

Patent Public Advisory Committee Meeting

Patent Trial and Appeal Board Update



James Donald Smith
Chief Administrative Patent Judge
Patent Trial and Appeal Board
December 13, 2012



Board Hiring

- Goal - 100 new Judges nominated in FY2012
- Since October 2011
 - Reviewed nearly 1,200 applicant records
 - Interviewed nearly 200 candidates
 - Selected 80 highly qualified candidates to become new Judges
 - We stand at 160 Judges as of December 3, 2012.
- Opportunities at Detroit/Denver/Dallas/Silicon Valley Satellite Offices
 - Selecting candidates from previous postings now
 - New advertisements will be posted in early 2013



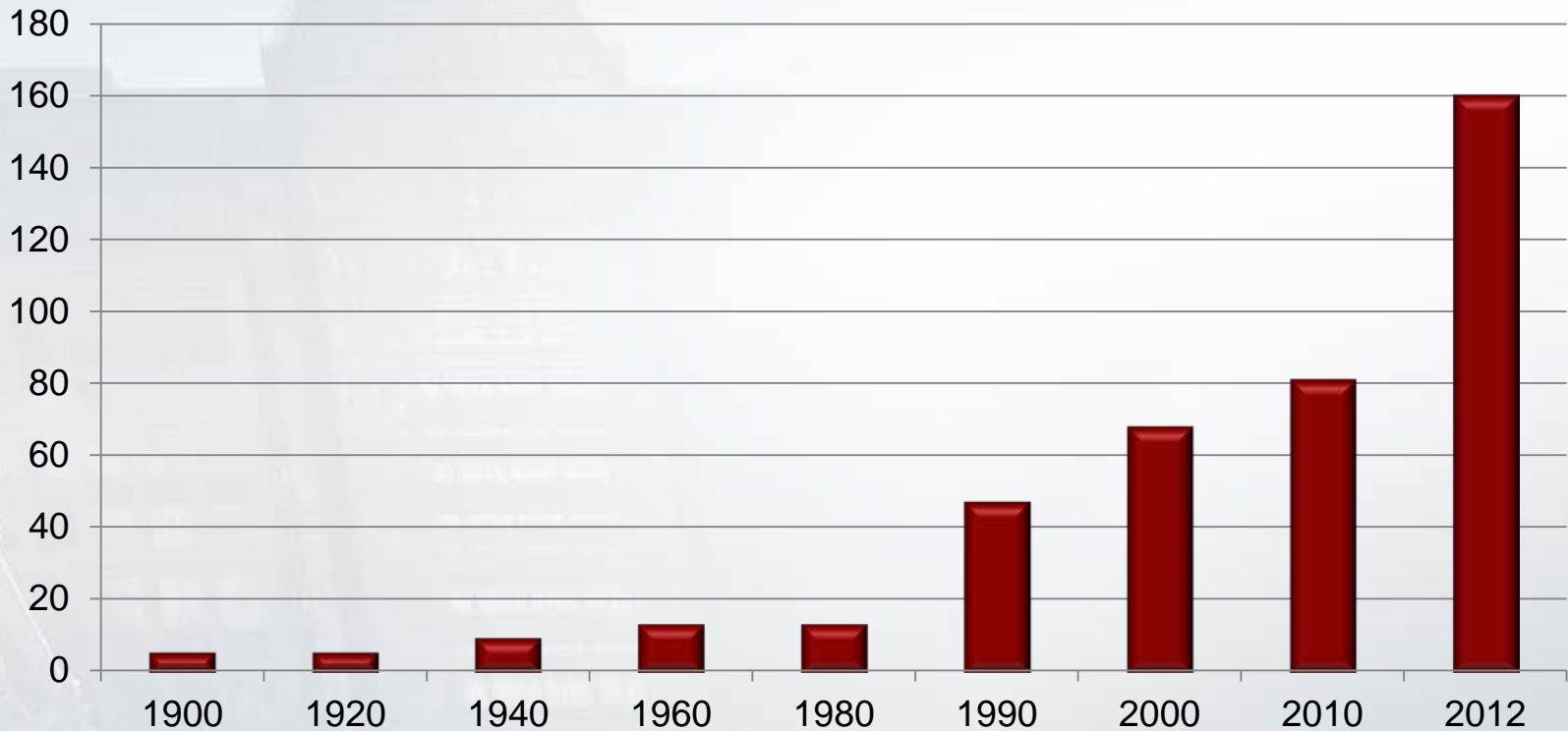
Board Hiring

- Selectees from:
 - USPTO Patent Examining Corps, Office of the General Counsel, and the PTAB
 - International Trade Commission and Department of Justice
 - Private Practice: from solo practitioners to large firms
 - Industry: all types



