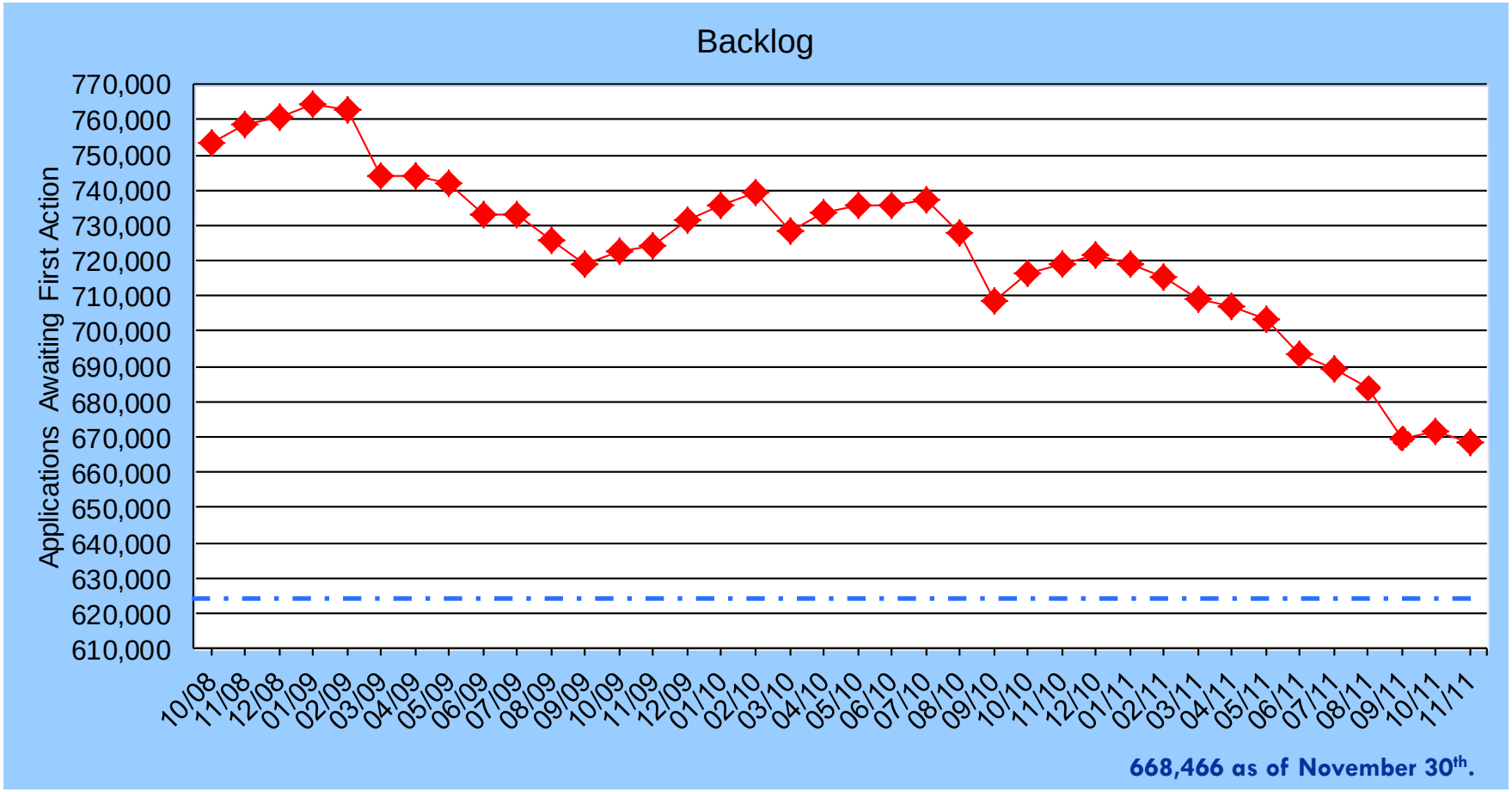
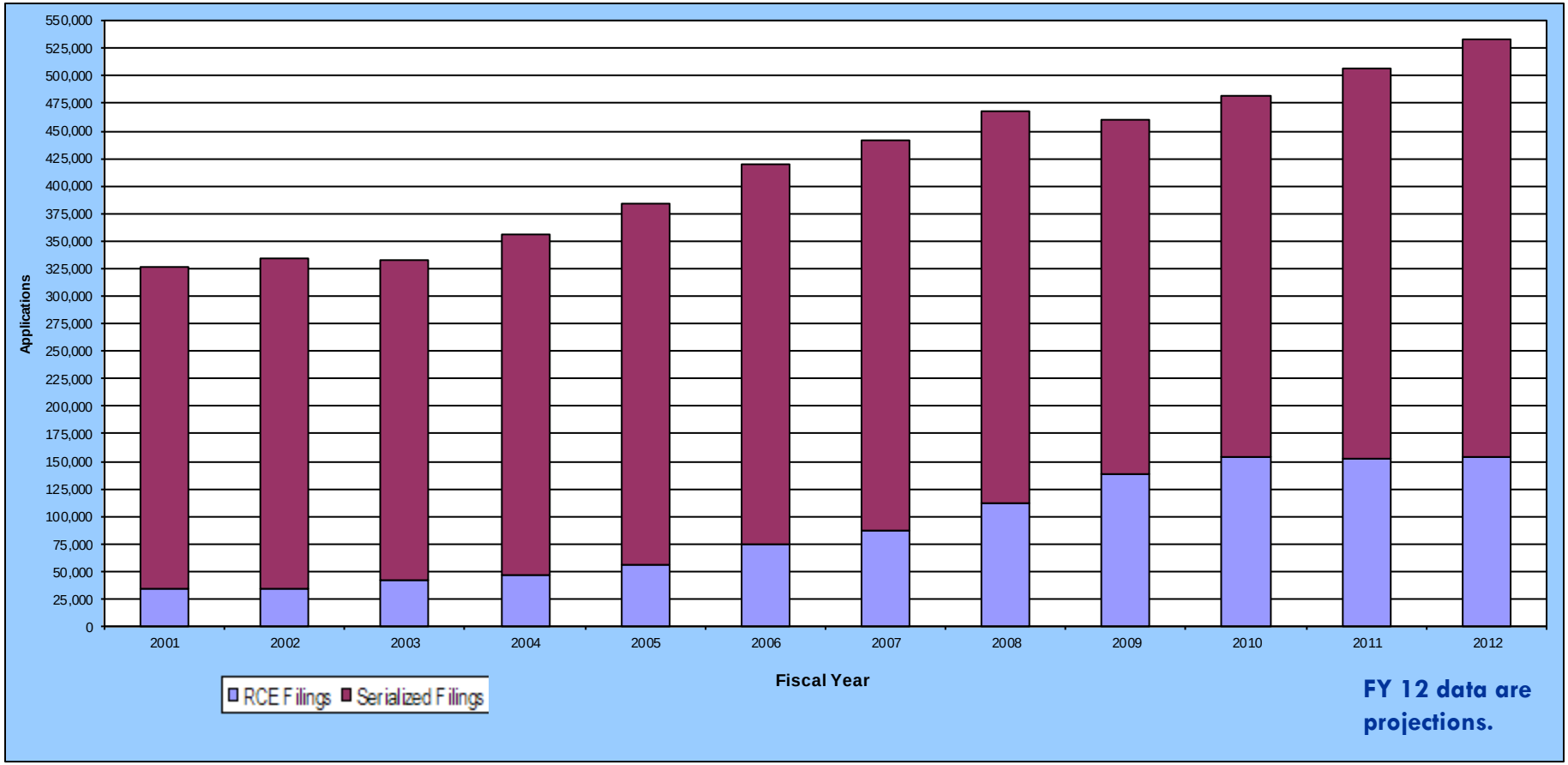
An Overview of U.S. Patent Operations

