

Assistant Secretary of Commerce
and
Commissioner of Patents
and Trademarks



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U.S. DEPARTMENT OF COMMERCE

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MISSION

The U.S. Patent and Trademark Office (USPTO) administers the laws relating to patents and trademarks to promote industrial and technological progress in the United States and to strengthen the national economy. It develops and advises the Secretary of Commerce and the President on intellectual property policy, including copyright matters. Also, in cooperation with the International Trade Administration, the USPTO advises the Department of State and other agencies of the U.S. Government, such as the United States Trade Representative, on the trade-related aspects of intellectual property.

THE YEAR IN BRIEF

The USPTO continued to actively participate in efforts to improve international standards for the protection of intellectual property and to facilitate obtaining intellectual property protection abroad in FY 1993. Some of the more significant international activities that the USPTO participated in included: negotiations on an agreement on Trade-Related Aspects of Intellectual Property (TRIPs), in the Uruguay Round held under the auspices of the General Agreement on Tariffs and Trade (GATT); negotiations of a protocol to the Madrid Agreement Concerning the International Registration of Marks; and discussions concerning a possible protocol to the Berne Convention for the Protection of Literary and Artistic Work.

The USPTO was also actively involved in many important legislative proposals that were considered during the first session of the 103d Congress. Most notable of these legislative initiatives were the NAFTA Implementing Legislation, the Madrid Protocol Implementing Legislation, the Biotechnology Patent Protection Act, the Copyright Reform Act, and the Digital Performance Rights in Sound Recordings Act.

The average time to complete processing of patent applications was 19.5 months this fiscal year, which was slightly above the targeted pendency. A record 188,099 patent applications were filed in FY 1993 - 1.4 percent more than the previous fiscal year. The USPTO issued 107,332 patents in FY 1993. Fifty-five percent of the patents issued to U.S. inventors - the highest percentage of patents awarded to U.S. inventors in the last eight years.

In FY 1993, the USPTO received 139,735 trademark applications, an 11.5 percent increase from the previous year. The number of registrations issued rose from 69,691 in FY 1992 to a record 86,122 in FY 1993. The average time to complete processing of trademark applications was 14.4 months, compared to 15.1 months for FY 1992.

The USPTO continues to implement its 20-year plan to automate its operations through the infusion of state-of-the-art enhancements. In FY 1993, the Patent Search and Image Retrieval Facility opened, providing public access to the search and retrieval systems used by examiners to identify, view, and print the text and drawings of the two million U.S. patents issued since 1971. The Office also implemented the first phase of the new trademark search system, X-Search. The X-Search System replaces the original Trademark Search (T-Search) System, and is available for use by USPTO personnel and the public. This fiscal year, the USPTO also received the FedMicro CD-ROM technology award for its Additional Support and Information Search Tools (ASIST) disk. The award was given for saving taxpayer dollars by providing electronic versions of USPTO search tools, making the tools more usable and accessible.

Natrona County Public Library in Casper Wyoming, was added to the nationwide network of Patent and Trademark Depository Libraries (PTDLs) during the fiscal year. With this addition, there are now 75 PTDLs located in 47 states and the District of Columbia. The USPTO is also planning to extend the pilot program, which provided access to on-line full-text searching in 14 PTDLs, to the other libraries in the PTDL program through a service provided via the Internet.

CHAPTER ONE

PATENTS

The average time from filing to issue or abandonment (“patent pendency time-excluding designs”) increased from 19.1 at the end of FY 1992 to 19.5 months at the end of FY 1993. Efforts to maintain the 18 month pendency goal were frustrated by funding uncertainties and Full-Time Employees (FTE) reductions in the face of an increased number of applications filed. The Office continued its efforts to reduce pendency in the groups averaging above 18 months. Efforts to keep pendency from rising further will continue consistent with good quality of examination and funding/FTE availability.

Patent Applications

A record 188,099 patent applications were filed in FY 1993. This includes utility, reissue, plant, and design applications but excludes international filings in the Office as a receiving authority under the Patent Cooperation Treaty. The number represents an increase of 2,653 applications from the number filed in FY 1992. Of the 188,099 patent applications filed, 174,553 were utility, reissue and plant applications, and 13,546 were design applications (see Table 6).

Figure 1 illustrates historical trends in patent applications filed and pending, as well as patents issued.

Table 15 summarizes the number of applications submitted by residents of foreign countries. In FY 1993, foreign applicants accounted for 41 percent of all filings with the USPTO (see Figure 2, solid line), while U.S. residents accounted for 59 percent.

Patents Issued

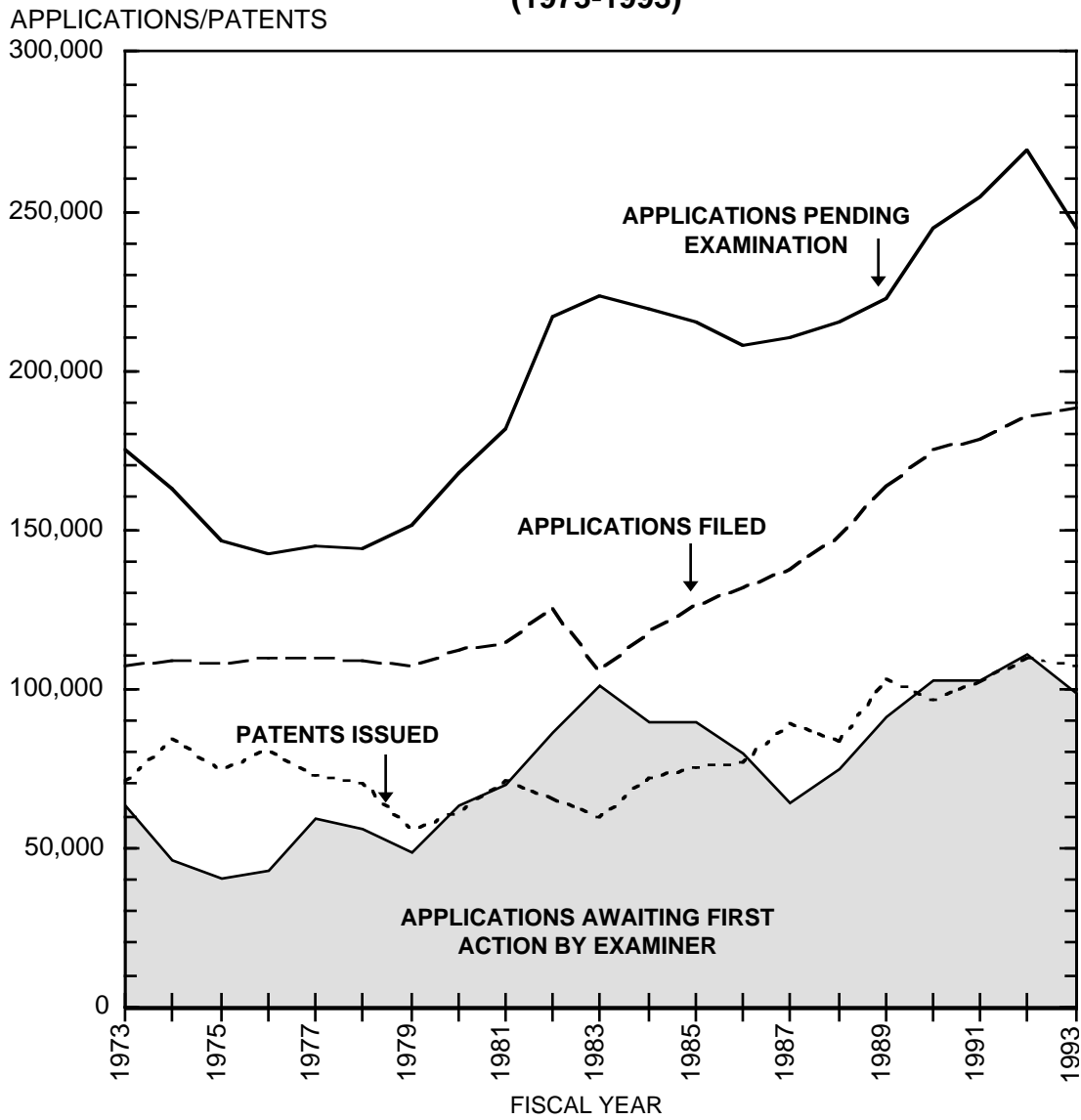
The Office issued 107,332 patents in FY 1993. Of this total, 97,386 were utility, plant and reissue patents and 9,946 were design patents (see Table 9). The number of patents issued to residents of foreign countries was 47,927 (see Table 16). This represents 45 percent of all patents issued which is a slight decrease from FY 1992 when 46 percent of the patents were issued to residents of foreign countries (see Figure 2, dotted line).

Patent Pendency

The average patent pendency time for utility, plant and reissue patents increased from 19.1 months in FY 1992 to 19.5 months in FY 1993. The average pendency time for design patents, however, decreased from 26.9 months in FY 1992 to 25.5 months in FY 1993. Figure 3 illustrates the trends in pendency over the past twenty years.

The total Office inventory of patent applications in the USPTO decreased from 326,778 at the end of FY 1992 to 306,829 at the end of FY 1993. Of the 306,829 pending patent applications, 281,517 were utility, plant and reissue applications and 25,312 were design applications. The average time for an applicant to receive a first Office action was 7.6 months. A flow chart is provided in Figure 4 which shows the stages and the number of cases in each stage of the examining process.

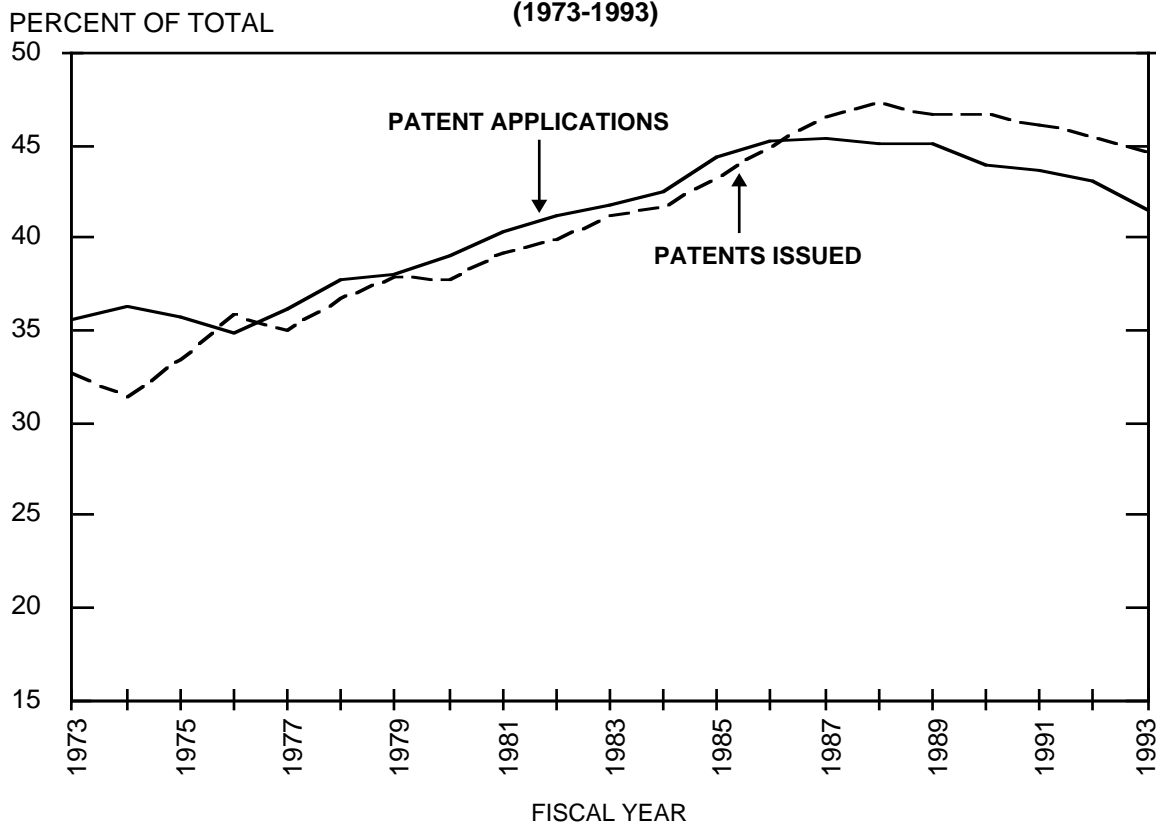
FIGURE 1
**PATENT APPLICATIONS FILED, PENDING AND ISSUED
 (1973-1993)**



Patent Examiners

To deal with increased patent application filings, the USPTO hired 210 utility patent examiners during FY 1993. With attrition from the examining corps, the number of examiner professionals (including design examiners and immediate supervisors) totaled 2,052 at the end of FY 1993 (see Table 3).

FIGURE 2
 U.S. PATENT APPLICATIONS FROM, AND PATENTS ISSUED
 TO, RESIDENTS OF FOREIGN COUNTRIES
 (1973-1993)

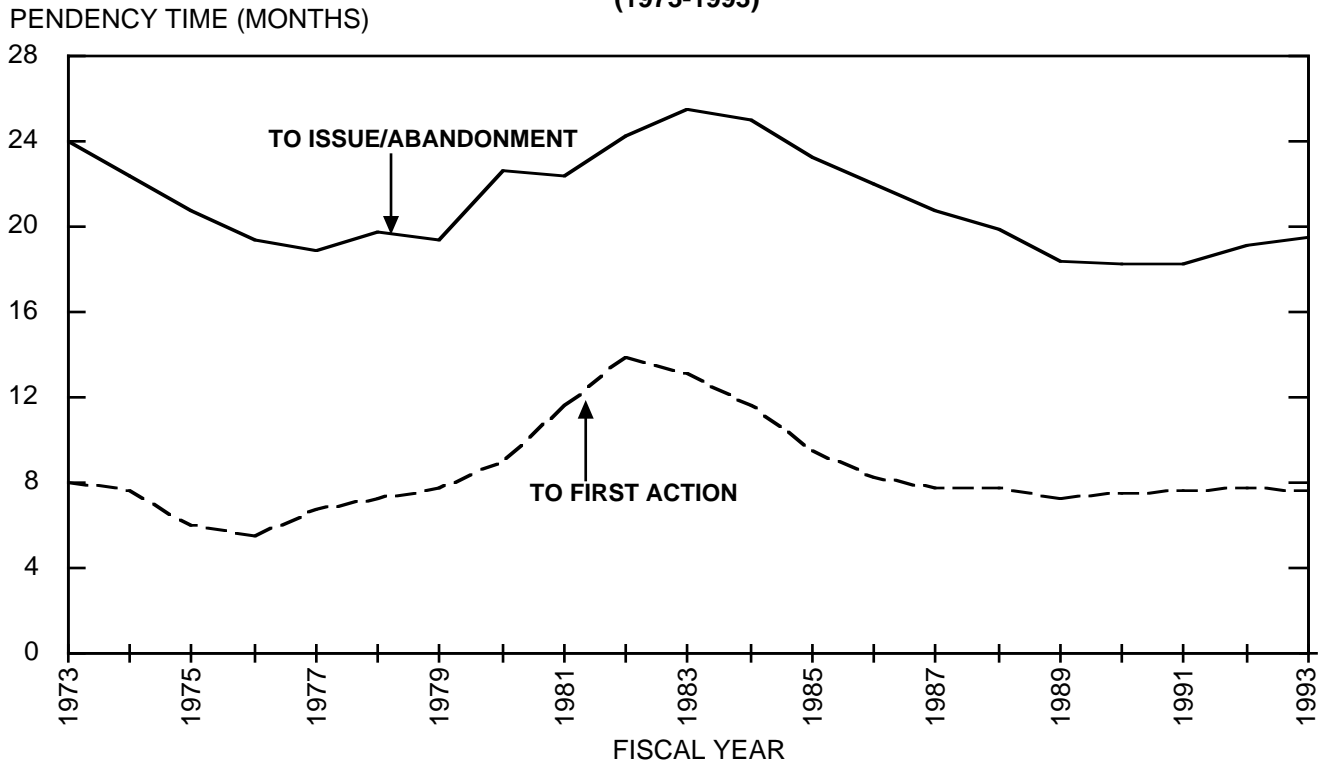


Rule Changes

During FY 1993, the USPTO amended several patent rules concerning the filing of Patent Cooperation Treaty national stage applications, patent drawing standards, signature requirements for correspondence, facsimile transmission for correspondence with the USPTO, and terminal disclaimer practice.

The USPTO amended the rules of practice relating to applications filed under the Patent Cooperation Treaty (PCT): (1) to comply with revised regulations under the PCT; (2) to bring the rules regarding applications entering the national stage under 35 U.S.C. § 371 in line with existing regulations applicable to national applications filed under 35 U.S.C. § 111; and (3) to clarify existing practice under the PCT. The changes will streamline and simplify procedures for filing and prosecuting international and national stage applications under the PCT. The new national stage practice, which requires payment of the basic national fee on or before 30 months from the priority date, has several advantages. For instance, the applicant will need to notify the Office of the identity of the U.S. attorney or agent for correspondence from the Office; and, as in national practice under 37 C.F.R. § 1.53, applicants will be able to extend the period of time under 37 C.F.R. § 1.136 for submission of a proper oath, declaration or translation.

FIGURE 3
PENDENCY TIME OF PATENT APPLICATIONS
 (1973-1993)



The Office also amended the rules of practice regarding patent drawings. These amendments incorporate international standards; delete the reference to changes by bonded draftsmen since the Office no longer releases drawings from patent applications; permit submission of black and white photographs in lieu of black ink drawings; and permit the acceptance of color drawings upon the granting of a petition explaining why the color drawings are necessary. On rare occasion, color drawings are necessary as the only practical medium by which to disclose the subject matter sought to be patented in a utility patent application or the subject matter of a statutory invention registration.

In FY 1993, the USPTO amended rules 1.4, 1.6, and 1.8 to specify the types of correspondence that will no longer require original signatures and to provide for facsimile transmission of certain correspondence to the Office. Rule 1.4 was amended to specify that all correspondence filed in a patent application, reexamination proceeding, interference proceeding, or patent file which requires a person's signature may be a copy of the original unless the correspondence relates to registration to practice before the USPTO, enrollment and disciplinary investigations and disciplinary proceedings (37 C.F.R. § 1.4 (e)), or the document is required by statute to be certified, such as a certified copy of a foreign patent application, pursuant to 35 U.S.C. § 365 (37 C.F.R. 1.4 (f)). The USPTO amended rule 1.6 (d) to specify the types of correspondence that may and may not be transmitted by facsimile and amended rule 1.8 (a) to prescribe procedures for the use of a certificate of mailing, or of a certificate of transmission to file papers or fees in the USPTO by first class mail or by facsimile transmission.

Other rules of practice were also amended to: (1) expand the authority to sign a terminal disclaimer in a patent application or a disclaimer in a patent; (2) eliminate some format requirements for an appeal brief for an appellant appearing without counsel; (3) prohibit extensions of time to file reply briefs and requests for oral hearing; (4) clarify the requirements for claiming foreign priority; (5) specify the manner in which the fee deficiency is computed when applicants seek to correct an error in claiming small entity status; and (6) correct errors in published regulations.

Biotechnology

The filing rate of biotechnology patent applications has been increasing at an average annual growth rate of about 11% over the last three years, as compared to an overall average growth rate of 2% for all utility, plant, and reissue applications. Future growth rate of biotechnology patent application filings is estimated to be about 10% per year. In FY 1993, about 12,800 applications were filed. This represents about a 10% increase over FY 1992. The inventory of pending biotechnology cases from FY 1992 to FY 1993 remained at about 17,000 applications. The overall average pendency to issue/abandonment was reduced from 24.9 months at the end of FY 1992 to 22.3 months at the end of FY 1993, while the average pendency from filing to first Office action was reduced from 9.0 months to 6.2 months for the same period.

Achieving an increase in the retention of highly technically qualified examiners and the reduction in average pendency noted above, the timely, quality examination of biotechnology applications continues to be among the highest priorities of the USPTO. Indeed, continuing efforts are being made to reduce the average pendency from filing to first action from 6.2 months to 6 months and reduce the average pendency from filing to issue/abandonment from 22.3 months to 18 months in biotechnology patent applications by the end of FY 1994.

Supplier Project

The Supplier Project is a cooperative effort between the USPTO, inventors and patent practitioners to test changes in the way applications are filed and examined to improve the efficiency and effectiveness of patent examination. Unfortunately, staffing and funding limitations delayed the start of the project until FY 1994. In FY 1994, a test of the pre-first Office action interview between the patent practitioner and the examiner is planned to determine if this interview will improve the efficiency and quality of examination, and thus, reduce the average number of Office actions.

Office of Patent Quality Review

Since 1974, the Office of Patent Quality Review has continuously judged patent quality by reviewing statistically significant samples of allowed patent applications that are randomly selected by computer for review. The quality review program provides feedback to management on the reliability of issued patents and the uniformity of examination practices. Weaknesses are identified in the patent examining process with respect to patentability, field of search and examining practice. Appropriate corrections are made or training is provided by USPTO management to ultimately enhance the quality of issued patents.

In FY 1993, the Office of Patent Quality Review reviewed 4,067 allowed utility and design applications, 57 allowed reissue applications, and 47 reexamination applications. In six percent (243 applications) of the sampled allowed applications, prosecution was reopened by the patent examining groups based on questions of patentability raised in the review process. The groups conducted further searches in two percent (71 applications) of the sample

allowed applications in which an inadequate search was found in the review process. Significant other questions of quality were corrected by the groups in 16 percent (671 applications) of the sampled allowed applications.

Patent Term Restoration

Under 35 U.S.C. § 156, Extension of Patent Term, the terms of certain patents may be extended up to five years. Through FY 1993, the Office received 245 applications for patent term extensions and issued 168 certificates of patent term extension. Of the 168 certificates issued, 144 were directed to human drug products, 16 were directed to medical devices, three were directed to food additives and five were directed to animal drug products. Thirty-eight cases are still pending.

Reexamination

During FY 1993, the USPTO received 359 reexamination requests. Of these 359 requests, 75 were known to be in litigation. A "substantial new question of patentability" was found, and reexamination ordered, in 321 cases. The Office denied reexamination in 29 cases. Reexamination was completed and certificates issued in 293 cases. Of those completed, patentability of all the patent claims was confirmed in 57 cases. Claims were modified or added and patentability was confirmed on some existing, modified or added claims in 206 cases. All claims were canceled in 30 cases.

