

An Overview of USPTO Operations



David J. Kappos

**Under Secretary of Commerce for Intellectual
Property and Director of the U.S. Patent and
Trademark Office**



Implemented Provisions

(Effective on September 16, 2011 or within 60 days)

	AIA Provision	Implementation Documents
1	Change in inter partes reexamination standard	Revision of Standard for Granting an Inter Partes Reexamination Request, 76 Fed. Reg. 59055 (Sept. 23, 2011)
2	Tax strategies are deemed within the prior art	Memo to Examiners, Sept. 20, 2011
3	Best mode	Memo to Examiners, Sept. 20, 2011
4	Human organism prohibition	Memo to Examiners, Sept. 20, 2011
5	Prioritized examination	Changes to Implement Prioritized Examination Track (Track I) of the Enhanced Examination Timing Control Procedures Under the Leahy-Smith America Invents Act, 76 Fed. Reg. 59050 (Sept. 23, 2011)
6	15% transition surcharge	Notice of Availability of Patent Fee Changes Under the Leahy-Smith America Invents Act, 76 Fed. Reg. 59115 (Sept. 23, 2011)
7	Electronic filing incentive	Notice of Availability of Patent Fee Changes Under the Leahy-Smith America Invents Act, 76 Fed. Reg. 59115 (Sept. 23, 2011); and Fee for Filing a Patent Application Other than by the Electronic System, 79 Fed. Reg. 70651 (Nov. 15, 2011)



Track I Statistics

	Petitions Filed	Days to Petition Decision	% Petitions Granted	Days from Petition to first Office action
Number of Track I Applications	2,124	44.6	99%	36
Examination Status	First Action on Merits mailed	Final Dispositions mailed	Allowances Mailed	
Number of Track I applications	991	3	59	



Proposed Rules in Progress (12 Month timeline)

NPRMs Published as of January 25, 2012	NPRMs Published Last Week
Inventor's oath / declaration	Inter partes review
Third party submission of prior art in a patent application	Post grant review
Citation of prior art in a patent file	Transitional program for covered business method patents
OED Statute of Limitations	Derivation
Supplemental examination	



AIA Micro-Site

USPTO's website devoted to America Invents Act legislation

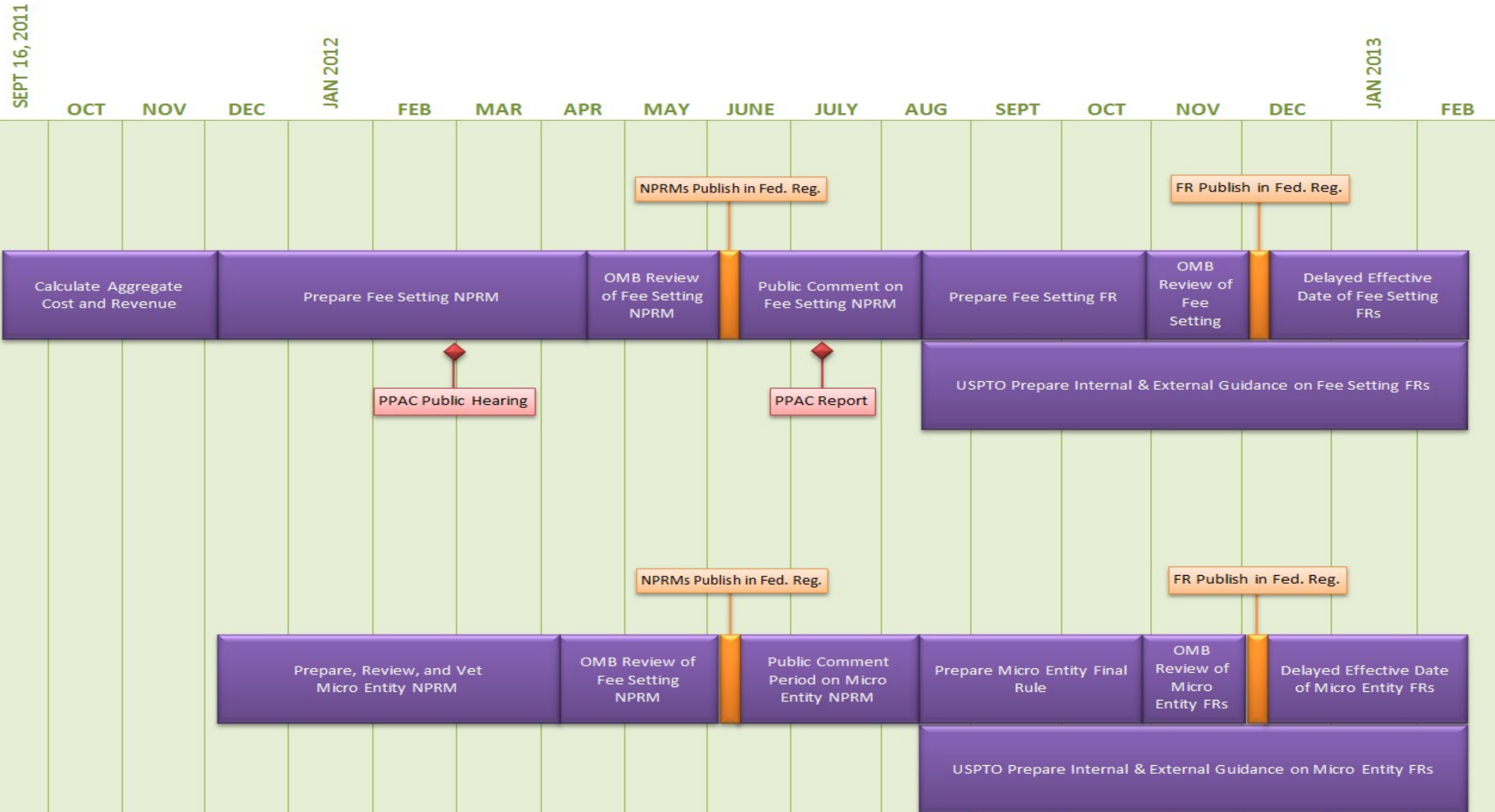
- One-stop shopping for all America Invents Act information
- Full text of bill and summary documents, including legislative history
- Implementation plans
- Announcements
- Points of contact



<http://www.uspto.gov/AmericaInventsAct>



Fee Setting 17 Month Timeline





AIA Roadshows and Hearings

www.uspto.gov/AmericanInventsAct

Roadshow and Hearing Schedule 2012

Date	Event	Venue	Location
Wednesday, February 15	PPAC Fee Setting Hearing*	USPTO Campus	Alexandria, VA
Thursday, February 16	Genetic Testing Hearing*	USPTO Campus	Alexandria, VA
Friday, February 17	Roadshow*	USPTO Campus	Alexandria, VA
Thursday, February 23	PPAC Fee Setting Hearing*	Sunnyvale Public Library	Sunnyvale, CA
Friday, February 24	Roadshow*	Sunnyvale Public Library	Sunnyvale, CA
Monday, February 27	Roadshow	Marriott Library, University of Utah	Salt Lake City, UT
Wednesday, February 29	Roadshow	Dallas Public Library	Dallas, TX
Friday, March 2	Roadshow	Broward County Main Library	Ft. Lauderdale, FL
Monday, March 5	Roadshow	Boston Public Library	Boston, MA
Wednesday, March 7	Roadshow	Chicago Public Library	Chicago, IL
Friday, March 9	Genetic Testing Hearing*	University of San Diego	San Diego, CA