Members of the Board (as of 12/03/2012)

Judges





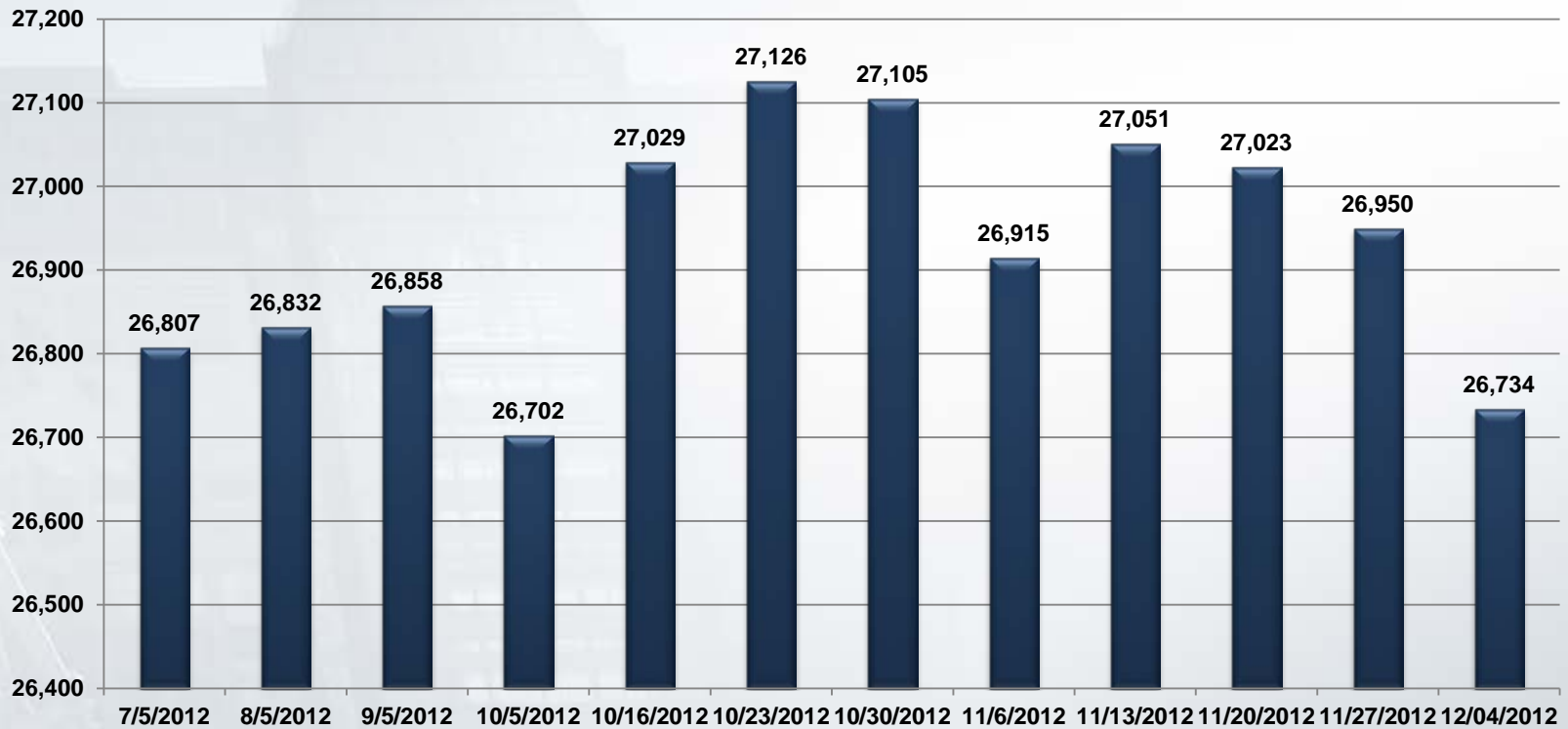
Board Backlog

- Growth of the Backlog has been halted
 - Last 4 weeks: more decisions issued than new appeals received
 - Encouraging (for now)
- Benefiting from numerous factors
 - Successful hiring in FY2012 (needs to continue in FY2013)
 - Somewhat lower end-of-year intake
 - Extraordinary efforts by current Judges
- Trend can still be reversed if ex parte appeal intake and AIA intake grow faster than new hires