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

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



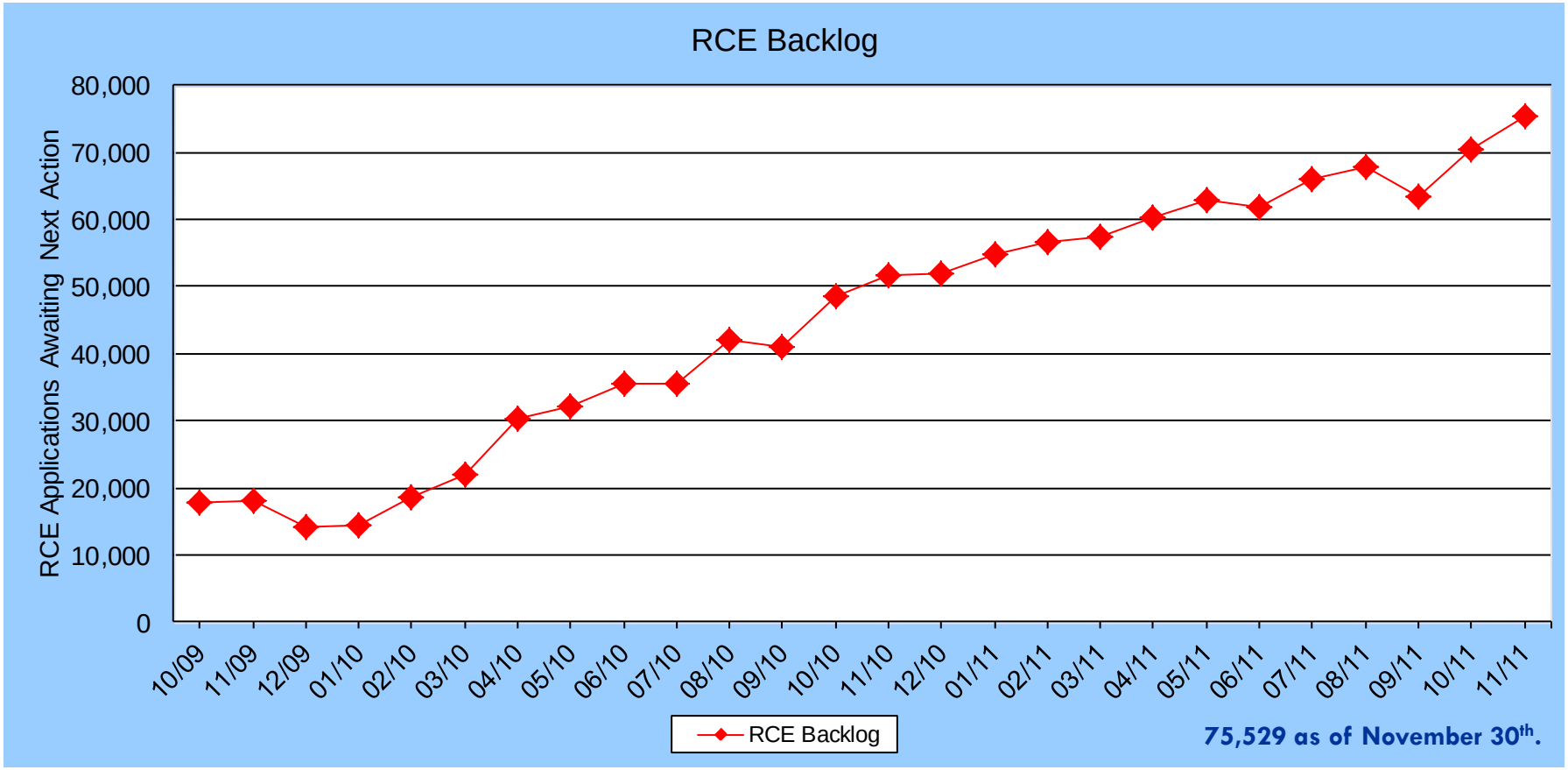
Total UPR and RCE Filings
FY 2001 – FY 2012 (projections)



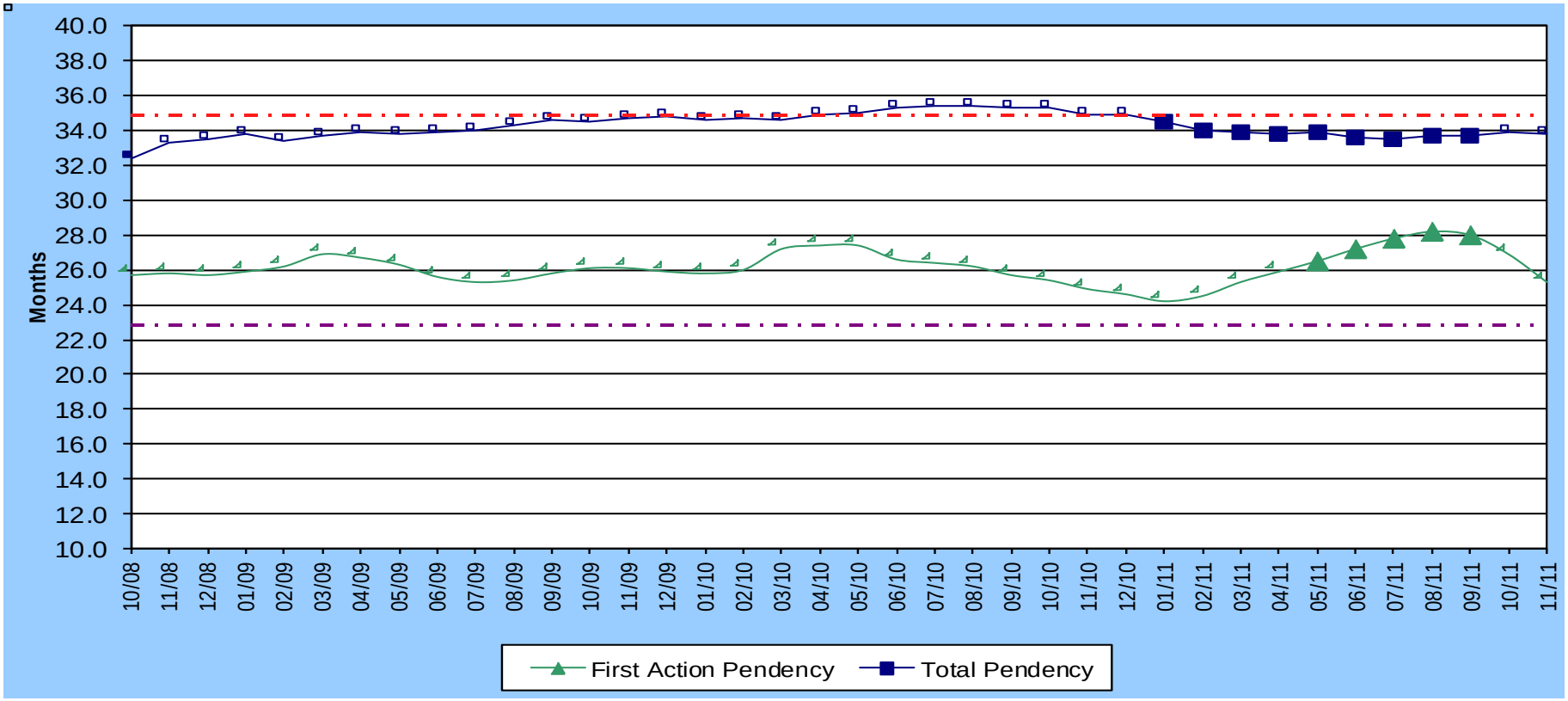
Preliminary FY 2012 Target:

533,300

RCE Backlog
FY 2010 – FY 2012 (through November)



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



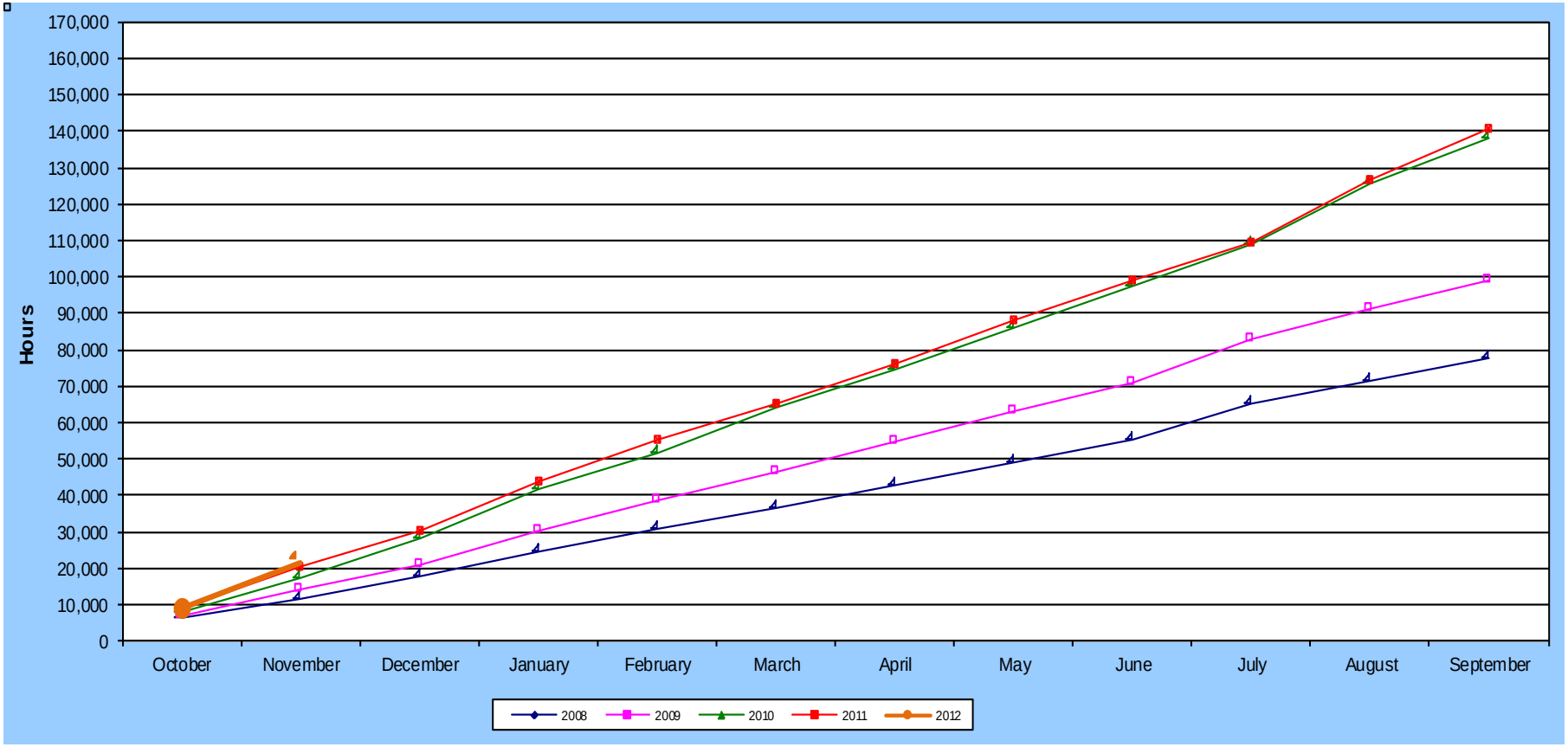
Preliminary FY 2012 First action Target:

22.5 Months

Preliminary FY 2012 Total Pendency Target:

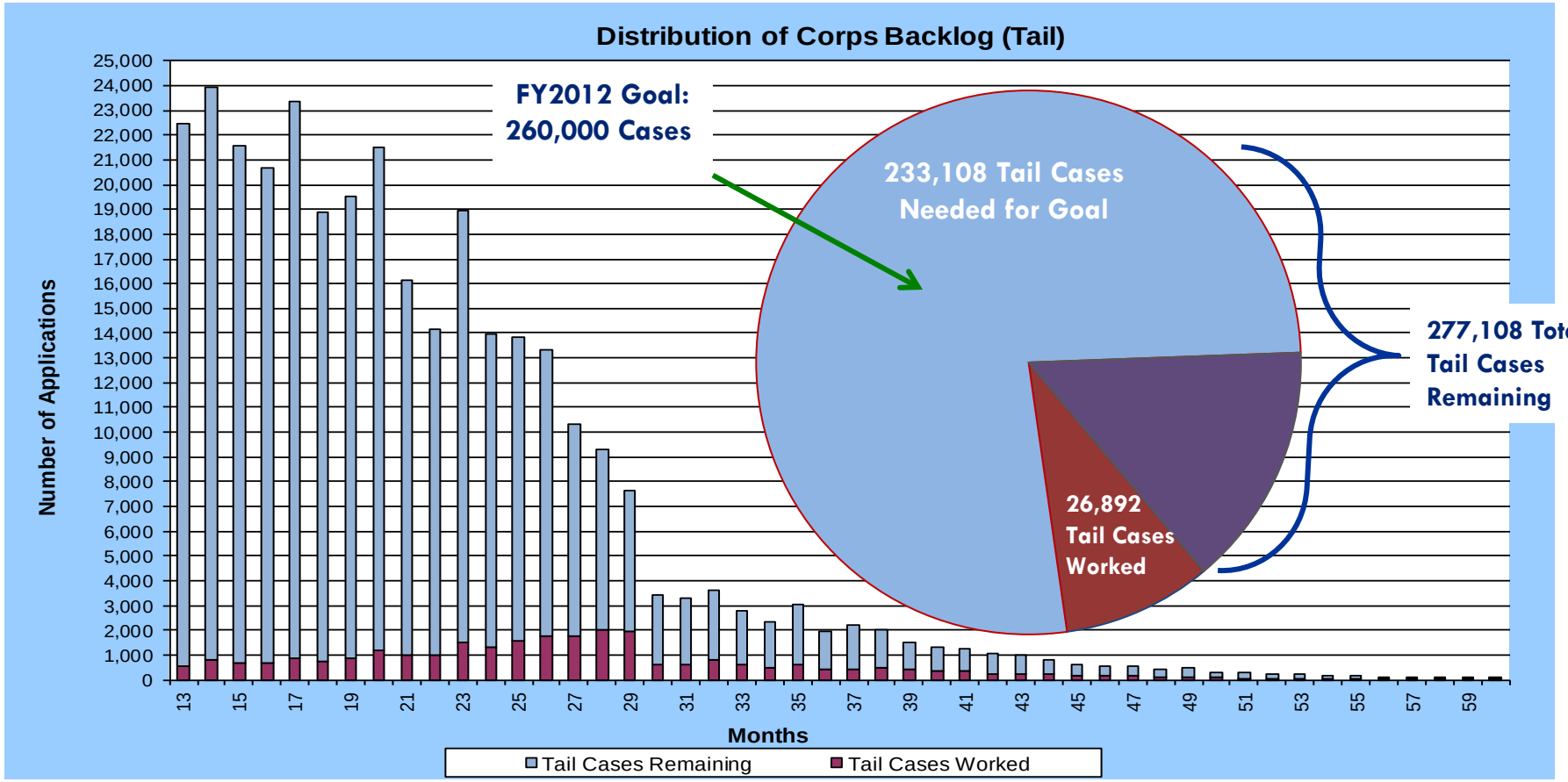
34.7 Months

Interview Time
FY 2008 – FY 2012 (through November)



21,273 hours as of November 2011, compared with 20,177 hours in November 2010.

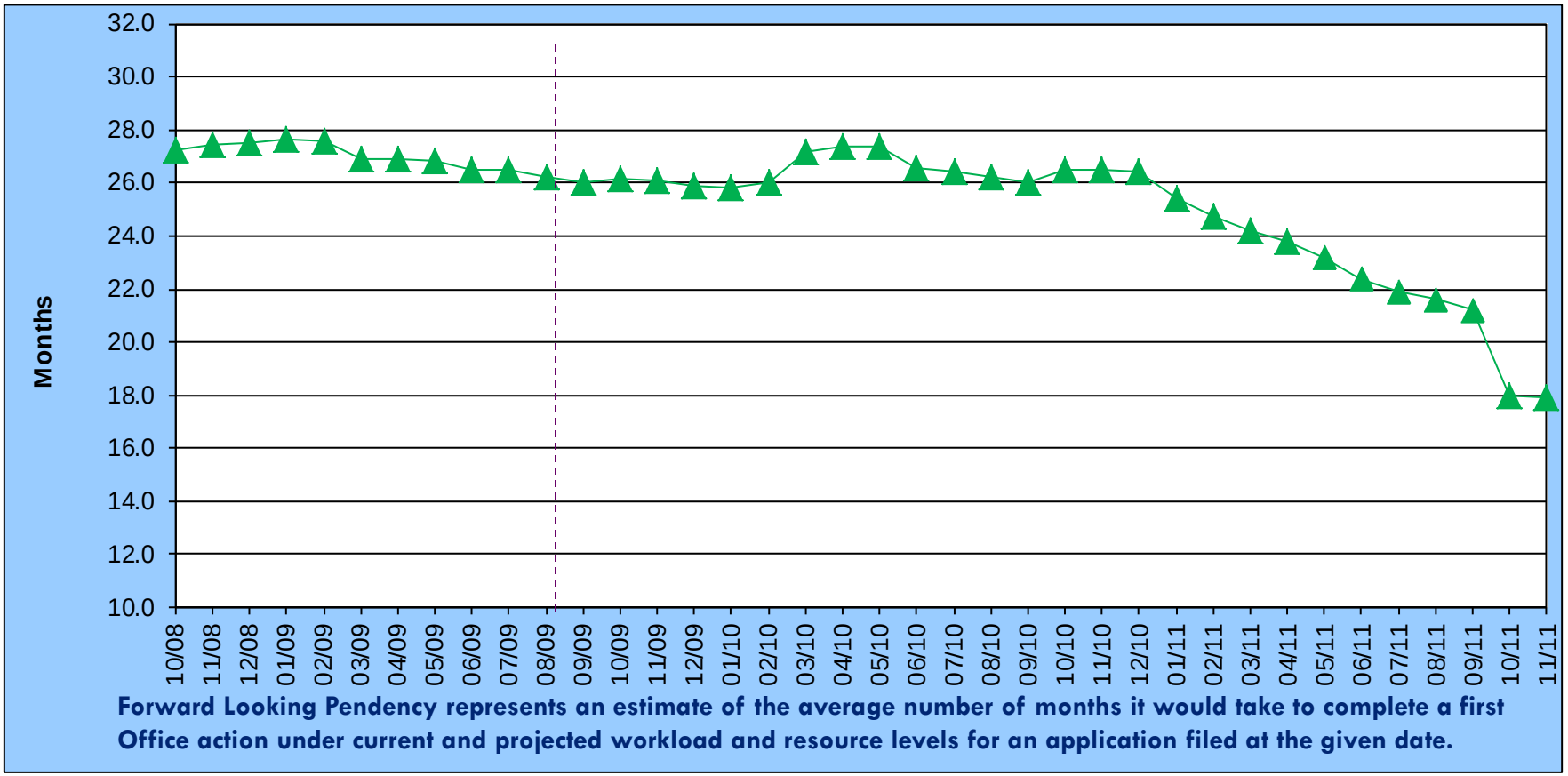
Clearing the Oldest Patent Applications 2.0 (COPA)
FY 2012 (through 11/5/11)



