

# An Overview of USPTO Operations

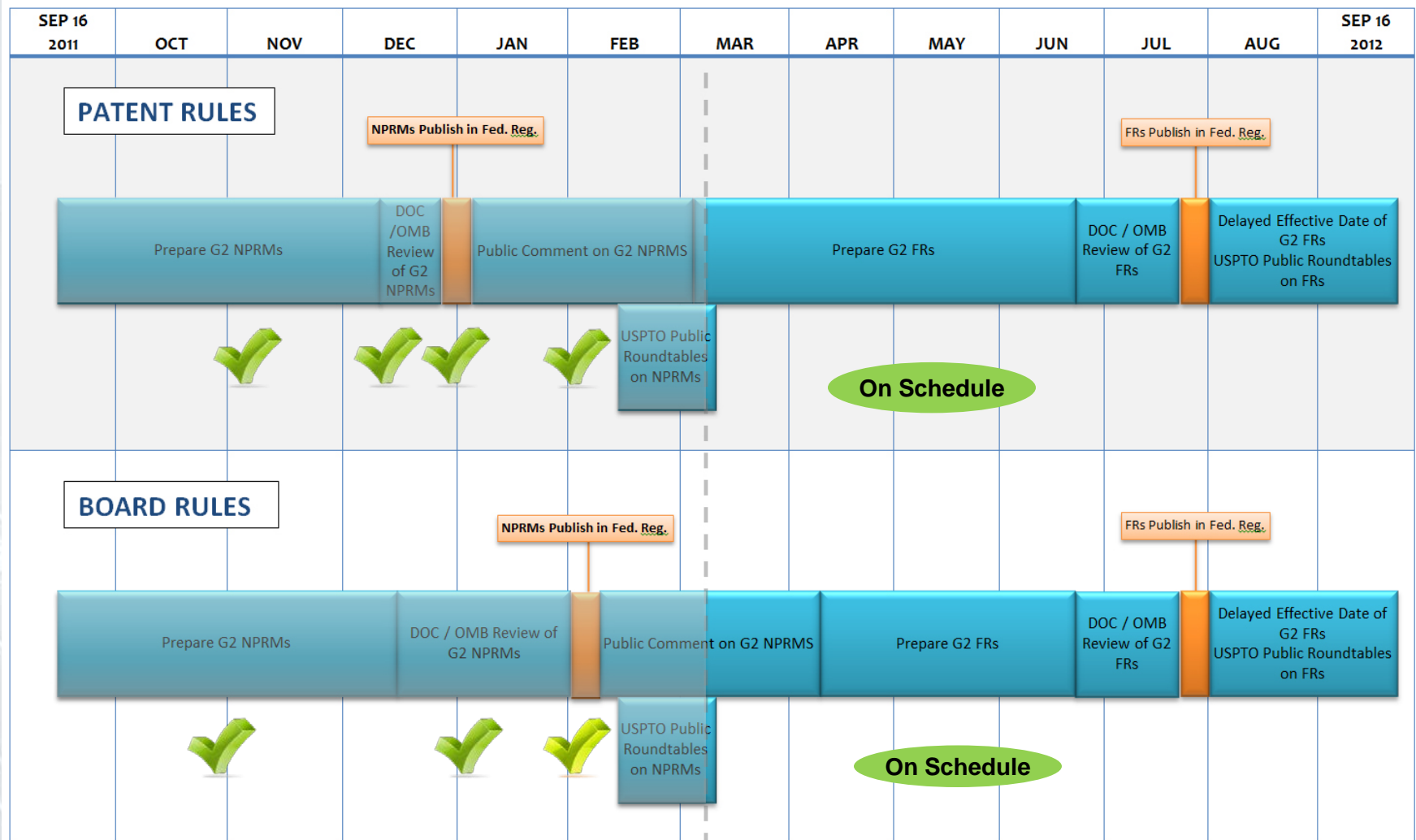


**David J. Kappos**

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



# America Invents Act (AIA) 12 Month Timeline





# Implemented Provisions

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

	<b>AIA Provision</b>	<b>Implementation Documents</b>
<b>1</b>	Change in inter partes reexamination standard	Revision of Standard for Granting an Inter Partes Reexamination Request, 76 Fed. Reg. 59055 (Sept. 23, 2011)
<b>2</b>	Tax strategies are deemed within the prior art	Memo to Examiners, Sept. 20, 2011
<b>3</b>	Best mode	Memo to Examiners, Sept. 20, 2011
<b>4</b>	Human organism prohibition	Memo to Examiners, Sept. 20, 2011
<b>5</b>	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)
<b>6</b>	15% transition surcharge	Notice of Availability of Patent Fee Changes Under the Leahy-Smith America Invents Act, 76 Fed. Reg. 59115 (Sept. 23, 2011)
<b>7</b>	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)



# Proposed Rules in Progress (12 Month timeline)

<b>NPRMs Published as of January 25, 2012</b>	<b>NPRMs Published in February</b>
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	



# Track I Statistics

	<b>Petitions Filed</b>	<b>Days to Petition Decision</b>	<b>% of Decided Petitions Granted</b>	<b>Days from Petition to first Office action</b>
Number of Track I	2,711	46.3	98%	41.6
<b>Examination Status</b>	<b>First Action on Merits mailed</b>	<b>Final Dispositions mailed</b>	<b>Allowances Mailed</b>	
Number of Track I applications	1481	39	153	



# Continuous AIA Outreach

[www.uspto.gov/AmericanInventsAct](http://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	Mariott 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





# 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

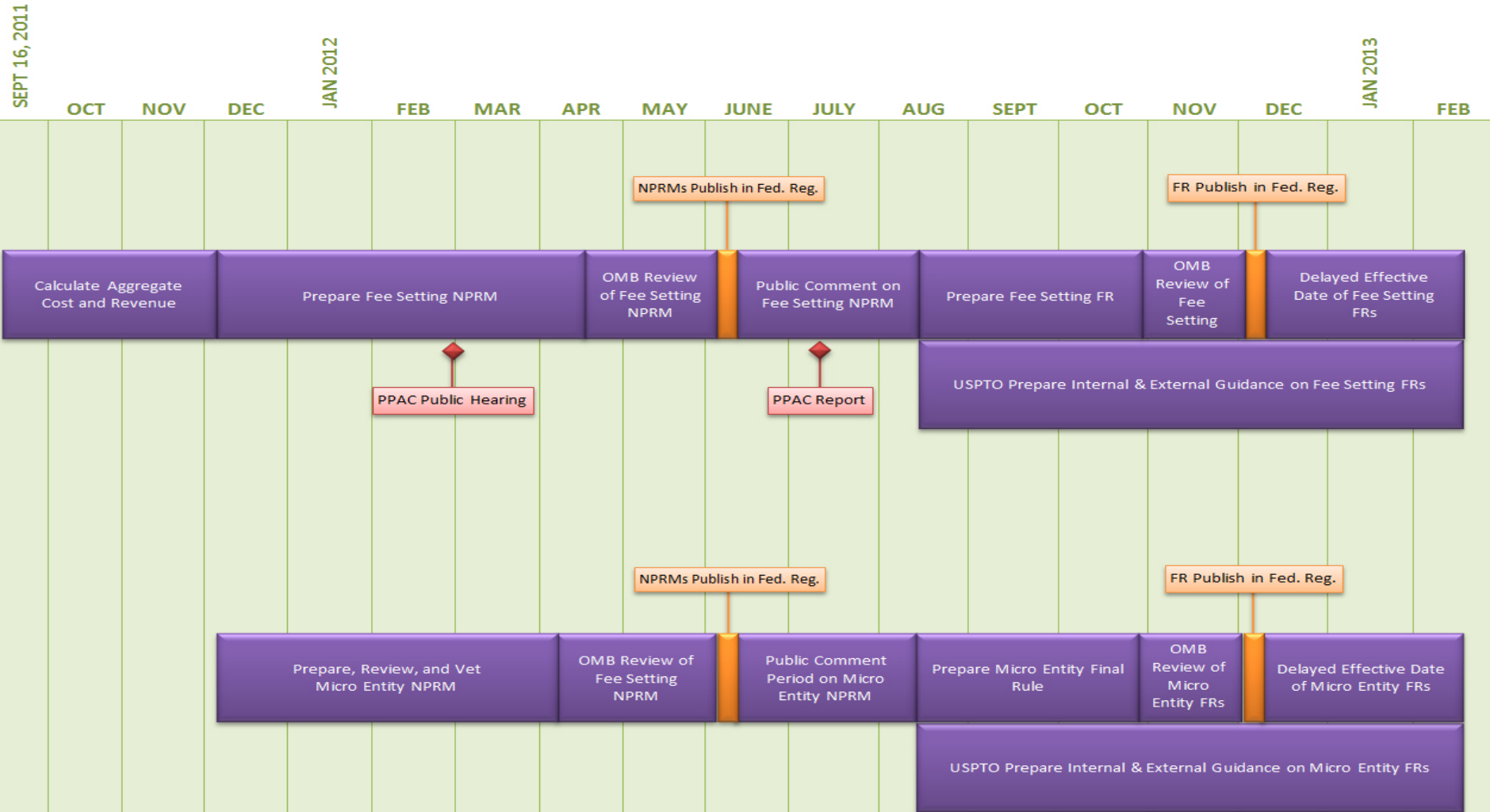


President Barack Obama signs the America Invents Act, Friday September 16, 2011, at Thomas Jefferson High School for Science and Technology in Alexandria, VA