Board Backlog

Received





PTAB Receipts and Dispositions

Past Month

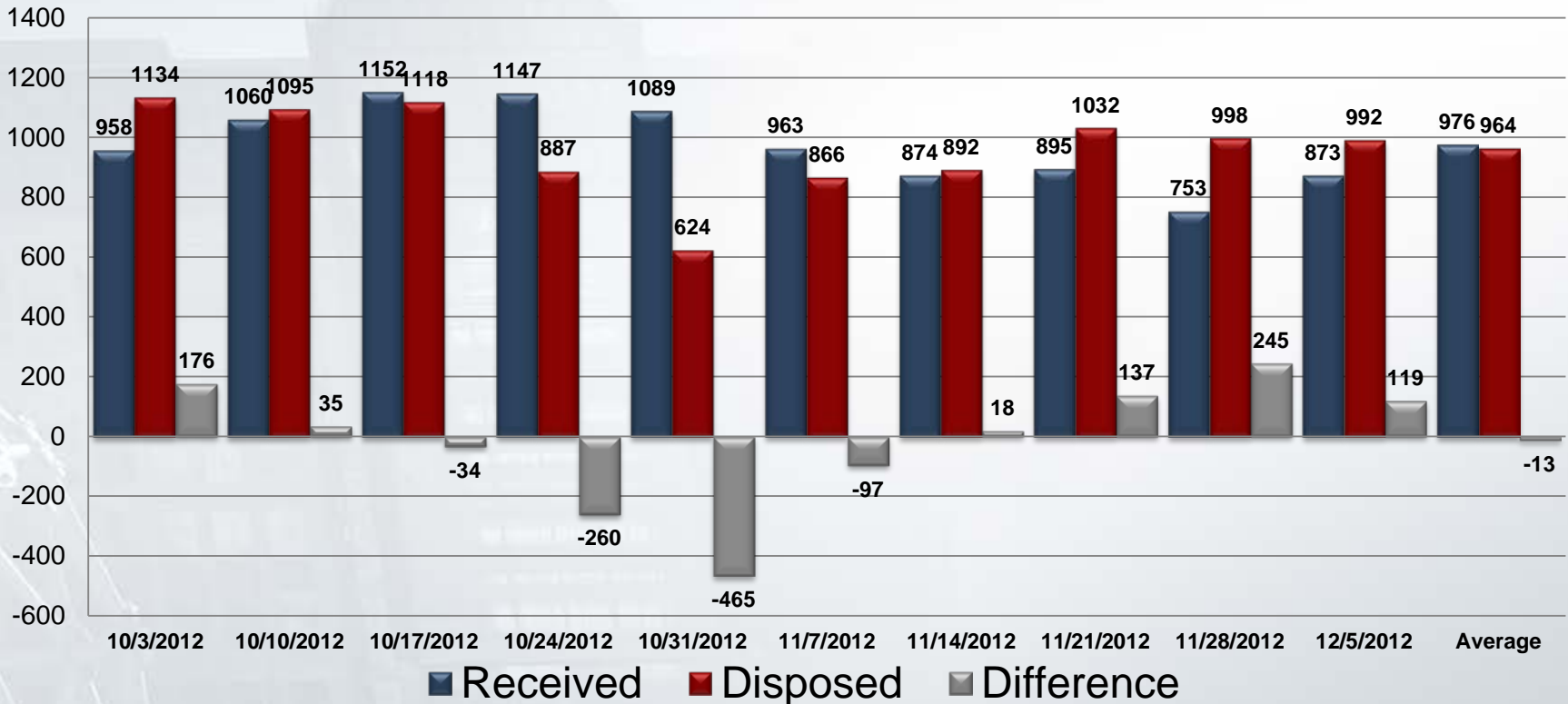
PTAB Receipts and Dispositions			
Period:	11/04/2012	thru	12/04/2012
Discipline	# Cases Received	# Cases Disposed	Difference (Disposed minus Received)
Biotech	51	55	4
Business Methods	71	77	6
Chemical	134	149	15
Contested Cases	20	28	8
Design	2	0	-2
Electrical	385	401	16
Mechanical	210	282	72
Totals	873	992	119