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

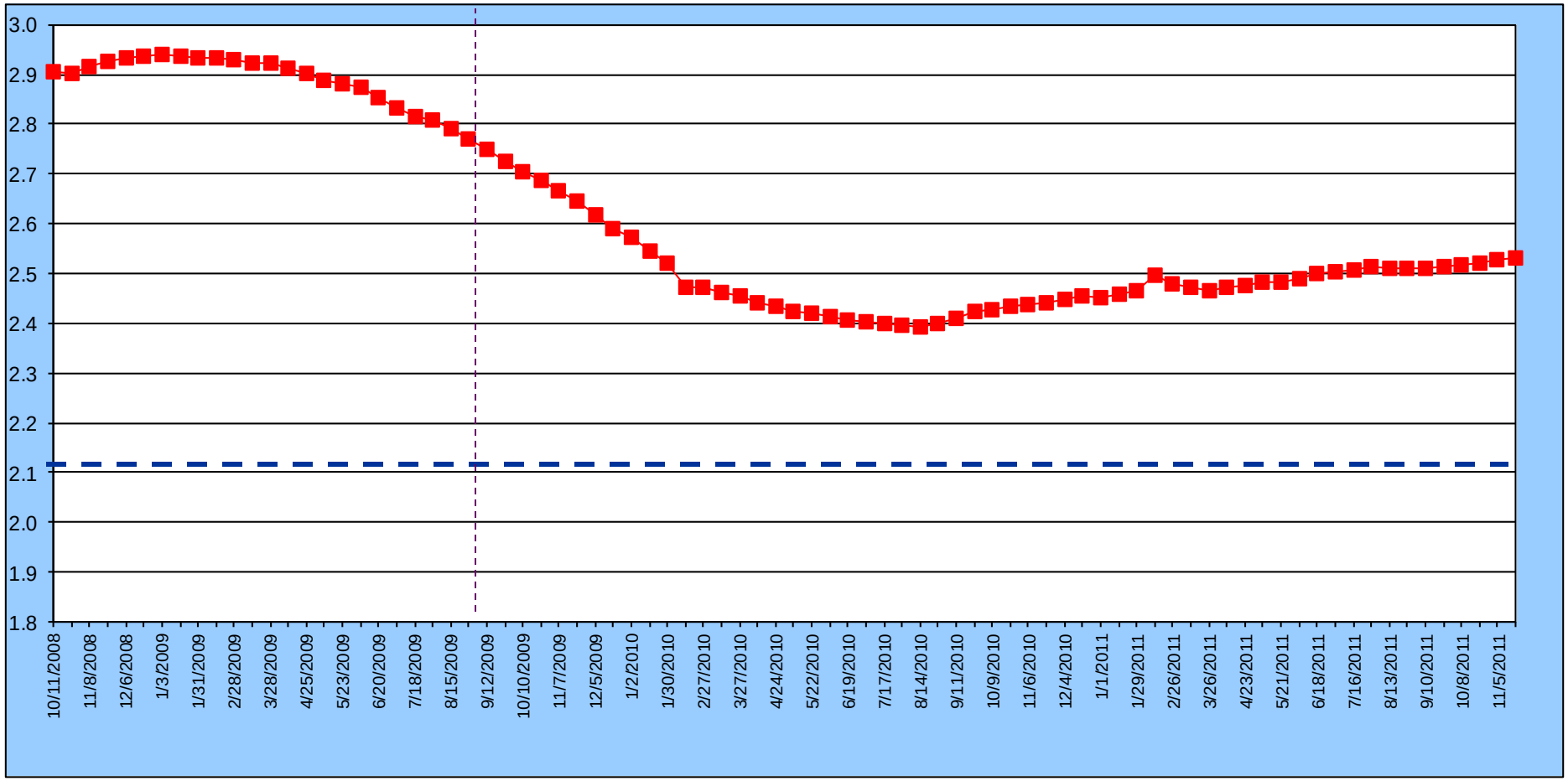
FY 2012 Goal: Reduce COPA Backlog (Tail) by 260,000 applications

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



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.

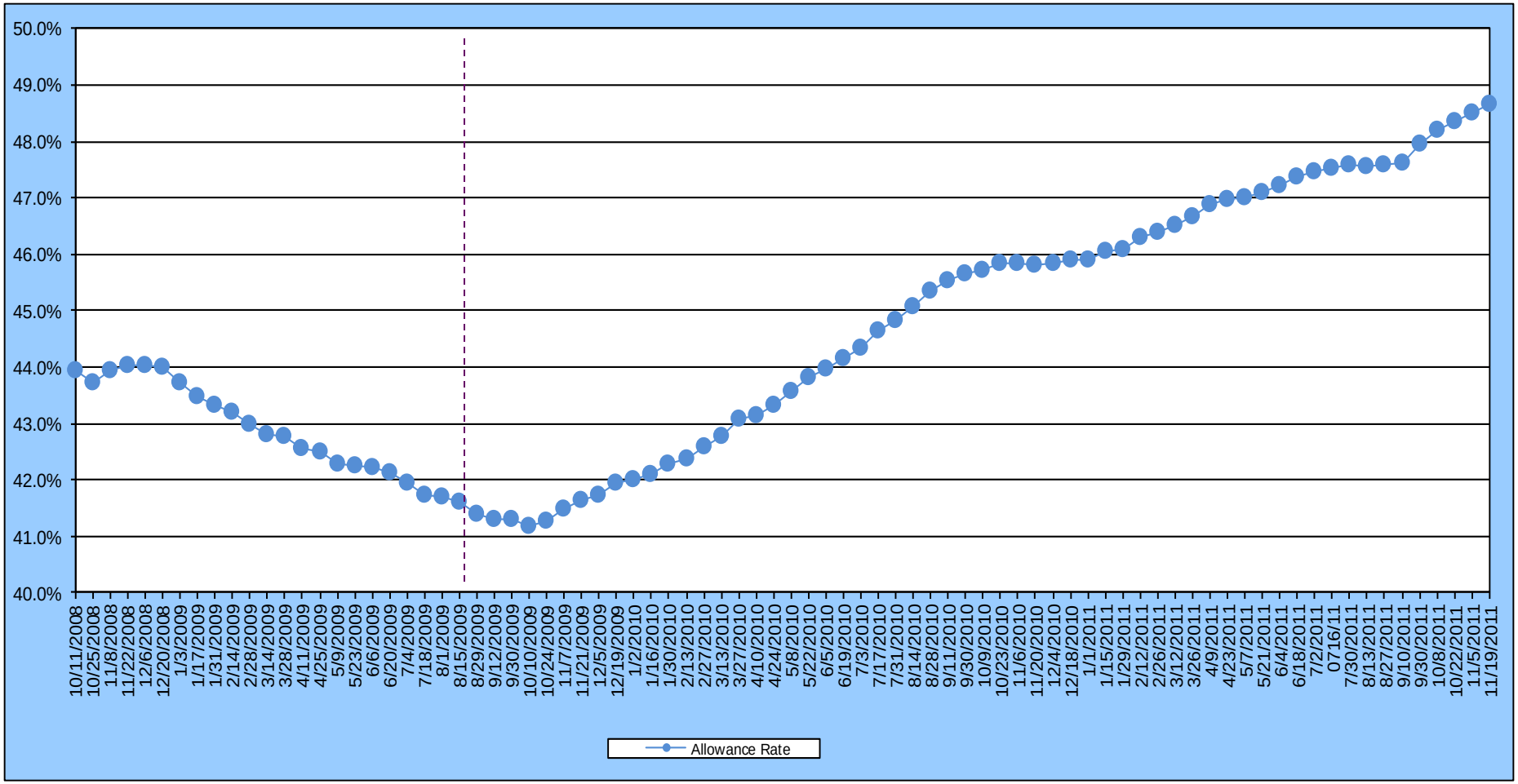
12 Month Rolling Average Actions Per Disposal, by Bi-Week FY 2009 – FY 2012 (through November)