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



# Fee Setting 17 Month Timeline







# 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



# Data Visualization Center

Your window to the USPTO  
Patents Dashboard

## February 2012 Patents Data, at a Glance



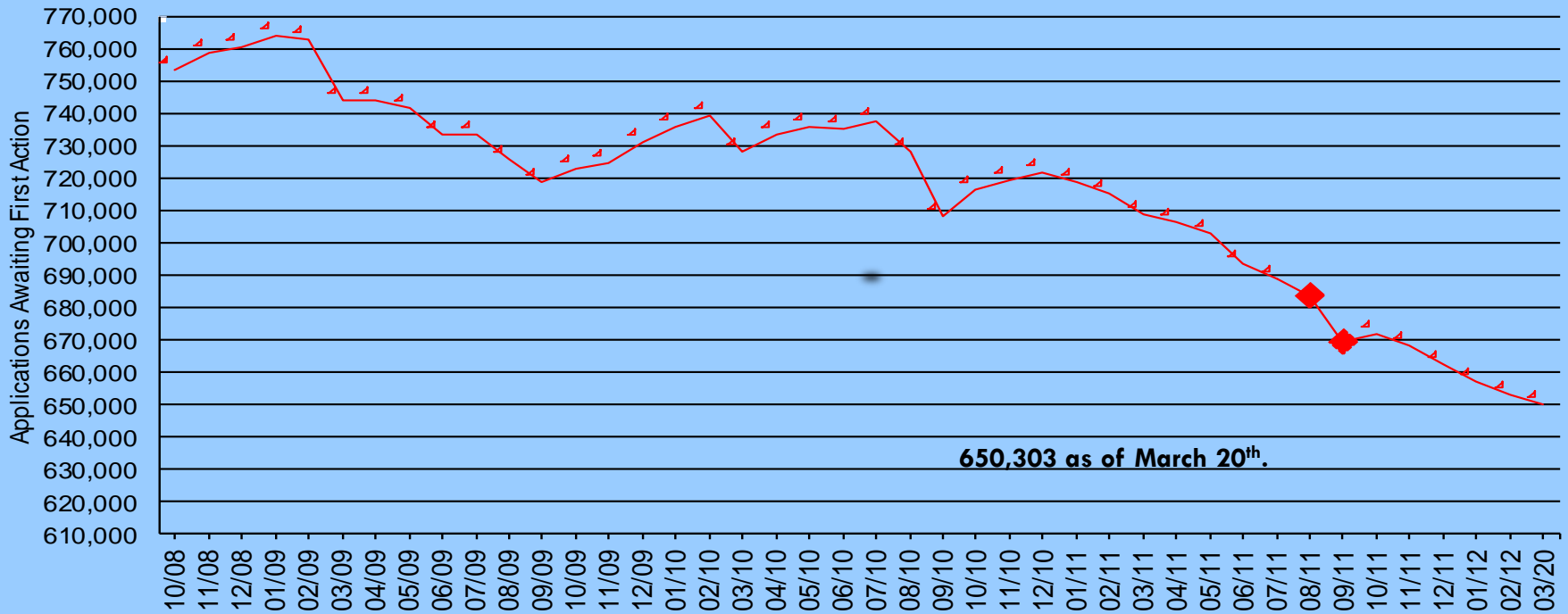
UPR allowance rate, including RCEs = 49.1%



UPR allowance rate, without RCEs = 66.4%



# Unexamined Patent Application Backlog FY 2009 – FY 2012 (through March 20<sup>th</sup>)

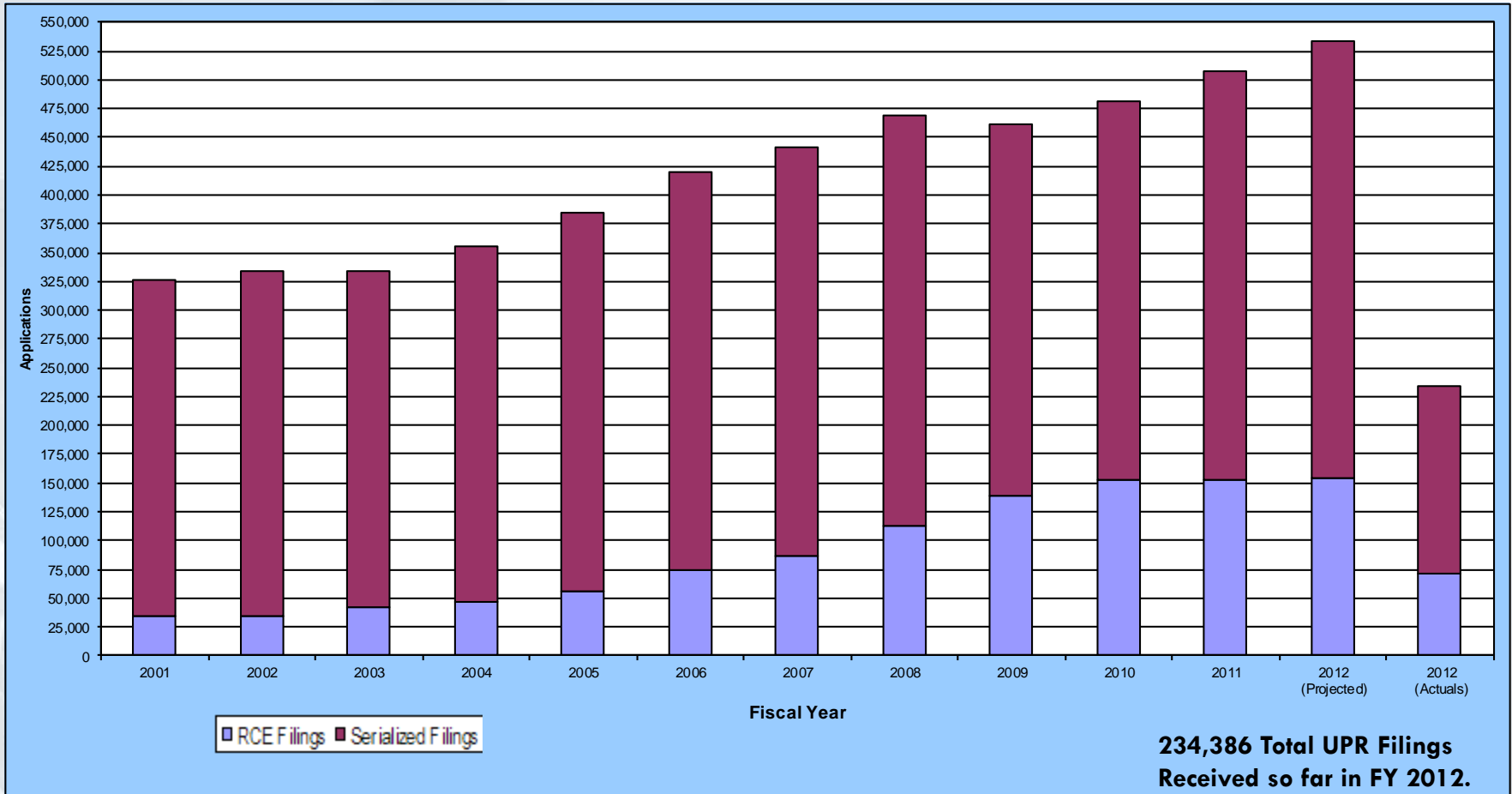


--- FY 2012 Target (2013 President's Budget): 621,800 – Includes CPC Production Adjustment.

--- Target Less CPC Adjustment: 615,000.