Elijah J. McCoy Satellite Office Detroit, MI

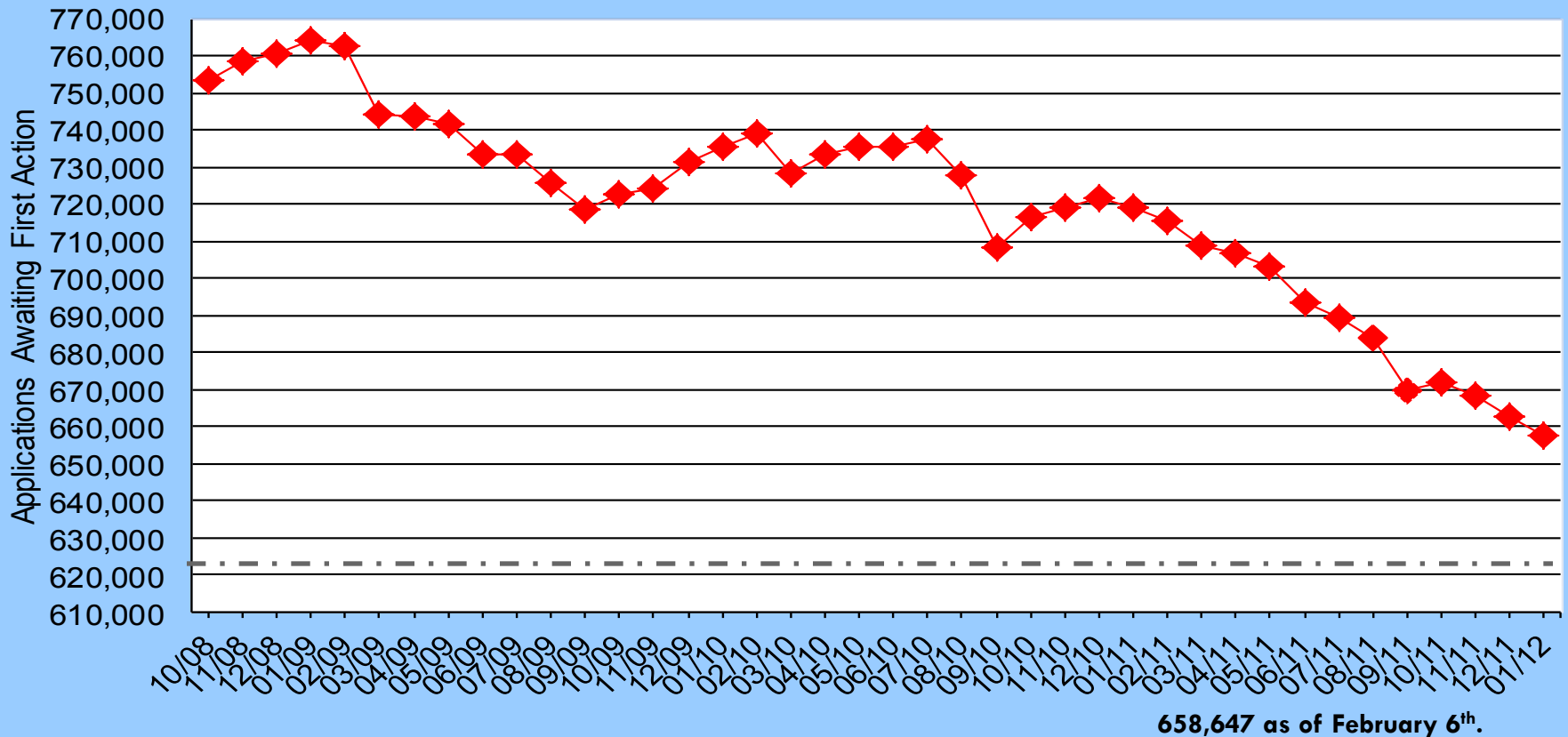


- Scheduled: July 2012
- 100 'IP Experienced' Patent Examiners to be hired in first year of operation
- Office will have a Board of Patent Appeals Presence
- 1 of 3 planned Satellite Offices



Applications Awaiting First Action FY 2009 – FY 2012 (through January)

Backlog



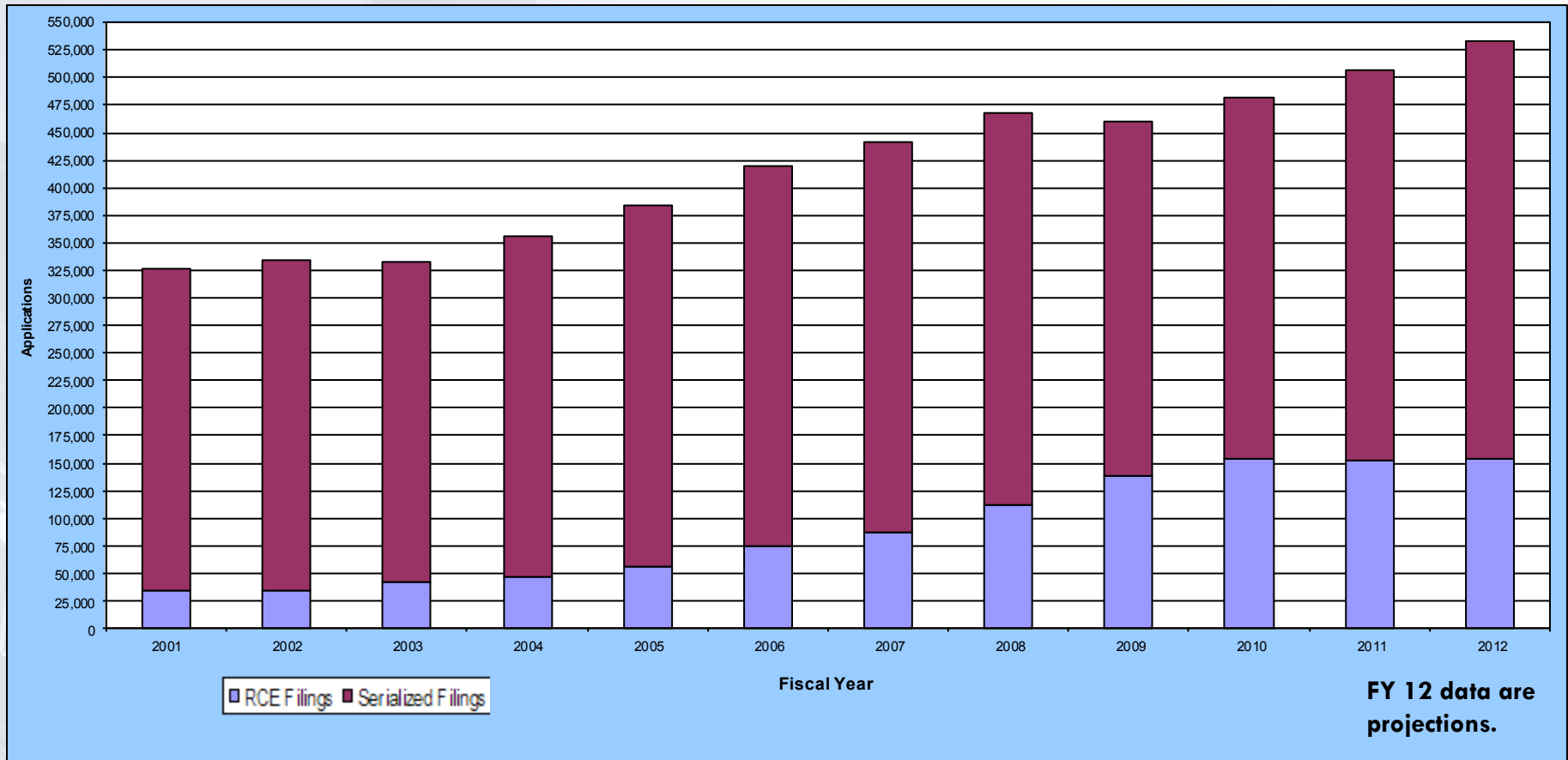
658,647 as of February 6th.

----- Preliminary FY 2012 Target:

621,800



Total UPR and RCE Filings FY 2001 – FY 2012 (projections)



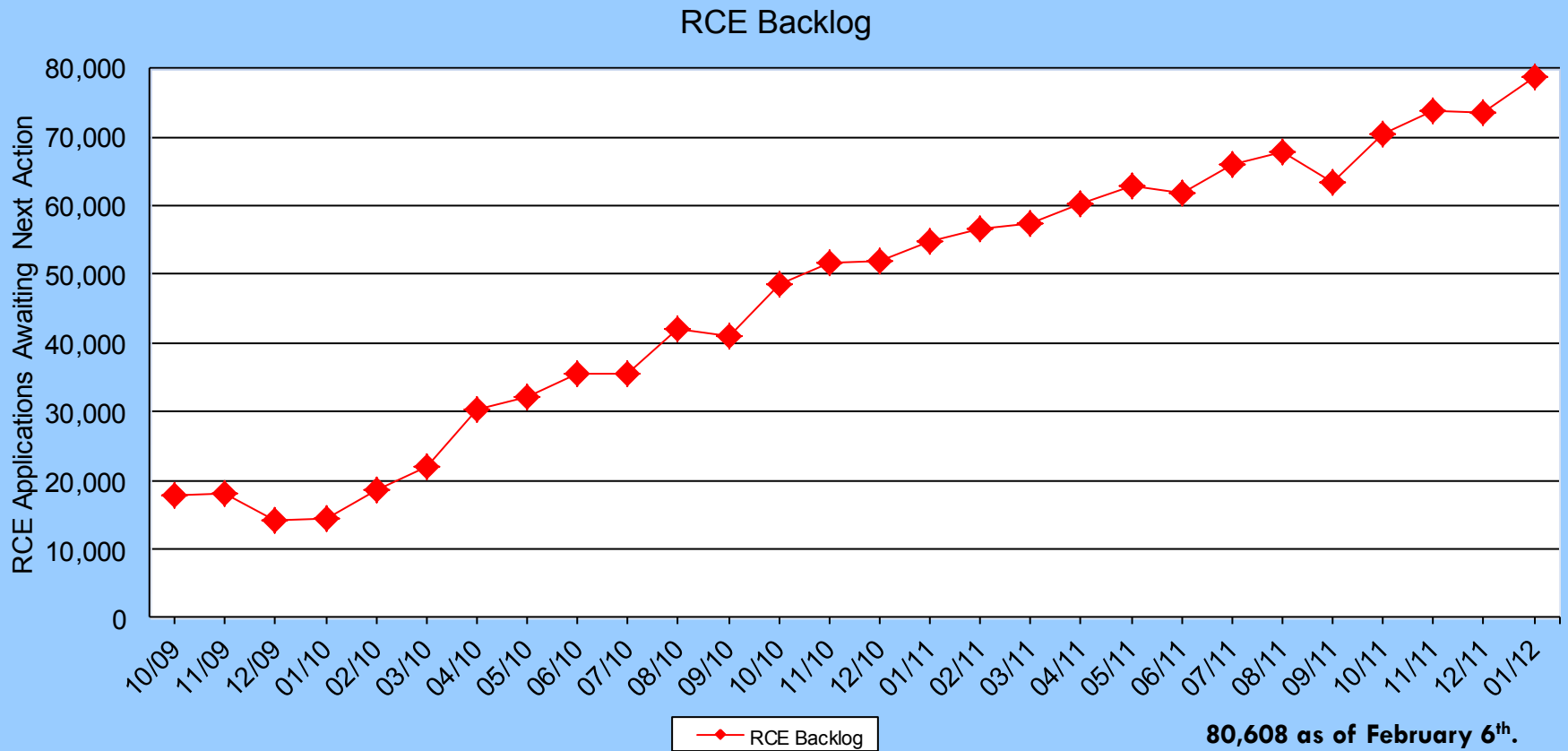
Preliminary FY 2012 Target:

533,300



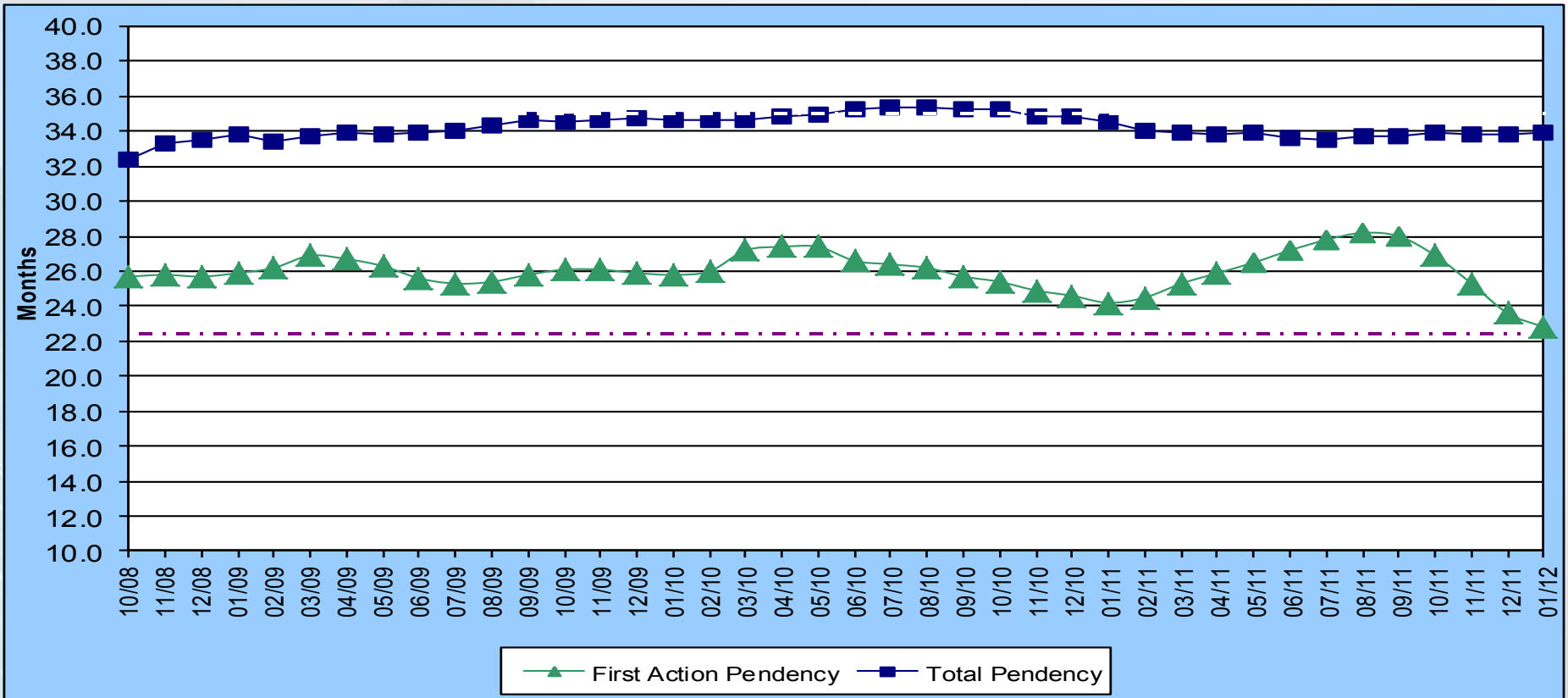
RCE Backlog

FY 2010 – FY 2012 (through January)





First Action Pendency & Total Pendency FY 2009 – FY 2012 (through January)



Preliminary FY 2012 First action Target:

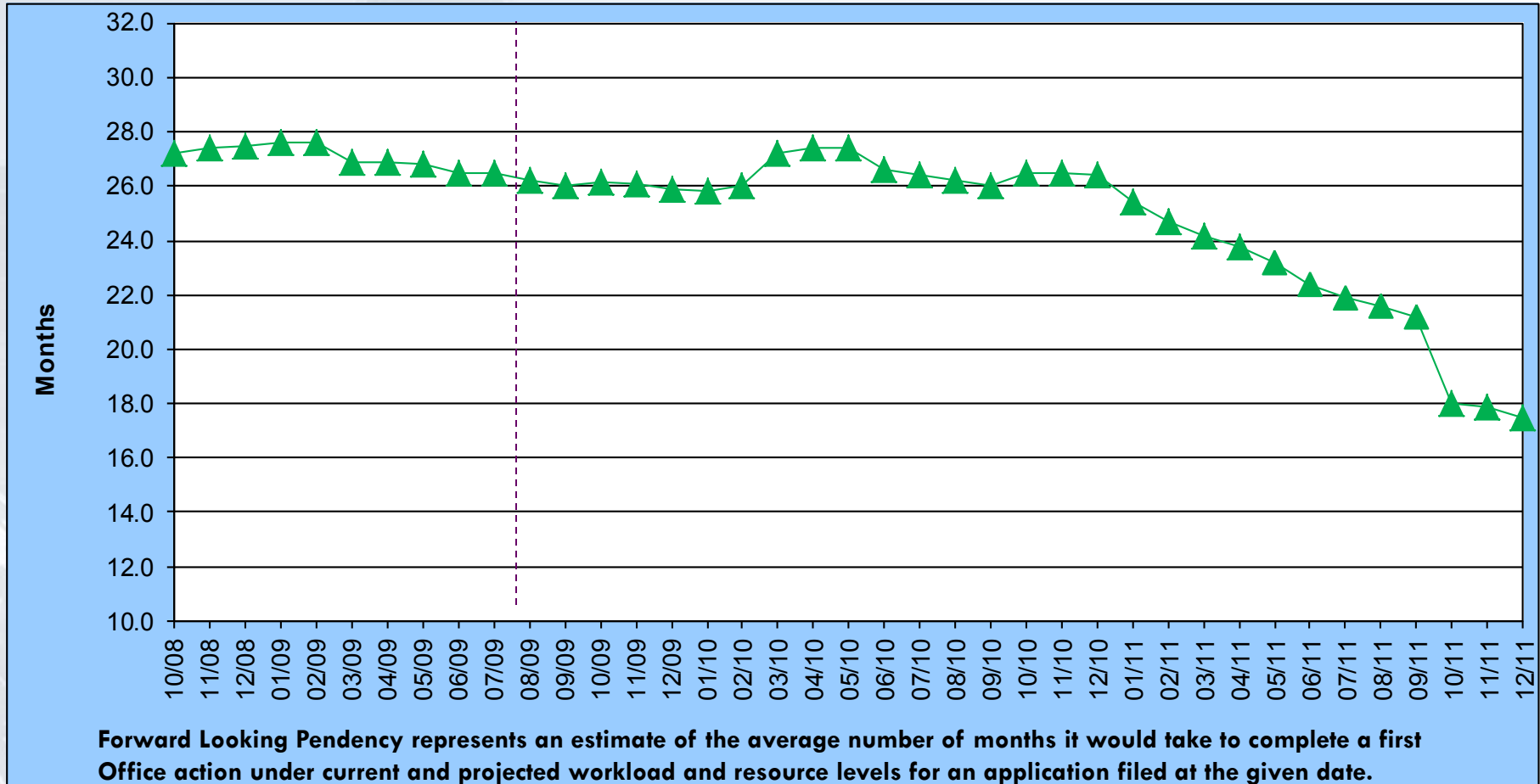
22.5 Months

Preliminary FY 2012 Total Pendency Target:

34.7 Months

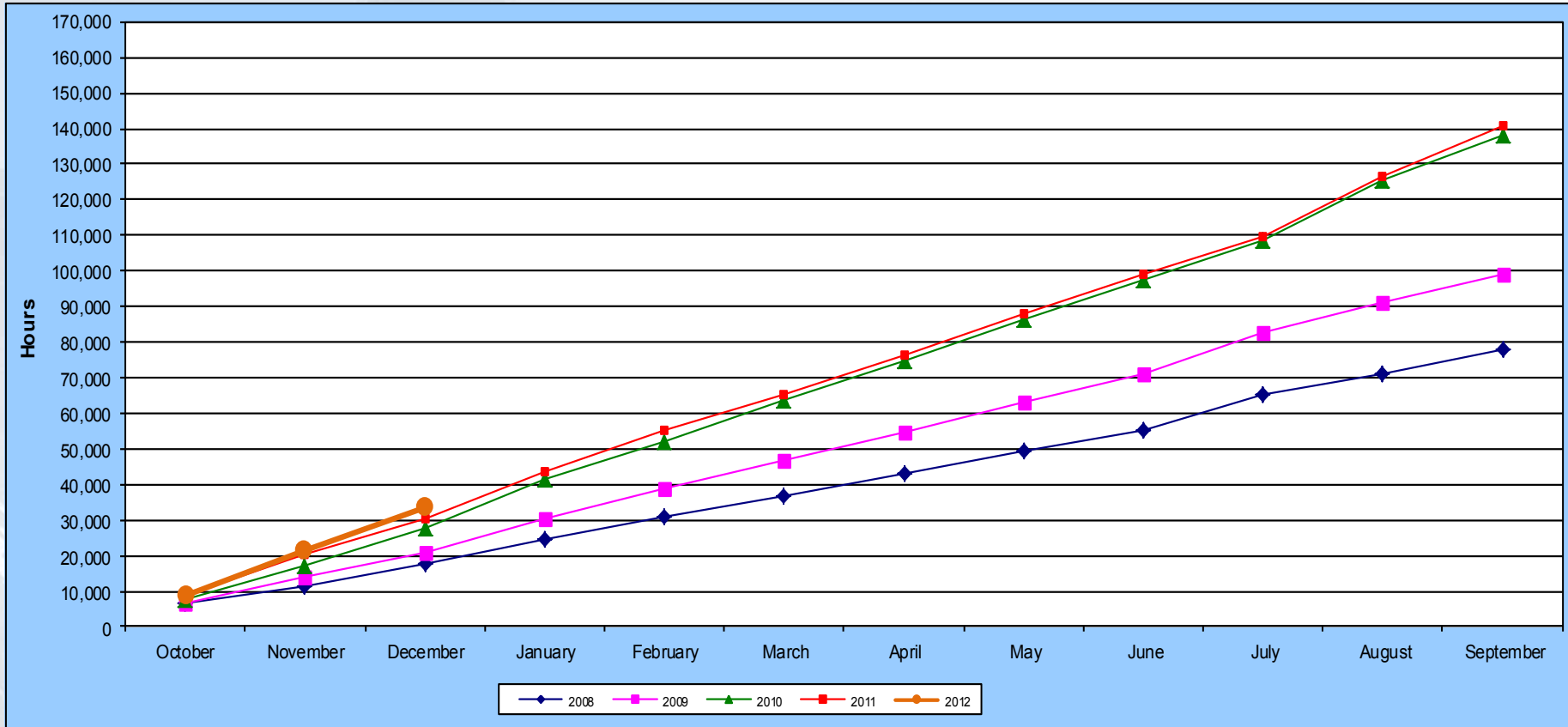


Forward Looking First Action Pendency FY 2009 – FY 2012 (through January)





Interview Time FY 2008 – FY 2012 (through December)

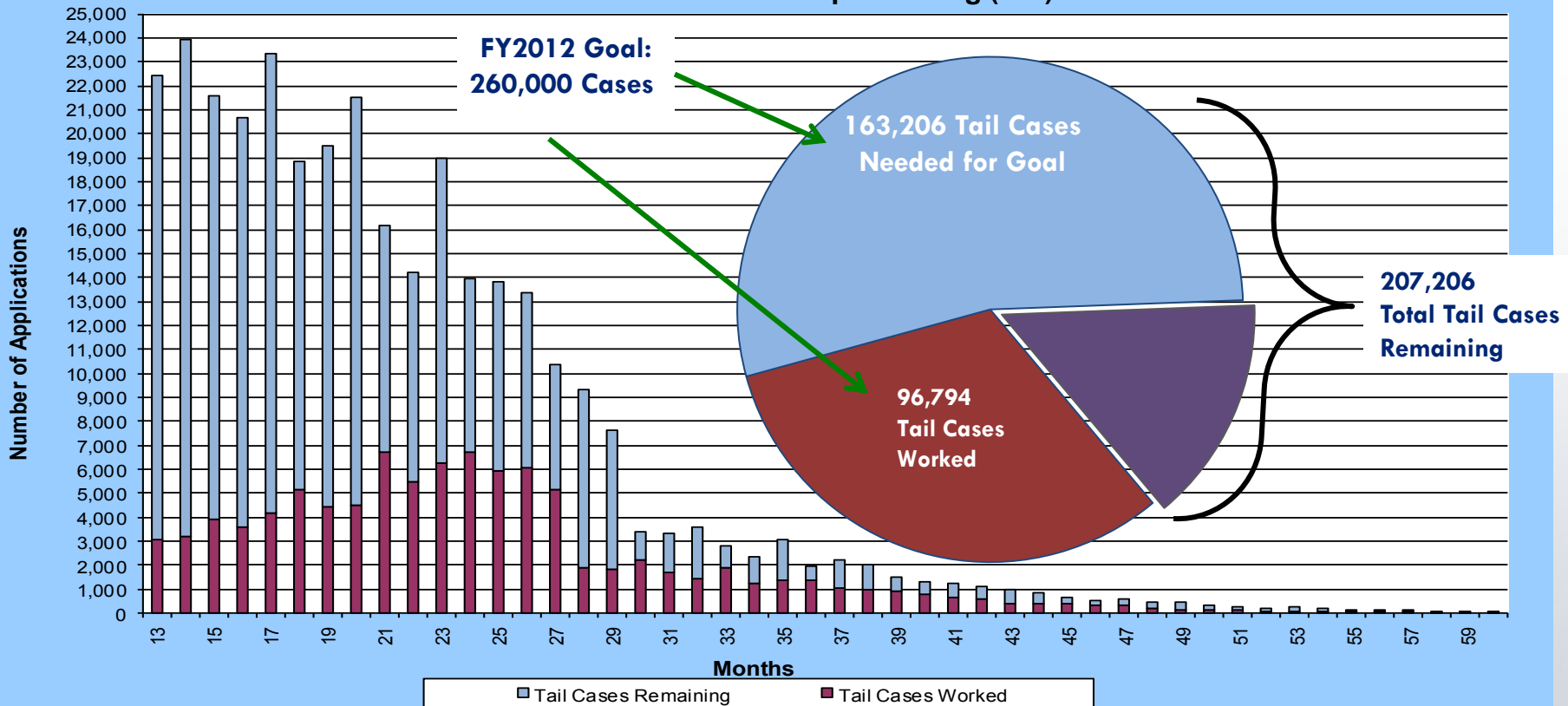


43,486 hours as of January 14th, 2012, compared with 38,531 hours as of January 14th, 2011.



Clearing the Oldest Patent Applications COPA 2.0 - FY 2012 (through January)

Distribution of Corps Backlog (Tail)

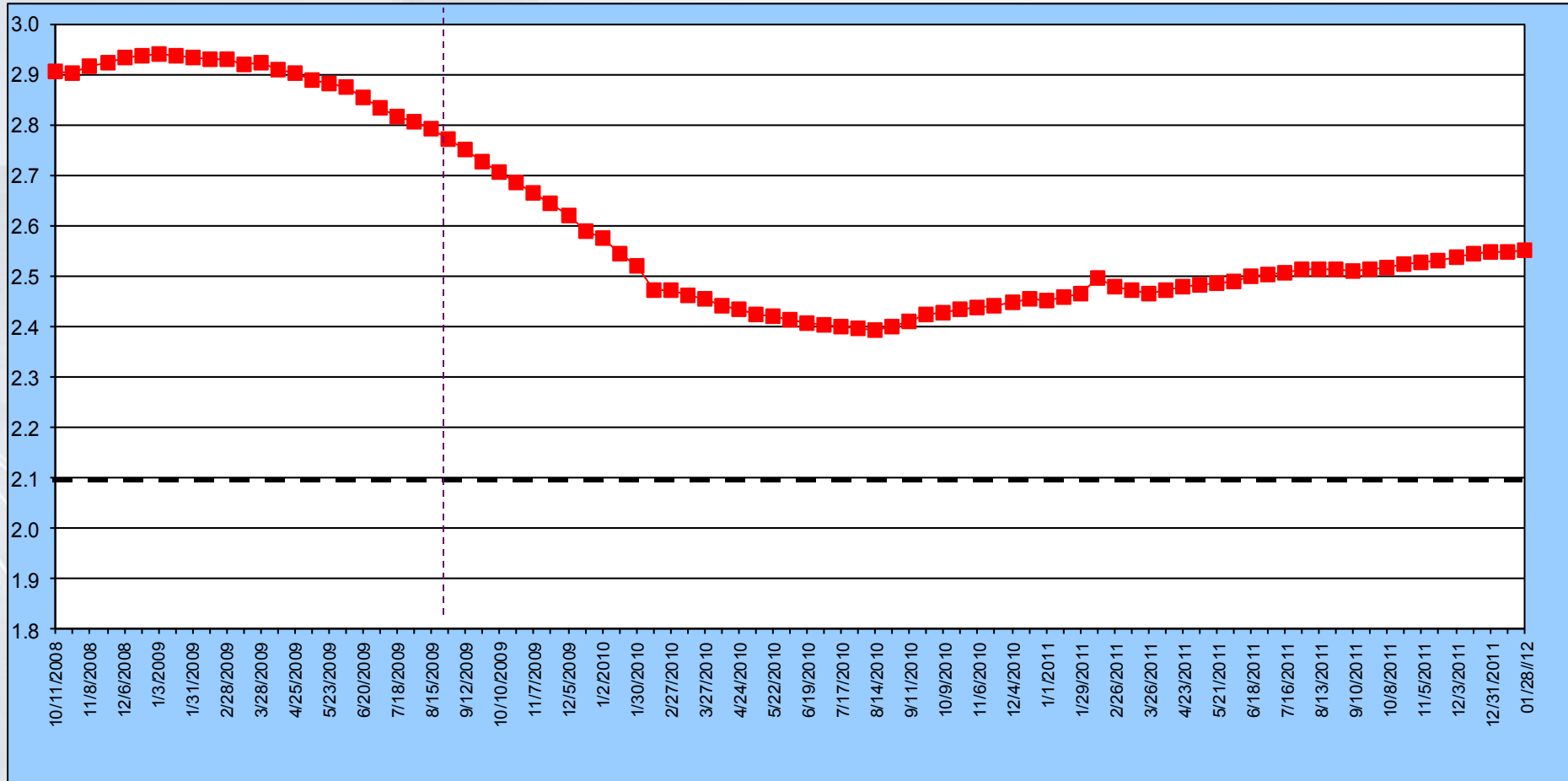


FY 2012 COPA Backlog (Tail): Applications with filing dates on or before September 1st, 2010 (304,000 on Oct. 1, 2011)