Actions Per Disposal Target

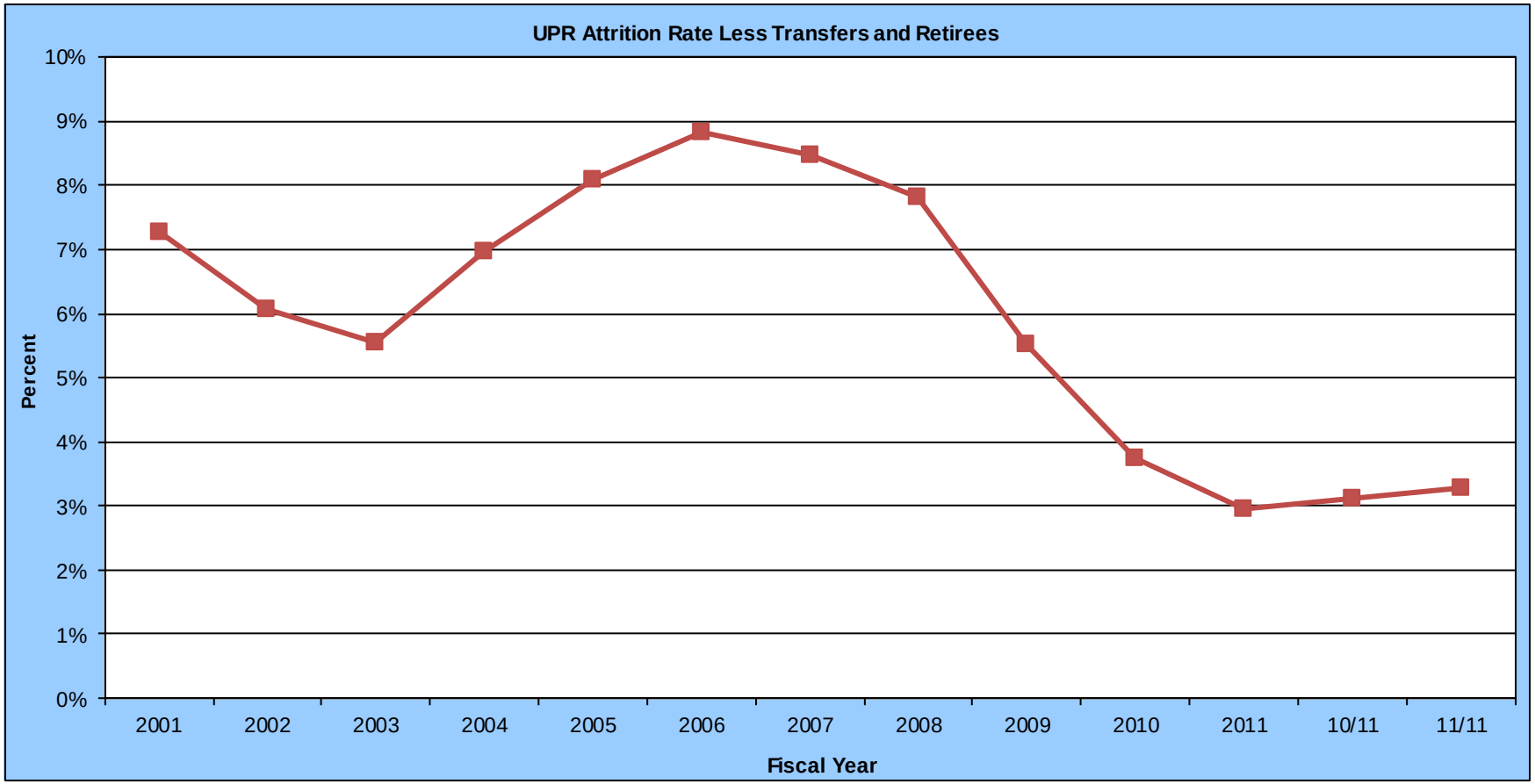
Sustained decrease in actions per disposal is a positive indicator – issues are being resolved efficiently.

12 Month Rolling Average Allowance Rate, by Bi-Week
FY 2009 – FY 2012 (November)

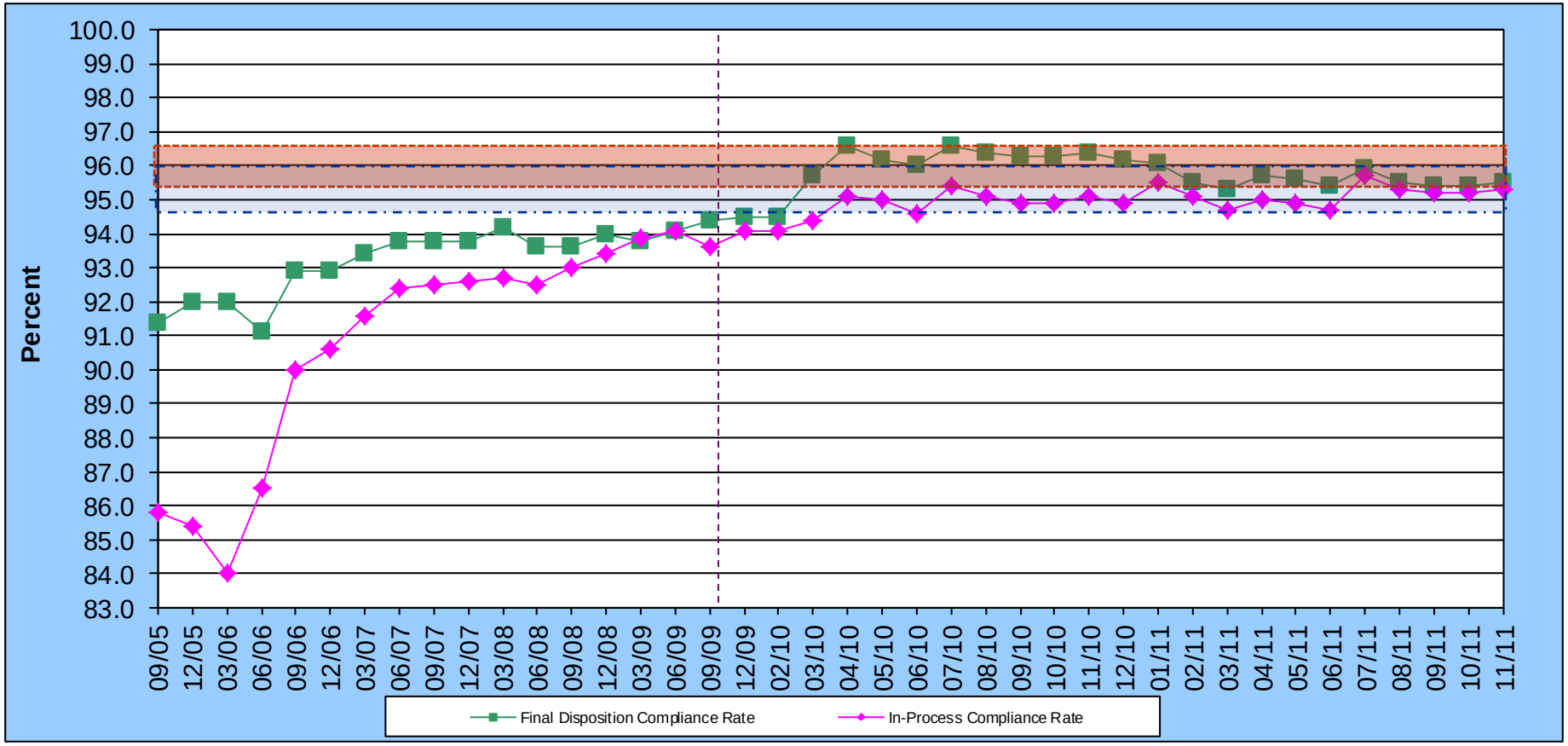


Sustained increase in allowance rate is a positive indicator – it shows increased efficiency of the workforce.

UPR Examiner Attrition Rate
Less Transfers and Retirees
FY 2001 – FY 2012 (November)



Quality Measures
12 Month Rolling Average
FY 2005 – FY 2012 (through November)



2012 Final Disposition Compliance Rate Target Range

(95.6% - 96.7%)

Actual as of November 2011: 95.5%

2012 In-Process Compliance Rate Target Range

(94.6% - 96.0%)