# Total UPR and RCE Filings FY 2001 – FY 2012 (through March 20<sup>th</sup>)



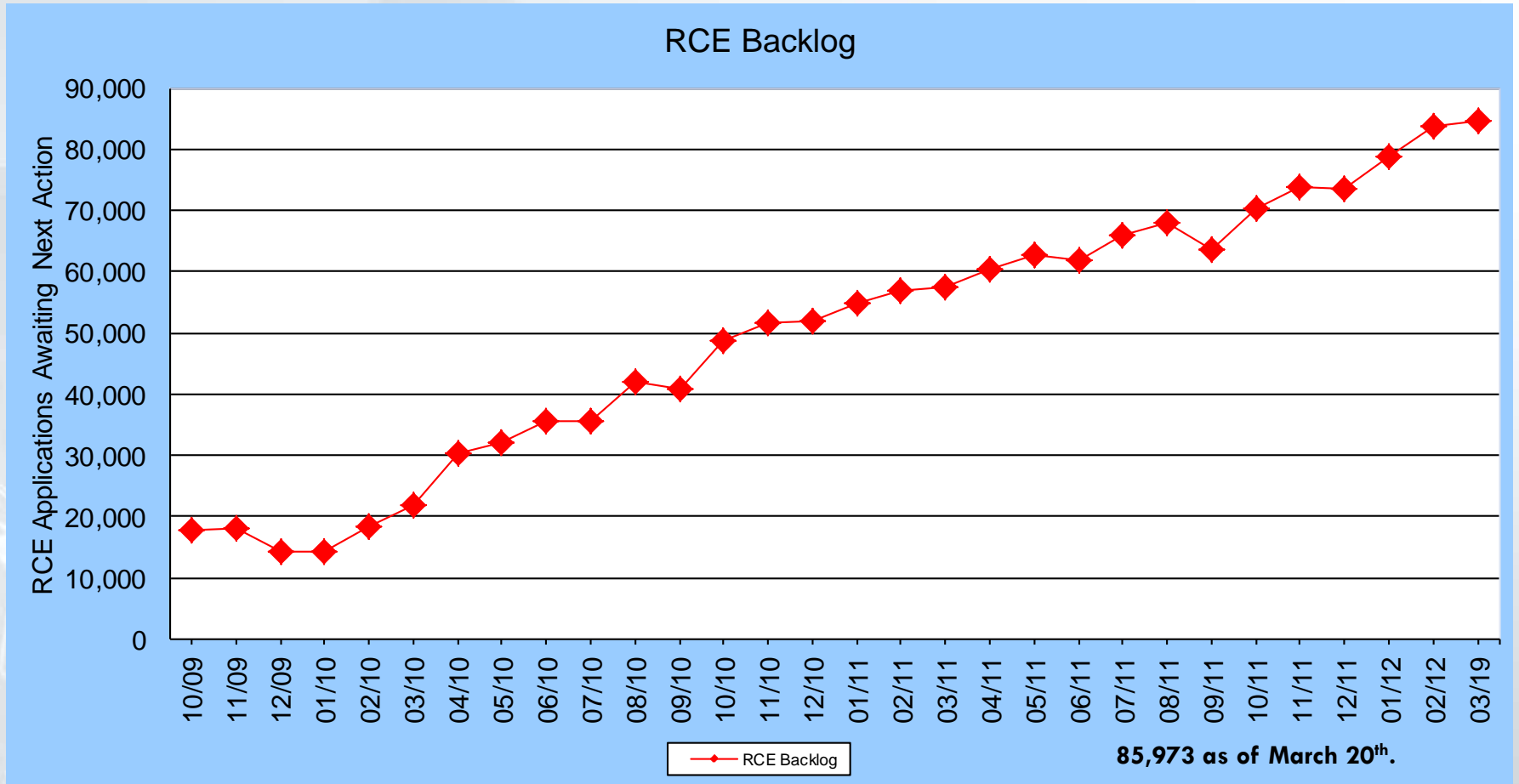
**FY 2012 Target based on 2013 President's Budget:**