FY 2012 Goal: Reduce COPA Backlog (Tail) by 260,000 applications



12 Month Rolling Average Actions Per Disposal, by Bi-Week FY 2009 – FY 2012 (through January 28th)

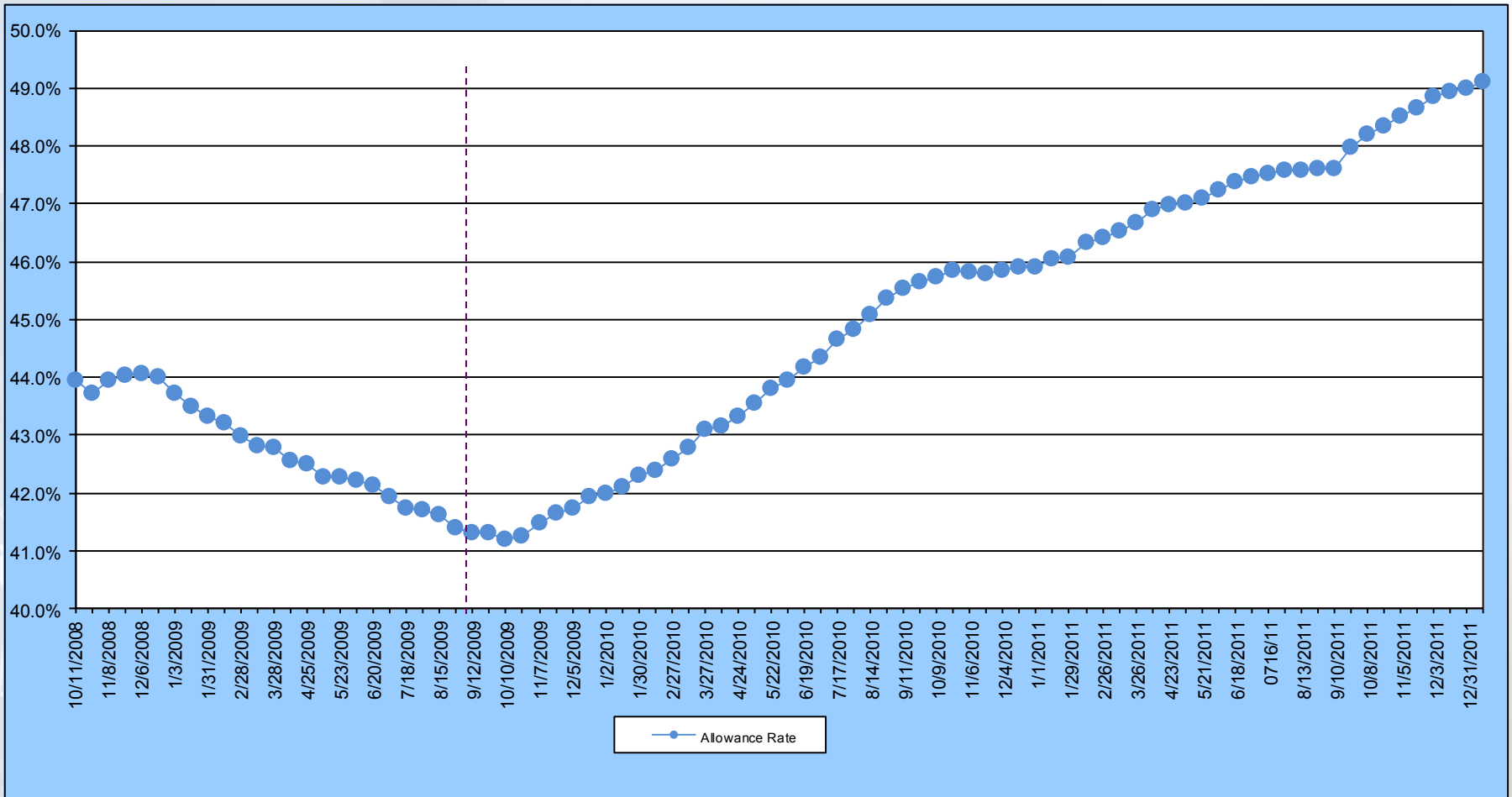


--- Actions Per Disposal Target

Sustained decrease in actions per disposal is a positive indicator – issues are being resolved efficiently.



12 Month Rolling Average Allowance Rate, by Bi-Week FY 2009 – FY 2012 (through January 28th)



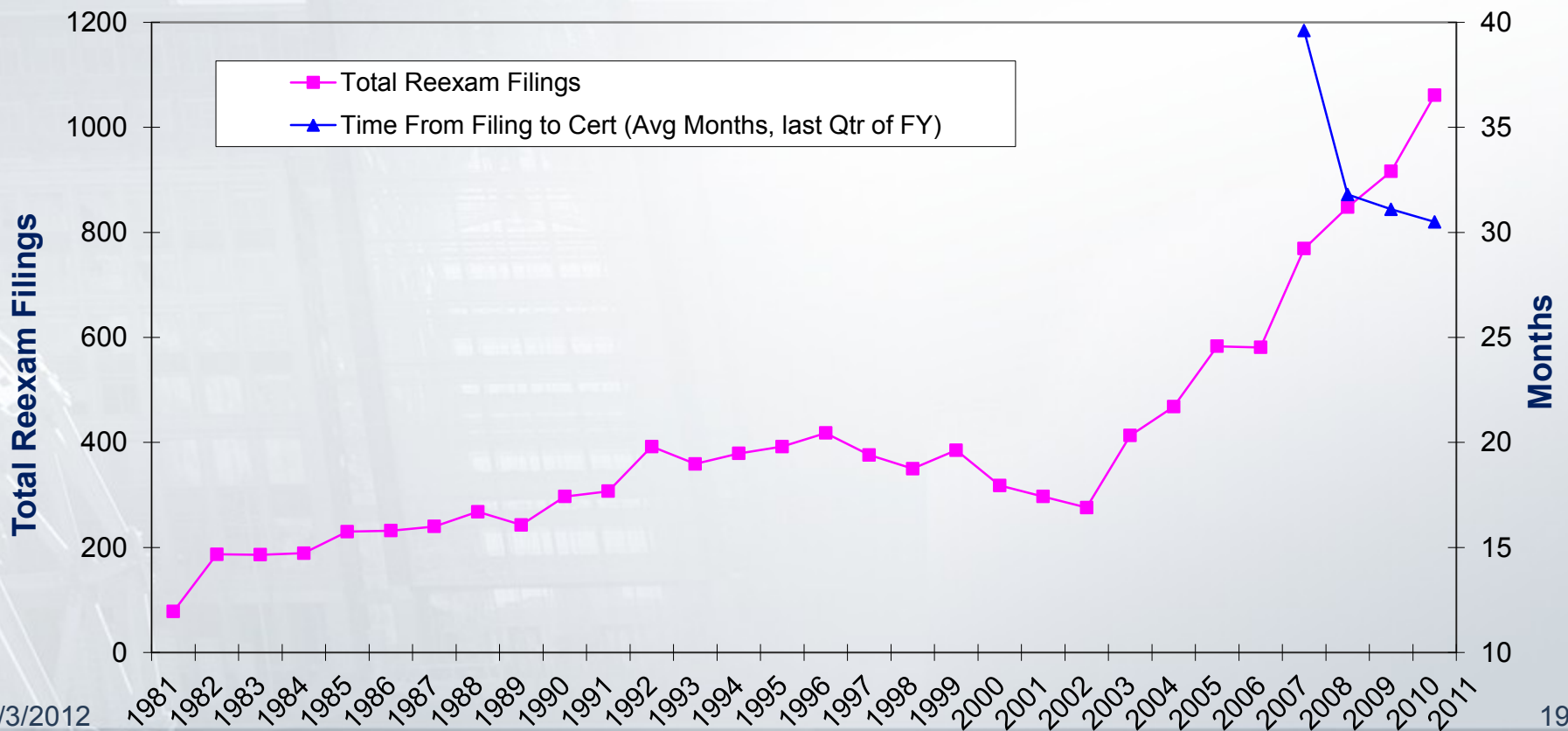
Sustained increase in allowance rate is a positive indicator – it shows increased efficiency of the workforce.