Actual as of November 2011: 95.3%

Quality Measures

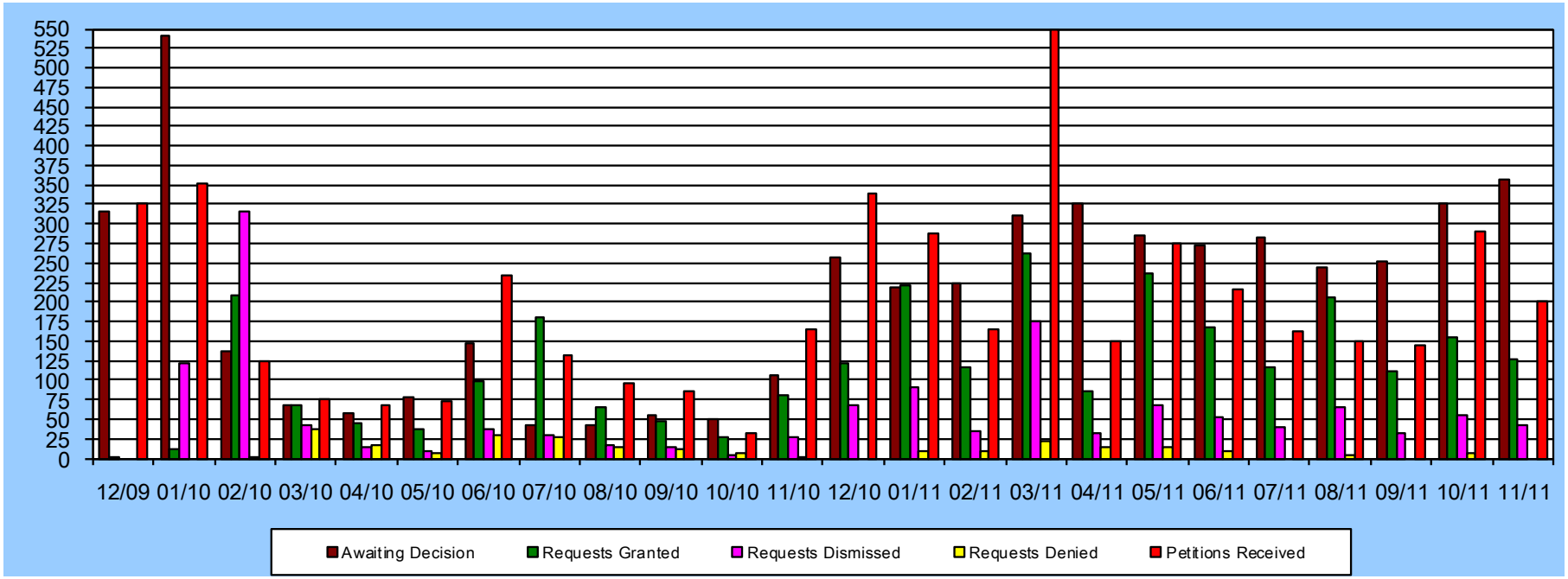
Reporting Period	USPTO Patents Quality Composite Item - Actual Metrics							
	Final Disposition Compliance Rate	In-Process Compliance Rate	Pre-FAOM Search Review	Complete FAOM Review	Quality Index Reporting	External Quality Survey	Internal Quality Survey	Quality Composite Score
FY12-Nov	**95.5%**	**95.3%**	**95.1%**	**90.8%**	**89.4%**	**N/A**	**N/A**	**N/A**
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
Definitions	The Final Rejection and Allowance (Final Disposition) compliance rate focuses on the correctness of the examiners' overall determination of the patentability of the claims in the decision to finally reject or allow an application. Metric determined by 12-month % Compliance as determined by OPQA random-sample-review of Allowances and Final Office Actions.	The In-Process compliance rate focuses on the quality of examination early in prosecution, rather than on the end-product. Metric determined by 12-month % Compliance as determined by OPQA random-sample-review of Non-Final Office Actions.	The First Action On The Merits (FAOM) Search Review and Complete FAOM Review provide comprehensive assessments of the degree to which the search conducted prior to the first office action, and the first action on the merits, respectively, conform with best practices. Metric determined by OPQA random-sample, points-based-review of examiner work product. Score=Points earned/available points.		12-month average of 5 Quality Index Reporting metrics being tracked for quality performance. Items are converted to "% desired behavior" for inclusion in Composite. Items tracked include: Actions per Disposal; RCEs as % of Total Disposals; Reopenings After Final; 2nd+ Action NonFinals; and Restrictions After First Action.	The External Quality Survey provides a measure of the degree to which the experience of patent applicants and practitioners reveal trends and issues indicative of quality concerns. The survey is conducted semi-annually and solicits input from stakeholders who are frequent customers of the USPTO on their perceptions of examination quality over the preceding three month period. The metric is reported as the ratio of positive to negative responses regarding satisfaction with overall examination quality.	The Internal Quality Survey measures the degree to which the experience of patent examiners reveals trends and issues indicative of quality concerns The survey is conducted semi-annually and ascertains examiner perceptions of their experiences with the various tools and inputs that are required to conduct a high quality examination. The metric is reported as the ratio of positive to negative responses to a question regarding overall satisfaction with examination quality.	The Quality Composite Score is composed of the seven individual metrics shown here. The composite metric determines progress in each component metric towards the desired five-year goal, applying a weighting factor to each metric and summing the weighted progress in each component metric to determine the overall progress towards the composite quality goal. A composite score of 0 represents the statistical achievement in the base year used for comparison. A composite score of 100 represents attainment of a superior level of performance identified as the stretch goal.

Green Technologies Pilot
December 2009 – November 2011

Average time from petition grant to final disposition:	262 days
Shortest time from petition grant to final disposition:	57 days
Longest time from petition grant to final disposition:	638 days

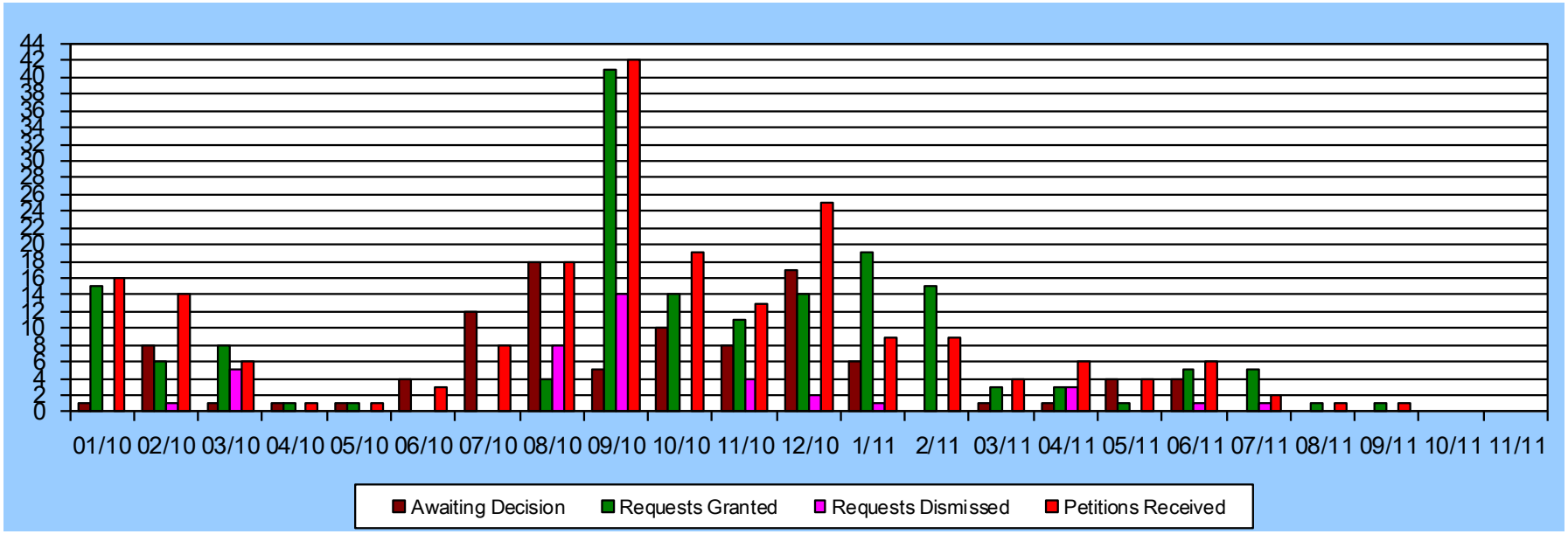
Green Technologies Pilot

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	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	4,790
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	
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	156	128	2,802
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	242
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	1,389



Project Exchange Pilot
January 2010 – November 2011

Project Exchange Pilot																								
Request Summary	**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**	**Total**
Petitions Received	**16**	**14**	**6**	**1**	**1**	**3**	**8**	**18**	**42**	**19**	**13**	**25**	**9**	**9**	**4**	**6**	**4**	**6**	**2**	**1**	**1**	**0**	**0**	**208**
Awaiting Decision (by month)	1	8	1	1	1	4	12	18	5	10	8	17	6	0	1	1	4	4	0	0	0	0	0	
Requests Granted (by month)	15	6	8	1	1	0	0	4	41	14	11	14	19	15	3	3	1	5	5	1	1	0	0	168
Requests Dismissed (by	0	1	5	0	0	0	0	8	14	0	4	2	1	0	0	3	0	1	1	0	0	0	0	40



Prioritized Examination (through November)

Request Summary	September FY11	October FY12	November FY12
Number of Requests Entered in PALM	852	403	233
Number of Request Allowed			9

uspto.GOV

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an agency of the Department of Commerce

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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
Dynamic text about the event or item here

Event: Title of the Event Here
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Event: Title of the Event Here
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- Patents Electronic Filing System (EFS-Web)
- Patents: Manual of Patent Examining Procedures (MPEP)
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- Trademarks: Official Gazette
- Trademark Applications and Registrations Retrieval (TARR)
- Trademark Manual of Examining Procedures (TMEP)
- USPTO Forms
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.GOV RESOURCES

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Flexible schedules and a career in innovation

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Department of Commerce business resources

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USPTO NEWS

Commissioner for Patents Robert Stoll to Retire from Government Service After 29 Years at the USPTO.