Board of Patent Appeals and Interferences

The Board of Patent Appeals and Interferences received 4,487 new *ex parte* appeals during FY 1993. This is the highest number of new appeals received by the Board since FY 1986. In FY 1992, when a larger pool of Examiners-in-Chief was available for *ex parte* panels, the Board disposed of 4,000 appeals. During FY 1993 with fewer resources, the Board managed to exceed that total and disposed of 4,085 appeals (see Table 12). The overall average pendency of appeals awaiting a decision without a hearing was about 224 days. The average pendency for those appeals awaiting a decision in which an oral hearing was requested was about 164 days.

The Board declared 259 interferences during FY 1993 (292 in FY 1992), and terminated 235 interferences during FY 1993. The average pendency time for all interferences remained at approximately 17 months.

The Board instituted a new procedure whereby an *ex parte* appellant or a party to an interference, upon request, may present his/her arguments by telephone to the panel hearing the appeal or interference proceeding. Equipment has been installed in each of the hearing rooms at the Board to permit telephonic presentation of oral arguments before the Board.

Quality Reinforcement Program

FY 1993 activities included continuing the patent action survey program and efforts to cooperate with practitioners to improve quality. The Office completed the 1992 Patent Action Survey to obtain the views of USPTO customers on the clarity of specific Office actions. Like the 1991 Patent Action Survey, this involved the mailing of 28,000 surveys with Office actions to solicit views on 10 important areas of patent examination. About 2800, or 10 percent, of the forms were returned, as compared to about 4200 (or 16 percent) returned in 1991. Unfortunately, because of the low rate of return, a meaningful analysis at the examining group level for most questions, was not possible. However, a comparison between the results of the 1991 and 1992 survey was performed. Based on the results of both surveys, there was apparently considerable improvement in the areas of proofreading and more legible actions. In these areas, respondent dissatisfaction dropped from 5.1% to 2.2%. This can be partially explained by the distribution of personal computers and laser printers throughout the examining corps

since the last survey. In FY 1994, the USPTO will review and possibly revise the survey process in an effort to increase the response rate and to obtain any other information which may be mandated by legislation or regulation. Timely and complete customer input remains an essential component of the continuous improvement effort of the USPTO.

Search and Information Resources Administration

The Search and Information Resources (S&IR) Administration provides broad scale support to the patent examination mission through three major components (1) the Office of Planning, Development and Evaluation (OPDE); (2) Classification Operations; and (3) the Scientific and Technical Information Center (STIC).

The OPDE handles patent corps automation projects which includes the monitoring of new technologies which might improve the patent examining systems; the development of requirements for, and monitoring of, new systems; and the evaluation of already installed automated systems, such as the Automated Patent System (APS). As part of the on-going automation efforts in FY 1993, Classified Search and Image Retrieval (CSIR) became available to Examining groups 1200 and 2300. Also, over 1,500 personal computers were distributed in the patent corps and printers capable of printing patent images were installed on every other floor throughout the patent groups. These two deployments make it easier for examiners to type their own Office actions and to retrieve and print U.S. patent documents. Future automation projects include the development of Shared Use Workstations and Desktop Workstations, as well as access to APS text search through the PTO network. Enhancements to the Patent Application Locating and Monitoring (PALM) system and the development of requirements for the Patent Application Management (PAM) system are on-going.

Classification projects in FY 1993 included the creation of 6,358 new subclasses in various patent arts so as to create classes which better correspond to the state of technology. These reclassification projects encompassed 670,388 U.S. and project-related foreign patents. In addition, 447,050 new foreign patents were processed and classified in the examiner search files. Rapidly developing technologies continued to be a focus of the classification process. One search system, when completed, will provide the capability of searching all patents having drug or bio-affecting properties either by the plant material involved, the recited utility, the subject treated, the mode of administration or a combination of any or all of the above characteristics. The reclassification of the computer and biotechnology arts also continued in FY 1993 with the focus being on improving the organization of these emerging technologies for more efficient searches.

The STIC continued performing its mission of being a repository for extensive collections of scientific and technical literature in support of the patent examination process. In FY 1993, a new electronic information facility was opened to provide specialized support to examiners in the electronic arts. Many other on-line services continued to be used by examiners in all fields. The STIC translation and retrieval of foreign patents and other foreign technical documents has become an ever-increasing field of foreign patent support. Special projects in FY 1993 included the translation of legal documents in support of a Solicitor project for the Agency for International Development (AID) and involvement in translation of terms used in the Japanese automated system. The STIC continued its work of processing all foreign patents and patent journals received under international exchange agreements.

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Search and Information Resources Administration

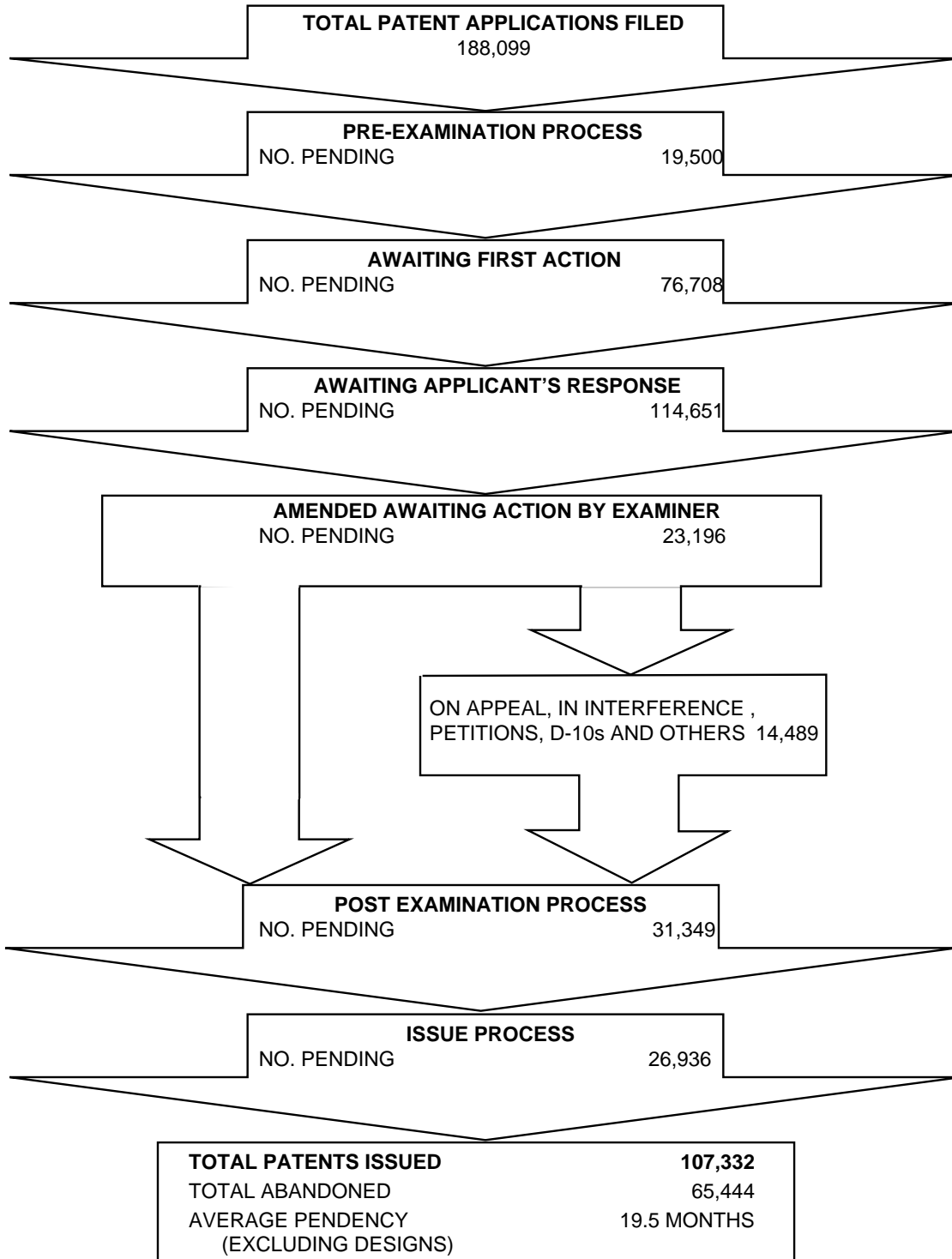
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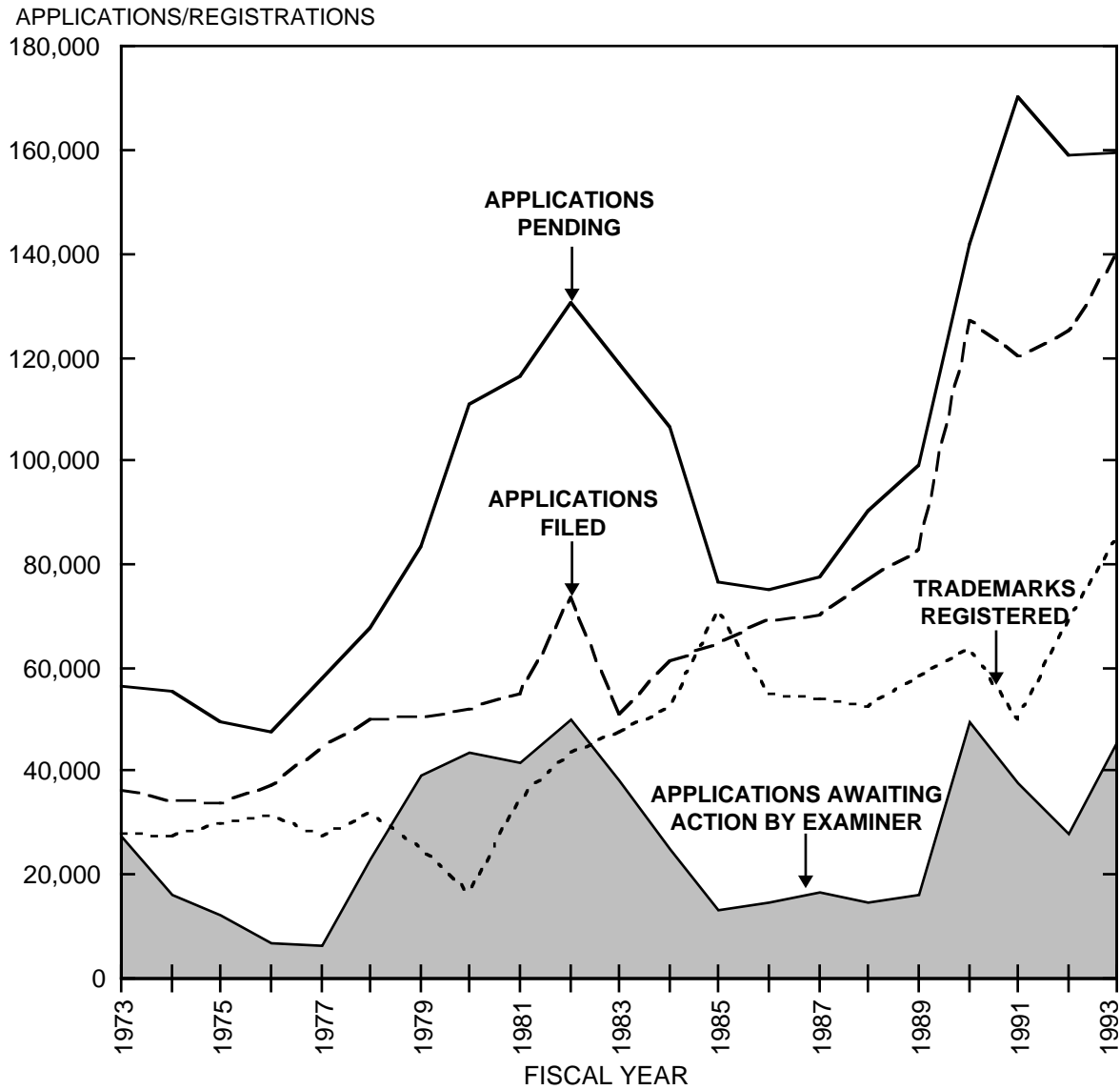
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**FIGURE 4
PATENT EXAMINING ACTIVITIES¹**



¹ This figure represents a simplified patent work-flow diagram with statistics on cases at various stages of processing at the end of FY1993. All figures include design applications unless otherwise noted.

FIGURE 5
TRADEMARK APPLICATIONS FILED, PENDING AND REGISTERED
 (1973-1993)



A flowchart is provided in Figure 8 which illustrates the stages and number of cases in each stage of the trademark examining process

Trademark Examining Staff

From FY 1989 through FY 1992, more than 145 new examining attorneys were hired. By the end of FY 1993, the TMEG had hired 15 new examining attorneys to offset attrition, which brought the total Trademark professional staff to 154. The current staff is one of the most experienced ever retained in the Office. The TMEG achieved 97% of examination production goals for the fiscal year, and the average rate of productivity in FY 1993 was at a record level.

Quality Enhancements

Continuous improvement is an integral part of the TMEG's examination process. During FY 1993, the Office continued to conduct academy-style training sessions for new examining attorneys. The training program includes lectures on substantive trademark law, instruction on Office practices, and mock proceedings before the TTAB. A three-week comprehensive Quality Skills training academy for new clerical hires also continued during FY 1993.

The Office continued its legal lecture series for all managers, supervisors, and attorneys in the trademark operation. These frequently featured guest lecturers from the legal community. Moreover, a lunch time lecture series was continued in which different divisions or departments explained and clarified their operational procedures, thereby enhancing the knowledge of employees regarding internal processes.

The USPTO finished revising and published the second edition of the Trademark Manual of Examining Procedure (TMEP) in May 1993. This long-awaited edition of the TMEP incorporated all previous examination guides, including the extensive examination guides dealing with intent-to-use issues. The TMEP was also reformatted so that changes could be easily incorporated by inserting revised pages.

Trademark Automation

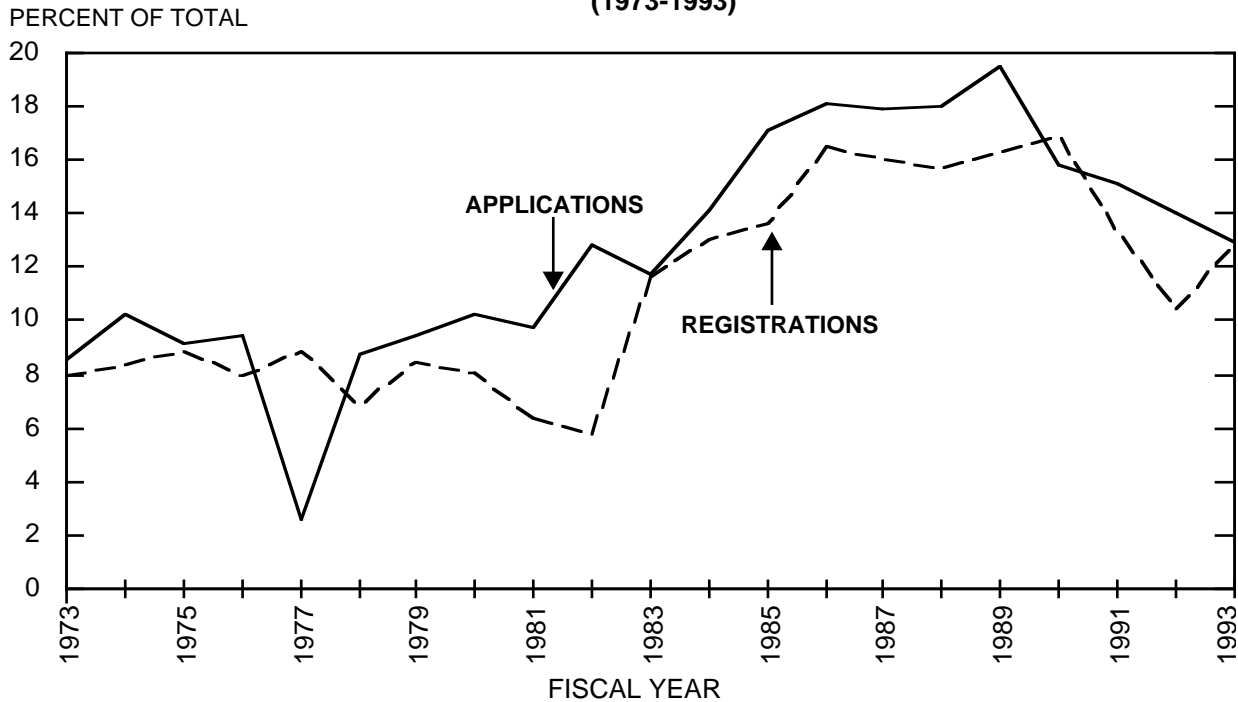
The Office replaced the original electronic search system (T-Search) with X-Search Version 1.0 in July 1993. This initial version of X-Search consisted of a hardware upgrade to 486 personal computers and laser printers, an improved user interface using a "windows" interface, a replacement of the T-Search images with higher quality images, and an upgrade to the communications lines for downloading images. Although Version 1.0 did not eliminate all the response time problems, it has improved response time on design searches, provided additional and more reliable workstations, and permitted increased use of the system. Implementation of X-Search Version 1.1 is scheduled to occur in early 1995. This version will replace the T-Search mainframe search software (ORBIT), improve search times, and allow an increased number of concurrent users. X-Search is available to public users in the USPTO Trademark Search Library at the same fee previously set for T-Search.

The Office plans to provide a personal computer to each examining attorney in FY 1994. These personal computers will allow the examining attorneys to conduct searches from their desks once X-Search Version 1.1 is deployed and to complete other work related to examination.

Upgrades to the Trademark Reporting and Monitoring (TRAM) system included a new program for accessing and searching Applicant and Registrant Index records; a program to automatically update the status of registrations to "Canceled Section 8" or "Expired" using the information available in the TRAM database; and a new file ordering/tracking system for trademark files located at the Files Repository. Further upgrades were made to print address labels for outgoing TTAB proceedings documents and to print response routing labels for use by applicants in submitting responses to Office actions.

With the goal of improving the speed and accuracy of new application data in TRAM, the USPTO is developing the Trademark Electronic Application System (TEAS), a prototype for the electronic filing of trademark applications. The USPTO's goal is to deploy TEAS within two to three years. A pilot program was implemented in December 1993 and has been continued in calendar year 1994.

FIGURE 6
 U.S. TRADEMARK APPLICATIONS FROM, AND REGISTRATIONS TO,
 RESIDENTS OF FOREIGN COUNTRIES
 (1973-1993)



As in FY 1992, FY 1993 usage of the Trademark Status Line, the “voice box,” continued at an average of over 800 calls per day. Due to the popularity of the Trademark Status Line, a new “voice box” was installed in 1993 that increased the number of telephone lines from six to twelve, and allowed for interruption of the welcoming message and updated all messages to provide more information.

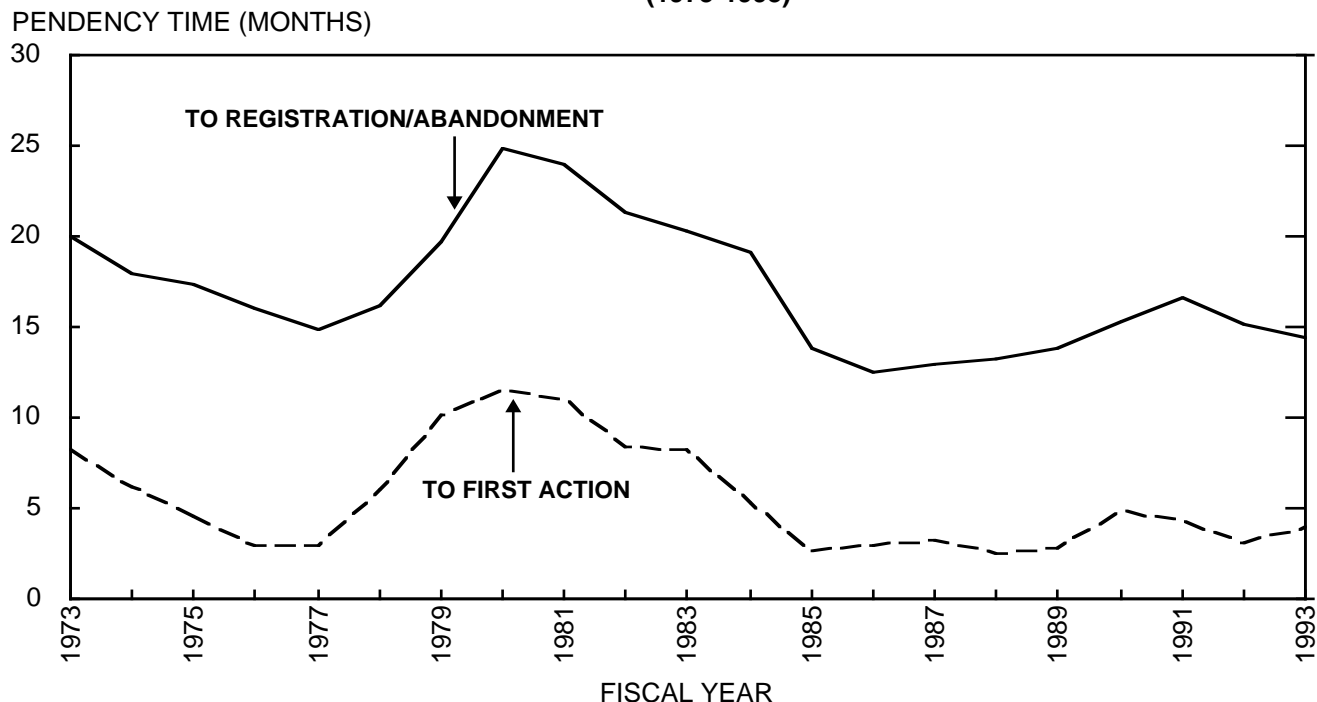
Office of Trademark Services

The time required for initial processing of newly-filed trademark applications increased during FY 1993. At the close of the year, filing receipts were being mailed to applicants, on average, 52 calendar days after the filing date.

Post-registration documents continued to be processed within goals. On average, affidavits of use and combined affidavits of use and incontestability were reviewed within four and one-half months of filing. Renewal applications were reviewed within 67 days of filing. Both time periods for review increased from last year’s levels due to changes in procedure. During FY 1993, 21,999 Section 8 affidavits or combined Sections 8 and 15 affidavits were filed, and 19,279 were accepted. Applications were filed for the renewal of 7,173 registrations and 6,182 actually were renewed. In addition, the Post Registration Section issued 20,478 certified copies and 276 status copies of registrations.