**533,300 (5.2% Projected Growth over FY 2011)**



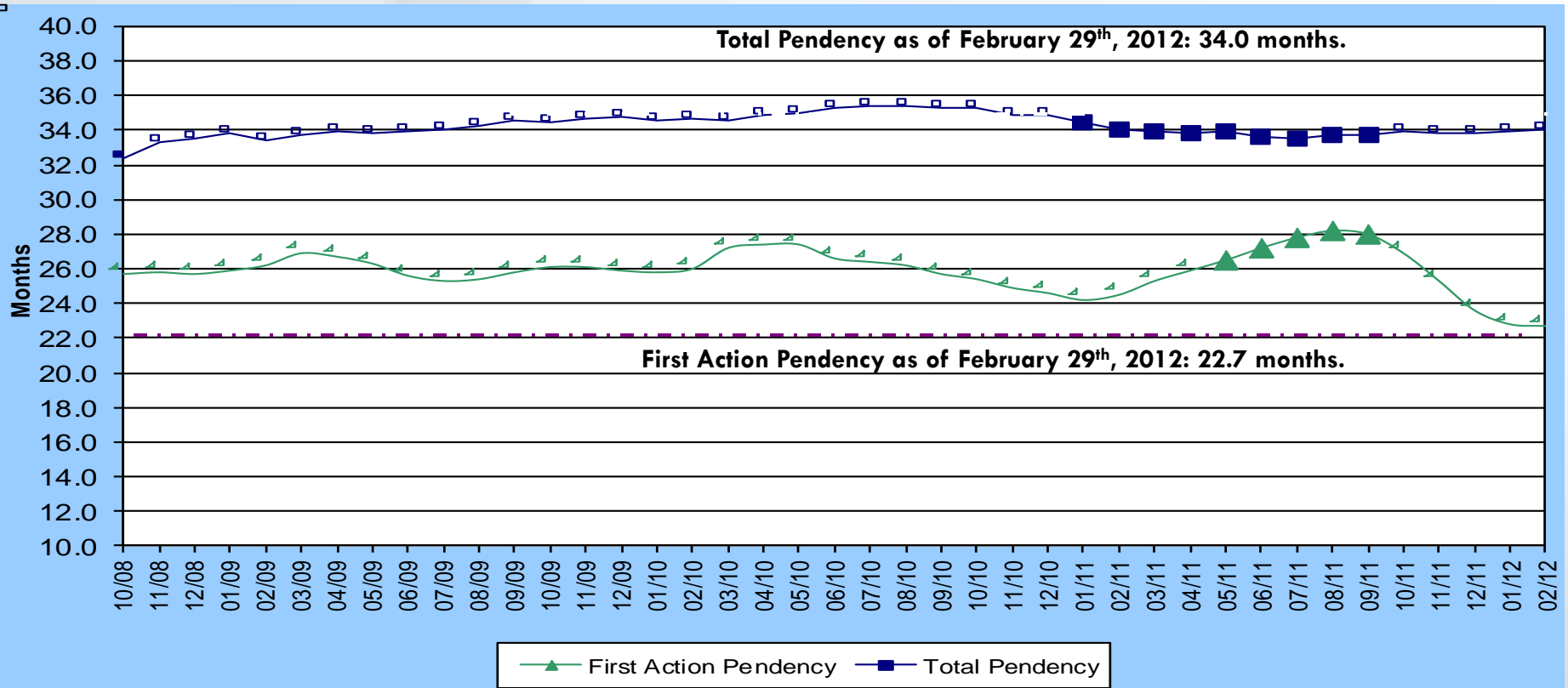
# RCE Backlog

## FY 2010 – FY 2012 (through March 20<sup>th</sup>)





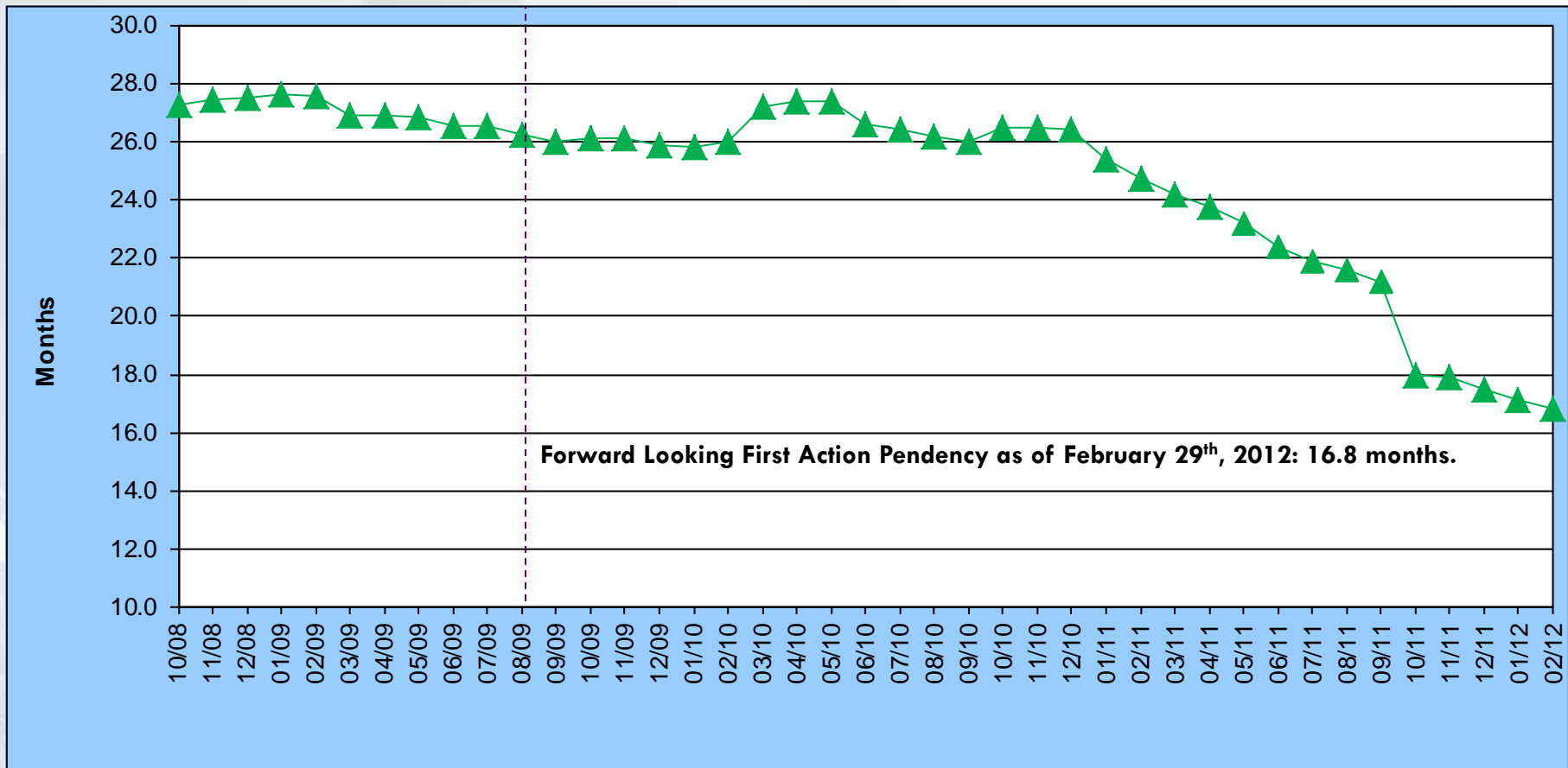
# First Action Pendency and Total Pendency FY 2009 – FY 2012 (through February)



- . - . - Average Total Pendency FY 2012 Target: 34.7 months (Actual as of 02/29/12 – 34.0 months)
- . - . - Average First Action Pendency FY 2012 Target: 22.5 months (Actual as of 02/29/12 – 22.7 months)
- (Average First Action Pendency FY 2012 Stretch Target Less CPC Adjustment: 22.3 months)



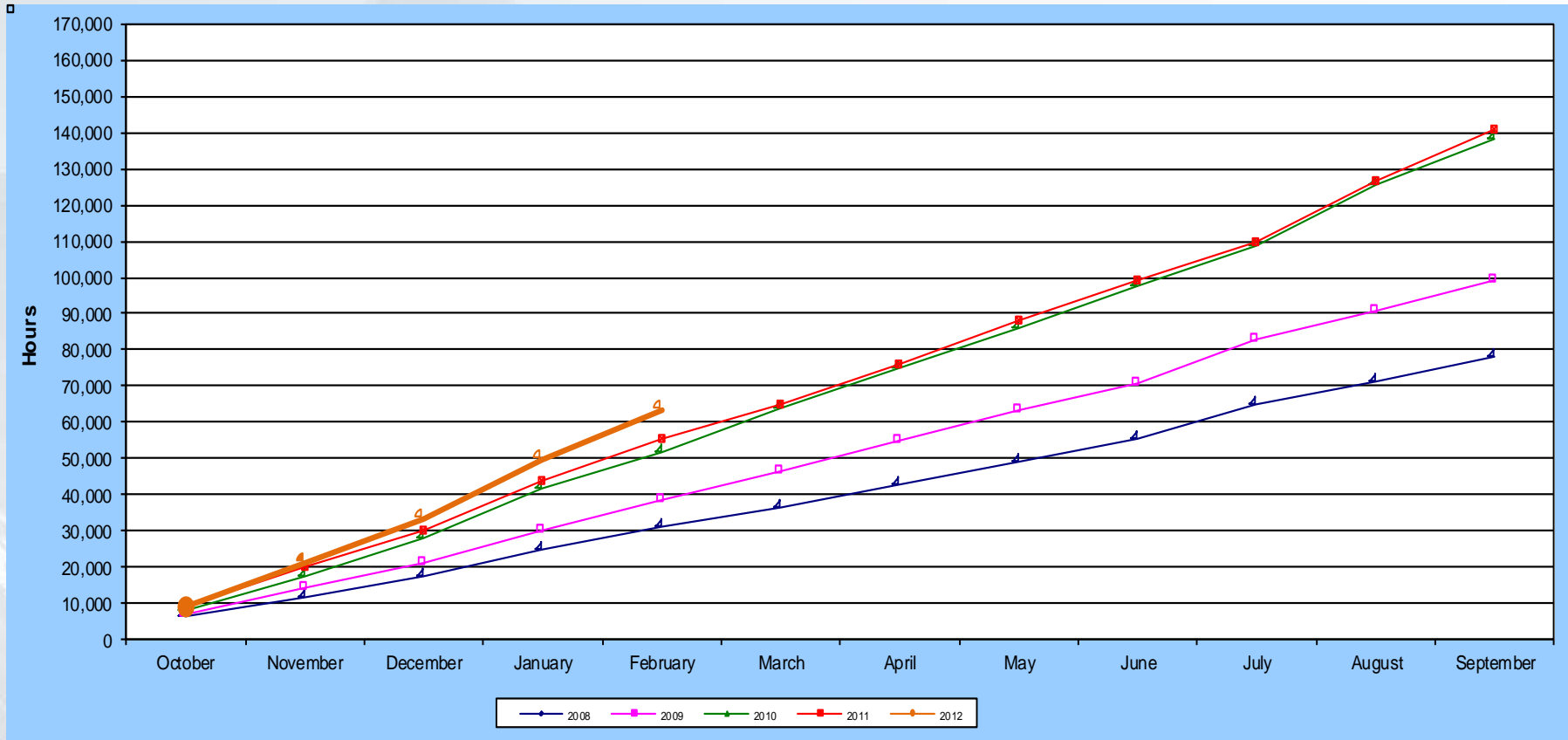
# Forward Looking First Action Pendency FY 2009 – FY 2012 (through February)



Forward Looking Pendency represents an estimate of the average number of months it would take to complete a first Office action under current and projected workload and resource levels for an application filed at the given date.



# Interview Time FY 2008 – FY 2012 (through February)



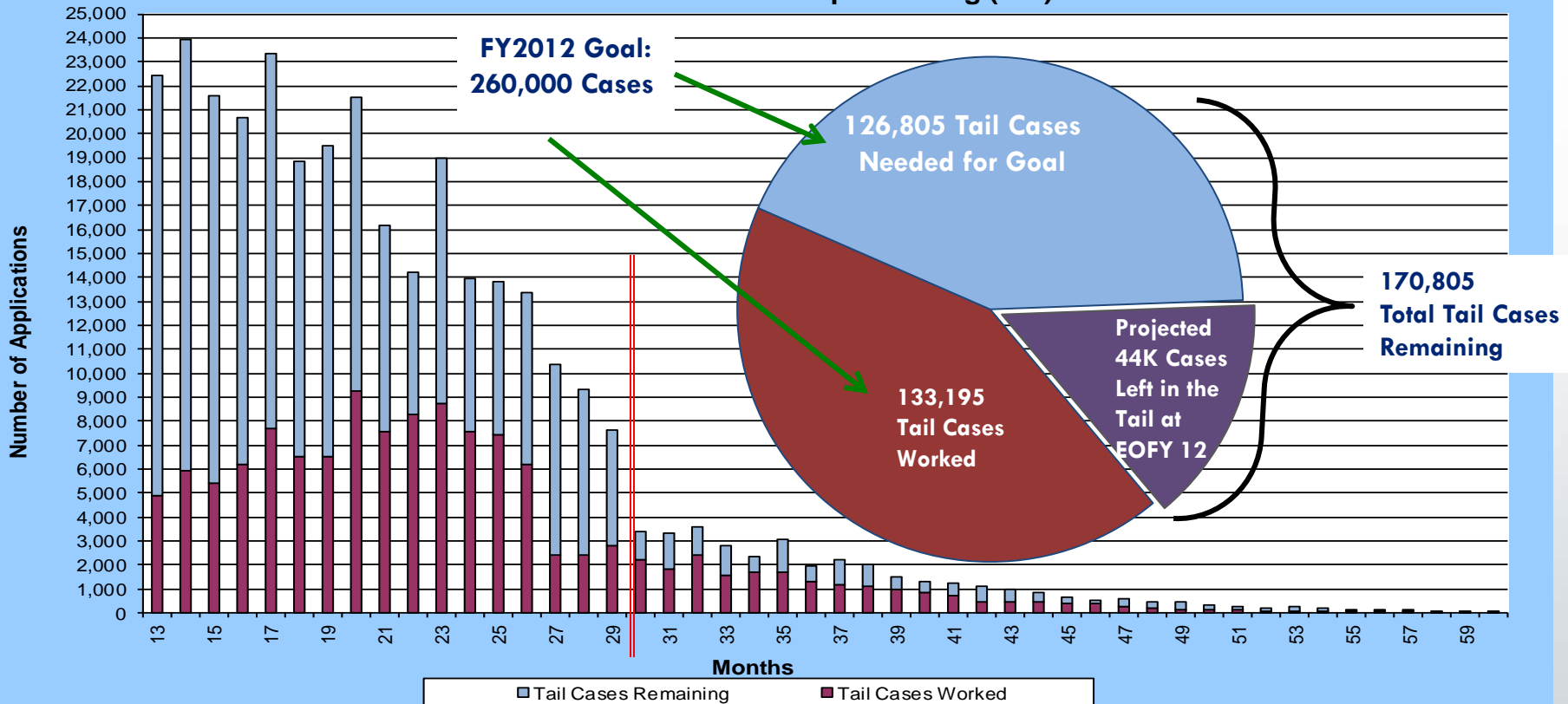
(63,124 hours as of February, 2012, compared with 55,285 hours as of February, 2011.)