Central Re-examination Unit (CRU)

- **Significant decline in pendency**: Increased staffing; Pilot program for waiving the statement period; Streamlined process for handling petitions and publication of certificates

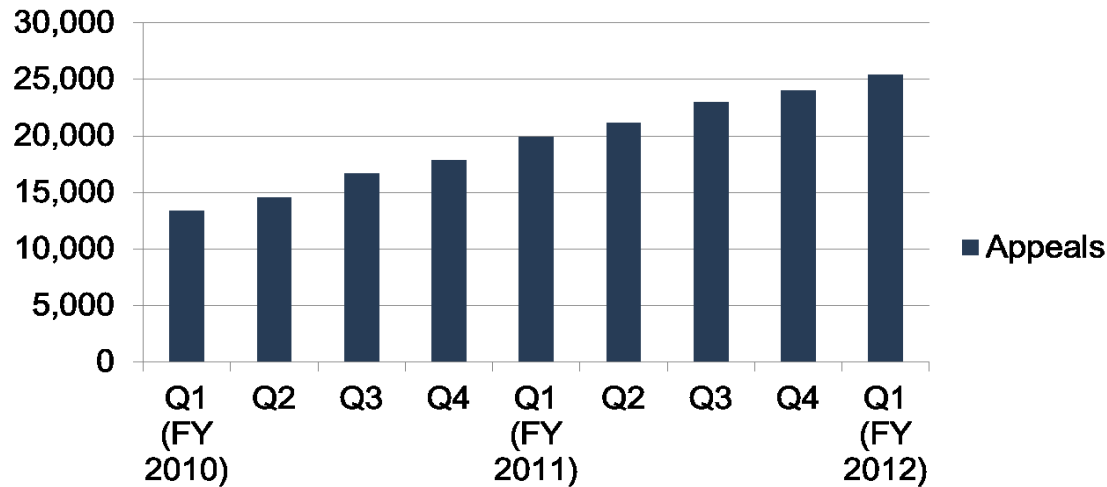
Reexam Filings and Time to Certify





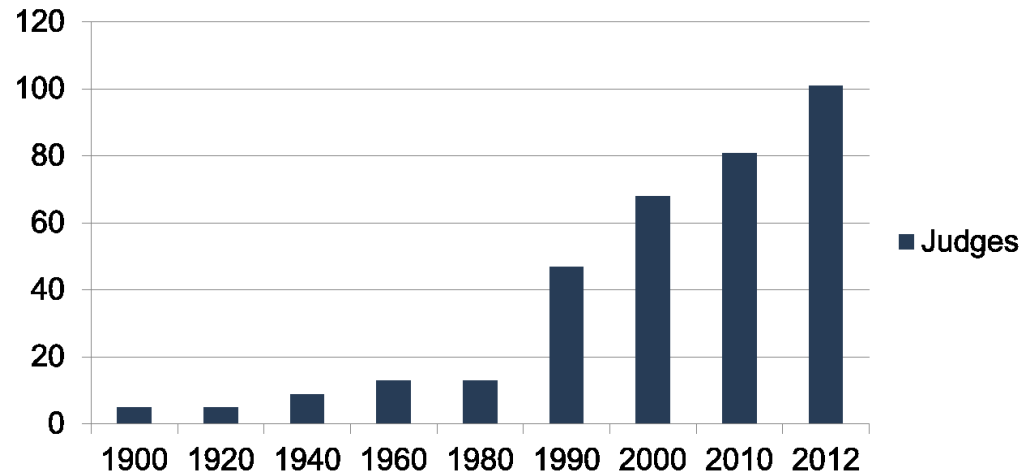
Board of Patent Appeals & Interferences

Appeals



***Aggressive hiring to tackle BPAI backlog**

Judges



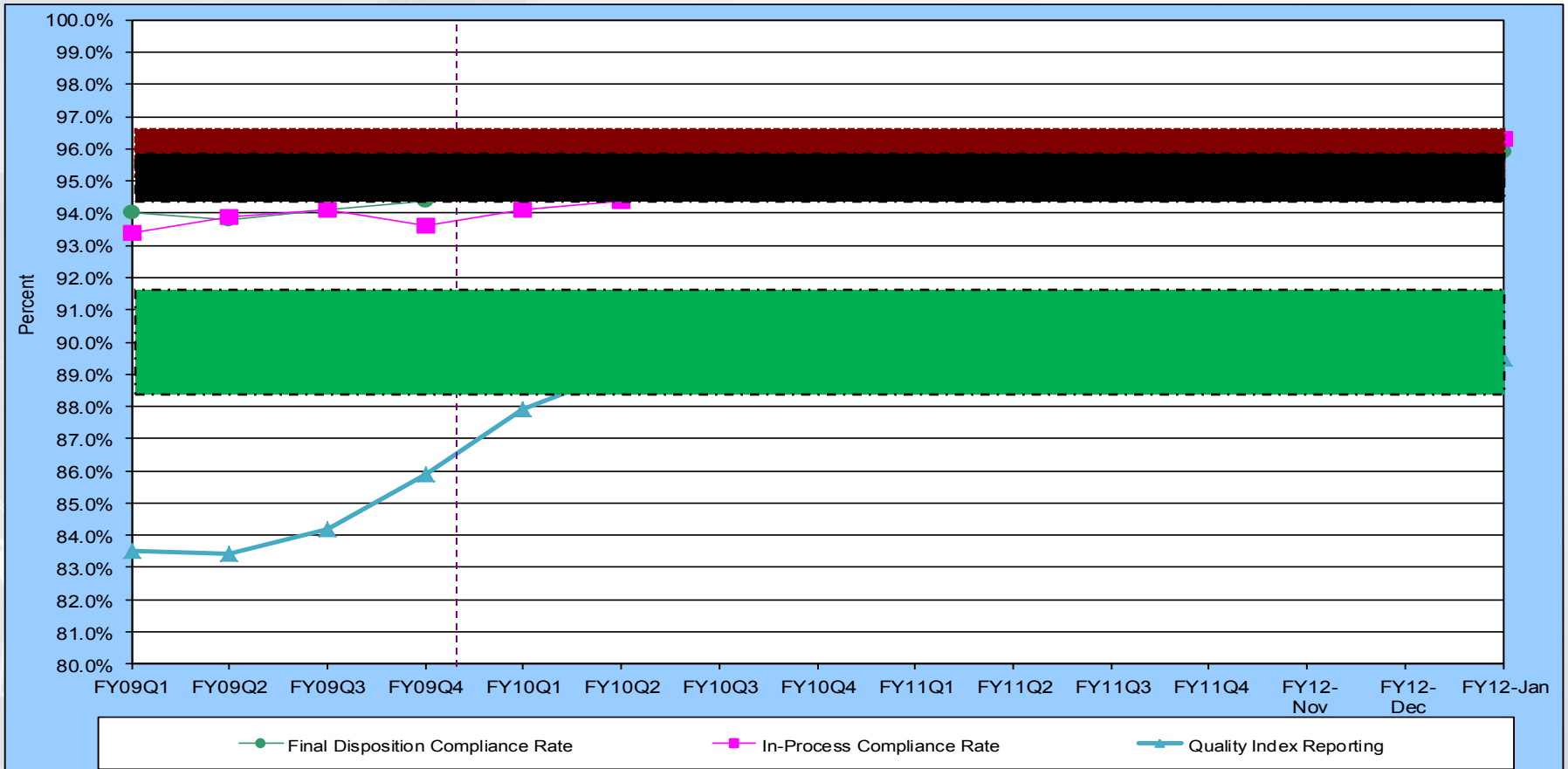


Quality Measures

Final Disposition, In-Process and QIR

12 Month Rolling Average

FY 2009 – FY 2012 (through January)



2012 Final Disposition Compliance Rate Target Range
 (95.6% - 96.7%). Actual as of January: 95.9%

2012 In-Process Compliance Rate Target Range
 (94.6% - 96.0%). Actual as of January: 96.3%

2012 Quality Index Reporting Target Range
 (88.3% - 91.60%). Actual as of January: 89.5%



Quality Measures

Reporting Period	USPTO Patents Quality Composite Item - Actual Metrics							
	Final Disposition Compliance Rate	In-Process Compliance Rate	Pre-FAOM Search Review	Complete FAOM Review	Quality Index Reporting	External Quality Survey	Internal Quality Survey	Quality Composite Score
FY12Q1	95.4%	95.2%	95.6%	91.0%	89.5%	3.0	4.3	35.2
FY11Q4	95.4%	95.2%	94.8%	90.9%	89.5%	3.0	4.3	30.7
FY11Q3	95.4%	94.7%	93.4%	90.0%	89.1%	2.7	4.2	26.4
FY11Q2	95.3%	94.8%	90.8%	89.7%	88.9%	2.7	4.2	25.5
FY11Q1	96.2%	94.9%	N/A	N/A	88.9%	3.6	N/A	N/A
FY10Q4	96.3%	94.9%	N/A	N/A	89.3%	3.6	N/A	N/A
FY10Q3	96.0%	94.6%	N/A	N/A	89.5%	1.8	N/A	N/A
FY10Q2	95.7%	94.4%	N/A	N/A	89.1%	1.8	N/A	N/A
FY10Q1	94.5%	94.1%	N/A	N/A	87.9%	1.2	N/A	N/A
FY09Q4	94.4%	93.6%	N/A	N/A	85.9%	1.2	N/A	N/A
FY09Q3	94.1%	94.1%	N/A	N/A	84.2%	1.1	N/A	N/A
FY09Q2	93.8%	93.9%	N/A	N/A	83.4%	1.1	N/A	N/A
FY09Q1	94.0%	93.4%	N/A	N/A	83.5%	1.3	N/A	N/A