In FY 1993, the Intent-to-Use/Divisional (ITU) Unit workload continued to increase significantly. The ITU Unit issued 53,053 Notices of Allowance, an increase from 42,432 in FY 1992. Of the 25,837 Statements of Use filed with the Office, 22,628 were accepted by the ITU Unit as meeting the minimum statutory requirements. This is a significant increase from the 14,275 Statements of Use filed in FY 1992, of which 13,431 were accepted. Similarly, 24,136

FIGURE 7
PENDENCY TIME OF TRADEMARK APPLICATIONS
 (1973-1993)



extension requests were granted in FY 1993, up from the 13,634 requests granted in FY 1992. The number of abandonments of intent-to-use cases also increased from 11,138 in FY 1992 to 16,803 in FY 1993. In FY 1993, 624 divisional applications were created, a slight decrease from the 650 divisional applications created in FY 1992.

Trademark Quality Review

The Office of Trademark Quality Review completed its fourth year of operation in FY 1993. The primary purpose of the office is to evaluate and continuously monitor examination quality to assist in determining where substantive and procedural adjustments may be appropriate. The Quality Review Office conducts a full review of at least a four percent, computer-generated random sample of trademark applications examined during the fiscal year. The applications are in various stages of prosecution and include applications that have been abandoned or registered during the year.

The reviewer considers the propriety of the examining attorney's actions during the prosecution of the application, including: the application of substantive statutory criteria for registrability; the adequacy of the search for confusingly similar marks; the adherence to approved examining procedures; and the application of judicial precedents. Based on information gathered and presented by this office, revisions to certain examination practices may be implemented, or training programs may be altered, to ensure that the standards of trademark examination are followed consistently.

During FY 1993, the Office of Trademark Quality Review reviewed 5,175 applications; of these, only 4.6 percent, or 238 applications, required correction of errors that otherwise may have affected the validity of registrations supported by those applications. This figure repre-

sents a 21 percent improvement from FY 1992, when 5.8 percent of reviewed cases required such corrections. Quality Review also noted declines in the number of applications with missed Section 2(d) references and cases where incorrect procedure was followed. The number of applications with deficient searches also declined.

Change in Mailing Rules

The USPTO amended its rules, in 37 C.F.R. § 1, to expand both the type of documents which can be sent to the Office via facsimile transmission and to expand the certificate of mailing procedure to cover many of those facsimile transmitted documents. In addition, the Office clarified those cases where the applicant or registrant must file an original or a certified copy of any particular document and indicated that in all other cases, the applicant or registrant was free to file a copy of the document, not the original.

Trademark Trial and Appeal Board

The Trademark Trial and Appeal Board (TTAB) is the USPTO administrative tribunal that hears and decides (1) *ex parte* appeals from examining attorneys' final refusals to allow registrations of trademarks, and (2) certain *inter partes* proceedings, principally cases involving oppositions to granting registrations of marks and petitions to cancel existing registrations. The TTAB has a staff comprising the Chief Administrative Trademark Judge, eight Administrative Trademark Judges (including one vacancy), six interlocutory motions attorneys, and 31 full-time clerical employees. (During FY 1993, the Commissioner authorized the use of the titles "Chief Administrative Trademark Judge" and "Administrative Trademark Judge" in lieu of "Chairman, TTAB" and "Member, TTAB.")

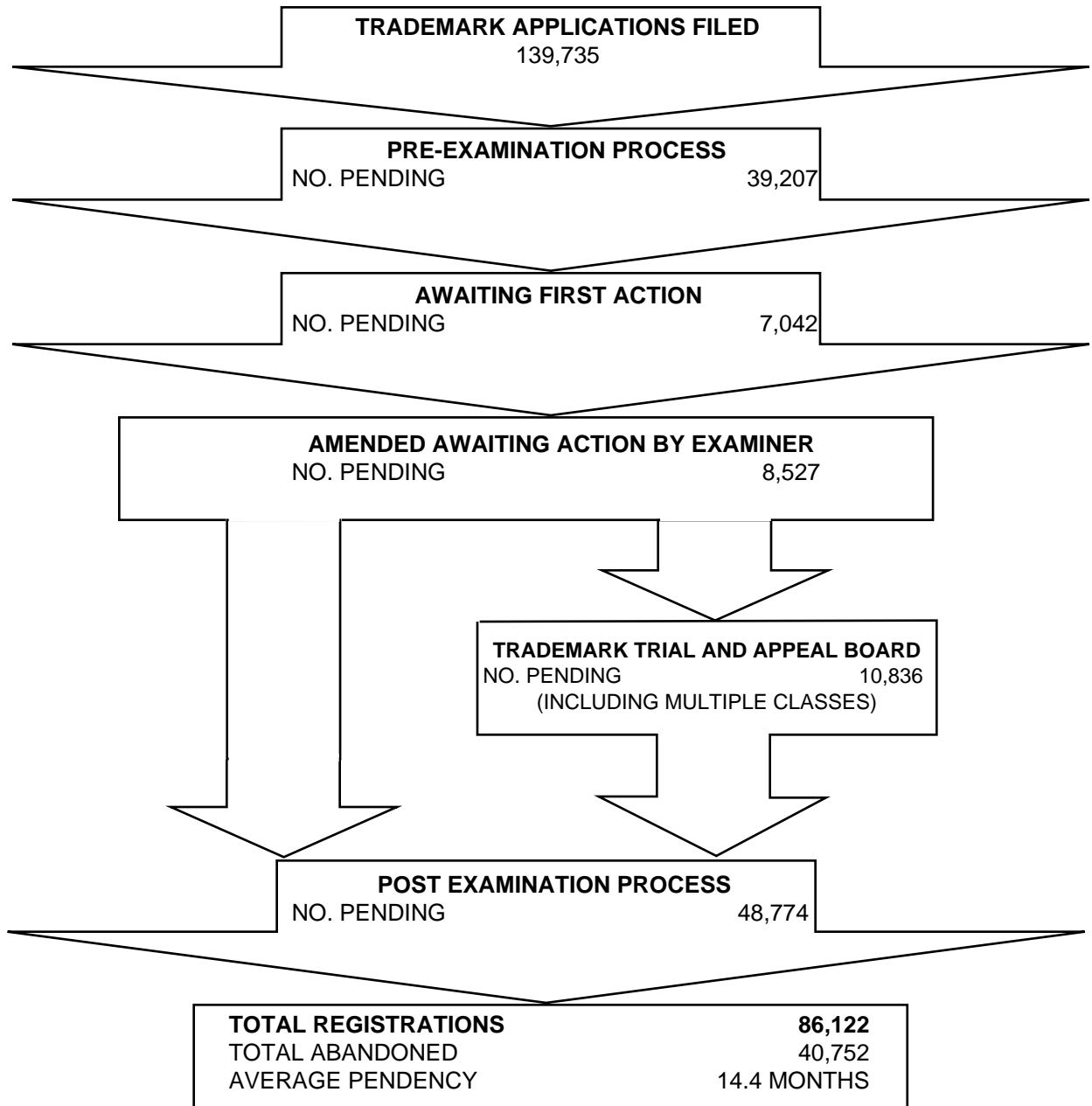
In FY 1993, 5,855 new cases were filed with the TTAB, compared with 5,192 new cases filed during FY 1992. The FY 1993 total includes 978 appeals from examining attorneys' refusals of registration, 1,053 cancellation petitions, 3,752 notices of opposition, and 72 concurrent use proceedings. The TTAB disposed of 3,501 cases, compared with 3,547 disposals in FY 1992. The FY 1993 figure includes 3,284 cases disposed of before hearing (typically through settlement, by default, or upon motion for judgment) and 217 which were the subject of final Board decisions after hearing. Final decisions were issued for 136 *ex parte* appeals and 81 *inter partes* proceedings. By the end of the fiscal year, the number of cases pending before the TTAB was up by approximately 2,354 cases from the previous year, to a total of 10,836 cases.

During FY 1993, the Board issued final decisions within an average of nine weeks from the date the cases became ready for decision. Also during FY 1993, the TTAB disposed of more than 110 cases through contested motions for summary judgment; more than half of all *inter partes* decisions written by Administrative Trademark Judges during the year were decisions on motions for summary judgment.

Trademark EXPO

EXPO '93, the eleventh annual Trademark Exposition sponsored by the USPTO, attracted thousands of visitors to the Herbert C. Hoover (Commerce Department) Building on June 26 and 27. Thirty companies participated in the exposition to educate the public on how trademarks are useful in making purchasing decisions and how they are used to establish a reputation for quality. More than twenty "living" trademarks were on hand to greet the visitors.

**FIGURE 8
TRADEMARK EXAMINING ACTIVITIES¹**



¹ This figure represents a simplified work-flow diagram with statistics on cases at various stages of processing at the end of FY1993.

CHAPTER THREE

INFORMATION SYSTEMS

In FY 1993, the Office of Information Systems continued to maintain and improve existing Automated Data Processing (ADP) systems, as well as to develop and implement new automation programs to support patent and trademark examination processes and administrative requirements.

Automated Patent System

In 1983, the USPTO began a program to provide automated support to its patent-related activities. This program, called the Automated Patent System (APS), consists of two major components:

Search and Retrieval - addresses the USPTO's needs for automated tools for searching and retrieving technical literature; and

Patent Application Management (PAM) - provides for receiving, processing, managing, and publishing patent applications in electronic form.

The APS Search and Retrieval capabilities are further divided into two parts: (a) Text Search, which enables examiners to review only text data bases containing patent literature from a variety of sources; and (b) Classified Search and Image Retrieval (CSIR), which enables examiners to retrieve digital images of patent documents, both domestic and foreign, by technological classification.

In January 1993, the Classification Data System (CDS) Version 1.0 became fully operational. The CDS 1.0 replaces the functions provided under a time-share contract. Three major modules were implemented: (1) the Weekly Issue updates the classification files each week to reflect the newly issued patents; (2) the Reclassification module updates the classification files to reflect changes to the classification system; and (3) the Miscellaneous Transfer module allows classification staff to perform a variety of data maintenance functions. The APS system now has the ability to directly access the CDS files, facilitating activities such as Patent and Trademark Copy Sales, image backfile load, and new issue load.

The CSIR provides patent examiners in Groups 1200 and 2300 unlimited use of 54 image workstations and eight group printers. This effort complements previous deployment of CSIR to patent examining Groups 2100 and 2200. In FY 1994, the USPTO will deploy the first set of Shared Use System (SUS) workstations.

The load of all U.S. patents on Rapid Access Devices (RADs) from 1970 to the present was completed in June 1993. In addition, U.S. patents dating back to 1790 have been loaded, validated, and made available to examining groups 1200, 2100, 2200, and 2300. The loading of U.S. patents on RADs will continue through FY 1994.

The Electronic Applications System (EASY) will enable applicants to submit their patent and trademark applications to the USPTO electronically. The EASY project is being developed in cooperation with the European Patent Office (EPO) and the World Intellectual Property Organization (WIPO), with milestones and schedules being developed jointly. Because the project presents several technical challenges, the Office adopted a flexible project schedule: in Pilot 1, which began to be tested in FY 1993, electronic forms for USPTO, EPO, and WIPO (Patent Cooperation Treaty) use have been developed; in Pilots 2 and 3, the Office will

develop the Standard Generalized Markup Language (SGML) conversion of applications; and in Pilot 4, the Office will develop the capability to file applications on-line. In general, all four pilot projects will be developed in parallel.

Pilot 1 software consists of the electronic forms for all three participating offices for the entry of bibliographic data, validation, fee calculation, and the importation of the applicant's word processor files. The participating offices began initial testing of this software in FY 1993 with both internal and external users. In FY 1994, the EASY project will continue to be developed and tested as the offices begin testing the conversion of the applicant's word processor files formats to the EASY format (SGML with embedded Tagged Image File Format images).

In FY 1994, the USPTO plans to award a contract for Patent Application Management (PAM) development. The PAM system represents the next major APS development initiative. The PAM system will replace the current patent application work flow system, which uses manual systems for administrative and clerical activities directly associated with the review of applications by the patent examining corps. The PAM system will transform the current paper form management application process into an electronic processing system.

Automated Trademark System

In FY 1993, the Office implemented the first phase in a new automated trademark search system, "X-Search," which replaces the original Trademark Search (T-Search) System. The X-Search system was made available to USPTO personnel and the public. X-Search Version 1.0 runs on personal computers and delivers images to the workstations through the PTOnet local area network. The second phase, X-Search Version 1.1, will provide for the procurement of a new search software package to replace the existing mainframe text search product. The USPTO plans to award the contract for the search software in FY 1994 and to implement the new system in FY 1995. X-Search Version 1.0 improves image processing response times and print capabilities. X-Search Version 1.1 will improve text search response times and improve system availability by increasing the number of possible concurrent users.

In FY 1993, the Office also completed a cost/benefit analysis of the development of an image based automated work flow system for the examination and recordation of patent and trademark assignment documents. In September 1993, the Office awarded a contract to a systems integration contractor to begin development of the system. Implementation of the Patent and Trademark Assignment System is scheduled for FY 1995. The new assignment system will improve timeliness and accuracy of assignment processing, operational efficiency, and quality of assignment data.

The Office made modifications to the Trademark Reporting and Monitoring (TRAM) system in FY 1993. These modifications significantly reduced report generation time frames by examiners. The Office also upgraded the Voice Box Response system to increase phone line capacity for public access to trademark information, implemented on-line retrieval of trademark applicant and registrant index data, and developed software to improve the quality and accuracy of trademark ownership data.

Public Access to Electronic Information

In July 1993, the USPTO opened the Patent Search and Image Retrieval Facility in Crystal City, Virginia. This facility gives the public access to the search and retrieval systems used by examiners, thus, enabling the public to identify, view, and print the text and drawings of all patents issued since 1971. The USPTO will monitor use of the 10 workstations installed and will increase the number of workstations as necessary. The Office is not initially charging for the use of this system so as to allow the public to become proficient at using the system, but user fees will be implemented at some future date so as to cover the system's operating costs.

A pilot program for providing access to on-line full-text searching in fourteen Patent and Trademark Depository Libraries (PTDLs) received a favorable evaluation from those libraries participating in the test program. As a result, the USPTO will begin to extend access to the other libraries in the PTDL program in mid-1994 through a service provided via the Internet.

This fiscal year, the USPTO was recognized for its programs designed to disseminate federal information and received the FedMicro yearly Computer Disk Read Only Memory (CD-ROM) Technology Award for its Additional Support and Information Search Tools (ASIST) disk. The award was given for saving taxpayer dollars by providing electronic versions of the USPTO search tools and making the tools more usable and accessible. The USPTO now provides patent and trademark information on CD-ROM to the PTDLs and has over 800 subscribers to its Classification and Search Support Information System (CASSIS) and ASIST disks, which provide search tools to facilitate the identification of patents of interest.

This past fiscal year, the USPTO also completed evaluating an information dissemination program via electronic bulletin board. The bulletin board system is designed to provide access to information about the USPTO (user fees, a contact/phone directory, etc.) as well as notices from the Official Gazette and abstracts of newly issued patents. In response to user and operational concerns, the Office selected new software with improved capabilities for the bulletin board. The new bulletin board can currently be accessed through dial-in lines, and eventually will be accessible through the Internet.

CHAPTER FOUR

DOMESTIC ISSUES

Over the past decade Congress has made sweeping changes to the laws governing intellectual property rights. Based on the quantity and subject matter of the bills introduced during the first session of the 103rd Congress, it is clear that Congress intends to continue to introduce and consider legislative proposals which improve and refine domestic intellectual property laws. In Fiscal Year 1993, the USPTO continued to work closely with the Senate and House Subcommittees on many of these legislative proposals. The USPTO was also involved in several special initiatives, such as spearheading the Intellectual Property Working Group for the National Information Infrastructure and conducting public hearings on patent law harmonization and computer software.

Budget Authorization for the U.S. Patent and Trademark Office

On June 14, 1993, the Secretary of Commerce forwarded draft legislation to the President to authorize appropriations for the USPTO for fiscal year 1994. The legislation was introduced by request on July 14, 1993, as H.R. 2632 by the Chairman and Ranking Minority Member, Mssrs. Hughes and Moorhead, of the House Judiciary Subcommittee on Intellectual Property and Judicial Administration. H.R. 2632 authorizes appropriations for the USPTO consistent with the requirements of the Omnibus Budget Reconciliation Act of 1990, and is similar to the last authorization Act for the Office (Public Law 102-204), except that it proposed to increase the trademark filing fee from \$210 to \$245.

The House Subcommittee held a hearing on H.R. 2632 on July 28, 1993. On October 12, 1993, after adding a provision that would extend the patent term of the utility patents on the Procter and Gamble fat substitute Olestra, the bill passed the House of Representatives. The bill then passed the Senate and on December 3, 1993. The bill was signed by the President and became Public Law 103-179.

Biotechnology Patent Protection Act

S. 298 and H.R. 760, entitled the "Biotechnology Patent Protection Act," were introduced by Senator DeConcini, the Chairman of the Senate Judiciary Subcommittee on Patents, Copyrights and Trademarks, and Representative Boucher of the House Judiciary Subcommittee on Intellectual Property and Judicial Administration. The subject matter of these proposals has been considered by the past two Congresses, although the scope of the legislation has been modified. The legislation would provide owners of patentable materials, especially those in the field of biotechnology, with additional levels of protection. The proposals would facilitate the obtaining of patent protection for processes using or making patentable materials, thereby preventing the importation of products made abroad through use of those processes.

S. 298 was passed by the Senate on July 15, 1993. The House Subcommittee held a hearing on H.R. 760 on June 9, 1993, during which the Acting Commissioner testified in support of the bill but suggested that several improvements be made. No further action was taken by the House of Representatives on this matter.

Animal Patent Moratorium Bill

On February 18, 1993, Senator Hatfield introduced S. 387, to amend title 35 of the United States Code to impose a two-year moratorium on the patenting of certain human tissue and organs, human gene cells, and animal organisms. The primary purpose of the bill was to provide Congress with the time to assess, consider and respond to the economic, environmental and ethical issues raised by the patenting of such entities.

In response to Senator Hatfield's inquiry, the Clinton Administration opposed the bill on the basis that it improperly discriminates against a particular field of technology and adversely affects biotechnology research and investment. The bill was referred to the Judiciary Subcommittee on Patents, Copyrights and Trademarks but no other action was taken.

Madrid Protocol Implementing Legislation

The Madrid Protocol Implementation Act, S. 977 and H.R. 2129, introduced by Senator DeConcini, Chairman of the Senate Judiciary Subcommittee on Patents, Copyrights and Trademarks and Representative Hughes, Chairman of the House Judiciary Subcommittee on Intellectual Property and Judicial Administration, amends the Trademark Act of 1946 to implement the Protocol to the Madrid Agreement Concerning the International Registration of Marks, should the United States accede to the treaty. The legislation would allow U.S. trademark owners to file for registration in any number of member countries by filing a single standardized application and a single fee. Registration could be obtained without obtaining a local agent and without filing an application in each country. Also, U.S. accession to the treaty would allow U.S. trademark owners to renew and record trademark registration assignments in each country by the filing of a single request with a single fee with the World Intellectual Property Organization.

S. 997 was introduced on March 18, 1993, but no further action was taken by the Senate. H.R. 2129 was introduced on May 17, 1993. A hearing was held on May 20, 1993, during which the Acting Commissioner of the USPTO testified in support of the legislation. No further action was taken by the House of Representatives. U.S. adherence to the Madrid Protocol is discussed in greater detail in the chapter on "International Issues."

Copyright Reform Act of 1993

The Copyright Reform Act of 1993, S. 373 and H.R. 897, introduced by Senator DeConcini, Chairman of the Senate Judiciary Subcommittee on Patents, Copyrights and Trademarks and Representative Hughes, Chairman of the House Judiciary Subcommittee on Intellectual Property and Judicial Administration, would repeal sections 411(a) and 412 of title 17 of the United States Code, which require copyright owners to register their works with the Copyright Office before instituting a copyright infringement action. In response to a Congressional inquiry regarding the Clinton Administration's position on the bills, the USPTO supported repealing sections 411(a) and 412. The bills, as originally introduced, also abolished the Copyright Royalty Tribunal (CRT) and reassigned its functions to the Register of Copyrights and amended section 701(a) of title 17 to make the Register of Copyrights a presidential appointee. These two provisions were subsequently deleted from the bills.

S. 373 was introduced on February 16, 1993, but no further action was taken by the Senate. H.R. 897 was introduced on February 16, 1993, and hearings were held on March 3-4, 1993. The House amended the bill to give courts the discretion to eliminate statutory damages and to strengthen the deposit and registration of copyrighted works. The bill, as amended, passed the House on November 11, 1993, but no further action was taken by the Senate.

Digital Performance Rights In Sound Recordings Act

The Performance Rights in Sound Recordings Act, S. 1421 and H.R. 2576, introduced by Senators Hatch and Feinstein of the Senate Judiciary Subcommittee on Patents, Copyrights and Trademarks and Representative Hughes, Chairman of the House Judiciary Subcommittee on Intellectual Property and Judicial Administration, would create a new section 106(6) of the Copyright Act. This new section would provide the copyright owners of sound recordings with the exclusive right to control the public performance of the copyrighted work when the work is performed by means of a digital transmission. The primary purpose of the bill is to put producers of sound recordings on equal ground with the songwriters and music publishers of sound recordings and the owners of all other copyrighted works, all of whom already are entitled to performance rights by the Copyright Act.

A further purpose of the bill is to permit U.S. recording companies to gain access to their share of the royalties collected in certain foreign countries for public performances of their sound recordings in these countries. Presently, U.S. recording companies are excluded from the pool of performance royalties collected in certain foreign countries because these countries argue that the United States does not grant reciprocal rights to foreign copyright owners. Consequently, so long as foreign copyright owners do not receive royalties for the public performance of their works in the United States, U.S. copyright owners will not be entitled to royalties for the performance of their works in those foreign countries that deny access to their public performance royalty pools based on reciprocity. This bill seeks to open access to the pool of performance royalties abroad by providing foreign and domestic copyright owners with the exclusive right to control the public performance of their work.

S. 1421 was introduced on August 6, 1993, but no further action was taken by the Senate. H.R. 2576 was introduced on July 1, 1993, and referred to the House Judiciary Subcommittee on Intellectual Property and Judicial Administration. No further action was taken by the House of Representatives during the fiscal year.