# Clearing the Oldest Patent Applications 2.0 (COPA) FY 2012 (through March 19<sup>th</sup>, 2012)

**Distribution of Corps Backlog (Tail)**



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

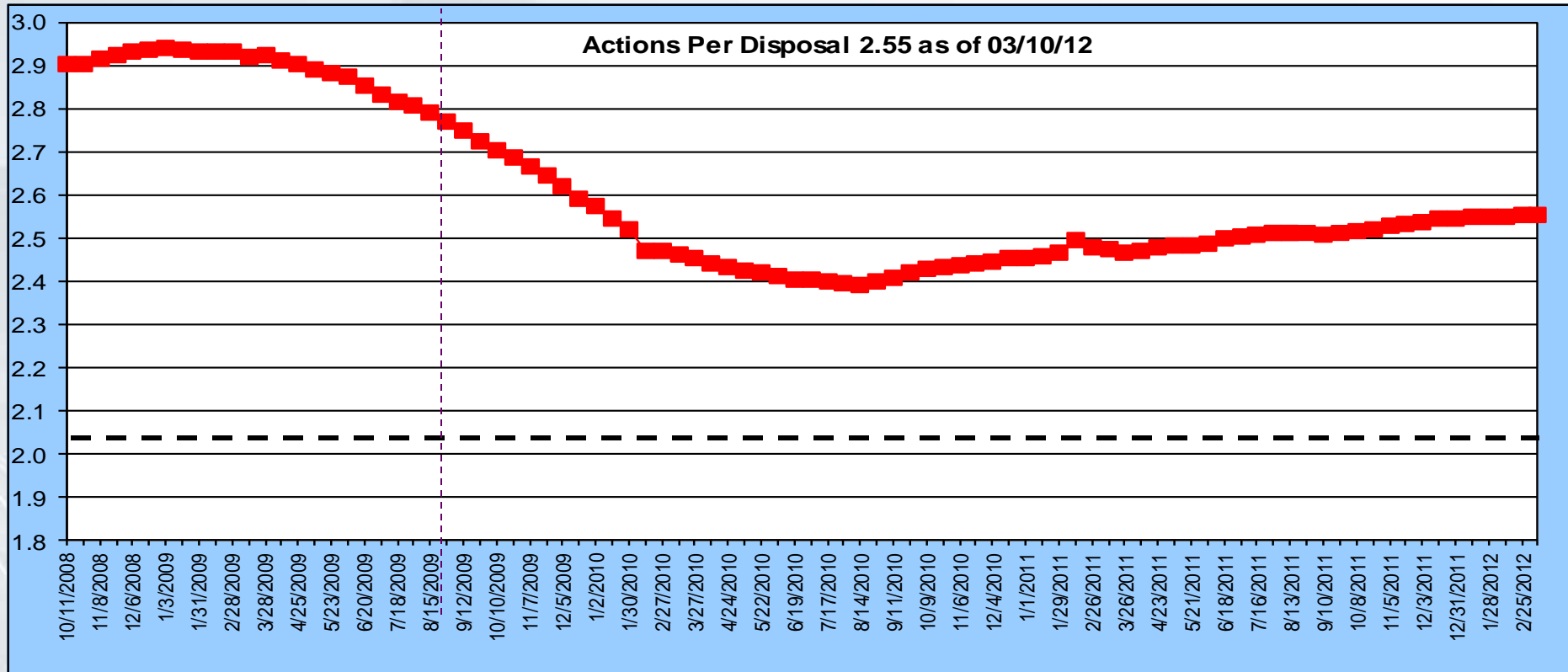
**FY 2012 Goal: Reduce COPA Backlog (Tail) by 260,000 applications (17,515 applications have been disposed)**

*17,213 of the original COPA 1.0 cases are awaiting first action.*

— Applications to the right of the red line include pending cases from the COPA 1.0 initiative.



# 12 Month Rolling Average Actions Per Disposal FY 2009 – FY 2012 (through March 10th, 2012)

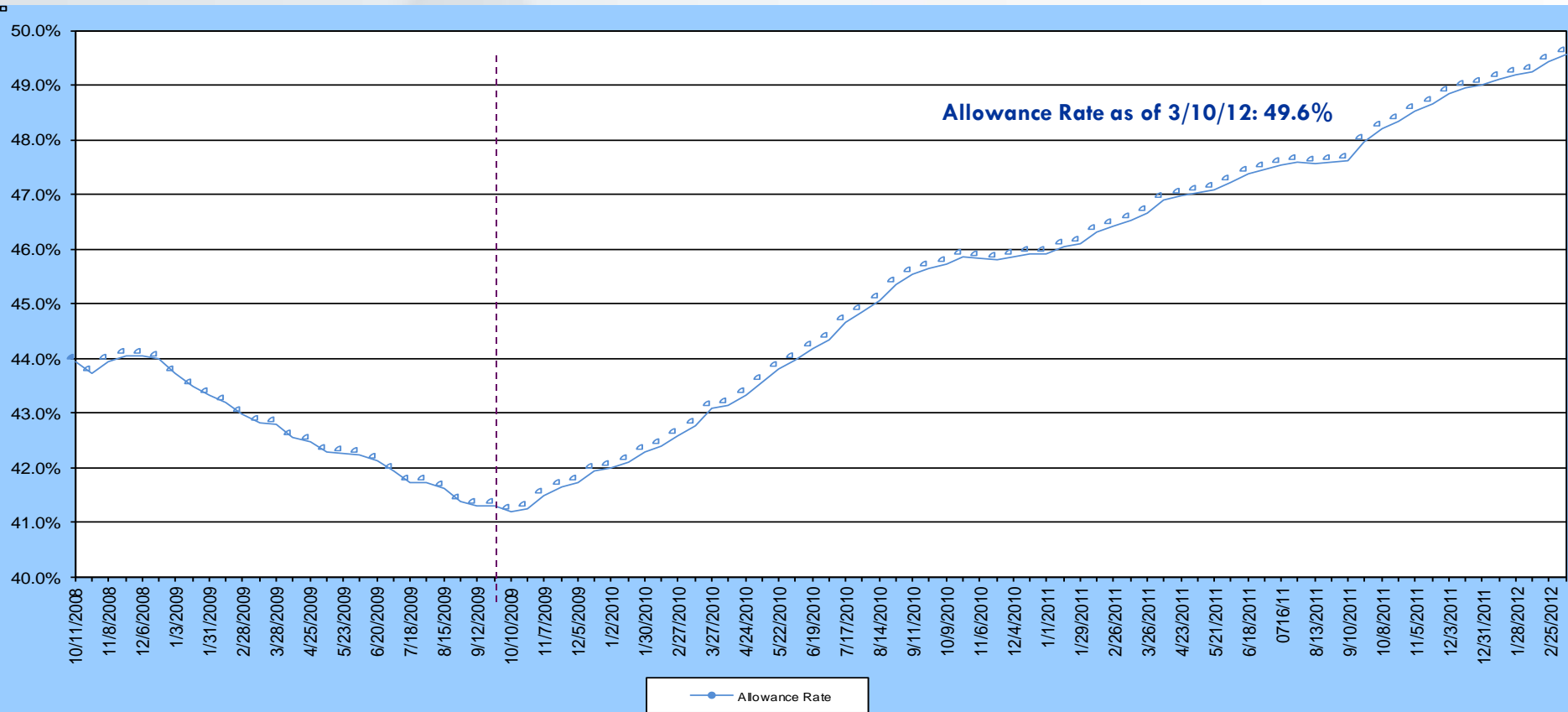


----- Actions Per Disposal Target

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 February 25<sup>th</sup>, 2012)