PTAB Receipts and Dispositions

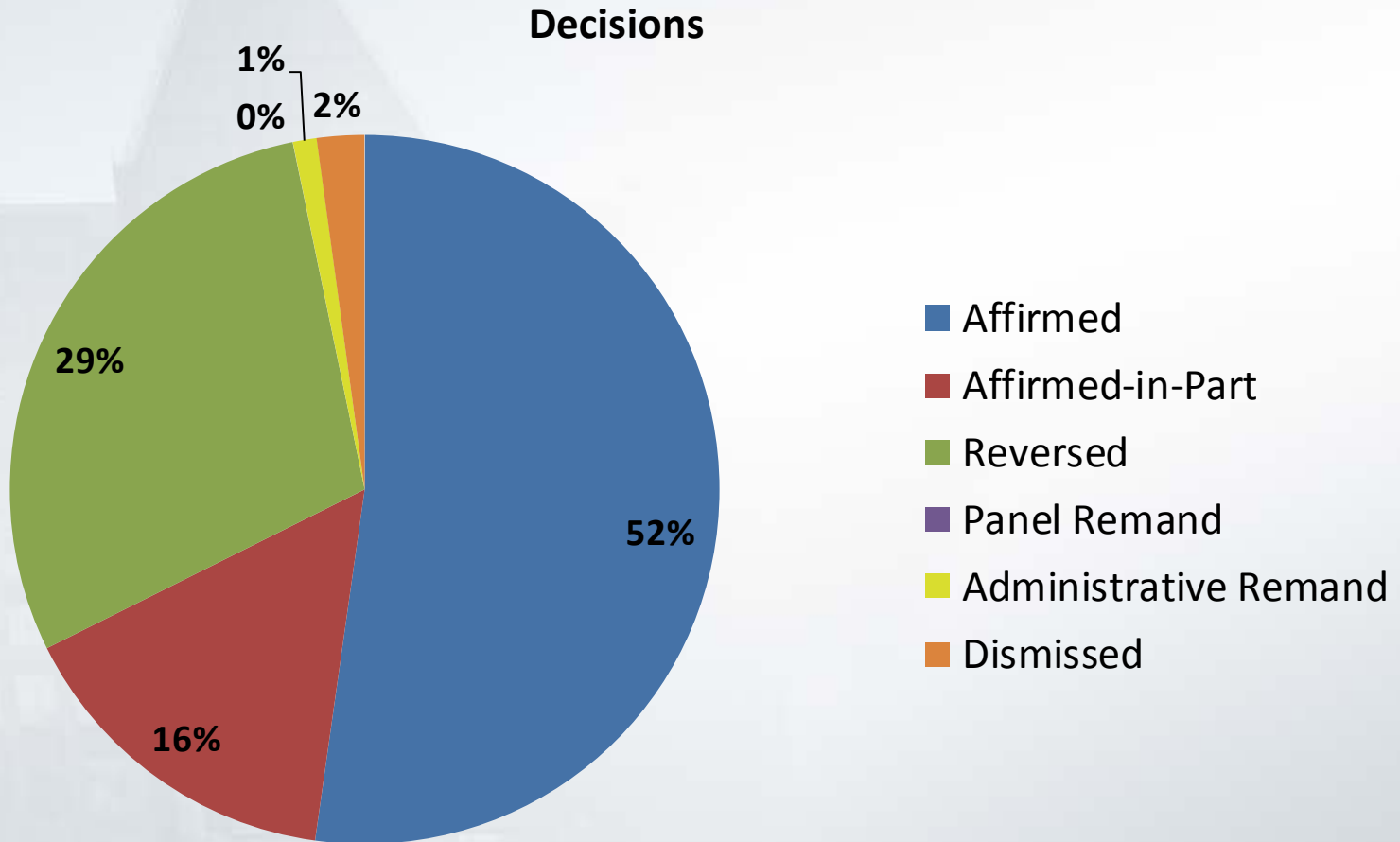
Weekly: 10/03/2012 through 11/28/2012

Receipts & Dispositions Summary