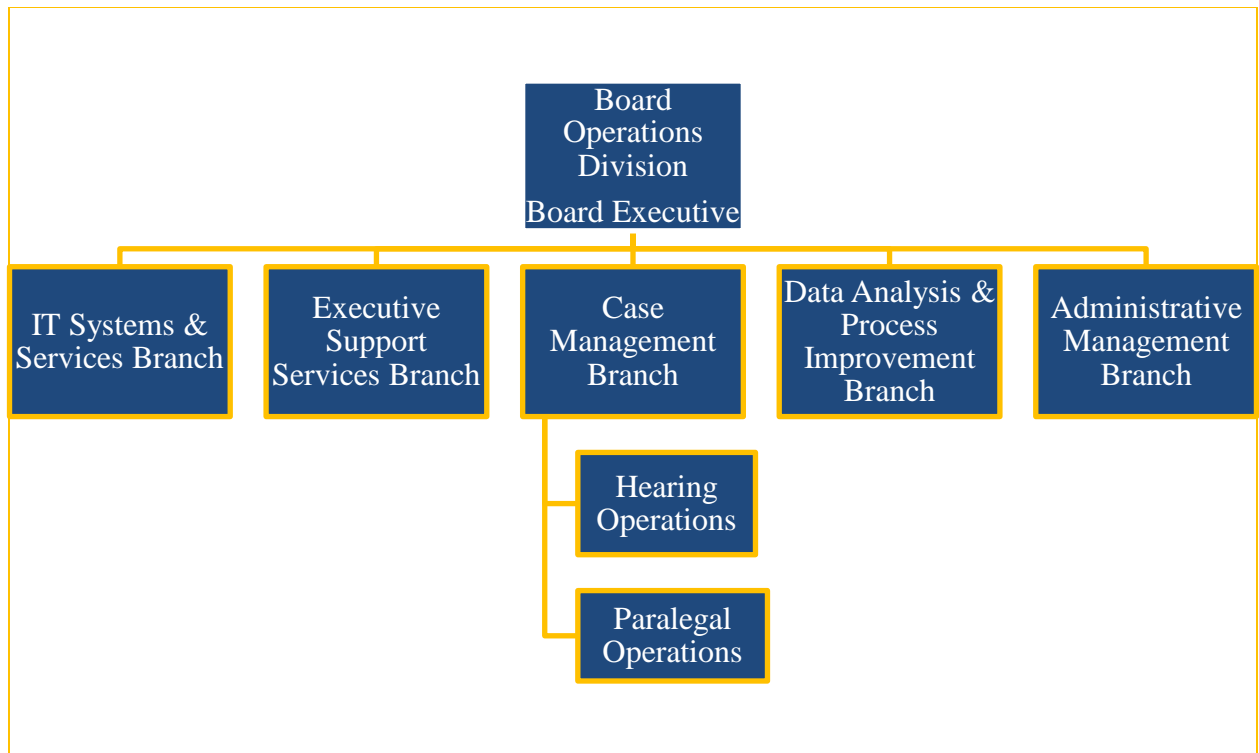
² <http://www.uspto.gov/patents-application-process/patent-trial-and-appeal-boards/resources/now-hiring>



The chart above illustrates the organizational structure of a Division comprising judges and patent attorneys.

Board Operations Division

The Board Executive manages the Board Operations Division, which consists of over 75 staff members. The Board Operations Division is divided into five branches: (i) the IT Systems & Services Branch, (ii) the Executive Support Services Branch, (iii) the Case Management Branch (which consists of Hearing Operations and Paralegal Operations), (iv) the Data Analysis & Process Improvement Branch, and (v) the Administrative Management Branch. Branch Chiefs lead each branch. Paneling is implemented by the Chief Clerk's Office and Patent Administrators, who take into account many factors when paneling a case, including, technical experience, experience at the Board, and availability.



The chart above illustrates the organizational structure of the Board Operations Division.

Administration of the Board

The Chief Judge, Deputy Chief Judge, Vice Chief Judges, and Lead Judges, along with the Board Executive and members of the Board Executive's team, meet regularly to discuss administration of the Board. Any matters brought to Lead Judges by judges and patent attorneys in their sections or from the Board Operations Division are raised to the group for consideration or information.

As is true with all Board personnel, geographic location does not place limits on most administrative job functions. The Board has judges based in all the regional offices—Detroit, Denver, Dallas, and the Silicon Valley. The Board uses conferencing services, such as WebEx, to enable Board personnel located across the country to connect for a vast array of matters, including meetings, case conferences, performance reviews, and mentoring. Additionally, the Board hosts a variety of employee engagement activities to engage its nationwide personnel and further the Board’s mission, such as training sessions, all judges meetings, mentoring sessions, focus groups, and section/group meetings.

Lastly, the Board routinely engages with stakeholders to educate users about the Board and collect suggestions for improvements. In particular, the Board maintains an up-to-date website³ to make new procedures, guidance, and decisions available to the public. Currently, the

³ <http://www.uspto.gov/patents-application-process/patent-trial-and-appeal-board-0>

Board is hosting a bi-monthly webinar series called “Boardside Chats”⁴ to dialogue about current Board events. Articles⁵ are also posted regularly to keep stakeholders informed. Further, Board personnel routinely speak at conferences and bar associations meetings to increase opportunities for education and feedback.⁶

⁴ <http://www.uspto.gov/patents-application-process/appealing-patent-decisions/procedures/ptab-host-boardside-chat-webinar>

⁵ <http://www.uspto.gov/patents-application-process/patent-trial-and-appeal-board/resources/whats-new>

⁶ <http://www.uspto.gov/patents-application-process/patent-trial-and-appeal-board/resources/events>