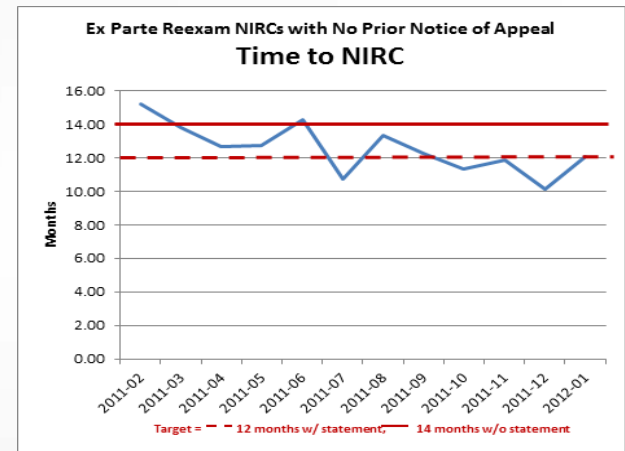
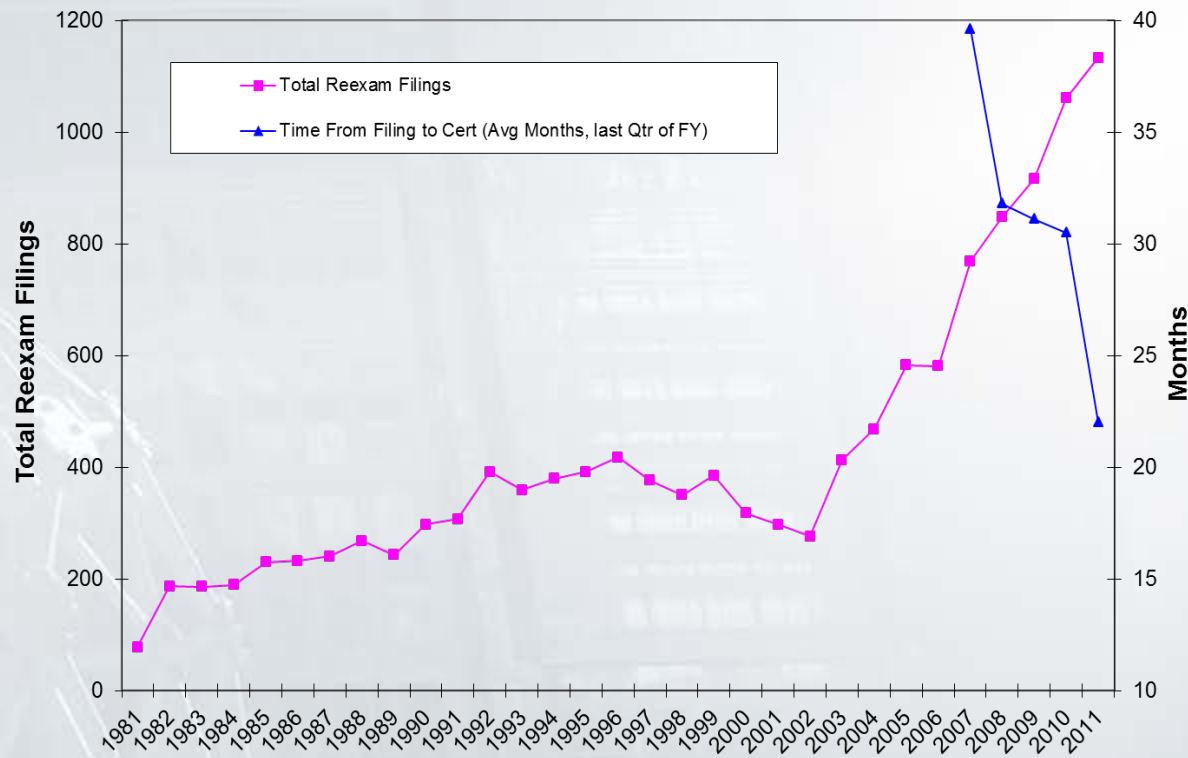
Sustained increase in allowance rate is a positive indicator – it shows increased efficiency of the workforce.



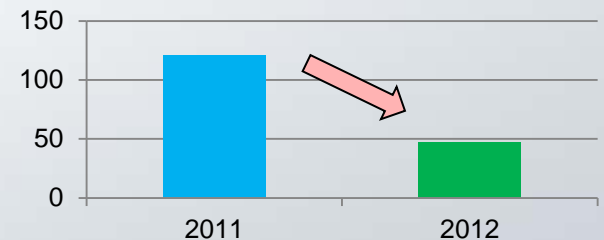
# Central Re-examination Unit (CRU)