Copyright Royalty Tribunal Reform Act

The Copyright Royalty Tribunal Reform Act of 1993, S. 1346 and H.R. 2840, was introduced by Senators DeConcini and Hatch of the Senate Judiciary Subcommittee on Patents, Copyrights and Trademarks and by Representatives Hughes and Frank of the House Judiciary Subcommittee on Intellectual Property and Judicial Administration, respectively. The bills are similar to former title II of S. 373 and H.R. 897 in that they amend title 17 of the United States Code to establish copyright arbitration royalty panels to replace the Copyright Royalty Tribunal.

S. 1346 and H.R. 2840 were both introduced on August 3, 1993. The Senate Subcommittee on Patents, Copyrights and Trademarks held a hearing on S. 1346 on October 5, 1993, but no further action was taken by the Senate. H.R. 2840 was reported by the House Subcommittee on Intellectual Property and Judicial Administration on August 5, 1993. The House and Senate subsequently passed the bill and on December 17, 1993, the bill was signed by the President and became Public Law 103-198.

Patent Law Harmonization Hearings

On October 7 and 8, 1993, the USPTO held three sessions of public hearings to obtain views of the public on the effort to harmonize the patent laws of the world and the consequent changes to United States patent law. The first session, focused on the procedure for awarding patents (first-to-file or first-to-invent) and the nature of a prior user right, if any, to accompany a first-to-file system. The second session, focused on the inclusion of foreign

public use, display or oral disclosure as prior art and the prior art effect of certain patent applications and their effective dates for novelty and non-obviousness purposes (including the impact on *In re Hilmer*, 359 F.2d 859, 149 USPQ 480 (CCPA 1966) and the accommodation of existing equitable variations to existing statutory bars, such as experimental use and secret use or sale). The third session, focused on the publication of applications 18 or 24 months after filing, the protection offered between publication and patenting, and measuring the term of protection from the filing date of the application. Approximately eighty-five people representing varied interests and views testified at the hearings.

National Information Infrastructure Hearing

On November 18, 1993, the Working Group on Intellectual Property of the Information Policy Committee of the National Information Infrastructure (NII) Task Force held a hearing to obtain public views on issues of concern to copyright and other intellectual property owners regarding the distribution of their works via the NII. Approximately 30 individuals testified and 100 people attended the all-day hearing. The testimony addressed various issues including establishing standards for identifying copyright ownership and licensing uses of information and entertainment products in an electronic system, implementing mechanisms to provide for interoperability and intercommunication of the various types of computer software and systems supporting and utilizing the NII, and changing the copyright law to prevent the proliferation of piracy and to protect the integrity of intellectual property, while ensuring broad access to information in the context of the NII.

Computer Software Hearings

The USPTO is planning to hold public hearings on issues associated with the patenting of software-related inventions. The hearings are to be held on January 26-27, 1994, at the San Jose Convention Center in San Jose, California, and on February 10-11, 1994, at the Crystal Forum in Arlington, Virginia. The focus of the discussions in the public hearings will be the use of the patent system to protect software-related inventions, the standards and practices used in examination of patent applications for software-related inventions, and the significance of and protection for visual aspects of such inventions.

National Information Infrastructure

As part of the President's Information Infrastructure Task Force, a Working Group on Intellectual Property Rights (IPR) was formed to resolve issues of concern to copyright and other intellectual property owners regarding the distribution of their works via electronic data links. The IPR Working Group is chaired by the Assistant Secretary of Commerce and Commissioner of Patents and Trademarks. Its mission is to help develop the NII in a manner that will ensure the integrity of intellectual property rights, make the wealth of information and entertainment products more widely available and accessible than ever before, and provide economic incentives to intellectual property rights owners so that they will make their products available through the NII.

Beginning in August, 1993, the IPR Working Group convened bi-weekly to discuss various approaches to the NII intellectual property issues. The Working Group held a public hearing in November to solicit public views on many of these issues and plans to publish a report on its findings in the spring of 1994.

Reinventing Government

The USPTO actively participated in the National Performance Review (NPR), which was launched by the President in an effort to streamline the Federal Government and to help it become more responsive to the needs of U.S. citizens. Approximately 1,450 USPTO employees submitted almost 1,200 different ideas. Many of the ideas were approved immediately for future implementation throughout the USPTO, such as using the trademark automation system to certify trademarks rather than ordering the paper files and providing Voice Mail capability to all patent and trademark offices. Other, more complicated ideas, were forwarded to cost centers at the USPTO for further evaluation. The Commissioner of Patents and Trademarks was to decide which ideas were to be implemented based on these cost evaluations in early 1994.

CHAPTER FIVE

INTERNATIONAL ISSUES

In Fiscal Year 1993, the United States continued to participate in efforts to improve international standards for the protection of intellectual property and to facilitate obtaining protection abroad. The USPTO participated in many of these international activities at the request of the agencies responsible for foreign affairs and trade matters, including the Office of the United States Trade Representative, the Department of State, and the International Trade Administration of the Department of Commerce.

Intellectual Property in the Uruguay Round of Multilateral Trade Negotiations

The USPTO continued to support the efforts of the United States Trade Representative (USTR) to reach an acceptable agreement on intellectual property protection as part of the Negotiating Group on Trade-Related Aspects of Intellectual Property (TRIPs), in the Uruguay Round of Multilateral Trade Negotiations held under the auspices of the General Agreement on Tariffs and Trade (GATT). A final agreement on the TRIPs text was reached on December 15, 1993, and the U.S. signed the agreement arising from the Uruguay Round on April 15, 1994, in Marrakesh, Morocco.

The TRIPs agreement will significantly improve the level of protection for all forms of intellectual property. In particular, the final text of the agreement requires that computer programs are protected as literary works, severely limits permissible exclusions to patentability, provides comprehensive enforcement provisions, and is the first intellectual property agreement to include meaningful provisions on trade secret protection. Despite some deficiencies, the TRIPs agreement represents a giant step forward in the quest to improve intellectual property protection on a global scale.

The USPTO played a large part in the negotiations of the TRIPs agreement and is continuing to work with the United States Trade Representative and other agencies on legislation to implement the TRIPs agreement in the U.S. and to encourage prompt implementation in other countries.

North American Free Trade Agreement

The USPTO continued to assist the USTR in the intellectual property part of the negotiations to conclude the North American Free Trade Agreement (NAFTA). The intellectual property part of the Agreement attempts to establish certain minimum levels for both acquiring and enforcing protection for intellectual property in Canada, Mexico and the United States. Among its key intellectual property provisions are the protection of computer programs as literary works; the rights granted to producers of sound recordings to control the reproduction and distribution of the sound recordings; restrictions on the use of compulsory licenses; and the protection of trade secrets. The leaders of the three countries signed the NAFTA on December 17, 1992. The House and Senate subsequently passed legislation to implement the NAFTA. This legislation was signed by the President on December 8, 1993 and became Public Law 103-182.

Patent Law Harmonization

No substantive discussions on the Patent Law Harmonization Treaty took place during Fiscal Year 1993. The second session, a Diplomatic Conference to consider the draft treaty, which was originally scheduled to be held July 12-30, 1993, was postponed indefinitely by the Paris Union Assembly. On October 7 and 8, 1993, the USPTO conducted public hearings to obtain views on several of the provisions of the draft treaty. The hearings are discussed in greater detail in the chapter on "Domestic Issues."

Environmental Initiatives

The 1992 Earth Summit focused global attention on environmental issues. In 1993, this attention continued as follow-up work to the Earth Summit began. One such follow-up effort included an initiative co-sponsored by the United States and Colombia, as chair of the Group of 77, concerning the promotion of technology transfer of technologies useful for sustainable development. This initiative is designed to complement the work of the Commission on Sustainable Development, which was established by the Earth Summit.

In June 1993, after many of the negative references to intellectual property protection and the role of intellectual property rights in promoting innovation and technology transfer were removed, the United States signed the Convention on Biological Diversity. The United States also stated its intention to ratify the treaty with interpretive statements addressing the various technology transfer and intellectual property provisions of the treaty. Throughout these environmental initiatives, the USPTO continued to identify and address industry concerns over intellectual property-related issues.

The Protocol to the Madrid Agreement Concerning the International Registration of Marks

In 1989, the members of the Madrid Agreement concluded a Protocol, which will establish an international trademark registration system independent of, but parallel to, the Madrid Agreement. The Protocol contains significant modifications to the Madrid Agreement. Because of these changes and significant change to U.S. trademark law permitting intent-to-use applications, the United States is in a position to seriously consider joining the Protocol.

If the Protocol enters into force, it will provide a trademark registration filing system that will permit any trademark owner residing in a member country to file for registration in any number of member countries by filing a single standardized application and a single fee. Registration may be obtained without obtaining a local agent and without filing an application in each country. Equally important, under the Protocol, renewal and recordation of an assignment of a trademark registration in each country may be made by the filing of a single request with a single fee with WIPO. If the U.S. joins the Protocol, it would not prevent a U.S. business from filing an application to register a trademark directly in any country, as is the practice today. The Protocol will offer U.S. businesses an additional route to registration internationally.

A USPTO observer delegation participated in the sessions of the Working Group which is drafting regulations to implement the Protocol. U.S. concerns on the substantive provisions have been adequately addressed in the draft Regulations. The USPTO consulted with the legal community and industrial groups, who indicated substantial support within the business community for U.S. accession to the Protocol. Legislation to implement the Protocol if the U.S. accedes was introduced in the House by Representative Hughes, the Chairman of the House Subcommittee on Intellectual Property and Judicial Administration, on May 17, 1993,

as H.R. 2129. Identical legislation was introduced in the Senate by Senator DeConcini, Chairman of the Subcommittee on Patents, Trademarks and Copyrights on May 18, 1993, as S. 977. These bills are discussed in greater detail in the chapter on "Domestic Issues."

Trademark Law Harmonization

Since 1989, a Committee of Experts has convened to develop a Trademark Harmonization Treaty. The initial draft of the treaty provided for substantive standards, but has since been rewritten so that it now includes only administrative standards. The most recent draft treaty sets maximum procedural requirements, noting specific prohibitions that can be made in relation to filing an application, renewing a registration, recording changes in name, address or ownership, and correcting mistakes. It also limits the extent to which a party to the treaty can require authentication of any signature, and prohibits certain overreaching requirements, such as those requiring an applicant for registration to give certificates from a registry of commerce or prove that it is doing business within the territory of a party. In general, the draft treaty appears to offer benefits to U.S. trademark owners.

In June and December 1993, the Committee of Experts met to discuss the draft treaty, draft implementing regulations and draft standardized forms for all of the filings mentioned above. Following the Meeting of Experts in December, a meeting was held to prepare for the Diplomatic Conference that will take place late in 1994. The USPTO continued to actively participate in these meetings.

The Berne Protocol and the New Instrument

From June 21 through July 2, 1993, two Committees of Experts met for the first session of meetings to address questions concerning a possible Protocol to the Berne Convention for the Protection of Literary and Artistic Works (Paris 1971) and to address a possible New Instrument for the Protection of Performers and Producers of Sound Recordings. The Berne Protocol is aimed at modernizing the Berne Convention to take into account new works, new forms of expression and new uses of copyrighted works caused by technological developments since the 1971 revision. The New Instrument is aimed at improving international standards of protection for sound recordings, and protecting certain performers' rights in respect of their live performances or their performances fixed in sound recordings.

Hague Agreement Concerning the International Deposit of Industrial Designs

The USPTO participated as an observer delegation in the Third Session of the Committee of Experts on the Development of the Hague Agreement Concerning the International Deposit of Industrial Designs. The Hague Agreement provides a mechanism for securing protection for industrial designs in several countries based upon a single filing with WIPO. The United States does not belong to the Hague Agreement because the current text is incompatible with U.S. laws. The sessions conducted by WIPO are aimed at revising the Hague Agreement to broaden membership to include countries that provide industrial design protection on the basis of examination. Some interested groups in the United States have expressed support for active U.S. participation in the revision exercise.

Bilateral Activities

Officials of the USPTO have been very active in bilateral efforts aimed at improving the levels of intellectual property protection available in other countries. During Fiscal Year 1993, the USPTO participated in bilateral efforts with many foreign countries in close cooperation with the Department of Commerce's International Trade Administration, the Department of

State, and the Office of the United States Trade Representative. These efforts resulted in the successful conclusion of trade and commercial agreements relating to improving protection of intellectual property with Ecuador, Belarus and Taiwan.

The USPTO also supported the Office of the United States Trade Representative (USTR) in the execution of section 301 of the Trade Act of 1974, that requires a review of the level of intellectual property protection provided by other countries. As a result of this review in 1993, Brazil, India and Thailand were designated as "Priority Countries" under section 301. The Office provided technical assistance to the USTR in these actions and actions involving countries placed on the "Priority Watch List" and the "Watch List" under section 301, as well as countries identified for "out-of-cycle" reviews.

Trilateral Cooperation

Officials of the European Patent Office, Japanese Patent Office and the USPTO met in Munich on October 25, 1993, for the Eleventh Annual Trilateral Conference. The three Offices reconfirmed their commitment to trilateral cooperation as a means for addressing challenges of current and future developments in the field of industrial property, and expressed their will to continue mutual cooperation between them. In particular, the three Offices agreed to common standards in several areas, including electronic handling of patent applications, exchange of data and search results, patent information dissemination policy, search tools and DNA coding.

International Cooperation and Training

In addition to activities pertaining to trade-related agreements or discussions, the USPTO provided various forms of technical assistance to foreign intellectual property offices. In June 1993, the Office hosted another Visiting Scholars Program for foreign nationals. Participants in the Program included nationals from Malaysia, the Philippines, Korea, Mongolia, China, Thailand, Indonesia, El Salvador, Bangladesh, Uruguay, Bulgaria, Saudi Arabia, Mexico, Romania and Poland.

Since late 1991, the USPTO has provided training and resources to the Mexican Industrial Property Office (MIPO). In Fiscal Year 1993, the USPTO continued its assistance to the MIPO by providing six training courses in patent and trademark examination and in search and information resources. Several training programs have also been planned for Fiscal Year 1994, the project's final year. Officials from the Office also participated in many training missions and programs sponsored by the World Intellectual Property Organization.

CHAPTER SIX

FINANCE AND PLANNING

The USPTO continued operations under a fee-funded budgetary framework. Patent processing fees constituted the largest source of income for the Office, representing 87% of the total fees collected. Operating costs increased 12% over the previous year with employee compensation and benefits totaling 56% of the Office's total obligations. Office staffing objectives continued to be the maintenance of the current numbers of patent examiners and trademark attorneys.

Funding

The USPTO is authorized to charge specific fees for services rendered and to use these fees, in conjunction with appropriated funds, to finance the costs of operating the Office. Details on fee collections are provided in Table 4.

Figure 9 shows that in FY 1993, patent processing fees (which include fees for filing, issuing, maintenance and miscellaneous fees) accounted for 85 % of the total fees received; trademark fees, 9 %; and service and related fees, 6 %.

After the Office became essentially fully user-fee funded in FY 1991, Congress passed legislation that adjusted the base patent statutory fee amounts. The legislation authorized the Commissioner to set the surcharge percentage that would be applied to patent statutory fees to recover the prescribed surcharge amount. In FY 1993, fee surcharge collections totaled \$99,000,000. Of this amount, Congress appropriated \$86,672,000 for use by the USPTO. In addition, the legislation allows the Commissioner to adjust patent statutory fees every October by the previous twelve-month change in the Consumer Price Index. FY 1993 was the first year in which the Office did not receive any appropriations from the general revenue of the U.S. Treasury.

For FY 1993, funding for the Office totaled \$502,368,767 and was comprised as follows:

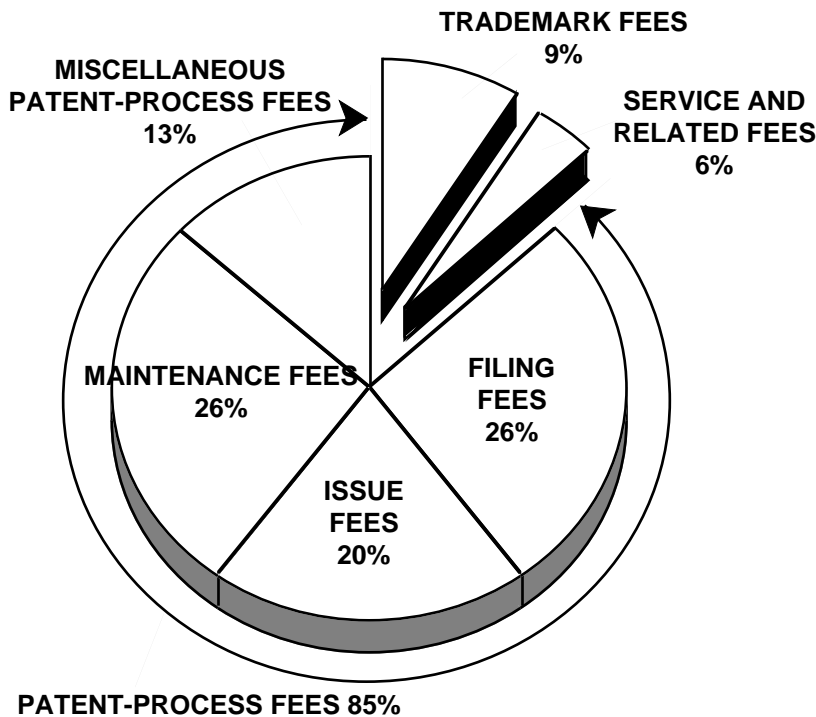
\$86,672,000	1993 Appropriation from Surcharge Fees (Actual)
\$399,363,831	Offsetting User Fee Collections (Actual)
\$13,522,357	1992 Unobligated Balances Carried Forward
\$189,820	Reimbursements from other Federal Agencies
<u>\$2,620,759</u>	<u>Recovery of Prior Year Obligations</u>
\$502,368,767	1993 Total Funding Sources

Obligations Incurred

Total obligations for the Office during FY 1993 were \$470,986,952, a 12 percent increase over FY 1992 (without inflation adjustment). Table 1 breaks out the total obligations by Budget Activities and by Salaries and Expenses.

As can be seen in Figure 10 and Table 1, obligations as a function of budget activities were Patent Process, \$225,429,000, or 48 % of total obligations; Trademark Process, \$29,966,000, or 6 %; Information Dissemination, \$73,377,000, or 16 %; and Executive Direction and Administration, \$58,030,000, or 12 %. Automation obligations supportive of the above four budget activities were \$84,185,000, or 18 % of total obligations.

FIGURE 9
PATENT AND TRADEMARK OFFICE
FY 1993 INCOME FROM FEES
(\$498,364,000)



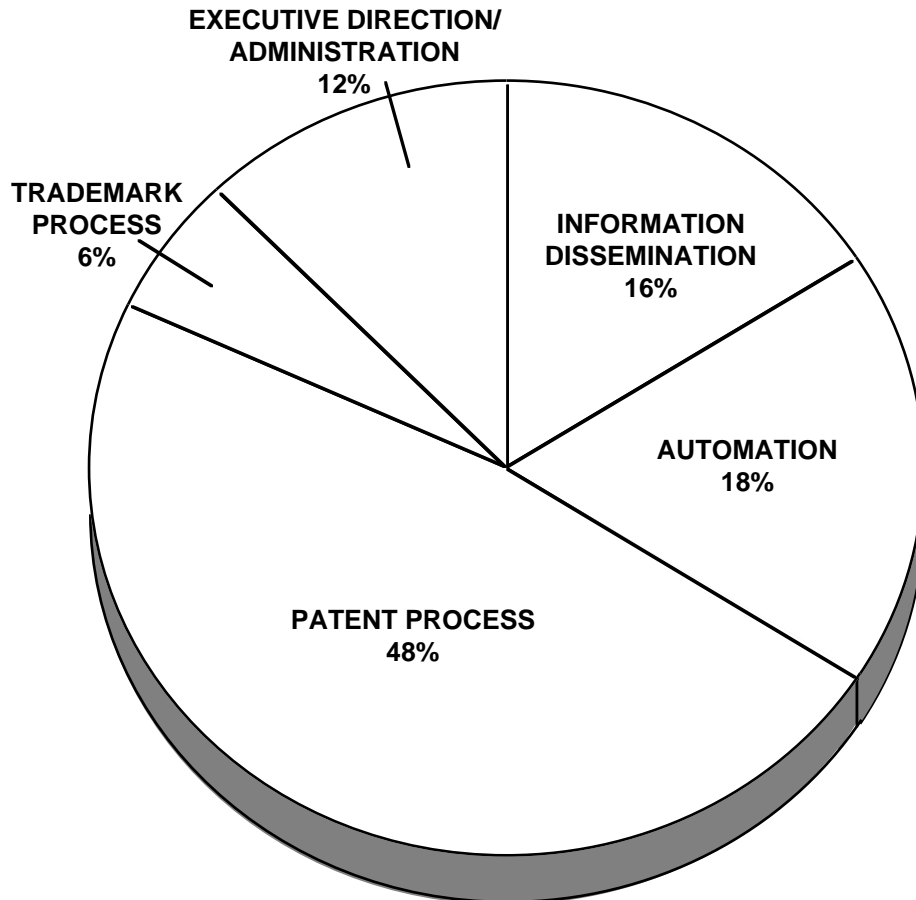
When the obligations are broken down as a function of salaries and expenses, compensation and benefits totaled \$266,674,359 or 56 % of all obligations. Printing of patents and trademarks and other reproduction costs were \$31,088,382, or 7 % of the total. Rental of space was \$36,603,605, or 8 % of the total. Other costs incurred totaled \$136,620,606 which included travel, supplies, equipment, and service contracts and were 29 % of the Office's total obligations (see Figure 11).

Figure 12 illustrates total funding and obligations over the years. The FY 1993 total funding of \$502,368,767 exceeded the actual obligations of \$470,986,952 by \$31,381,815. This surplus will be carried forward and apportioned for use in FY 1994.