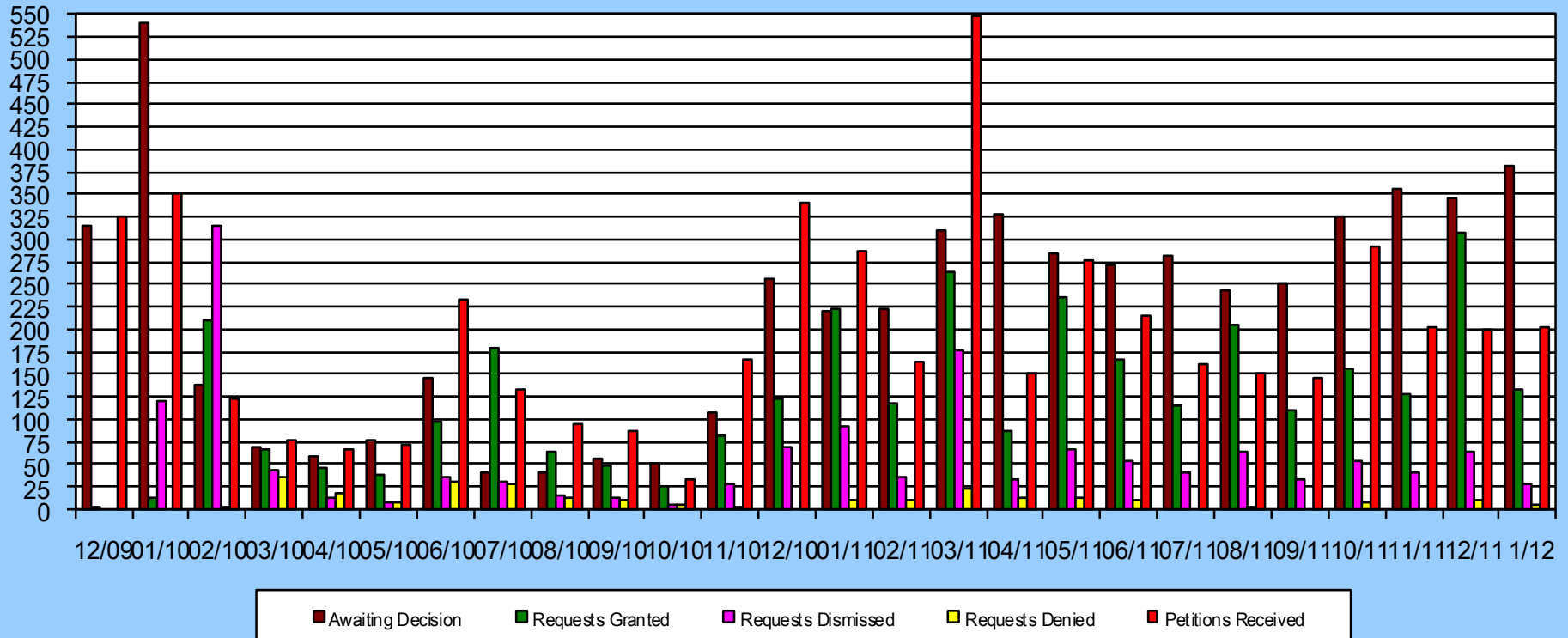
Green Technologies Pilot

December 2009 – January 31st, 2012

Average time from petition grant to final disposition:	271 days
Shortest time from petition grant to final disposition:	57 days
Longest time from petition grant to final disposition:	683 days

Green Technologies Pilot

Request Summary	12/09	1/10	2/10	3/10	4/10	05/10	06/10	07/10	08/10	09/10	10/10	11/10	12/10	01/11	02/11	03/11	04/11	05/11	06/11	07/11	08/11	09/11	10/11	11/11	12/11	1/12	Total
Petitions Received	325	351	124	76	67	72	234	133	95	86	32	166	340	287	165	548	150	276	216	162	151	145	291	202	201	202	5,364
Awaiting Decision (by month)	316	541	138	68	58	77	147	42	42	56	51	107	256	220	224	310	327	285	272	282	244	252	325	357	345	382	
Requests Granted (by month)	2	12	209	67	45	38	98	180	65	48	26	81	122	222	117	263	86	237	167	116	206	111	166	128	308	134	3,244
Requests Denied (by month)	7	0	2	29	18	7	30	28	14	11	6	1	0	10	9	23	14	14	9	0	3	0	7	0	11	4	257
Requests Dismissed (by month)	0	121	316	43	14	8	36	30	16	13	5	28	69	91	35	176	33	67	53	41	65	32	55	42	65	27	1,481





Current Patent Prosecution Highway (PPH) Programs

- Japan (JPO)
- Korea (KIPO)
- China (SIPO)
- European Patent Office (EPO)
- Germany (DPMA)
- Australia (IPAU)
- Canada (CIPO)
- United Kingdom (UKIPO)
- Denmark (DKPTO)
- Iceland (IPO)
- Norway (NIPO)
- Nordic Patent Institute (NPI)
- Finland (NBPR)
- Sweden (PRV)
- Russia (Rospatent)
- Israel (ILPO)
- Taiwan (TIPO)
- Hungary (HPO)
- Spain (SPTO)
- Austria (APO)
- Singapore (IPOS)
- Mexico (IMPI)





PPH Requests at USPTO

- USPTO goal for PPH requests in calendar year 2011: 8,000
- Status as of January 31:

Paris-PPH	6,537
PCT-PPH	2,800
Total	9,337

- PPH results compared with all cases:

	Paris-PPH	PCT-PPH	All Cases
Grant Rate (Allowances/Total Number of Disposals)	89%	96%	47%
Actions per Disposal	2.13	1.61	2.49



Cooperative Patent Classification (CPC)

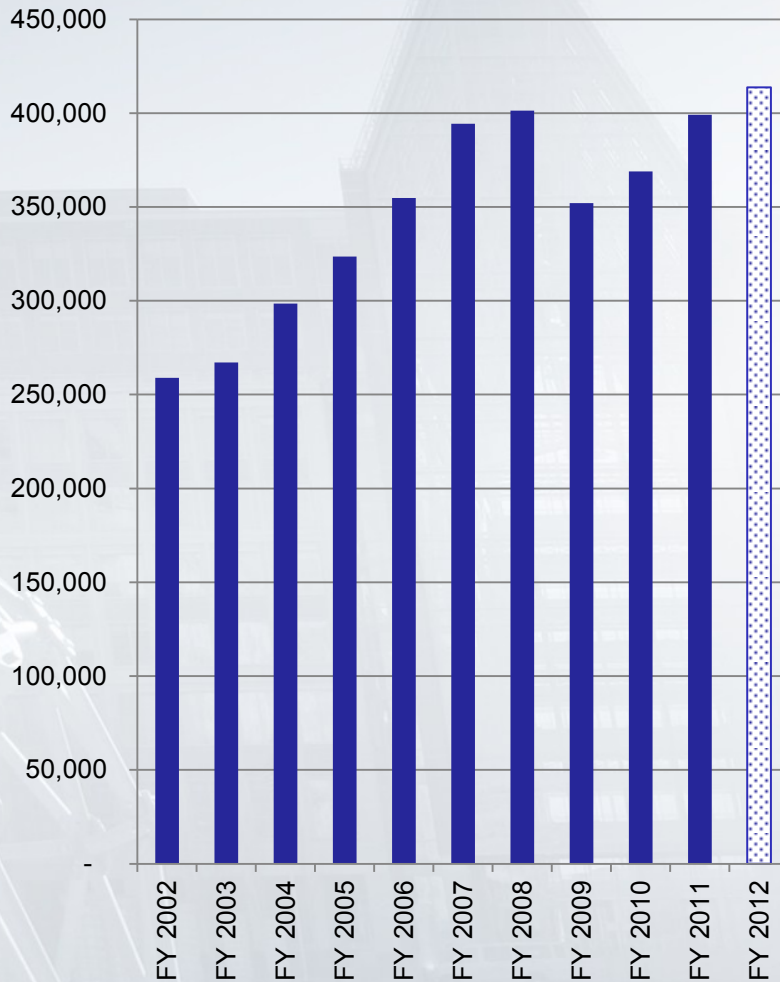


Europäisches Patentamt
European Patent Office
Office européen des brevets

CPC Milestone	Timeframe
Introduction to CPC for all examiners.	2012
Develop Examiner Training with EPO.	2012-2014
Contractors apply CPC symbols to PGPUB pipeline documents.	January 1, 2013
USPC and CPC symbols will be searchable in EAST/WEST, while routing remains based on USPC.	2013
CPC symbols will propagate from PGPUB to Grants	2013
Examiners will begin to add CPC symbols as needed on issued applications, with voluntary search capability of CPC symbols in EAST/WEST.	2013-2014
Final stage of CPC implementation.	2015



Trademark Performance: Application Filings



- FY 2010: 368,939 classes
- FY 2011: 398,667 classes
- *FY 2012 : projected 413,000 classes*



Trademark Performance: Quality

<i>FY 2011</i> <i>Trademark Performance Measures</i>	FY 2012 Targets	FY 2012 Q1 Results
FIRST ACTION COMPLIANCE In-process review evaluation of the statutory bases for which the Office raises issues and or refuses marks for registration based on the first office action.	95.5%	94.1%*
FINAL ACTION COMPLIANCE In-process review evaluation of the statutory bases for which the Office raises issues and or refuses marks for registration based on the examiner's approval or denial of the application.	97.0%	96.4%*
EXCELLENT OFFICE ACTION New measure for FY 2011 indicating the comprehensive quality of the first Office action search, evidence, writing and decision making.	20.0%	22.1%

*Preliminary Numbers



New TM Performance Measure: Excellent Office Actions

Criteria for Excellence*

1. Correctness in decision making
2. Quality of the search
3. Quality and relevance of evidence
4. Clarity of the written Office Action

*Office action must meet all 4 criteria to be considered excellent



Trademarks Next Generation

Trademark Status & Document Retrieval (TSDR) ?