- **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 Certificate



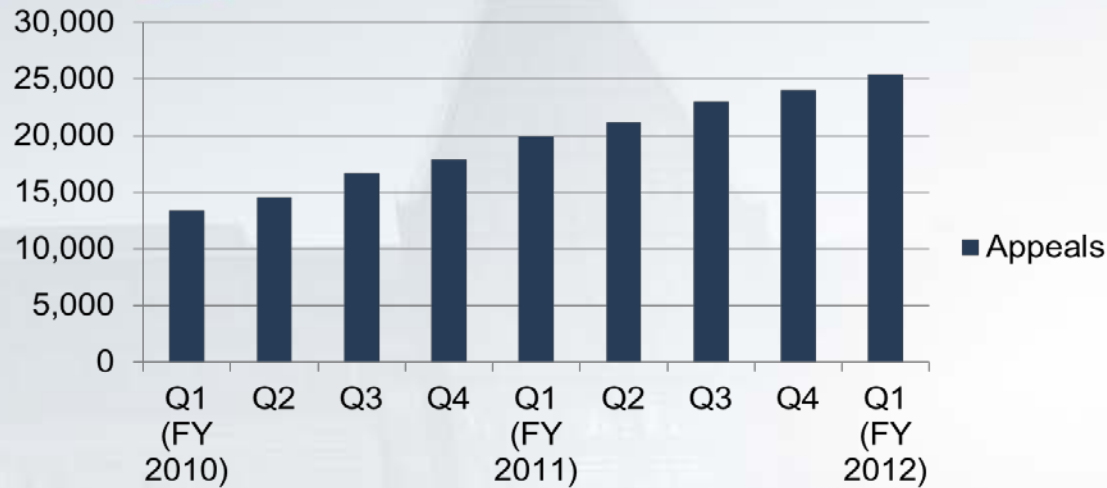
## AVERAGE NUMBER OF DAYS TO ISSUE



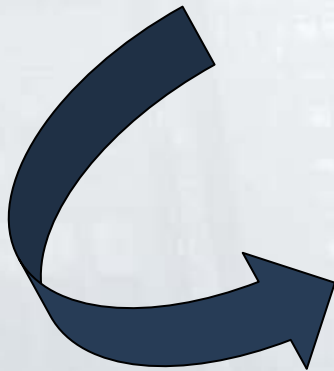


# Board of Patent Appeals & Interferences

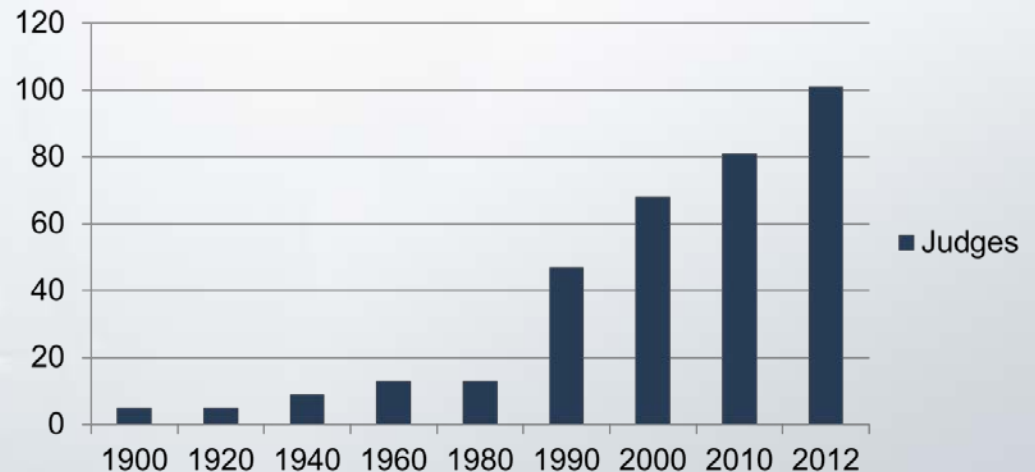
## Appeals



**\*Aggressive hiring to tackle BPAI backlog**



## Judges



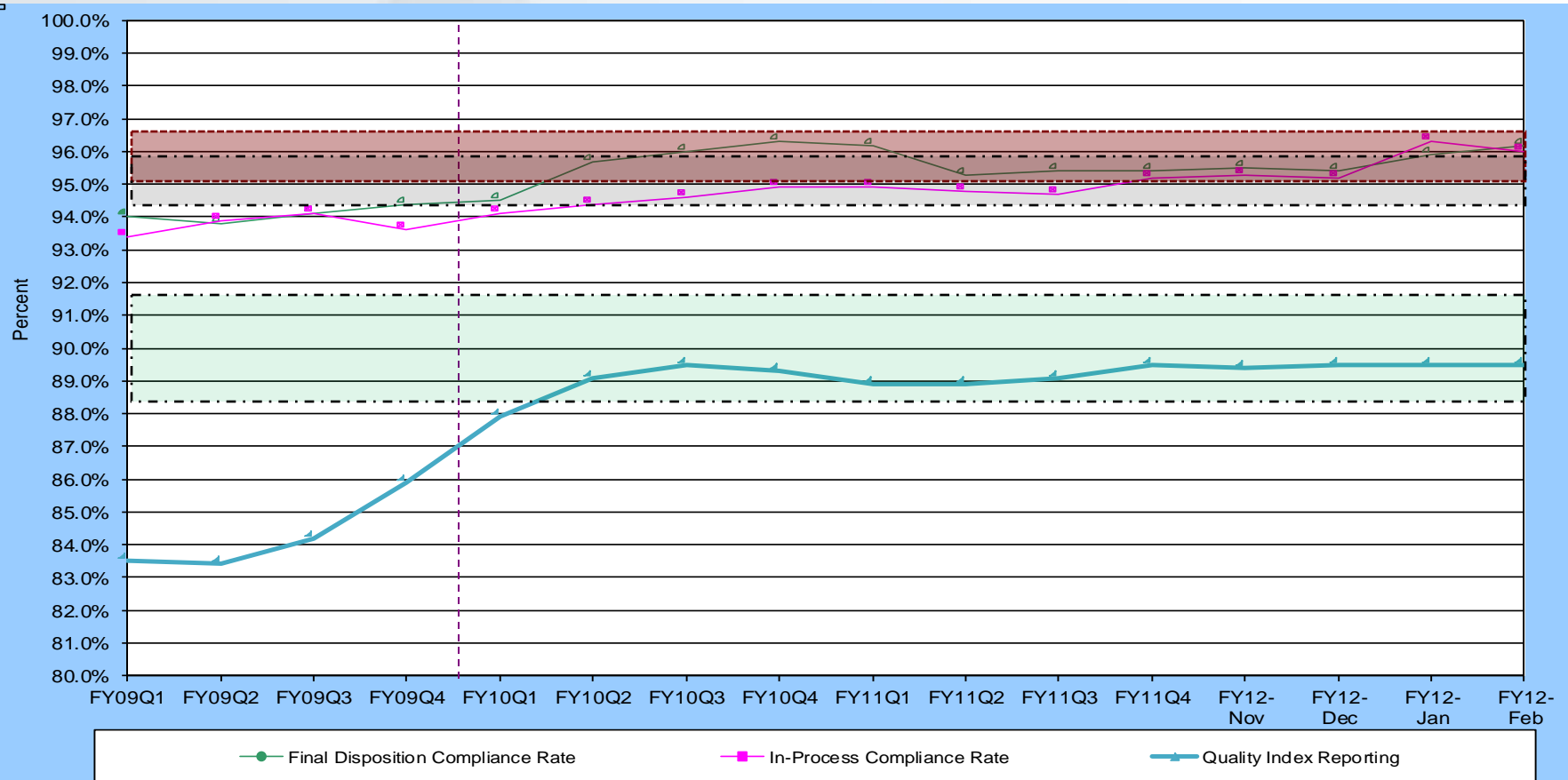


# Quality Measures

## Final Disposition, In-Process and QIR

### 12 Month Rolling Average

### FY 2009 – FY 2012 (through February)



**2012 Final Disposition Compliance Rate Target Range** 2012 In-Process Compliance Rate Target Range  
**(95.6% - 96.7%). Actual as of February: 96.2%** **(94.6% - 96.0%). Actual as of February: 96%**

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



# Quality Measures

Reporting Period	Patent Quality Composite Metrics							Quality Composite Score
	Final Disposition Compliance Rate	In-Process Compliance Rate	FAOM Search Review	Complete FAOM Review	Quality Index Reporting	External Quality Survey	Internal Quality Survey	
FY12-Feb	96.2%	96.0%	95.6%	90.9%	89.5%	3.0	4.3	44.6
FY12Q1	95.4%	95.2%	95.6%	91.0%	89.5%	3.0	4.3	35.2
FY11Q4	95.4%	95.2%	94.6%	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

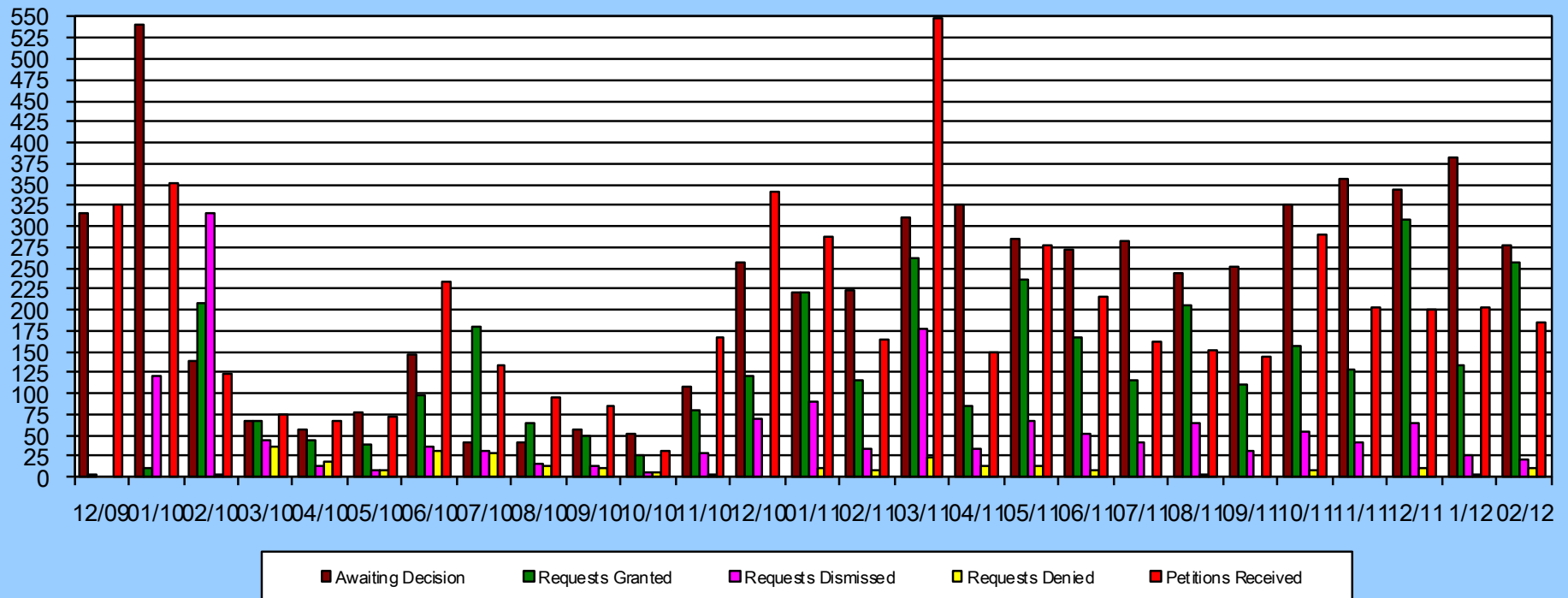
FY 2011 was baseline year.