Report FY2013 1st Quarter





Decisions by Type: FY2013





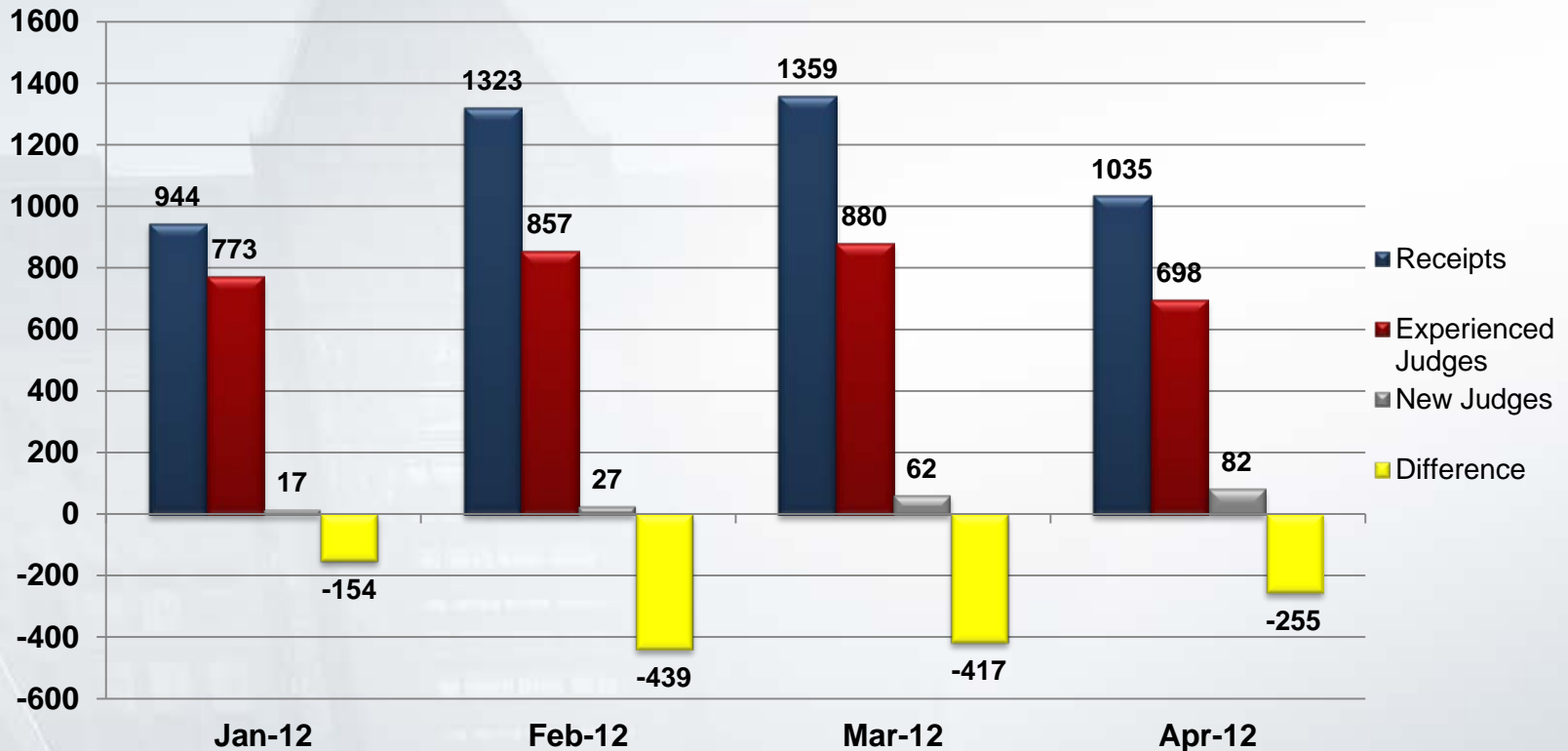
Size of Backlog for the Past 13 Quarters