Business Process Redesign

In March 1993, the Office established a business process redesign framework and a cross-functional team to coordinate and implement its overall business process redesign efforts. The primary focus will be on processes expected to be affected by the implementation of the Patent Application Management (PAM) portion of the Automated Patent System, and Trademark processes expected to be affected by the Protocol to the Madrid Agreement Concerning the International Registration of Marks. The redesign of the patent and trademark application processes and the implementation of new supporting technology will require close coordination among the various organizations responsible for elements of the new system. A common vision of the new business processes will be achieved and endorsed by USPTO man-

FIGURE 10
**PATENT AND TRADEMARK OFFICE BUDGET ACTIVITIES
 AS A PERCENTAGE OF FY 1993 OBLIGATIONS
 (\$470,986,952)**

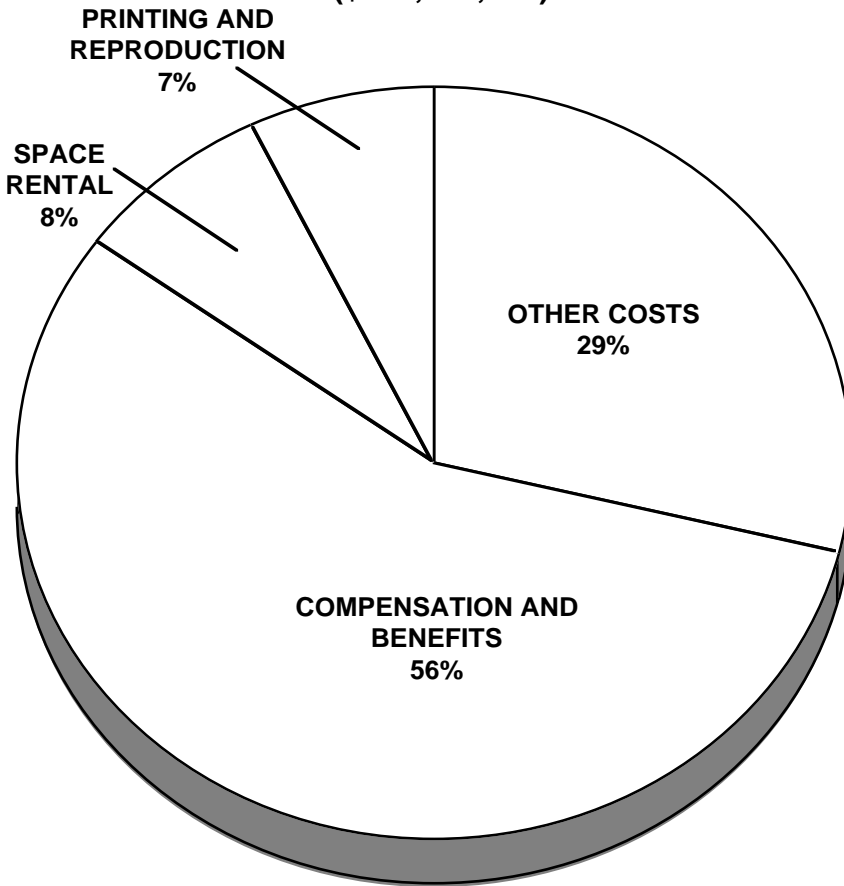


agement, and an orderly approach to transition to the new processes will be planned and implemented. The objectives of the business process redesign framework are to: (1) achieve optimum benefit to the USPTO in terms of cost savings and increases in USPTO operational effectiveness; (2) achieve optimum benefit to the public in terms of cost savings, facilitation of patent and trademark application filing and prosecution, patent grant and maintenance, and trademark registration and renewal; and (3) minimize the costs, risks, and inherent operational difficulties of PAM development and implementation.

Employment

In FY 1993, the total number of authorized full-time permanent positions was 5,119. The actual number of full-time permanent employment was 4,904 at the end of FY 1993.

FIGURE 11
**PATENT AND TRADEMARK OFFICE
SALARIES AND EXPENSES AS A
PERCENTAGE OF FY 1993 OBLIGATIONS
(\$470,986,952)**

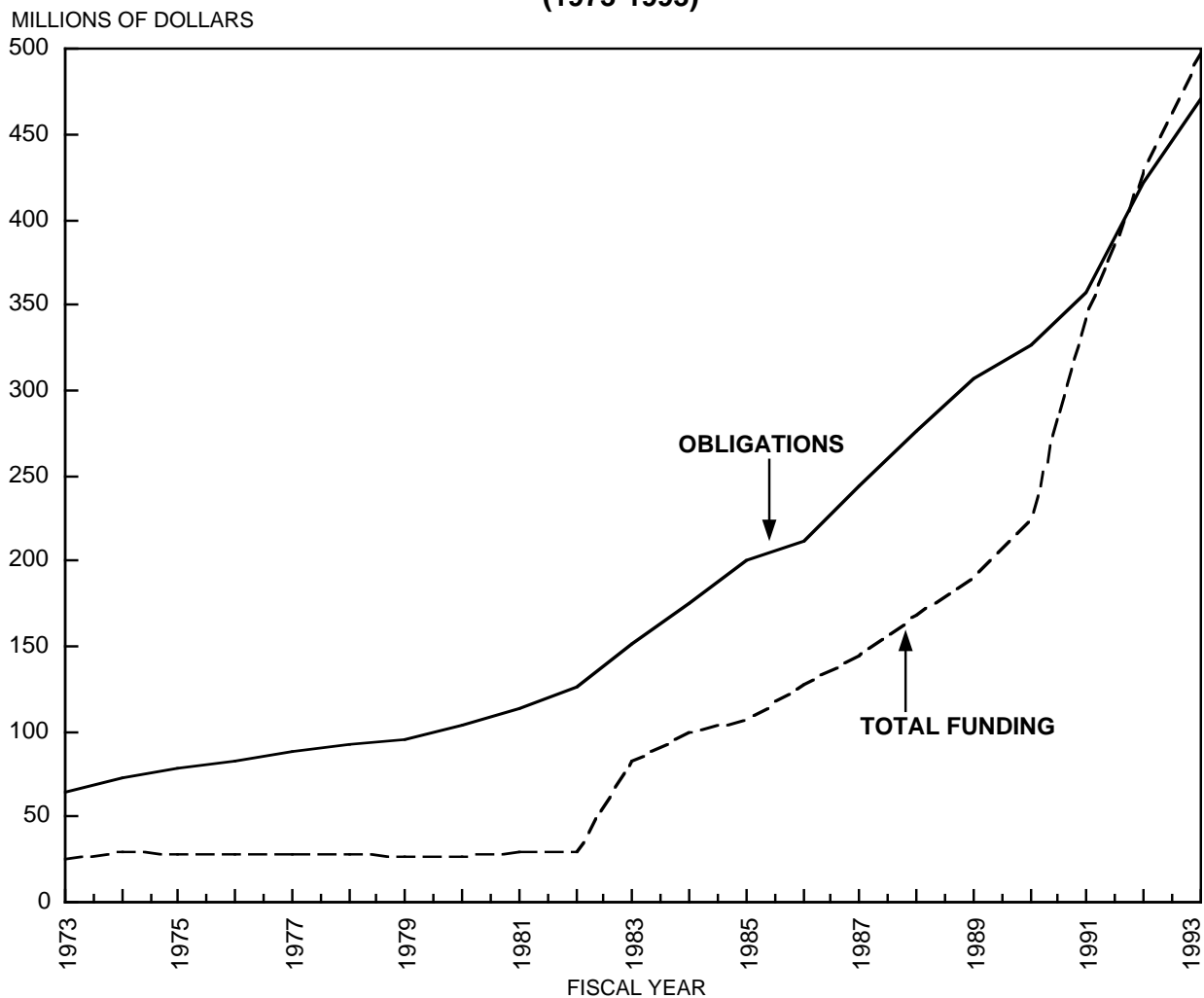


Two hundred ten patent examiners were hired in FY 1993. This represents a less than 1% decrease in patent examiner hires from FY 1992. Patent examiner attritions were down from 165 in FY 1992 to 126 in FY 1993. The Office of Personnel continued to pursue innovative techniques to attract highly qualified applicants to meet Office staffing needs. The USPTO-sponsored job fair, held November 1992, resulted in 19 new patent examiner hires. In addition, direct mailing, advertising in college and professional engineering journals, and on-campus recruiting efforts helped the USPTO meet its FY 1993 recruiting goals.

During FY 1993, the USPTO also hired 15 trademark examining attorneys, from over 600 applicants. Over 50% of the new hires were minorities or women. Applications were collected through direct mailing to law schools, law students, and legal organizations; and advertising in publications such as "The Legal Times," The "Washington Post," and "National Law Review."

During FY 1993, the USPTO hired 188 clerical employees. Emphasis in clerical recruiting has been on developing new sources of qualified applicants.

FIGURE 12
TOTAL FUNDING AND OBLIGATIONS
(1973-1993)



Training

During FY 1993, the Quality Skills Center provided training to new technical support employees to assist them in accomplishing the USPTO’s operational mission. The curricula consisted of courses in the areas of technical skills, basic knowledge of the USPTO’s mission, and personal development/work ethic. Some incumbent employees were also enrolled.

Increased automation in the Office led to the development of a computer training course. The curricula consisted of introductory skill level courses in DOS and windows applications, word processing, spreadsheets and Federal Financial System. Over 112 classes were conducted during FY 1993 and the implementation of performance-based software training improved job performance and better prepared employees to meet the rigors of the automated work place.

An Employee-Focus training series included programs on wellness, expanded benefits training (pre-retirement, Thrift Savings Plan, and mid-career counseling), women’s issues, and career development.

Patent Examiner Education Program

The pursuit of direct industrial experience for patent examiners continued in the form of the private-sector supported Patent Examiner Education Program. In FY 1993, 164 examiners participated in industrial site visits, bringing the total examiner participation to 2,312 since the program's inception in 1982. The program's objective is to give examiners an opportunity to see actual plant operations or other technology demonstration sites to provide them with an enriched perspective to draw upon when rendering patentability decisions.

Civil Rights

During the year, the Office of Civil Rights began using the six established special emphasis program subcommittees as diversity focus groups in the identification of their specific group concerns and for solicitation of their ideas on extended community outreach activities. Additionally, training in the prevention of sexual harassment was provided to over 3,000 employees.

Project XL

The Office's educational outreach activities continued to generate awareness of the value of intellectual property and the importance of new technology to the economic well-being of the country while supporting the National Education Goals and the recommendations of the Commission on Achieving Necessary Skills. Exhibits and workshops were held around the country to train and motivate educators to incorporate inventive thinking into their curricula and to introduce such programs into their communities. Under Project XL coordination, the USPTO's Federal Women's Program entered into a partnership agreement with Hoffman-Boston Continuing Education in Arlington, Virginia. USPTO volunteers provided mathematics tutoring and positive role models for the high school's at-risk population.

Two inventive thinking workshops were held in conjunction with the National Innovation Workshops. One workshop was held in Little Rock, Arkansas, the other in St. Louis, Missouri, in cooperation with the U.S. Department of Energy, the National Institute of Standards and Technology, and local sponsors. The USPTO also cosponsored the Sixth and Seventh National Creative and Inventive Thinking Skills Conferences with the National Inventive Thinking Association, the Educational Information and Resource Center in Cherry Hill, New Jersey, and the Broward County Schools in Fort Lauderdale, Florida.

With the U.S. Copyright Office and the Foundation for a Creative America, the USPTO cosponsored the 1993 Young Inventors and Creators Program competition. Exhibits were presented at conferences held by the Northwest Association of Schools and Colleges, the National Association for Bilingual Education, and the Association for Supervision and Curriculum Development.

Long-Range Planning

The USPTO continued to take a long-range perspective for addressing the challenges it is facing. Each year, the volume of services requested by the public increases, new types of services are requested, the technical complexity of patent applications grows, and the complexity in processing patent and trademark applications multiplies. Also, the movement toward regional and global markets makes the integration of international standards and procedures more desirable. At the same time, the USPTO is under pressure to hold down costs. Through the USPTO's planning process, short and long-term initiatives for addressing issues such as these are linked to the budget and user-fee program. In May 1993, the Office issued its 1994-1998 Planning Progress Report, which is an update to its Long-Range Plan. The Plan-

ning Progress Report was sent to customers, including members of Congress responsible for USPTO oversight, major constituent groups, other Federal agencies, other patent offices, and members of the public. The plan describes the Office's approach to human resource management, information dissemination, long-term space needs, information resource management, intellectual property protection, and continuous quality improvement.

CHAPTER SEVEN

LITIGATION

During FY 1993, the number of ex parte appeals taken from decisions of the Board of Patent Appeals and Interferences and the Trademark Trial and Appeal Board, and the number of civil actions filed against the Commissioner of Patents and Trademarks totaled 112. There were 25 inter partes appeals taken to the Court of Appeals for the Federal Circuit in FY 1993. There were several significant court decisions, but most of the opinions entered by the Court of Appeals for the Federal Circuit and the district courts were non-precedential. This chapter highlights some of the significant rulings of the past year.

Biotechnology

The claims on appeal in *In re Wright*, 999 F.2d 1557, 27 USPQ2d 1510 (Fed. Cir. 1993), were directed to processes for producing live, non-pathogenic vaccines against pathogenic RNA viruses, vaccines produced by these processes, and methods of using these vaccines to protect living organisms against RNA viruses. Wright's specification provided a general description of these processes, vaccines, and methods of use, but contained only one working example. The court determined that the disclosure did not provide sufficient enablement to support the claims. This decision confirms prior decisions in *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991) and *In re Fisher*, 427 F.2d 833, 166 USPQ 18 (CCPA 1970).

Foreign Priority

In *In re Ziegler*, 992 F.2d 1197, 26 USPQ2d 1600 (Fed. Cir. 1993), the court determined that a foreign patent application must meet the requirements of 35 U.S.C. § 112, first paragraph, for a later filed U.S. application to be entitled to the benefit of the foreign filing date under 35 U.S.C. § 119. The court pointed out that the "how to use" prong of 35 U.S.C. § 112 incorporates, as a matter of law, the utility requirement of 35 U.S.C. § 101. In his German application, Ziegler disclosed that solid granules of polypropylene could be pressed into a flexible film and that the polypropylene was "plastic-like." The court determined that Ziegler was collaterally estopped from arguing that "plastic-like" is a sufficient assertion of utility in view of the CCPA's prior decision in *Anderson v. Natta*, 480 F.2d 1392, 178 USPQ 458 (CCPA 1973). The court concluded that Ziegler's German application failed to disclose a practical utility for polypropylene sufficient to satisfy 35 U.S.C. § 101, and therefore, Ziegler was not entitled to his foreign filing date under 35 U.S.C. § 119.

Reissue

In re Morgan, 990 F.2d 1230, 26 USPQ2d 1392 (Fed. Cir. 1993), clarified practice under the reissue statute, 35 U.S.C. § 251. The court determined that the Commissioner has authority to reissue a patent only "for the unexpired part of the term of the original patent." The court noted that although the statute does not expressly require termination of a reissue proceeding when a patent expires, termination is an inevitable concomitant of the provision that the patent can no longer be reissued.

Interference

In re Deckler, 977 F.2d 1449, 24 USPQ2d 1448 (Fed. Cir. 1992), held that a domestic applicant who lost an interference to a foreign applicant, based on the foreign applicant's foreign priority date, is estopped from obtaining a patent to claims which define the same patentable invention as a lost count. The court distinguished *In re McKellin*, 529 F.2d 1324, 188 USPQ 428 (CCPA 1976), noting that estoppel was not involved. The *Deckler* decision leads to a finality into interference decisions won on the basis of a foreign priority date. It eliminates any need for the USPTO to conduct successive interferences between the same parties with respect to the same patentable invention.

The Commissioner appeared as *amicus curiae* in *Kubota v. Shibuya*, 999 F.2d 517, 27 USPQ2d 1418 (Fed. Cir. 1993). The court, agreeing with the USPTO position, determined that the "new" interference rules place the burden of proof on a party filing a preliminary motion under 37 C.F.R. § 1.633(g). The court recognized that under the "old" interference rules the burden of proving that a party has the "right to make" a claim was on the party copying claims for the purpose of provoking an interference. However, the court concluded that the "right to make" cases, of which *Martin v. Mayer*, 823 F.2d 500, 3 USPQ2d 1333 (Fed. Cir. 1987) and *Utter v. Hiraga*, 845 F.2d 993, 6 USPQ2d 1709 (Fed. Cir. 1988) are representative, no longer apply during the preliminary motion period. The court's decision in *Kubota* has been codified in an amendment to the USPTO rules of practice.

The Commissioner also appeared as *amicus curiae* in *Gerritsen v. Sai*, 979 F.2d 1524, 24 USPQ2d 1912 (Fed. Cir. 1992). For the first time, the court defined the standard of review for the Board of Patent Appeals and Interferences' decision to impose a sanction and for its choice of sanction under 37 C.F.R. § 1.616 against an interference party who allegedly failed to comply with an interference regulation. The court held that a 37 C.F.R. § 1.616 decision to sanction an interference party and the choice of sanction are reviewed for abuse of discretion. This standard is consistent with settled law on judicial review of discretionary agency actions. In addition, the court held that 37 C.F.R. § 1.662(b) requires a patentee who has filed a reissue application after the close of the preliminary motions period to file a belated preliminary motion to add the application to the interference. The court also held that the patentee is required to show good cause why a timely motion could not have been filed or why a belated motion would not be appropriate.

In *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993), the court concluded that a party to an interference proceeding should be permitted to argue separately the patentability of claims designated as corresponding substantially to a count. The USPTO has proposed to amend its rules of practice in patent interference cases to overcome the court's interpretation of USPTO rules in *Van Geuns*.

Designs

In re Carlson, 983 F.2d 1032, 25 USPQ2d 1207 (Fed. Cir. 1992), held that a German Geschmacksmuster qualifies as a foreign patent for purposes of 35 U.S.C. § 102(a), and therefore, constitutes prior art under 35 U.S.C. § 103. The court reached its decision based on the fact that the Geschmacksmuster fully discloses the design upon which German law conferred exclusive rights attendant to registration of the Geschmacksmuster. The decision in *Carlson* is consistent with the CCPA's prior decisions in *In re Monks*, 588 F.2d 308, 200 USPQ 129 (CCPA 1978) and *In re Talbott*, 443 F.2d 1397, 170 USPQ 281 (CCPA 1971).

Trademarks

The court in *In re De Luxe N.V.*, 990 F.2d 607, 26 USPQ2d 1475 (Fed. Cir. 1993), determined that a foreign applicant must comply with the requirements of section 44 of the Lanham Act at the time a U.S. application for registration is filed. The court pointed out that the language of the statute neither expressly nor impliedly restricts a foreign applicant from freely alienating a U.S. application once the statutory requirements are met.

CHAPTER EIGHT

PUBLIC AND SUPPORT SERVICES

The USPTO continued its efforts to improve its public services. Customer satisfaction and quality service remained the ultimate goals throughout the year in such areas as mail processing, patent printing and information dissemination.

TEAMWORK for Total Quality

The Office of Public Services and Administration (PSA) continued its efforts to ensure customer satisfaction by focusing on improving quality. In this regard, PSA continued to employ Quality Action Teams, Process Review Teams, and Natural Work Teams to document current practices and identify areas for improvement and to provide input to the USPTO's Business Reengineering Team effort. In FY 1993, two new major Process Review Teams began to review the Pre- and Post-Examination processes. These reviews will continue through FY 1994. In FY 1993, the Office conducted its third employee survey. Through this survey, the USPTO is able to continue to identify areas for improvement in PSA's TEAMWORK efforts. The Office also initiated a pilot program which uses a new integrated approach for hiring and training to ensure a quality workforce. The effort included strategic planning for the organization of the future. PSA also assisted other government agencies by hosting quarterly "Quality Day" workshops and by responding to requests to make presentations at other agencies and in nationwide quality conferences. A total of 20 presentations were given in FY 1993, reaching over 1,250 people.

Mail Processing

During FY 1993, the Correspondence and Mail Division received and processed over 4.3 million documents. Included in this figure were 235,000 express mail packages, which represents a 25.7 percent increase over FY 1992.

Pre-Examination Support For Patent Processing

In FY 1993, the Office made significant improvements in the pre-examination processing of patent applications. These improvements were aimed at reducing re-work, lowering costs, and improving customer satisfaction. One of the more significant improvements was the on-site printing of filing receipts. Software enhancements included the adding of edits to virtually eliminate entry of the incorrect filing year, a duplicate application number or, incorrect application number; and linking the Office of Finance data base with the Application Division data entry system to compare the fees credited by the Office of Finance with the fees submitted by the applicant, thus enabling the revision and correct printing of filing receipts.

In-process quality of Application Division examiners and typists improved from 88% in FY 1992 to 92% in FY 1993. Customer-initiated requests for corrected filing receipts totaled slightly less than 2%. In FY 1993, the pre-examination area processed and released 180,261 applications to the patent examining corps.

A sub-team of the Business Reengineering Team was formed. The team is composed of representatives from the pre-examination area. The comprehensive review of all aspects of the work process which began in FY 1993 is continuing into FY 1994. Representatives from the pre-examination area also played a key role in developing the components of the software for the Electronic Application System (EASY) file project.

Patent Printing

Refinements to the systemic improvements of last year have led to even more timely patent print products. In FY 1993, about 99% percent of the patents issued were available on issue day as compared to 98% last year.

Patent and Trademark Copy Sales

The Patent and Trademark Copy Sales program celebrated its first anniversary using electronic images as the primary source of patent copies. By using electronic images to produce patent copies, the Office was able to deliver higher quality documents to customers and to provide the copies to customers more quickly. Quality improvements were also made in facsimile electronic ordering capabilities.

Patent Maintenance Services

During FY 1993, the Patent Maintenance Division introduced a monthly customer newsletter that is produced and edited by the Division's staff. The newsletter includes information on how to submit maintenance fees or request information on the status of patents as well as other helpful hints. Thanks to continuous review of work processes and expanded automation capability, the Patent Maintenance Division eliminated all backlogs in FY 1993 without hiring additional staff.

Assignment Recordation Services

In FY 1993, the Assignment Branch developed functional requirements for a new, scanning-based automated patent and trademark assignment system. When implemented, this system will use optical character recognition technology to extract bibliographic information on patent and trademark assignments and will store digitized images of recorded documents for reference by public users. The principal objective of the system is to increase the quality and timeliness of publicly available assignment data. In addition, the system is expected to permit the Assignment Branch to manage increasing workloads without the need for additional staff. A system development contract was awarded in late FY 1993, and the new system is scheduled to be operational during the first half of calendar year 1995.

Certification Services

In early FY 1993, the Certification Branch was restructured to improve the production and delivery of orders for certified copies. Expanded use of telefax technology during FY 1993 resulted in a higher percentage of orders being delivered directly to Certification Branch and in finished products being returned to customers well ahead of expected delivery times. Functional requirements were developed for a new Certification Branch Data Automated System, which is designed to improve order tracking and the quality of customer service.