USPTO Launches Small Business Innovation Research Pilot Program

USPTO to Host Webinar on America Invents Act (AIA) With Senior Agency Officials

USPTO and EPO Launch New Website for the Cooperative Patent Classification (CPC) Project

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Patents end2end

- IT Overhaul for the 21st Century
- Dynamic views of drawings, claims, and annotations
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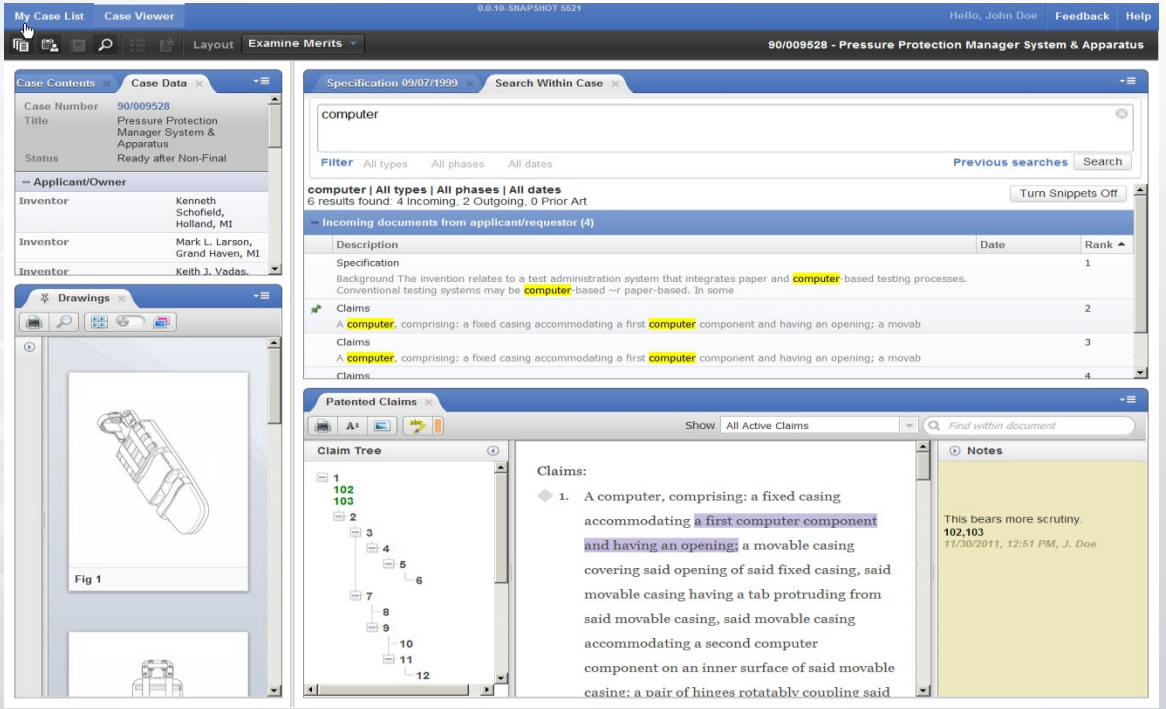

Case Contents | Case Data

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

- 1
  - 102
  - 103
  - 2
    - 3
      - 4
        - 5
          - 6
      - 7
        - 8
        - 9
          - 10
          - 11
            - 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

Discuss the MPEP

Search Ideas Search

Active Campaigns [Hide]

- All Ideas
  - 100 Secrecy, Access, National Security, and Foreign Filing
  - 200 Types, Cross-Noting, and Status of Application
  - 300 Ownership and Assignment
  - 400 Representative of Inventor or Owner

Archived Campaigns [Hide]

- All Ideas
  - Discuss Chapter 500: Receipt and Handling of Mail and Papers
  - Discuss Chapter 600: Parts, Form, and Content of Application
  - Discuss this Discussion Tool
  - Discuss the format of the new MPEP

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/americainventsact

We really appreciate your thinking and recommendations!

Submit New Idea

Getting Started:

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.

- **View and Comment on Other Peoples' Ideas** See all of the ideas below, or select a Chapter to see the ideas associated with it.
- **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 .
- **Go mobile!** Submission of ideas and voting can now be done using your smartphone; this discussion tool is available in a completely mobile version that will render optimally on any smart-phone with a Web browser. Of course, you can also still use the Web interface as before.

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  - Discuss Chapter 500: Receipt and Handling of Mail and Papers
  - Discuss Chapter 600: Parts, Form, and Content of Application
  - Discuss this Discussion Tool
  - Discuss the format of the new MPEP

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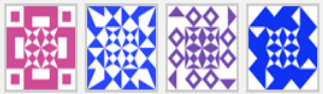
Discuss Chapter 600: Parts, Form, and Content of Application :

You can start a discussion about a section within this chapter by clicking on the boxed plus sign to the left of the chapter name. The contents of the chapter will be shown beneath it. Select a section or 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 »

12 votes

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/08A form is limited to US and foreign patents and their ... more »

5 comments — Submitted by Julie Burke 10 months ago

608.01(C) BACKGROUND OF THE INVENTION »

11 votes

Non-mandatory nature of Background

Section should be revised to help novice Examiners recognize and appreciate that no Background section is statutorily required, and thus absence ... more »

5 comments — Submitted by Mike Haynes 10 months ago

608.01(C) BACKGROUND OF THE INVENTION »

10 votes

Non-mandatory nature of Summary

Section should be revised to help novice Examiners recognize and appreciate that no Summary section is statutorily required, and thus absence ... more »

4 comments — Submitted by Mike Haynes 10 months ago

608.01(C) BACKGROUND OF THE INVENTION »

9 votes

Non-mandatory nature of Field of the Invention

Section should be revised to help novice Examiners recognize and appreciate that no "Field of the Invention" section is statutorily required, ... more »

1 comment — Submitted by Mike Haynes 10 months ago

Manual of Patent Examining Procedure (MPEP)

Eighth Edition, August 2001

Latest Revision July 2010

Consolidated Laws - the latest published version of the patent laws (Appendix L of the MPEP or Consolidated Patent Laws, whichever is more current). September 2007

Consolidated Rules - the latest published version of the patent rules (Appendix R of the MPEP or Consolidated Patent Rules, whichever is more current). July 2010

How to obtain a copy of the MPEP

MPEP Archives (1948 - 2008)

Current MPEP:

The "E8r8" columns below includes the PDF and html documents updated in Revision 8 of the Eighth Edition of the MPEP, dated July 2010. The documents updated in Revision 8 were the following: Blue Pages; Title Page; Chapters 300, 500, 1200, and 1700; Appendix R; and the Index

Zipped files are also provided to facilitate downloading of the entire MPEP in PDF and HTML format.

File	E8r8	E8r8	Chapter, Appendix Title
Blue	PDF	html	Blue Pages
Title	PDF	html	Title Page
FWD	PDF	html	Foreword
TOC	PDF	html	Table of Contents
Intro	PDF	html	Introduction
0100	PDF	html	100 Secrecy, Access, National Security, and Foreign Filing
0200	PDF	html	200 Types, Cross-Noting, and Status of Application
0300	PDF	html	300 Ownership and Assignment
0400	PDF	html	400 Representative of Inventor or Owner
0500	PDF	html	500 Receipt and Handling of Mail and Papers
0600	PDF	html	600 Parts, Form, and Content of Application
0700	PDF	html	700 Examination of Applications
0800	PDF	html	800 Restriction in Applications Filed Under 35 U.S.C. 111; Double Patenting
0900	PDF	html	900 Prior Art, Classification, and Search
1000	PDF	html	1000 Matters Decided by Various U.S. Patent and Trademark Office Officials
1100	PDF	html	1100 Statutory Invention Registration (SIR) and Pre-Grant Publication (PG Pub)
1200	PDF	html	1200 Appeal

Beginning January 2011, the USPTO is 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*** *link in Chapters 100 to 400, or see* ***http://uspto-mpep.ideascale.com.***

The USPTO is also working on a revision to the MPEP that will include changes to Chapters 500 and 600 based on suggestions received in the MPEP discussion forum.