Appeals



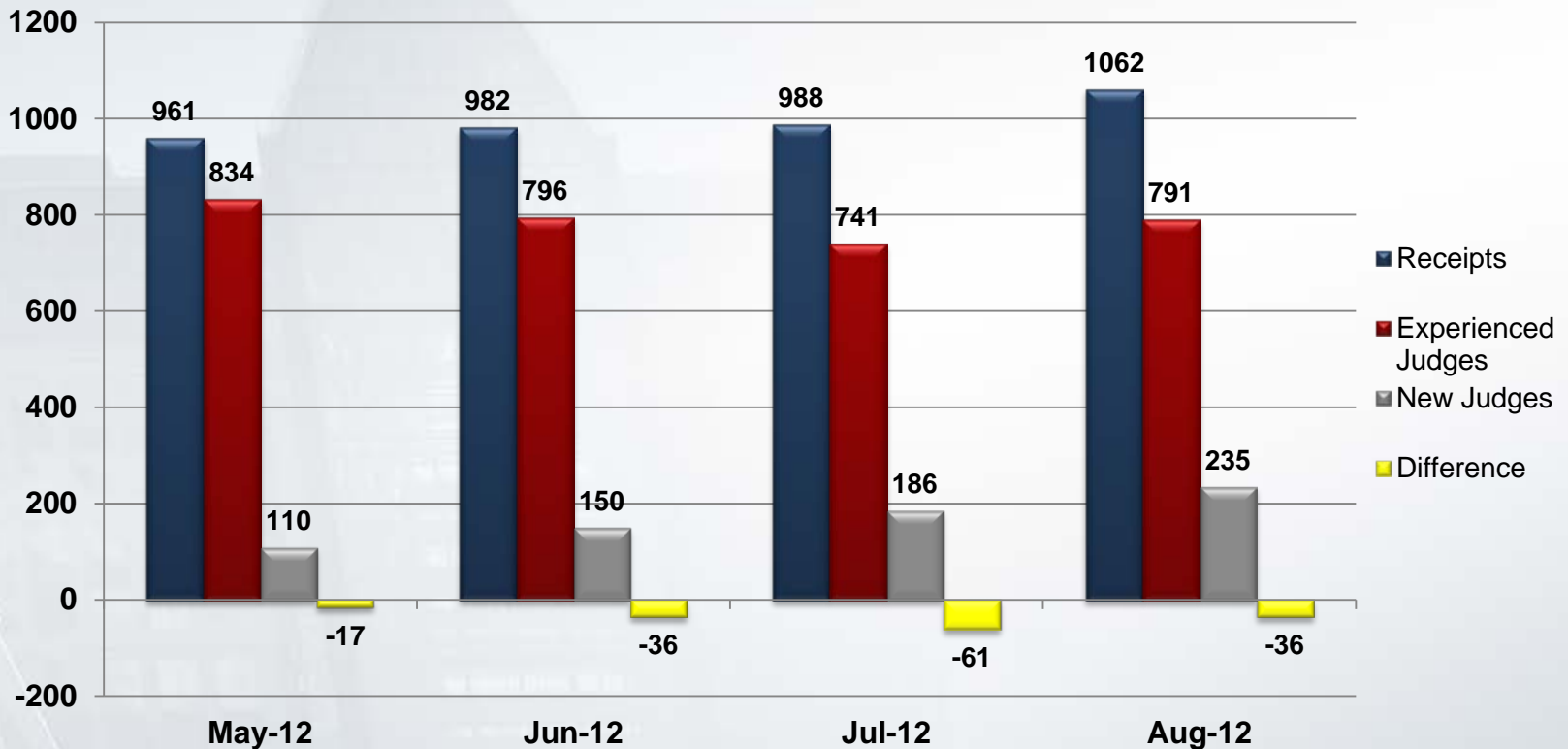


Monthly Receipts and Dispositions – New Judge Comparison



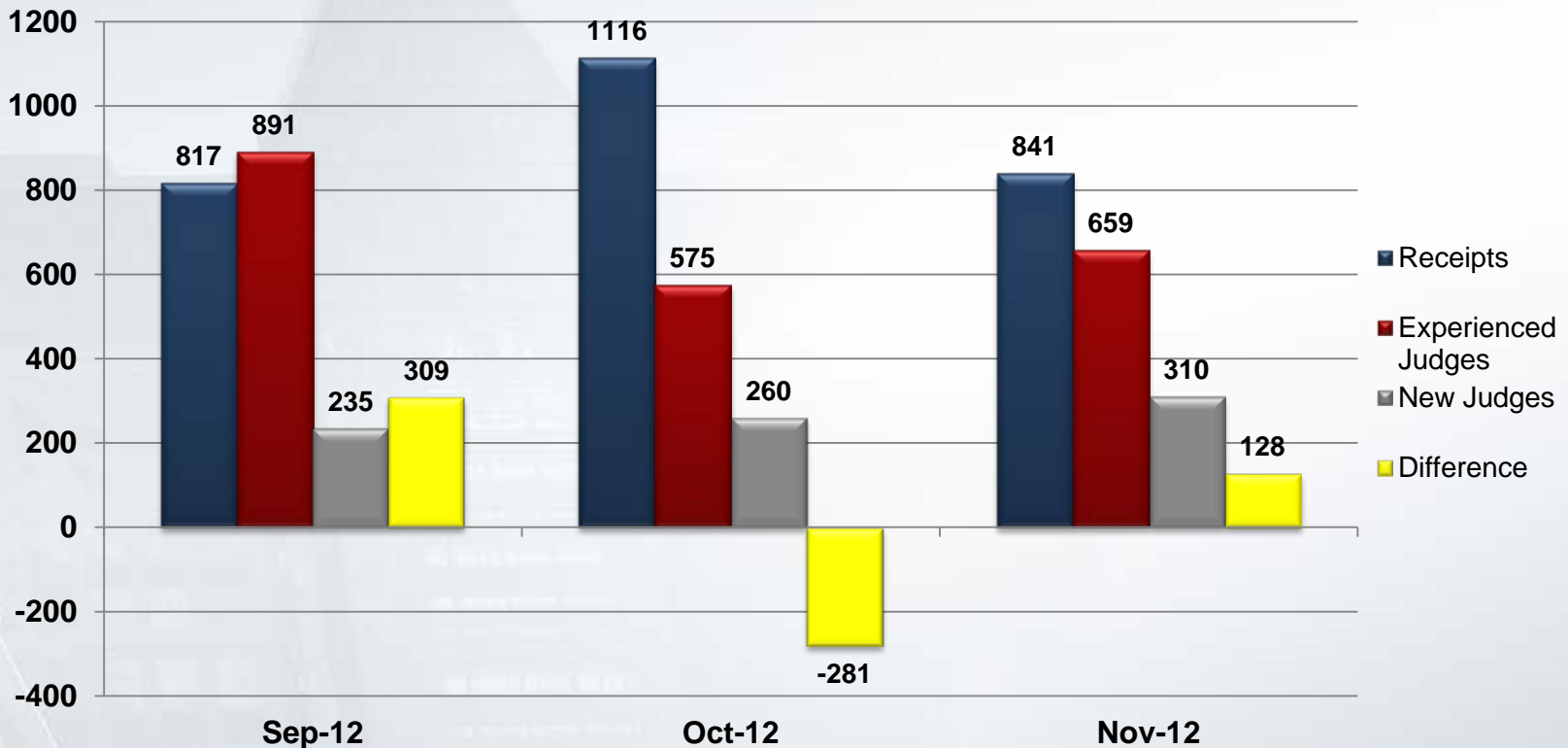


Monthly Receipts and Dispositions – New Judge Comparison (Cont.)





Monthly Receipts and Dispositions – New Judge Comparison (Cont.)