Patent and Trademark Depository Library Program

One library was added to the nationwide network of Patent and Trademark Depository Libraries (PTDLs) during the fiscal year. The newly-designated library, the Natrona County Public Library in Casper, Wyoming, is the first PTDL to be located in Wyoming. There are now 75 PTDLs located in 47 states and the District of Columbia.

The PTDL Program continued to provide CASSIS/BIB, CASSIS/CLASS, ASIST, CASSIS/ASIGN, and TRADEMARKS CD-ROM disc updates to all PTDLs. Nineteen PTDLs have acquired additional subscriptions and are making multiple sets of all CD-ROM products available to their users.

A Report on the Automated Patent System (APS) Pilot Survey was completed and distributed. Plans are actively under way to offer APS to all PTDLs.

In FY 1993, the Office held its sixteenth annual PTDL Conference. Ninety-one representatives from 75 institutions attended the conference, including representatives from five foreign patent organizations. The conference is designed to help PTDL librarians provide accurate information and knowledgeable assistance to their patent and trademark patrons. The conference included a full-day Trademark Pre-Conference Workshop and information-sharing and training sessions focusing on a wide variety of topics.

Also, in FY 1993, five "Accessing Patent and Trademark Information" seminars were conducted around the United States, 12 presentations on the PTDL Program were made, an exhibition at one national library conference was arranged, and the USPTO's Project XL activities were supported. A PTDL Usage Survey Report was completed, which summarized information on public usage of the nationwide network of libraries, the PTDLs, and the PTDL evaluations of services provided by the Program office.

General Public Information Services

The Public Service Branch (PSB) provides general information on the USPTO products, services, and fees, and assists the public with the resolution of their service-related problems. During FY 1993, over 209,000 telephone calls were received on the automated information telephone system. Over 461,000 messages were accessed by callers, an increase of 26% over last year. Major improvements were implemented to improve both the clarity of messages and the system of accessing the messages. In addition, nearly 147,000 callers were personally assisted by the PSB staff, an increase of 75% over last year. Over 154,000 copies of printed patent and trademark information booklets were mailed to the public, representing an 83% increase over FY 1992. Major improvements are under way to further enhance the telephone information services to the public.

PATENT AND TRADEMARK DEPOSITORY LIBRARIES

Alabama

Auburn: Ralph Brown Draughon Library, Auburn University
Birmingham: Birmingham Public Library

Alaska

Anchorage: Z. J. Loussac Public Library

Arizona

Tempe: Noble Library, Arizona State University

Arkansas

Little Rock: Arkansas State Library

California

Los Angeles: Los Angeles City Library
Sacramento: California State Library

San Diego: San Diego Public Library

Sunnyvale: Sunnyvale Patent Clearinghouse

Colorado

Denver: Denver Public Library

Connecticut

New Haven: Science Park Library

Delaware

Newark: University of Delaware Library

District of Columbia

Washington: Howard University Libraries

Florida

Fort Lauderdale: Broward County Main Library
Miami: Miami-Dade Public Library-Main Branch
Orlando: University of Central Florida Libraries
Tampa: Tampa Campus Library, University of South Florida

Georgia

Atlanta: Price Gilbert Memorial Library, Georgia Institute of Technology

Hawaii

Honolulu: Hawaii State Public Library System

Idaho

Moscow: University of Idaho Library

Illinois

Chicago: Chicago Public Library
Springfield: Illinois State Library

Indiana

Indianapolis: Indianapolis-Marion County Public Library
West Lafayette: Siegesmund Engineering Library, Purdue University

Iowa

Des Moines: State Library of Iowa

Kansas

Wichita: Ablah Library, Wichita State University

Kentucky

Louisville: Louisville Free Public Library

Louisiana

Baton Rouge: Troy H. Middleton Library, Louisiana State University

Maryland

College Park: Engineering and Physical Sciences Library, University of Maryland

Massachusetts

Amherst: Physical Sciences Library, University of Massachusetts
Boston: Boston Public Library

Michigan

Ann Arbor: Engineering Library, University of Michigan
Big Rapids: Abigail S. Timme Library, Ferris State University
Detroit: Detroit Public Library

Minnesota

Minneapolis: Minneapolis Public Library and Information Center

Mississippi

Jackson: Mississippi Library Commission

Missouri

Kansas City: Linda Hall Library
St. Louis: St. Louis Public Library

Montana

Butte: Montana College of Mineral Science and Technology Library

Nebraska

Lincoln: Engineering Library, University of Nebraska-Lincoln

Nevada

Reno: University of Nevada-Reno Library

New Hampshire

Durham: University of New Hampshire Library

New Jersey

Newark: Newark Public Library
Piscataway: Library of Science and Medicine, Rutgers University

New Mexico

Albuquerque: University of New Mexico General Library

New York

Albany: New York State Library
Buffalo: Buffalo and Erie County Public Library
New York: New York Public Library (The Research Libraries)

North Carolina

Raleigh: D. H. Hill Library, North Carolina State University

North Dakota

Grand Forks: Chester Fritz Library, University of North Dakota

Ohio

Cincinnati: Public Library of Cincinnati and Hamilton County
Cleveland: Cleveland Public Library
Columbus: Ohio State University Libraries
Toledo: Toledo/Lucas County Public Library

Oklahoma

Stillwater: Oklahoma State University, Center for International Trade Development

Oregon

Salem: Oregon State Library

Pennsylvania

Philadelphia: The Free Library of Philadelphia
Pittsburgh: The Carnegie Library of Pittsburgh
University Park: Pattee Library, Pennsylvania State University

Rhode Island

Providence: Providence Public Library

South Carolina

Charleston: Medical University of South Carolina Library
Clemson: R. M. Cooper Library, Clemson University

Tennessee

Memphis: Memphis & Shelby County Public Library and Information Center
Nashville: Stevenson Science Library, Vanderbilt University

Texas

Austin: McKinney Engineering Library, University of Texas at Austin
College Station: Sterling C. Evans Library, Texas A&M University
Dallas: Dallas Public Library
Houston: The Fondren Library, Rice University

Utah

Salt Lake City: Marriott Library, University of Utah

Virginia

Richmond: Virginia Commonwealth University Library

Washington

Seattle: Engineering Library, University of Washington

West Virginia

Morgantown: Evansdale Library, West Virginia University

Wisconsin

Madison: Kurt F. Wendt Library, University of Wisconsin-Madison
Milwaukee: Milwaukee Public Library

Wyoming*

Casper: Natrona County Public Library

APPENDIX STATISTICAL TABLES

**Table 1
OBLIGATIONS**
(In Thousands of Dollars)

	FY 1991	FY 1992	FY 1993
BUDGET ACTIVITIES:			
Patent Process	183,182	195,789	225,429
Automation-Patent Process	25,332	54,137	59,475
Trademark Process	28,163	28,154	29,966
Automation-Trademark Process	2,304	3,749	2,667
Information Dissemination	35,738	60,505	73,377
Automation- Information Dissemination	11,180	4,004	1,151
Executive Direction and Administration	47,339	55,207	58,030
Automation-EXAD	24,820	20,846	20,892
Total Obligations	358,058	422,391	470,987
SALARIES AND EXPENSES:			
Personnel Compensation	177,040	197,913	222,188
Personnel Benefits	33,151	38,226	44,486
Printing and Reproduction	26,893	31,544	31,088
Other Obligations	120,974	154,708	173,225
Total Salaries and Expenses	358,058	422,391	470,987

**Table 2
TOTAL FUNDING AVAILABILITIES¹**
(FY 1983 - 1993)

Fiscal Year	Appropriations from General Fund	Appropriations from Fee Fund	Offsetting Fee Collections	Prior Year Unobligated Balances	Federal Reimbursements	Recovery of Prior Year Obligations	Deferral of Funds	Total Funding Availability
1983	78,441	....	82,734	1,105	83	54	....	162,417
1984	81,573	....	98,841	10,204	107	2,746	....	193,471
1985	100,159	....	107,289	18,035	156	43	-15,993	209,689
1986	81,058 ²	....	122,758 ³	25,898	5	145	-1,977	227,887
1987	98,000	....	144,685	18,011	222	41	-5	260,954
1988	120,000	....	168,317	16,650	52	....	....	305,019
1989	109,000	....	192,322	28,898	234	5,316	....	335,770
1990	83,380 ⁴	....	222,526	28,537	793	9,466	....	344,702
1991	2,999 ⁵	99,307	245,010	17,208	610	5,494	....	370,628
1992	1,547	86,894	332,814	12,570	76	2,012	....	435,913
1993	0	86,672	399,364	13,522	190	2,621	....	502,369

¹ In thousands of dollars.
² Includes sequester of \$3,642,000 in appropriations.
³ Includes sequester of \$5,138,000 in fee collections.
⁴ Includes sequester of \$2,520,000.
⁵ Includes sequester of \$1,000,000.

Table 3
END OF YEAR STAFFING¹
(FY 1987 - 1993)

	1987	1988	1989	1990	1991	1992	1993
BUDGET ACTIVITIES:							
Executive Dir. and Admin.....	537	506	481	550	571	476	482
Information Dissemination	507	505	525	572	564	1,021	1,097
Patent Process	2,105	2,138	2,410	2,593	2,849	2,663	2,872
Trademark Process.....	247	242	303	344	410	429	439
Total Budget Activity Staff Years	3,396	3,391	3,719	4,059	4,394	4,589	4,890
PERSONNEL STAFFING:							
Patent Professional.....	1,493	1,541	1,623	1,938	1,956	1,941	2,052
Trademark Professional.....	119	139	130	194	176	168	154
All Others	1,784	1,711	1,966	1,927	2,262	2,480	2,684
Total Personnel Staff Years	3,396	3,391	3,719	4,059	4,394	4,589	4,890

¹ Total paid staff years, excluding overtime hours worked.

Table 4
INCOME FROM FEES
(In Thousands of Dollars)

Source of Income	FY 1990	FY 1991	FY 1992	FY 1993
PATENT PROCESS FEES, LARGE ENTITY				
Utility Patent Applications & Claims	47,987	78,691	87,942	96,901
Design Patent Applications.....	719	1,005	1,226	1,325
Plant Patent Applications	40	73	51	89
Reissue Patent Applications & Claims	144	311	306	395
National Stage Filing Fees	2,312	2,726	4,893	5,736
Extensions of Time	16,949	27,959	32,110	35,576
Appeals & Briefs	1,898	3,558	4,344	4,827
Petitions, Disclaimers & Revivals	2,000	2,932	4,182	6,484
Utility Patent Issues	40,356	67,122	76,581	81,316
Design Patent Issues	793	1,391	1,622	1,803
Plant Patent Issues.....	20	66	101	106
Maintenance	29,025	55,000	86,413	115,490
Other Large Entity Fees	399	633	887	803
Subtotal, Large Entity	141,497	240,095	297,938	346,256
PATENT PROCESS FEES, SMALL ENTITY				
Utility Patent Applications & Claims	10,445	16,393	19,973	22,135
Design Patent Applications.....	641	1,008	1,079	1,236
Plant Patent Applications	32	49	46	42
Reissue Patent Applications & Claims	30	53	76	70
National Stage Filing Fees	349	397	768	899
Extensions of Time	3,234	4,967	5,754	6,718
Appeals & Briefs	278	472	597	687
Petitions, Disclaimers & Revivals	444	694	739	866
Utility Patent Issues	8,731	14,502	16,627	16,668
Design Patent Issues	552	899	1,073	1,376
Plant Patent Issues.....	33	48	63	93
Maintenance	3,550	6,112	11,078	16,291
Other Small Entity Fees	2	3	4	18
Subtotal, Small Entity.....	28,319	45,594	57,873	67,081
MISCELLANEOUS PATENT PROCESS FEES				
Statutory Invention Registrations	43	55	128	105
Surcharges for Late Payments	3,813	4,306	4,818	5,357
Other Patent Process Fees	1,147	1,375	2,724	4,613
Subtotal, Misc. Patent Process Fees	4,964	5,736	7,670	10,075
<i>Total Patent Process Fees</i>	<i>174,819</i>	<i>291,425</i>	<i>363,481</i>	<i>423,412</i>

Table 4 continued
INCOME FROM FEES
(In Thousands of Dollars)

Source of Income	FY 1990	FY 1991	FY 1992	FY 1993
TRADEMARK PROCESS FEES				
Applications.....	22,454	21,313	24,547	29,144
Renewals	2,128	2,034	1,855	2,152
Amendments & Disclaimers	99	83	75	66
Use/Non-Use Affidavits	5,224	5,638	4,224	4,492
Cancellations & Oppositions	791	842	989	1,188
TTAB Appeals.....	65	75	92	125
Intent to Use.....	0	1,612	3,181	6,042
Other Trademark Processing Fees	233	134	229	322
Trademark Service Fees.....	1,424	1,325	2,367	3,178
<i>Total Trademark Process Fees.....</i>	32,428	33,073	37,559	46,710
SERVICE FEES				
Patent Copy Sales	4,429	4,588	5,836	5,642
Farecards for Copy Machines.....	1,838	2,020	3,821	4,444
Certified Copies of Office Records.....	1,264	1,433	1,495	1,964
Certificates of Correction	245	268	259	461
Abstracts of Title	16	15	142	251
Recording Assignments	1,475	1,427	5,546	6,979
Disclosure Document	161	174	231	214
Re-examination Requests.....	554	555	686	754
Automated Search Room Services.....	111	214	241	254
PCT Applications	5,630	8,151	6,956	5,380
Miscellaneous Services	860	974	1,561	1,898
<i>Total Service Fees.....</i>	16,583	19,819	26,774	27,241
TOTAL INCOME FROM FEES ...	223,830	344,317	427,814	498,364

Table 5
SUMMARY OF PATENT EXAMINING ACTIVITIES
(FY 1989 - 1993)

Patent Examining Activity	1989	1990	1991	1992	1993
PATENT APPLICATIONS FILED					
Utility ¹	150,418	162,708	166,765	171,623	173,619
Reissue.....	495	468	536	581	572
Plant	418	395	414	335	362
Design	11,975	11,140	10,368	12,907	13,546
Total Patent Applications Filed.....	163,306	174,711	178,083	185,446	188,099
FIRST ACTIONS					
Design	11,734	13,693	15,503	16,076	16,074
Utility, Plant, and Reissue.....	136,722	149,425	158,319	165,294	171,799
PCT/Chapter 1	3,758	4,644	5,680	7,247	7,459
PATENT APPLICATIONS ALLOWED²					
Design	7,363	9,679	10,394	11,013	11,800
Utility, Plant, and Reissue.....	98,472	96,672	102,014	103,093	104,351
Total Patent Applications Allowed.....	105,835	106,351	112,408	114,106	116,151
PATENT APPLICATIONS ABANDONED					
Design	2,555	3,991	4,427	4,843	4,681
Utility, Plant, and Reissue.....	47,218	45,750	53,703	59,199	60,763
Total Plant Applications Abandoned	49,773	49,741	58,130	64,042	65,444
OTHER PATENT APPLICATIONS DISPOSED					
Statutory Invention Registrations	185	177	142	278	146
TOTAL PATENT APPLICATION DISPOSALS.....	155,793	156,269	170,680	178,426	181,741
PCT/CHAPTER II EXAMINATIONS COMPLETED	1,315	2,168	4,014	5,010	5,851
PATENTS ISSUED³					
Utility	95,831	88,974	91,822	99,405	96,676
Reissue.....	309	282	334	375	302
Plant	728	295	318	336	408
Design	5,844	7,176	9,386	9,612	9,946
Total Patents Issued	102,712	96,727	101,860	109,728	107,332
ALLOWED APPLICATIONS, ISSUE FEE NOT PAID⁴	3,285	3,476	4,854	4,781	5,778
PENDENCY TIME OF AVERAGE PATENT APPLICATION⁵.....	18.4	18.3	18.2	19.1	19.5
REEXAMINATIONS REQUESTED⁶	243	297	307	392	359
REEXAMINATION CERTIFICATES ISSUED⁶.....	206	224	200	243	293
PCT SEARCH REPORTS PREPARED⁷	3,469	4,218	6,000	6,586	8,714
PCT INTERNATIONAL APPLICATIONS RECEIVED					
BY USPTO AS RECEIVING OFFICE ⁷	5,599	7,216	9,158	10,929	12,389
NATIONAL REQUIREMENTS RECEIVED					
BY USPTO AS RECEIVING OFFICE ⁷	4,355	5,143	6,247	6,835	7,441
INTERNATIONAL PRELIMINARY EXAMINATION REPORTS .	933	2,298	3,774	4,678	5,955
PATENTS RENEWED UNDER P.L. 102-204⁸.....	52,687	49,539	73,954	107,713	114,367
PATENTS EXPIRED UNDER P.L. 102-204⁸.....	12,416	12,060	19,134	28,603	38,475

¹ Chemical, electrical, and mechanical applications.

² "Allowed Patent Applications" are applications awaiting issuance (i.e., publication) as patents.

³ Excludes withdrawn numbers.

⁴ 35 U.S.C. § 151.

⁵ Average time (months) between filing and issuance/abandonment of utility, plant, and reissue applications (excluding designs).

⁶ Reexamination was instituted on July 1, 1981, in accordance with provisions of P.L. 96-517.

⁷ PCT entered into force on January 24, 1978, and applications were accepted for filing beginning June 1, 1978.

⁸ Renewal of patents under P.L. 96-517 and P.L. 97-247 now superseded by P.L. 102-204.

Table 6
PATENT APPLICATIONS FILED
(FY 1973 - 1993)

Year	Utility ¹	Design	Plant	Reissue	Total
1973	100,900	5,541	109	382	106,932
1974	103,479	4,948	109	391	108,927
1975	101,283	5,751	163	465	107,662
1976 ²	101,807	6,838	144	438	109,227
1977 ²	101,821	7,186	202	564	109,773
1978	100,473	7,440	171	660	108,744
1979	99,516	7,070	166	657	107,409
1980	104,219	7,269	186	641	112,315
1981	106,828	7,197	147	538	114,710
1982	116,052	8,069	193	486	124,800
1983	96,847	8,256	231	370	105,704
1984	109,010	8,446	248	281	117,985
1985	115,893	9,504	244	290	125,931
1986	120,988	9,792	291	332	131,403
1987	125,677	10,766	364	366	137,173
1988	136,253	11,114	377	439	148,183
1989	150,418	11,975	418	495	163,306
1990	162,708	11,140	395	468	174,711
1991	166,765	10,368	414	536	178,083
1992	171,623	12,907	335	581	185,446
1993	173,619	13,546	362	572	188,099

¹ Chemical, electrical, and mechanical applications.

² The Transition Quarter, July 1, 1976, to September 30, 1976, has been omitted.

Table 7
SUMMARY OF PENDING PATENT APPLICATIONS
(as of September 30, 1993)

Stage of Processing	Utility, Plant, and Reissue Applications	Design Applications	Total Patent Applications
IN PREEXAMINATION PROCESSING	18,952	548	19,500
UNDER EXAMINATION			
Awaiting First Action by Examiner	63,479	13,229	76,708
Rejected, Awaiting Response by Applicant	109,821	4,830	114,651
Amended, Awaiting Action by Examiner	22,450	746	23,196
In Interference	1,516	15	1,531
On Appeal and Other ¹	8,860	200	9,060
Total Under Examination	206,126	19,020	225,146
IN POSTEXAMINATION PROCESSING			
Awaiting Issue Fee	28,070	3,279	31,349
Awaiting Printing ²	24,471	2,465	26,936
D-10s (secret cases in condition for allowance)	3,898	0	3,898
Total in Postexamination Processing	56,439	5,744	62,183
TOTAL PENDING IN PATENT AND TRADEMARK OFFICE	281,517	25,312	306,829

¹ Includes cases on appeal and undergoing petitions.

² Includes withdrawn cases.

Table 8
PATENTS PENDING PRIOR TO ALLOWANCE¹
(FY 1974 - 1993)

Year	Awaiting Action by Examiner	Total Applications Pending ²	Year	Awaiting Action by Examiner	Total Applications Pending ²
1974	47,411	162,447	1984	90,687	219,567
1975	41,916	146,464	1985	90,648	215,512
1976 ³	43,776	142,379	1986	80,547	207,774
1977 ³	60,706	144,542	1987	65,010	209,911
1978	57,031	144,056	1988	75,678	215,280
1979	50,085	151,702	1989	92,377	222,755
1980	64,289	167,533	1990	104,179	244,964
1981	71,033	181,727	1991	104,086	254,507
1982	87,659	216,509	1992	112,201	269,596
1983	102,532	223,101	1993	99,904	244,646

¹ Pending at end of period indicated including utility, reissue, plant, and design applications. Does not include allowed applications.

² Applications under examination, including those in preexamination processing.

³ The Transition Quarter, July 1, 1976, to September 30, 1976, has been omitted.

Table 9
PATENTS ISSUED¹
(FY 1974 - 1993)

Fiscal Year	Utility ²	Design	Plant	Reissue	Total
1974	79,300	4,439	211	367	84,317
1975	70,179	3,632	155	398	74,364 ³
1976 ⁴	75,325	4,781	195	434	80,735 ³
1977 ⁴	67,972	4,261	164	435	72,832
1978	65,963	3,797	194	366	70,320
1979	51,686	3,269	151	312	55,418
1980	56,618	4,167	137	305	61,227
1981	66,617	3,882	168	343	71,010
1982	59,449	5,299	120	284	65,152
1983	54,744	4,401	219	351	59,715
1984	66,753	4,935	174	287	72,149
1985	69,667	5,058	277	300	75,302
1986	71,301	5,202	227	263	76,993
1987	82,141	6,158	240	254	88,793
1988	77,317	5,740	283	244	83,584
1989	95,831	5,844	728	309	102,712
1990	88,974	7,176	295	282	96,727
1991	91,822	9,386	318	334	101,860
1992	99,405	9,612	336	375	109,728
1993	96,676	9,946	408	302	107,332

¹ Excludes withdrawn numbers beginning with FY 1978.

² Chemical, electrical, and mechanical applications.

³ In 1975, under the trial voluntary protest program (now abolished), an additional 667 applications were published, but not issued. In 1976, there were 1,303 published, but not issued.

⁴ The Transition Quarter, July 1, 1976, to September 30, 1976, has been omitted.