US Registration No

3029133

Status

Documents

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Status results found

STATUS

DOCUMENTS

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Print Preview



Mark: AIPLA

AIPLA

US Serial Number: 78539692

Application Filing Date: Dec. 29, 2004

US Registration Number: 3029133

Registration Date: Dec. 13, 2005

Register: Principal

Mark Type: Trademark, Service Mark

Status: A Sections 8 and 15 combined declaration has been accepted and acknowledged.

Status Date: Feb. 01, 2012

Publication Date: Sep. 20, 2005

← Mark Information

▼ Expand All

▲ Goods and Services

▲ Basis Information (Case Level)

▲ Current Owner(s) Information

▲ Attorney/Correspondence Information

▲ Prosecution History

▲ Maintenance Filings or Post Registration Information

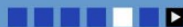
▲ TM Staff and Location Information

President Obama Presents the 2010 National Medal of Technology and Innovation October 21

Under Secretary for Commerce and Director of the USPTO David Kappos and Deputy Director Teresa Stanek Rea traveled to the White House to honor the recipients of the highest award bestowed upon innovators in the United States.



President Obama honors rocket scientist Yvonne C. Brill with the 2011 National Medal of Technology and Innovation for improvement in the effectiveness of space propulsion systems. Photo by NSF.



Event: Title of the Event Here

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Director's Forum

Latest director's blog post title



Data Visualization Center

The Patents, Trademarks, and OPEA dashboards



Calendar of Events



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Patents End-to-End (PE2E)

0.0.10-SNAPSHOT 5521 Hello, John Doe Feedback Help

My Case List Case Viewer Layout Examine Merits 90/009528 - Pressure Protection Manager System & Apparatus

Case Contents Case Data

Case Number: 90/009528
Title: Pressure Protection Manager System & Apparatus
Status: Ready after Non-Final

Applicant/Owner

Inventor: Kenneth Schofield, Holland, MI
Inventor: Mark L. Larson, Grand Haven, MI
Inventor: Keith J. Vadas.

Drawings

Fig 1

Specification 09/07/1999 Search Within Case

computer

Filter All types All phases All dates Previous searches Search

computer | All types | All phases | All dates
6 results found: 4 Incoming, 2 Outgoing, 0 Prior Art Turn Snippets Off

Incoming documents from applicant/requestor (4)

Description	Date	Rank
Specification Background The invention relates to a test administration system that integrates paper and computer-based testing processes. Conventional testing systems may be computer-based ~r paper-based. In some		1
Claims A computer, comprising: a fixed casing accommodating a first computer component and having an opening; a movab		2
Claims A computer, comprising: a fixed casing accommodating a first computer component and having an opening; a movab		3
Claims		4

Patented Claims

Show All Active Claims Find within document

Claim Tree

```
graph TD
  1 --- 102
  1 --- 103
  2 --- 3
  3 --- 4
  3 --- 5
  4 --- 6
  7 --- 8
  8 --- 9
  9 --- 10
  10 --- 11
  10 --- 12
```

Claims:

1. A computer, comprising: a fixed casing accommodating a first computer component and having an opening; a movable casing covering said opening of said fixed casing, said movable casing having a tab protruding from said movable casing, said movable casing accommodating a second computer component on an inner surface of said movable casing; a pair of hinges rotatably coupling said

Notes

This bears more scrutiny.
102,103
11/30/2011, 12:51 PM, J. Doe



MPEP

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All Ideas

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- [300 Ownership and Assignment](#)
- [400 Representative of Inventor or Owner](#)

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Usage statistics

74 ideas posted

243 comments 388 votes 142 users

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Discuss the Manual of Patent Examining Procedure (MPEP)

Welcome to the MPEP discussion tool! We have received many thoughtful ideas on Chapters 500 and 600 of the MPEP as well as on how to improve the discussion site. Each and every idea submitted by you, the participants in this conversation, has been carefully reviewed by the Office, and many of these ideas will be implemented in the next revision of the MPEP. We would like to thank everyone for participating in the discussion of the MPEP.

We have some great news! Chapters 100 through 400 of the MPEP are now available for discussion. Please submit any ideas and comments you may have on these chapters. Also, don't forget to vote on ideas and comments submitted by other users. As before, our editorial staff will periodically be posting proposed new material for you to respond to, and in some cases will post responses to some of the submitted ideas and comments.

Recently, we have received several comments concerning the Leahy-Smith America Invents Act (AIA). Please note that comments regarding the implementation of the AIA should be submitted to the USPTO via email at aia_implementation@uspto.gov or via postal mail, as indicated at [the America Invents Act Website](#). Additional information regarding the AIA is available at www.uspto.gov/americaninventsact

We really appreciate your thinking and recommendations!

[Submit New Idea](#)

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MPEP sections can be viewed by clicking on the boxed plus sign next to each chapter name on the left. You must register on the site to contribute ideas, comments, and votes.

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- Add Your Idea** Click on the "Submit New Idea" button.
- Vote, Vote, Vote!** Your votes are critical to ensuring that the best ideas "bubble up" to the top.
- Spread the Word!** E-mail, tweet, or post this URL (uspto-mpep.ideascale.com) to your networks, and invite them to get involved.
- Review our Terms of Participation and Privacy Policy.**
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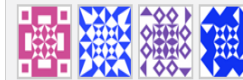
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You can start a discussion about a section within this chapter by clicking on the boxed plus sign left of the chapter name. The contents of the chapter will be shown beneath it. Select a section subsection from the contents for discussion. You can [read this chapter](#) on the USPTO website.

Moderators



Recent (35) Popular (35) In Review (0) In Progress (0) Complete (0)

[609.01 EXAMINER CHECKLIST FOR INFORMATION DISCLOSURE STATEMENTS >](#)

citing "other material" on IDS form

37 CFR 1.98 (a) lists "other information" which may be cited in an IDS form. The PTO/SB/OBA form is limited to US and foreign patents and their [...more >](#)

[5 comments](#)

Submitted by [Julie Burke](#) 10 months

[608.01\(C\) BACKGROUND OF THE INVENTION >](#)

Non-mandatory nature of Background

Section should be revised to help novice Examiners recognize and appreciate that Background section is statutorily required, and thus absence [...more >](#)

[5 comments](#)

Submitted by [Mike Haynes](#) 10 months

[608.01\(C\) BACKGROUND OF THE INVENTION >](#)

Non-mandatory nature of Summary

Section should be revised to help novice Examiners recognize and appreciate that Summary section is statutorily required, and thus absence [...more >](#)

[4 comments](#)

Submitted by [Mike Haynes](#) 10 months

[608.01\(C\) BACKGROUND OF THE INVENTION >](#)

Non-mandatory nature of Field of the Invention

Section should be revised to help novice Examiners recognize and appreciate that "Field of the Invention" section is statutorily required, [...more >](#)

9 votes



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In January 2011, the USPTO began offering an alternate method for commenting on selected chapters of the Manual. To participate in an online discussion and contribute your ideas, look for the  [Discuss this Section](#) links in Chapters 500, 900, and 1900, or see <http://uspto-tmep.ideascale.com>.





ePetition Resource Page

The ePetitions Resource Page provides useful information and guidance regarding the submission, automatic processing, and immediate grant of ePetitions.

- **Secure Filing with Auto-Grant.** Filing an ePetition via EFS-Web automates the petition process and allows petitioners to directly input the requisite information into a secure Web interface and immediately receive an ePetition decision.
- **Saves Time when Immediate Petition Decisions are Important.** Time savings using ePetitions is especially advantageous for critical petitions where an automatic petition grant would reduce delays in restoration of patent rights, expedite withdrawal from representation and redirect Office correspondence to the new correspondence address, and initiate the revival of an abandoned application to save patent term adjustment time.



For questions regarding Patent e-Filing, or to suggest improvements to the online system, please send an email to ebc@uspto.gov or call the Patent Electronic Business Center at **1-866-217-9197** (toll free) or **571-272-4100** from 6 a.m. to 12 Midnight Eastern Time, Monday - Friday.

PDF-based ePetitions

The PDF-based ePetitions require the download and completion of the respective EFS-Web Fillable PDF Form.

- Petition to Make Special Based on Age (37 CFR 1.102)
 - [SB 130 EFS-Web eForm \[PDF\]](#) (version 1.0.18, 27JUL2009)
 - [SB 130 Quick Start Guide \[DOC\]](#)
- Petition to Accept Unintentional Delayed Payment of the Maintenance Fee (37 CFR 1.378(c))
 - [SB 66 EFS-Web eForm \[PDF\]](#) (version 2.2, 01MAR2009)
 - [SB 66 Quick Start Guide \[DOC\]](#)

Web-based ePetitions

The ePetition information can be entered directly into EFS-Web screens. The PDF form is **not required** for these ePetitions.

- Request for Withdrawal as Attorney or Agent of Record (37 CFR 1.36)
- Petitions to Withdraw from Issue after Payment of the Issue Fee
 - Petition to Withdraw from Issue after Payment of the Issue Fee (37 CFR 1.313(c)(1) or (2))

ePetitions

Thank You