100 Secrecy, Access, National Security, and Foreign Filing

Discuss this Section

100 Secrecy, Access, National Security, and Foreign Filing

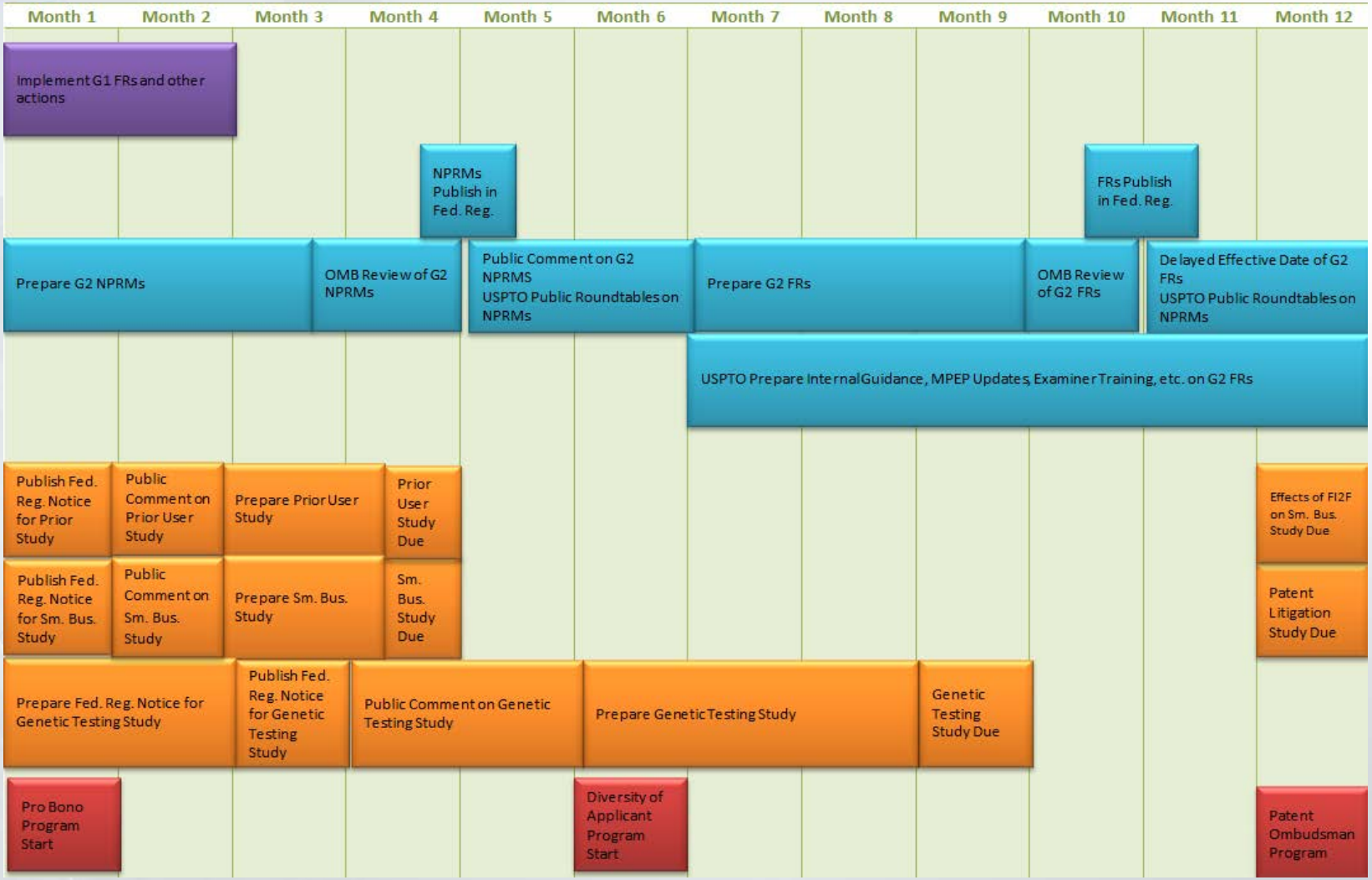
browse after

America Invents Act

Goals of Patent Reform Legislation

- Encourage innovation and job creation
- Support USPTO's efforts to improve patent quality and reduce backlog
- Establish secure funding mechanism
- Provide greater certainty for patent rights
- Provide less costly, time-limited administrative alternatives to litigation

Timeline: Major Milestones



Group 1 Rulemakings and Other Actions

(60-Day and Under Effective Dates) (a.k.a. G1 Rulemakings)

Date of Enactment (September 16, 2011)	10 Days After Date of Enactment (September 26, 2011)	October 1, 2011	60 Days After Date of Enactment (November 15, 2011)
• Inter partes reexamination threshold and termination • Tax strategies are deemed within the prior art • Best mode • Human organism prohibition • Venue change from DDC to EDVA for suits brought under 35 U.S.C. §§ 32, 145, 146, 154 (b)(4)(A), and 293 • OED Statute of Limitations • Fee Setting Authority (effective after rulemaking) • Establishment of micro-entity (effective after rulemaking)	• Prioritized examination • 15% transition surcharge	Reserve fund	Electronic filing incentive

Group 2 Rulemakings

(12-Month Effective Date, *i.e.*, September 16, 2012) (a.k.a. G2 Rulemakings)

- Inventor's oath/declaration
- Third party submission of prior art for patent application
- Supplemental examination
- Citation of prior art in a patent file
- Priority examination for important technologies
- Inter partes review
- Post grant review
- Transitional program for covered business method patents

Group 3 Rulemakings and Other Actions

(18-Month Effective Date, *i.e.*, March 16, 2013) (a.k.a. G3 Rulemakings)

- First-Inventor-to-File
- Derivation proceedings
- Repeal of Statutory Invention Registration

Studies: USPTO as Lead Agency

Study Topic	Due Date from Enactment
International Patent Protection for Small Businesses	4 months
Prior User Rights	4 months
Genetic Testing	9 months
Misconduct Before the Office	Every 2 years
Satellite Offices	3 years
Virtual Marking	3 years
Implementation of AIA	4 years

AIA Micro-Site

http://www.uspto.gov/americainventsact

Implementation Information

- Patent Examination
- Inter Partes Disputes
- Fees and Budgetary Issues
- AIA Studies and Reports
- Programs
- Miscellaneous

AIA Resources

AIA Informational Videos

AIA Press Releases and Speeches

AIA Frequently Asked Questions

AIA Comments

AIA Blog

Announcements and Upcoming AIA Events

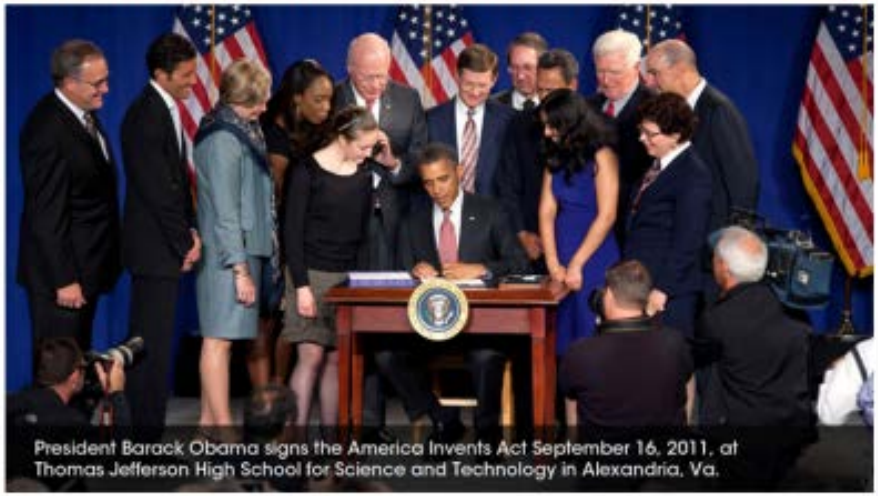
Tuesday, September 20, 2011 @ 2:10pm:
Commissioner Robert L. Stoll
The 21st All Ohio Annual Institute on Intellectual Property
Cleveland, OH

Wednesday, September 21, 2011 @ 2:10pm:
Commissioner Robert L. Stoll
The 21st All Ohio Annual Institute on Intellectual Property
Cincinnati, OH

Friday, September 23, 2011 @ 1:00pm:
Commissioner Robert L. Stoll
Virginia State Bar IP Law Section
Arlington, VA

Tuesday, September 27, 2011 @ 1:00pm:
Commissioner Robert L. Stoll
American Conference Institute
America Invents Act Webinar
https://www2.gotomeeting.com/register/122501938
Registration is complimentary

Leahy-Smith America Invents Act Implementation



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

Message from Director David Kappos

On September 16, 2011, President Barack Obama signed into law the Leahy-Smith America Invents Act, which will foster innovation and spur job creation in the United States. This Act sets into motion the most comprehensive overhaul to our nation's patent system since 1836.

The new law will afford more certainty for patent applicants and owners, and provide the USPTO the resources needed to operate efficiently and issue high-quality patents. Implementation of the new law will occur over a period of months, and our USPTO team will seek input and provide updates all along the way. I strongly encourage you to use this site to regularly track progress pertaining to the agency's implementation efforts.

All of us at USPTO look forward to working together with the innovation community to tackle the exciting challenges of rolling-out this historic law. Here are a few documents to get started:

- America Invents Act Signing Ceremony
- White House chat on the America Invents Act
- Press Release: President Obama signs America Invents Act
- Leahy-Smith America Invents Act
- America Invents Act Effective Dates
- USPTO Fee Schedule

Timeline: Major Milestones