Table 10

STATUTORY INVENTION REGISTRATIONS PUBLISHED
(FY 1989 - 1993)

Assignee	1989	1990	1991	1992	1993
Agriculture	0	0	0	1	0
Air Force.....	25	11	14	9	7
Army.....	33	38	35	25	26
Energy.....	21	14	17	11	9
HEW/HHS	0	0	1	0	0
Navy	16	14	11	20	13
TVA	1	0	0	2	0
USA*	0	1	4	6	2
Other Than U.S. Government	58	62	63	66	67
Total.....	154	141	145	140	124

*United States of America - no agency indicated in database.

Table 11
REEXAMINATION¹
(FY 1989 - 1993)

	1989	1990	1991	1992	1993
REQUESTS FILED					
By patent owner	120	124	141	167	147
By third party.....	121	172	165	168	211
Commissioner ordered.....	2	1	1	57	1
Total.....	243	297	307	392	359
DETERMINATIONS ON REQUESTS					
Requests granted					
By examiner.....	215	243	267	316	311
By petition	7	4	5	5	10
Requests denied	29	36	23	25	29
Total.....	251	283	295	346	350
REQUESTS KNOWN TO HAVE RELATED LITIGATION.....	37	27	47	47	75
COURT ORDERED REEXAMINATIONS	0	0	0	0	0
AVERAGE AGE OF PATENTS (years)	5.40	4.60	5.20	5.00	5.00
AVERAGE RANGE OF PATENTS (years)	0.1-20.9	0.0-22.8	0.0-22.8	0.0-18.1	....²
AVERAGE CLAIMS PER REQUEST	15.20	15.30	15.40	15.40	....²
AVERAGE REFERENCES PER REQUEST	9.50	9.50	9.60	9.40	9.50
FILINGS BY DISCIPLINE					
Chemical	83	90	93	101	111
Electrical.....	87	113	115	186	138
Mechanical	73	94	99	105	110
Total.....	243	297	307	392	359

¹ Reexamination was instituted on July 1, 1961, in accordance with provisions of P.L. 96-517.

² Data for FY 1993 was not available.

Table 12
SUMMARY OF CONTESTED PATENT CASES

(Within the Patent and Trademark Office)

Patent and Trademark Office Tribunal Board for Patent Appeals and Interferences	Totals
EX PARTE CASES	
Appeals ¹	
Cases Pending as of 9/30/92	1,871
Cases Filed During FY 93	4,487
Total	6,358
Disposals During FY 93:	
Decided	
Affirmed	2,234
Affirmed-in-Part	407
Reversed	1,253
Total Decided	3,894
Other Disposals	
Dismissed	47
Withdrawn	144
Suspended.....	0
Total Other Disposals	191
Total Disposals	4,085
Cases Pending as of 9/30/93	2,273
Reconsiderations	
Cases Pending as of 9/30/92	40
Cases Filed During FY 93	341
Total	381
Disposals During FY 93.....	319
Cases Pending as of 9/30/93	62
INTER PARTES CASES	
Cases Pending as of 9/30/92	371
Cases Declared or Reinstated During FY 93 (under new rules ²)	259
Cases Declared or Reinstated During FY 93 (under old rules ²)	0
Total Cases Declared or Reinstated	259
Total	630
Disposals During FY 93:	
Cases Terminated (under New Rules ²)	235
Cases Terminated (under Old Rules ²)	0
Total Terminated	235
Cases Awaiting Final Board Disposition as of 9/30/93:	
Awaiting the Setting of a Final Hearing.....	33
Set for Final Hearing.....	11
Awaiting a Final Decision.....	21
Total Cases Awaiting Final Board Disposition	65
Cases Pending as of 9/30/93:	
Under New Rules ²	393
Under Old Rules ²	2
Total Cases Pending as of 9/30/93	395

¹ Jurisdiction of an appeal passes to the Board of Patent Appeals and Interferences after the examiner has written his or her answer and after the time for filing a reply brief to the answer has passed.

² New Rules effective 2/8/85: 37 CFR §§ 1.601 to 1.688 . Old Rules: 37 CFR §§ 1.201 to 1.288.

Table 13
U.S. GOVERNMENT AGENCY PATENTS¹

(FY 1984 - 1993)

Agency	1984	1985	1986	1987	1988	1989	1990	1991	1992	1993	Total
Agriculture.....	46	43	27	36	37	36	41	50	48	57	421
Air Force.....	168	144	178	192	134	131	101	115	138	126	1,427
Army.....	200	206	202	176	116	146	129	113	171	147	1,606
Commerce.....	7	5	7	11	13	6	6	15	18	21	109
Energy.....	263	301	260	239	230	216	190	197	217	193	2,306
EPA.....	3	5	2	1	1	3	4	5	4	7	35
FCC.....	1	0	0	0	0	0	0	0	0	0	1
HEW/HHS.....	38	30	30	32	32	31	34	41	67	88	423
Interior.....	16	11	16	10	11	9	7	13	23	9	125
NASA.....	143	137	109	117	100	125	116	109	166	155	1,277
Navy.....	306	271	207	206	104	117	170	346	314	333	2,374
NSA.....	6	1	2	1	4	5	2	3	3	5	32
Postal Service.....	0	1	0	1	0	0	0	1	0	0	3
Transportation.....	0	4	3	1	0	0	0	2	0	2	12
Treasury.....	1	0	0	0	0	0	0	0	0	0	1
TVA.....	4	6	9	8	7	4	5	5	2	1	51
USA ²	2	1	0	1	1	8	5	10	10	9	47
VA.....	1	0	1	1	0	0	0	0	0	0	3
Total.....	1,205	1,166	1,053	1,033	790	837	810	1,025	1,181	1,153	10,253

¹ Data in this table represent utility patents assigned to agencies at the time of patent issue.

² United States of America - no agency indicated in database.

Table 14
PATENTS ISSUED TO RESIDENTS OF THE UNITED STATES

(FY 1990 - 1993)¹

State/Territory	1990	1991	1992	1993
Alabama	352	357	324	311
Alaska	36	43	54	52
Arizona	694	855	921	903
Arkansas	131	152	170	162
California	7,723	8,423	9,284	9,216
Colorado	798	851	954	995
Connecticut	1,503	1,503	1,642	1,701
Delaware	441	491	553	491
District of Columbia	48	67	67	62
Florida	1,866	1,888	2,114	2,086
Georgia ..	715	720	793	879
Hawaii	78	78	85	88
Idaho	187	221	261	320
Illinois	2,872	3,040	3,355	3,275
Indiana	1,011	1,108	1,123	1,070
Iowa	381	390	417	442
Kansas	300	321	329	319
Kentucky	305	333	329	310
Louisiana	475	491	537	484
Maine	118	104	130	120
Maryland	837	937	1,070	1,058
Massachusetts	2,069	2,105	2,445	2,428
Michigan	2,644	2,830	3,153	2,981
Minnesota	1,443	1,447	1,631	1,702
Mississippi	131	111	144	136
Missouri ..	675	770	832	759
Montana ..	74	86	109	114
Nebraska	155	149	162	191
Nevada	117	185	172	152
New Hampshire	319	333	361	403
New Jersey	3,027	3,218	3,189	3,145
New Mexico	187	232	261	237
New York	4,319	4,815	5,047	5,083
North Carolina	823	942	933	1,049
North Dakota	50	63	63	65
Ohio	2,703	2,714	3,073	2,929
Oklahoma	613	612	672	653
Oregon	625	670	686	819
Pennsylvania	2,756	2,799	3,027	2,893
Puerto Rico	20	13	28	17
Rhode Island	181	222	237	270
South Carolina	396	428	476	517
South Dakota	38	39	35	47
Tennessee	547	568	594	601
Texas	3,110	3,302	3,704	3,695
Utah	339	402	448	448
Vermont ..	131	132	122	149
Virgin Islands	2	2	2	3
Virginia	802	870	1,013	983
Washington	929	1,016	1,077	1,036
West Virginia	163	179	174	202
Wisconsin	1,238	1,207	1,342	1,314
Wyoming	30	47	36	39
U.S. Pacific Islands ²	1	1	0	1
United States ³	1	0	0	0
Total	51,526	54,882	59,760	59,405

¹ Data includes utility, design, plant, and reissue patents.

² Represents residents of American Samoa, Guam, and miscellaneous U.S. Pacific Islands.

³ No state indicated in database.

Table 15
UNITED STATES PATENT APPLICATIONS FILED BY
RESIDENTS OF FOREIGN COUNTRIES
(FY 1989 - 1993)¹

Residence	1989	1990	1991	1992	1993
Albania	0	1	1	1	0
Algeria	1	0	1	0	1
Antigua & Barbuda	0	0	0	1	1
Argentina.....	41	57	51	59	65
Armenia.....	0	0	0	1	0
Australia	1,002	990	844	905	853
Austria.....	566	575	528	563	507
Bahamas.....	8	7	1	5	8
Barbados.....	0	1	0	0	0
Belarus	0	0	0	2	6
Belgium	624	630	619	676	666
Belize	1	0	0	0	0
Bermuda.....	4	3	4	2	1
Brazil.....	107	113	103	115	106
British Virgin Islands.....	2	0	0	2	1
Brunei.....	2	0	0	0	0
Bulgaria.....	34	36	7	9	0
Burma.....	2	1	0	0	0
Canada.....	3,729	3,965	3,905	3,975	4,196
Cayman Islands	1	3	2	2	1
Chile	12	10	13	9	13
China (Mainland).....	114	122	109	133	124
China (Taiwan).....	1,706	2,221	2,541	2,957	3,370
Colombia.....	7	10	9	13	4
Comoros.....	0	0	1	0	0
Costa Rica	1	8	3	6	5
Croatia	0	0	0	0	3
Cuba.....	0	0	4	6	0
Cyprus.....	2	1	1	2	2
Czechoslovakia	82	49	30	34	28
Denmark.....	365	408	455	397	496
Dominican Republic	1	1	1	1	1
Ecuador.....	5	4	1	1	5
Egypt.....	1	5	4	9	6
Finland	516	582	616	531	576
France.....	4,632	4,838	4,948	4,757	4,554
Germany, Dem. Republic of ²	52	34	....	....	....
Germany, Fed. Republic of ²	11,660	11,702	10,952	10,851	10,550
Ghana	0	0	0	0	1
Greece	26	30	21	26	23

Table 15 continued

**UNITED STATES PATENT APPLICATIONS FILED BY
RESIDENTS OF FOREIGN COUNTRIES**
(FY 1989 - 1993)¹

Residence	1989	1990	1991	1992	1993
Guatemala.....	4	2	1	3	1
Guinea.....	0	0	0	1	0
Guyana.....	0	1	1	0	0
Haiti.....	0	0	2	0	1
Honduras.....	2	0	1	0	0
Hong Kong.....	272	265	253	315	303
Hungary.....	200	131	107	86	61
Iceland.....	5	4	5	16	4
India.....	48	64	52	56	54
Indonesia.....	4	3	9	15	11
Iran.....	7	5	7	1	9
Iraq.....	3	3	0	0	0
Ireland.....	107	122	128	118	102
Israel.....	596	632	663	747	833
Italy.....	2,198	2,265	2,209	2,345	2,159
Jamaica.....	1	1	4	1	1
Japan.....	32,370	34,309	36,489	38,135	36,148
Jordan.....	2	2	5	0	0
Kenya.....	0	3	1	3	2
Korea, Dem. Peoples Rep. of.....	12	22	11	6	0
Korea, Rep. of.....	593	768	1,132	1,444	1,512
Kuwait.....	9	4	1	2	1
Lebanon.....	2	0	2	0	2
Liechtenstein.....	15	9	18	14	14
Lithuania.....	0	0	0	0	1
Luxembourg.....	42	41	48	58	49
Macau.....	0	0	0	0	1
Malaysia.....	17	14	25	24	18
Mali.....	0	1	0	0	0
Malta.....	0	1	0	3	3
Mauritius.....	0	0	1	0	1
Mexico.....	93	71	114	104	92
Monaco.....	5	5	5	5	6
Morocco.....	0	0	0	4	2
Nauru.....	0	0	1	0	0
Netherlands.....	1,726	1,740	1,580	1,579	1,548
Netherlands Antilles.....	0	0	0	0	2
Neutral Zone.....	0	0	1	0	0
New Caledonia.....	1	0	0	0	1

Table 15 continued
UNITED STATES PATENT APPLICATIONS FILED BY
RESIDENTS OF FOREIGN COUNTRIES

(FY 1989 - 1993)¹

Residence	1989	1990	1991	1992	1993
New Zealand.....	133	142	105	116	103
Nicaragua.....	0	0	1	0	1
Nigeria.....	0	3	2	1	6
Norway.....	166	170	169	198	198
Oman.....	0	0	1	1	0
Pakistan.....	0	1	0	5	0
Panama.....	1	3	3	1	0
Peru.....	9	2	5	3	5
Philippines.....	20	8	12	10	6
Poland.....	27	17	14	17	24
Portugal.....	11	13	3	9	12
Romania.....	2	1	1	2	2

Table 15 continued
UNITED STATES PATENT APPLICATIONS FILED BY
RESIDENTS OF FOREIGN COUNTRIES
(FY 1989 - 1993)¹

Residence	1989	1990	1991	1992	1993
Zaire	0	1	0	0	0
Zimbabwe	1	2	2	3	1
Other ³	1	0	2	3	8
Total	73,717	76,902	77,729	79,875	78015

¹ Data include utility, design, plant, and reissue applications. Country listings include possessions and territories of that country unless separately listed in the table.

² Germany now includes applications filed by residents of the territory which prior to October 3, 1990, was the Democratic Republic of Germany.

³ No country indicated in database.

Table 16
PATENTS ISSUED BY THE UNITED STATES TO
RESIDENTS OF FOREIGN COUNTRIES
(FY 1990 - 1993)¹

Residence	1990	1991	1992	1993
Andorra	0	0	0	1
Antigua & Barbuda	0	1	0	0
Argentina	15	17	21	30
Australia	534	550	550	433
Austria	421	367	424	320
Bahamas	3	7	2	4
Barbados	1	0	1	0
Belgium.....	340	356	382	351
Belize.....	0	1	0	0
Brazil.....	38	61	55	58
British Virgin Islands	0	1	1	1
Bulgaria	23	17	4	5
Canada	2,061	2,184	2,311	2,198
Cayman Islands.....	1	1	4	0
Chile	3	5	6	11
China (Mainland)	45	48	50	58
China (Taiwan)	807	1,000	1,195	1,453
Colombia	6	2	5	8
Costa Rica.....	1	1	5	3
Cuba	0	0	0	1
Cyprus.....	2	1	0	1
Czechoslovakia	43	33	18	17
Denmark	210	280	263	288
Dominican Republic	0	2	1	0
Ecuador	2	3	0	1
Egypt	3	1	3	1
Finland.....	298	332	368	328
France	3,032	3,095	3,332	3,165
Germany, Dem. Rep. of ²	38	....	....	....
Germany, Fed. Rep. of ²	7,727	7,548	7,960	7,172
Greece.....	12	11	10	7

Table 16 continued
PATENTS ISSUED BY THE UNITED STATES TO
RESIDENTS OF FOREIGN COUNTRIES
(FY 1990 - 1993)¹

Residence	1990	1991	1992	1993
Guatemala	1	2	3	1
Guyana.....	0	1	1	0
Haiti.....	0	0	0	0
Honduras	1	0	0	1
Hong Kong	134	209	169	174
Hungary	100	87	84	78
Iceland	5	0	5	4
India	18	28	23	21
Indonesia	5	1	6	7
Iran	2	2	1	1
Ireland.....	75	49	61	63
Israel	315	304	377	358
Italy.....	1,460	1,379	1,455	1,452
Jamaica.....	0	2	1	0
Japan	20,170	21,464	23,481	22,942
Jordan	1	0	1	0
Kenya	0	1	1	3
Korea, Dem. Peoples Rep. of	3	2	0	1
Korea, Rep. of.....	236	413	543	789
Kuwait	2	0	2	2
Lebanon	1	1	1	1
Liechtenstein.....	16	13	11	14
Luxembourg	30	42	36	37
Malaysia	6	10	8	22
Malta	0	0	0	2
Mauritius.....	0	0	1	1
Mexico.....	30	44	44	44
Monaco	6	6	6	6
Morocco	2	0	1	1
Netherlands.....	1,049	1,043	1,019	961
Netherlands Antilles	0	1	1	0
New Zealand.....	70	49	58	50
Nicaragua.....	0	0	0	1
Nigeria.....	0	1	2	0
Norway	122	111	120	120
Oman	0	0	0	1
Pakistan	0	0	1	0
Panama.....	2	1	1	1
Paraguay.....	1	1	0	0
Peru	6	2	4	2
Philippines.....	5	9	10	6
Poland.....	13	10	8	7
Portugal.....	9	9	9	2

Table 16 continued
PATENTS ISSUED BY THE UNITED STATES TO
RESIDENTS OF FOREIGN COUNTRIES
(FY 1990 - 1993)¹

Residence	1990	1991	1992	1993
Romania	1	1	0	2
Russian Federation	0	0	0	2
Saudi Arabia	6	7	7	4
Senegal	0	0	1	0
Singapore	21	24	23	46
Slovenia.....	0	0	0	1
South Africa	121	114	113	89
Soviet Union	162	194	89	68
Spain	147	159	177	160
Sri Lanka	0	0	2	3
Sweden.....	840	843	747	743
Switzerland.....	1,342	1,384	1,369	1,193
Tanzania	0	0	0	1
Thailand.....	1	3	1	12
Trinidad & Tobago	0	1	3	0
Tunisia.....	0	0	1	0
Turkey.....	2	2	4	0
United Arab Emirates	1	2	1	1
United Kingdom	2,947	2,976	2,856	2,463
Uruguay	4	0	2	0
Venezuela.....	21	21	28	28
Yugoslavia	24	27	20	20
Zimbabwe	0	0	1	1
Totals.....	45,201	46,978	49,968	47,927

¹ Data include utility, design, plant, and reissue patents. Country listings include possessions and territories of that country unless separately listed in the table.

² Germany now includes patents granted to residents of the territory which prior to October 3, 1990, was the Democratic Republic of Germany.

Table 17
PATENT CLASSIFICATION ACTIVITY
(FY 1990 - 1993)

Classification Activity	1990	1991	1992	1993
Original Patents Professionally				
Reclassified - Completed Projects	118,468	103,722	118,339	127,702
Subclasses Established	3,332	2,426	4,001	6,358
Reclassified Patents Clerically Processed:				
Original U.S. Patents	108,370	58,151	121,184	124,758
Cross-Reference U.S. Patents	163,191	86,762	193,820	262,400
Foreign Patents.....	173,000	139,000	194,000	283,230 ¹
Total Patents Reclassified	444,561	283,943	509,004	670,388

¹ Actual count based on new automated system introduced in FY 1993.

Table 18
SCIENTIFIC AND TECHNICAL INFORMATION CENTER ACTIVITY

Scientific and Technical Information Center Activity	FY 1993
LITERATURE COLLECTIONS AND SERVICES	
Additions to the Literature Collections:	
Books Purchased.....	1,750
Journal Subscriptions Purchased	1,463
Journal Issues Received.....	23,975
Literature Services Provided:	
Documents Circulated.....	4,212
Interlibrary Loans Processed	28,787
On-Line Commercial Data Base Searches	9,747
Sequence Searches Completed	2,360
Number of Sequences Searched.....	16,887
Reference Questions Completed.....	9,634
FOREIGN DOCUMENT COLLECTIONS AND SERVICES	
Additions to the Foreign Patent Document Collections:	
Microfilm Reels	2,636
Microfiche	68,364
CD-ROM	1,324
Documents in Paper Form (Unique)	1,132,735
Journals	2,996
Foreign Document Services Provided:	
Words of Foreign Material Translated (written).....	11,014,370
Documents Orally Translated	3,450
Copies of Foreign Patents Provided	9,368
Microfilm Reels Furnished for Copying	108,369
On-line and Manual Searches Completed	10,355
Reference Questions Completed.....	15,075

Table 19
SUMMARY OF TRADEMARK EXAMINING ACTIVITIES
(FY 1987 - 1993)

Item	1987	1988	1989	1990	1991	1992	1993
Applications for Registration Filed	70,002	76,813	83,169	127,294	120,365	125,237	139,735
Disposal of Trademark Applications:							
Applications Maturing to Registration	53,884	52,461	58,599	63,924	¹ 49,810	69,691	86,122
Applications Abandoned	13,175	13,647	15,097	17,210	20,721	26,435	40,752
Trademark First Actions	69,165	79,425	79,382	92,612	134,988	136,047	131,191
Applications Approved for Publication	55,342	61,656	65,178	76,355	95,757	110,940	94,161
Certificates of Registration Issued: ¹							
1946 Act Principal Register	45,600	45,090	49,744	54,178	39,398	49,404	54,937
Principal Register							
ITU-Statements of Use	n/a	n/a	n/a	0	2,397	10,345	17,174
1946 Act Supplemental Register	1,922	1,614	2,058	2,337	1,357	2,318	2,238
Total	47,522	46,704	51,802	56,515	43,152	62,067	74,349
Renewal of Registration:							
Applications Filed	5,871	6,763	6,127	6,602	5,634	6,355	7,173
Applications Abandoned	41	23	86	68	86	90	122
Registrations Renewed	4,415	5,884	9,209	7,122	6,416	5,733	6,182
Affidavits, Sec. 8:							
Affidavits Filed	16,644	18,316	17,986	20,636	25,763	20,982	21,999
Affidavits Disposed	10,130	18,699	17,290	19,630	20,869	23,186	19,279
Affidavits for Benefits Under Sec. 12(c)							
Affidavits Filed	34	23	104	5	1	25	5
Affidavits Abandoned	0	0	0	0	0	0	0
Published Under Sec. 12(c)	24	29	84	19	19	13	21
Amendments to Allege Use Filed	n/a	n/a	n/a	747	3,259	3,255	3,138
Statements of Use File	n/a	n/a	n/a	113	6,773	14,275	25,837
Notice of Allowance Issued	n/a	n/a	n/a	2,380	23,602	42,432	53,053
Pendency Time of Average Trademark Application:							
Between Filing and Examiner's First Action ² (All Applications)	3.2	2.5	2.8	4.8	4.3	3.1	4
Between Filing and Registration, or Abandonment ² (Use Applications Only)	13	13.3	13.8	15.3	16.7	15.1	14.4
Between Filing and Issuing a Notice of Allowance ² (Intent-to-Use Applications Only)	n/a	n/a	n/a	n/a	13.3	13.8	13
Total Active Certificates of Registration (as of 9/30/92)	n/a	n/a	n/a	675,913	690,745	834,858	712,000

¹ With the exception of Certificates of Registration, Renewal of Registration, Affidavits filed under sections 8 and 12(c), the workload count includes extra classes.