# Green Technologies Pilot Data as of February 27<sup>th</sup>, 2012

Average time from petition grant to final disposition:	303 days
Shortest time from petition grant to final disposition:	47 days
Longest time from petition grant to final disposition:	740 days

Green Technologies Pilot																		
Request Summary	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	02/12	Total
<b>Petitions Received</b>	<b>32</b>	<b>166</b>	<b>340</b>	<b>287</b>	<b>165</b>	<b>548</b>	<b>150</b>	<b>276</b>	<b>216</b>	<b>162</b>	<b>151</b>	<b>145</b>	<b>291</b>	<b>202</b>	<b>201</b>	<b>202</b>	<b>186</b>	<b>5,550</b>
Awaiting Decision (by month)	51	107	256	220	224	310	327	285	272	282	244	252	325	357	345	382	278	
Requests Granted (by month)	26	81	122	222	117	263	86	237	167	116	206	111	156	128	308	134	256	3,500
Requests Denied (by month)	6	1	0	10	9	23	14	14	9	0	3	0	7	0	11	4	12	269
Requests Dismissed (by month)	5	28	69	91	35	176	33	67	53	41	65	32	55	42	65	27	22	1,503







# 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 March 16:

Paris-PPH	6,791
PCT-PPH	3,051
<b>Total</b>	<b>9,842</b>

- PPH results compared with all cases:

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



# Cooperative Patent Classification (CPC)

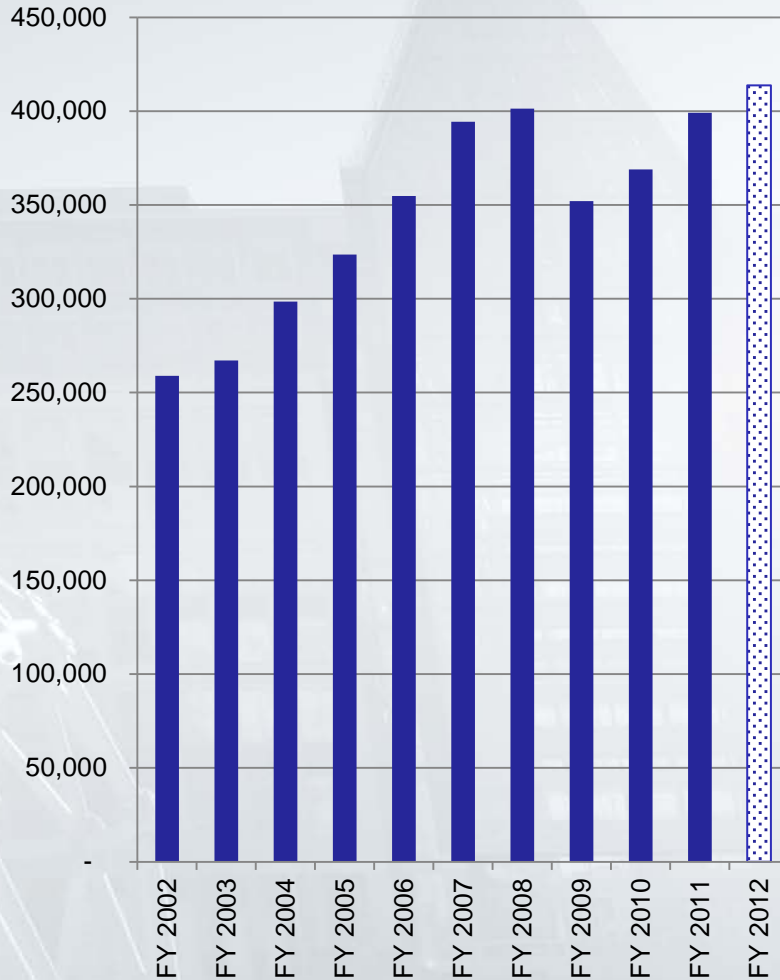


Europäisches  
Patentamt  
European  
Patent Office  
Office européen  
des brevets

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

<b><i>FY 2011</i></b> <b><i>Trademark Performance Measures</i></b>	<b>FY 2012</b> <b>Targets</b>	<b>FY 2012</b> <b>Q1</b> <b>Results</b>
<b>FIRST ACTION COMPLIANCE</b> 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.	<b>95.5%</b>	<b>94.1%*</b>
<b>FINAL ACTION COMPLIANCE</b> 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.	<b>97.0%</b>	<b>96.4%*</b>
<b>EXCELLENT OFFICE ACTION</b> New measure for FY 2011 indicating the comprehensive quality of the first Office action search, evidence, writing and decision making.	<b>20.0%</b>	<b>22.1%</b>

**\*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

Should you encounter any bugs, lack of functionality, or other problems, please consult the TSDR FAQs. To provide feedback, please email [TSDR@uspto.gov](mailto:TSDR@uspto.gov).

[TSDR FAQs](#)

## Trademark Status & Document Retrieval (TSDR) ?

US Registration No

[Advanced Search](#)

Status results found

STATUS	DOCUMENTS	View Assignment	View Proceeding	Download	Print Preview
Mark: <b>GOHUSKIES.COM</b>					
<b>GOHUSKIES.COM</b>					
<b>US Serial Number:</b> 77065340		<b>Application Filing Date:</b> Dec. 15, 2006			
<b>US Registration Number:</b> 3402559		<b>Registration Date:</b> Mar. 25, 2008			
<b>Register:</b> Principal					
<b>Mark Type:</b> Service Mark					
<b>Status:</b> Registered. The registration date is used to determine when post-registration maintenance documents are due.					
<b>Status Date:</b> Mar. 25, 2008					
<b>Publication Date:</b> Jul. 24, 2007					
<b>Mark Information</b> <span style="float: right;"><a href="#">Expand All</a></span>					
<b>Related Properties Information</b>					
<b>Goods and Services</b>					
<b>Basis Information (Case Level)</b>					
<b>Current Owner(s) Information</b>					
<b>Attorney/Correspondence Information</b>					
<b>Prosecution History</b>					
<b>TM Staff and Location Information</b>					

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- Notification and Federal Employee Antidiscrimination and Retaliation (NoFEAR) Act
- Budget & Performance

- Freedom of Information Act (FOIA)
- Department of Commerce NoFEAR Act Report
- Regulations.gov
- STOPIFakes.gov

- Strategy Targeting Organized Privacy (STOPI)
- Information Quality Guidelines
- Department of Commerce
- USPTO Webmaster



# IP & Humanitarian Challenges

**Patents**  
for **Hum****nity**



[http://  
patentsforhumanity.  
challenge.gov/](http://patentsforhumanity.challenge.gov/)

- **President's Global Development Agenda**
- **Awards competition for patent owners and licensees who apply their disruptive technologies to underserved people of the world**
- **Accepting Applications Since March 1, 2012**
- ***Judges will choose winners in four categories:***
  - *medical technology*
  - *food and nutrition*
  - *clean technology*
  - *information technology*



## 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.



Event: Title of the Event Here

Dynamic text about the event or item here



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



**America Invents Act**  
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# IP Awareness Assessment Tool

uspto.gov

The United States Patent and Trademark Office  
an agency of the Department of Commerce

## IP AWARENESS ASSESSMENT

IP Awareness Assessment

The Pre-assessment, containing five questions covering various types of Intellectual Property (IP), allows a quick determination of potential IPs of the user and provides an option for a customized IP assessment. Click at the following button to take the Pre-assessment.

**Pre-Assessment**

The full assessment, containing ten categories and over sixty questions, is available for assessing awareness about all the aspects of IP. Click at the following button to take the Full assessment.

**Full IP Assessment**

**IMPORTANT:**

**Before starting the assessment, please read the following:**

(1) While taking the assessment, please choose the answer that best describes your business or applies to your business or you as an independent inventor or individual. Where applicable, choose all the responses that apply to your business or you. Any answer, response or data that you might provide in the assessment is not collected, stored, or used by the USPTO/NIST-MEP.

(2) Please save the link for this page as a favorite/bookmark on your browser. In the "Internet Options" of your browser, deselect/uncheck "Delete browser history on exit." This will allow you to return and resume your assessment session in case you cannot finish it in one sitting. This will also allow you to access your training materials and assessment results. If you do not save the link as a favorite, you will not be able to resume your prior session and you have to start from the beginning.

**About the IP Awareness Assessment:**

The IP Awareness Assessment, developed under the joint efforts of and National Institute of Standards and Technology/Manufacturing Extension Partnership (NIST/MEP) allows a user to assess IP awareness. Following the completion of the assessment, the user is provided a customized training material. To learn more about the IP Awareness Assessment, click here.

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Your feedback is crucial for improving the IP Awareness Assessment.

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IP Strategies & Best Practices

- Trademarks
- Copyrights
- Design Patents
- Trade Secrets
- Utility Patents
- Using Technology of Others
- Licensing Technology to Others
- International IP Rights
- IP Asset Tracking

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## IP AWARENESS ASSESSMENT

IP Strategies & Best Practices

**Question 1**

Are any of the products or services that you produce or plan to market unique to your company?

- Yes, some or all of our products or services are unique.
- No, our competitors also supply similar products or services.
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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

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
    1 --- 2
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    3 --- 4
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```

#### 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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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.

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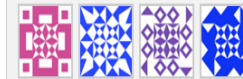
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  - [SB 130 EFS-Web eForm \[PDF\]](#) (version 1.0.18, 27JUL2009)
  - [SB 130 Quick Start Guide \[DOC\]](#)
- Petition to Accept Unintentional Delayed Payment of the Maintenance Fee (37 CFR 1.378(c))
  - [SB 66 EFS-Web eForm \[PDF\]](#) (version 2.2,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

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- 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))

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