² Average pendency time in months.

Table 20
TRADEMARK APPLICATIONS FILED FOR REGISTRATION
AND RENEWAL AND TRADEMARK AFFIDAVITS FILED
(FY 1974 - 1993)

Year	For Registration	For Renewal	Section 8 Affidavit	Sec. 12(c) Affidavit
1974	34,193	5,633	13,259	55
1975	33,898	5,687	14,644	29
1976 ¹	37,074	6,833	15,665	24
1977 ¹	44,539	5,854	13,463	30
1978	50,106	5,567	13,351	77
1979	50,672	5,623	13,864	10
1980	52,149	5,892	13,633	85
1981	55,152	5,693	17,071	40
1982	73,621	5,760	15,068	55
1983	51,014	5,438	12,544	46
1984	61,480	5,926	13,519	5
1985	64,677	5,275	8,823	29
1986	69,253	5,660	8,519	19
1987	70,002	5,871	16,644	34
1988	76,813	6,763	18,316	23
1989	83,169	6,127	17,986	104
1990	127,294	6,602	20,636	5
1991	120,365	5,634	25,763	1
1992	125,237	6,355	20,982	25
1993	139,735	7,173	21,999	5

¹ The transition Quarter, July 1, 1976, to September 30, 1976,, has been omitted.

Table 21
SUMMARY OF PENDING TRADEMARK APPLICATIONS AND TRADEMARK AFFIDAVITS
(As of September 30, 1993)

Stage of Processing	Applications		Affidavits	
	For Regis.	For Renewal	Under Section 8	Section 12 (c)
IN PREEXAMINATION PROCESSING	39,207	....	....	....
UNDER EXAMINATION:				
Amended, awaiting action by Examiner	8,527	....	....	....
Awaiting first action by Examiner	7,042	245	3,560	0
Awaiting subsequent action (by applicant, on appeal, in adversary proceeding, in clerical processing)	55,895	355	1,217	...
Total Under Examination	71,464	600	4,777	0
Total	110,671	600	4,777	0
IN POSTEXAMINATION PROCESSING:				
(Includes all application in all phases of publication and issue)	48,774	0	....	....
TOTAL IN PATENT AND TRADEMARK OFFICE	159,445 ¹	600	4,777	0

¹ Excludes ITU applications that have received a Notice of Allowance and are awaiting a Statement of Use.

Table 22
SUMMARY OF CONTESTED TRADEMARK CASES
(Within the Patent and Trademark Office)

Trademark Trial and Appeal Board	Ex Parte	Cancel	Conc. Use	Inter-ference	Oppos.	Total
Cases Pending as of 9/30/92	1,390	1,733	149	0	5,210	8,482
Cases Filed During FY 1993:	978	1,053	72	0	3,752	5,855
Disposals During FY 1993						
Before Hearing	531	643	20	0	2,090	3,284
After Hearing	136	20	0	0	61	217
Total	667	663	20	0	2,151	3,501
Cases Pending as of 9/30/93:						
Awaiting Decision	76	5	0	0	22	103
In Process Before Hearing	1,495	1,870	187	0	6,146	9,698
Suspended	130	248	14	0	643	1,035
Total	1,701	2,123	201	0	6,811	10,836
Requests for Extension of Time to Oppose						20,562

Table 23
TRADEMARKS REGISTERED, RENEWED, AND PUBLISHED
UNDER SECTION 12(c)¹
(FY 1974 - 1993)

Fiscal Year	Certificates of Regis. Issued	Renewed	Published Under 12(c)
1974	24,838	5,984	54
1975	27,324	5,474	25
1976 ²	28,102	6,914	56
1977 ²	25,026	6,251	21
1978	28,921	5,254	84
1979	22,210	5,404	34
1980	14,614	5,862	54
1981	31,306	5,884	77
1982	39,025	6,070	71
1983	41,179	5,695	74
1984	45,475	5,678	22
1985	63,122	5,177	27
1986	48,971	5,550	29
1987	47,522	4,415	24
1988	46,704	5,884	29
1989	51,802	9,209	84
1990	56,515	7,122	19
1991	43,152	6,416	19
1992	62,067	5,733	13
1993	74,349	6,182	21

¹ Includes withdrawn numbers.

² The Transition Quarter, July 1, 1976, to September 30, 1976, has been omitted.

Table 24
UNITED STATES TRADEMARK APPLICATIONS FILED
BY RESIDENTS OF FOREIGN COUNTRIES
(FY 1990 - 1993)¹

Residence	1990	1991	1992	1993
Afghanistan.....	1	0	0	0
Albania	1	0	1	0
Antigua & Barbuda	0	0	3	1
Algeria	0	0	0	1
Argentina	63	41	69	43
Aruba	0	0	0	1
Australia	657	419	457	424
Austria	163	148	202	131
Bahamas	17	19	20	19
Bahrain	5	1	0	0
Barbados	12	38	19	11
Belgium.....	209	180	143	121
Belize.....	1	0	0	4
Bermuda	8	32	31	51
Bolivia	0	1	0	0
Brazil.....	111	147	117	137
British Virgin Islands	28	25	83	77
Bulgaria	1	1	1	3
Cambodia	5	3	0	0
Canada	3,761	3,494	3,295	3,595
Cayman Islands.....	30	13	26	16
Channel Islands.....	0	25	36	33
Chile	23	26	27	46
China (Mainland)	88	101	49	67
China (Taiwan)	438	466	470	460
Colombia	40	49	25	43
Cook Island.....	3	0	0	15
Costa Rica.....	13	17	10	15
Cuba	2	0	0	0
Cyprus.....	0	3	2	4
Czechoslovakia	16	21	15	51
Denmark	140	132	121	142
Dominica.....	0	1	0	0
Dominican Republic	8	4	7	8
Ecuador	12	11	5	10
Egypt	1	3	5	1
El Salvador	11	2	6	7
Fiji	0	4	0	0
Finland.....	160	110	112	129
France	2,216	2,013	1,819	1,484
French Guiana.....	0	2	0	0
French Polynesia.....	0	1	0	1
Germany, Dem. Republic of ²	3	....	....	....
Germany, Fed. Republic of ²	1,845	1,566	1,984	1,947

Table 24 continued
UNITED STATES TRADEMARK APPLICATIONS FILED
BY RESIDENTS OF FOREIGN COUNTRIES
(FY 1990 - 1993)¹

Residence	1990	1991	1992	1993
Ghana	1	0	0	0
Gibraltar	0	2	0	5
Greece	14	17	14	19
Grenada	1	0	0	1
Guadeloupe	0	0	0	1
Guatemala	12	15	5	2
Guyana.....	0	2	1	1
Haiti.....	5	2	3	1
Honduras	0	2	0	17
Hong Kong	285	360	484	319
Hungary	28	18	21	6
Iceland	5	8	9	11
India	13	18	18	23
Indonesia	10	24	18	23
Iran	28	5	1	19
Ireland	60	71	57	64
Isle of Man	0	0	19	11
Israel	130	80	154	173
Italy.....	1,622	1,351	964	1,027
Jamaica.....	7	7	19	14
Japan	2,412	1,901	1,693	1,780
Jordan	3	0	0	0
Kenya	0	7	0	0
Korea, Dem. Republic of.....	1	1	0	8
Korea, Republic of	200	207	200	200
Kuwait	1	0	0	0
Lebanon	0	3	3	0
Liberia	0	0	1	0
Libya.....	0	0	2	0
Liechtenstein.....	44	40	36	79
Luxembourg	27	36	64	15
Macau	1	0	0	1
Malaysia	12	28	23	26
Mali.....	1	0	0	0
Malta	1	1	0	1
Mauritius.....	2	0	0	0
Mexico.....	244	242	284	351
Micronesia.....	0	0	0	1
Monaco	9	17	17	11
Morocco	8	2	2	2
Namibia.....	0	2	1	0
Netherlands.....	506	623	515	478
Netherlands Antilles	48	52	37	35
New Zealand.....	53	83	71	143

Table 24 continued
UNITED STATES TRADEMARK APPLICATIONS FILED
BY RESIDENTS OF FOREIGN COUNTRIES
(FY 1990 - 1993)¹

Residence	1990	1991	1992	1993
Nicaragua	0	1	1	0
Nigeria	0	0	0	3
Norfolk Islands.....	0	0	0	1
Norway	74	97	59	112
Oman.....	1	0	0	0
Pakistan.....	1	0	6	11
Panama	22	46	35	26
Papau New Gunea	0	0	0	2
Paraguay	0	1	0	0
Peru	9	15	19	4
Philippines	8	6	12	11
Poland	8	6	11	1
Portugal	23	10	37	52
Romania	0	0	3	0
Saint Lucia.....	2	0	0	0
Samoa	0	0	0	1
San Marino	2	1	1	0
Saudi Arabia	8	5	4	7
Singapore	48	58	66	97
Slovenia.....	0	0	0	8
Somalia.....	0	0	0	1
South Africa	33	52	97	54
Soviet Union	34	43	25	19
Spain	314	308	394	343
Sri Lanka	1	0	11	4
Swaziland	1	0	4	5
Sweden.....	416	333	389	456
Switzerland	930	777	547	727
Syria	0	0	0	1
Thailand.....	18	62	34	51
Trinidad & Tobago	5	4	7	5
Turkey.....	2	1	7	11
Turks and Caicos Islands	2	0	1	0
Uganda	0	0	2	1
Ukraine	0	0	1	0
United Arab Emirates	1	2	3	8
United Kingdom	2,255	1,861	1,743	1,999

Table 24 continued
UNITED STATES TRADEMARK APPLICATIONS FILED
BY RESIDENTS OF FOREIGN COUNTRIES
(FY 1990 - 1993)¹

Residence	1990	1991	1992	1993
Uruguay	5	3	10	5
Vanuatu.....	0	0	4	4
Venezuela	89	171	78	51
Yugoslavia	19	20	21	8
Zimbabwe.....	1	2	1	0
Other ³	0	2	0	4
Total.....	20,215	18,229	17,520	18,060

¹ Country listings include possessions and territories of that country unless separately listed in the table.

² Germany now includes applications filed by residents of the territory which prior to October 3, 1990, was the Democratic Republic of Germany.

³ No country listed in database.

Table 25
TRADEMARKS REGISTERED BY THE UNITED STATES
TO RESIDENTS OF FOREIGN COUNTRIES
(FY 1990 - 1993)¹

Residence	1990	1991	1992	1993
Afghanistan.....	0	2	0	0
Antigua & Barbuda.....	2	10	3	1
Argentina.....	33	14	24	26
Australia.....	282	225	201	269
Austria.....	125	67	62	116
Bahamas.....	10	9	3	14
Bahrain.....	0	1	1	2
Barbados.....	2	1	6	5
Belgium.....	77	106	76	110
Belize.....	0	1	1	0
Bermuda.....	13	2	3	11
Bolivia.....	1	0	0	0
British Virgin Islands.....	14	7	9	32
Brazil.....	67	45	54	67
Canada.....	1,710	1,061	1,217	1,680
Cayman Islands.....	9	20	12	10
Channel Islands.....	0	0	3	19
Chile.....	6	17	14	67
China (Mainland).....	69	42	31	357
China (Taiwan).....	198	117	223	33
Colombia.....	21	7	19	33
Costa Rica.....	0	6	4	6
Cuba.....	1	3	1	0
Cyprus.....	6	0	0	2
Czechoslovakia.....	5	7	6	6
Denmark.....	99	113	72	79
Dominican Republic.....	7	3	4	2
Ecuador.....	2	3	1	4
Egypt.....	0	0	0	2
El Salvador.....	2	2	5	4
Fiji.....	0	0	1	1
Finland.....	81	42	37	85
France.....	1,493	775	827	1,335
French Polynesia.....	0	1	0	0
Germany, Democratic Republic of ²	8	....	....	....
Germany, Federal Republic of ²	1,234	691	701	1,224
Ghana.....	0	1	2	0
Greece.....	4	4	1	8
Grenada.....	0	1	0	0
Guadeloupe.....	0	0	0	1
Guatemala.....	2	10	8	10
Guyana.....	2	0	0	2
Haiti.....	0	2	5	0
Hong Kong.....	82	83	130	175
Hungary.....	20	8	8	9
Iceland.....	6	5	1	9
India.....	15	4	21	16
Indonesia.....	6	2	5	7
Iran.....	6	3	7	4
Ireland.....	50	28	20	28
Isle of Man.....	0	0	1	1
Israel.....	50	24	41	82

Table 25 continued
TRADEMARKS REGISTERED BY THE UNITED STATES
TO RESIDENTS OF FOREIGN COUNTRIES
(FY 1990 - 1993)¹

Residence	1990	1991	1992	1993
Italy.....	1,087	595	570	789
Jamaica.....	12	2	6	10
Japan	963	643	792	1,108
Jordan	1	0	0	0
Kenya	2	0	1	0
Kiribati	0	0	0	5
Korea, Republic of	132	68	83	129
Kuwait	4	0	0	0
Lebanon	2	0	2	7
Liberia	10	2	8	5
Libya.....	0	0	1	0
Liechtenstein	27	23	15	29
Luxembourg	29	17	6	21
Macau	0	0	0	2
Malaysia	5	2	1	4
Malta	0	1	2	2
Mauritius.....	0	2	2	0
Mexico.....	116	68	101	152
Monaco	4	6	4	7
Morocco	2	5	0	0
Namibia.....	0	0	0	1
Netherlands.....	324	191	213	350
Netherlands Antilles	17	9	8	14
New Zealand.....	42	21	31	58
Nicaragua.....	0	0	0	1
Nigeria.....	1	0	0	2
Norway	53	30	39	46
Pakistan	1	0	1	3
Panama.....	22	20	24	31
Papua New Guinea	1	0	0	0
Paraguay.....	0	0	0	1
Peru	4	3	5	11
Philippines.....	6	4	3	11
Poland.....	3	0	6	7
Portugal.....	14	6	5	25
Romania	0	0	0	1
San Marino.....	0	1	0	0
Saudi Arabia.....	1	0	0	1
Singapore.....	9	10	17	28
South Africa	22	10	9	34
Soviet Union.....	31	16	10	13
Spain.....	177	135	147	301
Spraty Islands	0	0	0	1
Sri Lanka	1	0	0	1
Sweden	174	98	128	224
Switzerland.....	676	293	304	486
Syria	1	0	2	2
Thailand	8	3	16	29

Table 25 continued
TRADEMARKS REGISTERED BY THE UNITED STATES
TO RESIDENTS OF FOREIGN COUNTRIES
(FY 1990 - 1993)¹

Residence	1990	1991	1992	1993
Trinidad & Tobago	2	2	2	7
Turkey	2	1	6	4
United Kingdom	963	738	800	1,113
Uruguay	0	5	1	0
Venezuela	18	27	24	46
Vietnam	0	1	1	2
Yugoslavia	10	6	2	7
Zimbabwe	0	2	1	1
Other ³	0	2	6	0
Total	10,799	6,647	7,281	11,054

¹ Country listings include possessions and territories of that country unless separately listed in the table.

² Germany now includes applications filed by residents of the territory which prior to October 3, 1990, was the Democratic Republic of Germany

³ No country listed in database.

Table 26
TRADEMARK APPLICATIONS FOR REGISTRATIONS PENDING
(FY 1984 - 1993)

Fiscal Year	Prior to First Action (includes Pre-Examination)	Prior to Allowance or Abandonment (Examiner Action)	Total Pending in Office	Pendency ²	
				to First Action	to Final Disposal
1984	25,499	46,455	106,585	5.3	19.1
1985	13,793	34,060	76,362	2.6	13.8
1986	15,081	32,553	74,989	2.9	12.5
1987	17,267	33,088	77,538	3.2	13
1988	15,226	40,860	90,079	2.5	13.3
1989	16,523	44,178	99,337	2.8	13.8
1990	50,224	45,742	141,951	4.8	15.3
1991	38,104	64,190	170,236	4.3	16.7
1992	28,400	52,429	159,188	3.1	15.1
1993	46,249	49,575	159,445 ¹	4	14.4

¹ Excludes ITU applications that have received a Notice of Allowance and are awaiting a Statement of Use.

² Average pendency time in months.

Table 27
TRADEMARK SERVICES WORKLOAD
(FY 1993)

Search Room	
Copies of New Registrations Filed in Registered File	218,826
Copies of New Drawings Filed in Pending File	324,289
Official Register: Total Updates Stamped on Marks.....	60,092
Assignments	
Abstracts of Title	237
Documents Recorded /Processed.....	14,989
Copies Supplied to the Public, Other Government	
Agencies and USPTO	30,011
Certified Documents	33,355
Status Copies	276
TOTAL FILES PROCESSED¹	281,445

¹ The number of trademark files provided from the PTO File Repository to the public and the PTO, new issues filed, and abandonments filed.

Table 28
PATENT SERVICES WORKLOAD
(FY 1993)

Search Room	
New Patents and Cross References Filed	359,791
Reclassified Patents Filed	574,157
Assignments	
Abstracts of Title	793
Documents Recorded/Processed	140,176
Copies Supplied	
Foreign Exchange Programs	5,124,175
Patent and Trademark Depository Libraries	7,994,762
Public, Other Government Agencies and USPTO	1,165,153
Advance Orders	663,106
Certified Documents	106,140
TOTAL FILES PROCESSED¹	565,088

¹ The number of patent files provided from the PTO File Repository and the Federal Record Center to the public and the PTO, new issues filed, and new abandonments filed.

Table 29
ACTIONS ON PETITIONS TO THE COMMISSIONER OF PATENTS AND TRADEMARKS
(FY 1992 - 1993)

Nature of Petition	FY 1992	FY 1993
PATENT MATTERS		
Acceptance of:		
Amendments Filed After Payment of Issue Fee	150	76
Late Assignments	146	54
Late Issue Fees	984	893
Late Priority Papers	88	57
Access	42	63
Certificates of Correction	21,169	21,040
Deferment of Issue	52	32
Filing Date	1,804	1,105
Interference	5	1
Make Special:		
Infringement/Manufacture	214	210
Other	1,187	1,073
Miscellaneous ¹	1,925	2,653
Maintenance Fees	684	752
Public Use	5	3
Reexamination Proceedings	74	74
Restriction	81	61
Revivals	2,826	3,322
Rule 47 (37 CFR § 1.47)	564	279
Supervisory Authority	546	879
Suspend Rules	158	194
Withdrawal of Attorney	565	567
Withdrawal from Issue	544	662
Change of Inventorship	459	520
Withdrawals of Holding of Aband./Pat. Lapse	1,612	1,785
Total Actions of Patent Petitions	35,884	36,285
TRADEMARK MATTERS		
Acceptance of Late Filed:		
Affidavits of Use and Extensions	39	71
Decision by Examiner	5	0
Grant Application Filing Date	74	51
Interferences	2	2
Make Special	53	30
Miscellaneous	4	16
Oppositions and Extensions	20	18
Record Documents Affecting Title	7	5
Restore Jurisdiction to Examiner	28	5
Review Board Decisions	6	9
Revive	554	562
Section 7 Correction/Amendment	23	10
Section 9 Renewal	17	7
Sections 8 or 15	66	52
Waive Fees	18	41
Total Actions on Trademark Petitions	916	879
PETITIONS AWAITING ACTION AS OF 9/30/93		
Patent Matters	866	15,671 ²
Trademark Petitions Awaiting Response	60	202
Trademark Petitions Awaiting Action	666	183

¹ Includes petitions under Rule 28 (37 CFR § 1.28).

² Includes pending Certificates of Correction.

CASES IN LITIGATION
(Selected Courts of the United States)

Courts of the United States	Pat .		TM		Total
SUPREME COURT					
Ex Parte Cases					
Cases Pending as of 9/30/92.....	1		0		1
Cases Filed During FY 93	1		0		1
Total Pending Filed.....	2		0		2
Disposals:					
Certiorari Denied.....	2		0		2
Certiorari Dismissed	0		0		0
Certiorari Granted-Affirmed.....	0		0		0
Certiorari Granted-Reversed.....	0		0		0
Total Disposals	2		0		2
Total Cases Pending as of 9/30/93	0		0		0
UNITED STATES DISTRICT COURTS¹					
Civil Actions Pending as of 9/30/92	22		2		24
Filed During FY 93	20		4		24
Total Pending and Filed.....	42		6		48
Disposals:					
Affirmed.....	3		0		3
Modified	0		0		0
Reversed.....	0		0		0
Remanded	0		0		0
Dismissed	16		2		18
Amicus/Intervene	0		0		0
Examiner Testimony	1		0		1
Transfer.....	0		0		0
Total Disposals	20		2		22
Total Civil Actions Pending as of 9/30/93.....	22		4		26
	Ex Parte		Inter Partes		Total
	Pat.	TM	Pat.	TM	
UNITED STATES COURT OF APPEALS²					
Cases Pending as of 9/30/92	48	14	33	48	143
Cases Filed During FY 93.....	80	8	12	14	114
Total Pending and Filed.....	128	22	45	62	257
Disposals:					
Affirmed.....	33	8	8	10	59
Modified	4	0	4	0	8
Reversed.....	10	4	0	2	16
Remanded	2	1	2	2	7
Dismissed	26	4	2	4	36
Amicus/Intervene	3	0	0	0	3
Examiner Testimony	0	0	0	0	0
Transfer.....	2	0	0	0	2
Writs of Mandamus:					
Granted.....	0	0	0	0	0
Granted-in-Part.....	0	0	0	0	0
Denied	0	0	0	0	0
Dismissed	0	0	0	0	0
Total Disposals	80	17	16	18	131
Total Cases Pending as of 9/30/93	48	5	29	44	126

¹ Civil actions in which the Commissioner participated as a party or amicus.

² Includes Federal Circuit and Others.

Table 31

CASES IN LITIGATION¹
(Other Jurisdictions-Reported Cases)

Month	Patent Suits	Trademark Suits
October (1992)	77	88
November	86	98
December	81	63
January (1993)	74	58
February	74	91
March	95	129
April	77	122
May	106	78
June	86	120
July	92	91
August	87	110
September (1993)	112	100
Total	1,047	1,148

¹ Notices received pursuant to 35 USC § 290 and 15 USC § 1116 for both suits filed and decisions.