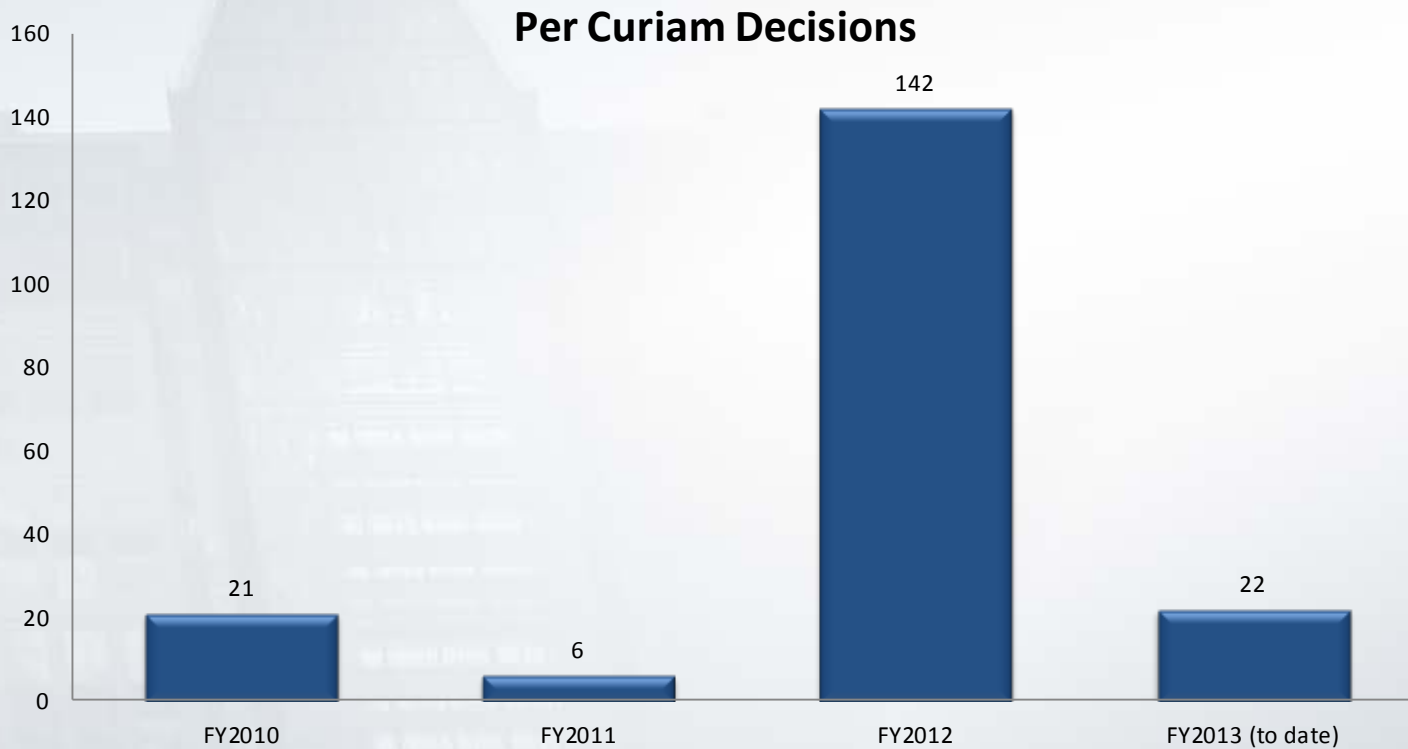
Decisions Adopting Persuasive Arguments Made in the Record

- Allow the Board to issue decisions based on arguments presented by Examiners or Appellants
 - Shorter decisions; disposed of sooner; sometimes designated “Per Curiam”
- Arguments of record must sufficiently explain the decision
- Working with the offices of the Under-Secretary and Solicitor, the rules were finalized



"Per Curiam" Short Decisions

as of 12/04/2012





Outcomes at the Federal Circuit

	FY2012	FY2013 (to date)	Total
Affirmances	67	8	75
Reversals	4	0	4
Remands	10	2	12
Dismissals	12	4	16
Total	93	14	107



Patent Corps Collaboration

- Continuing to explore collaboration opportunities
- Additional Examiner interviews during prosecution
- Additional Examiner review of after-final amendments before coming to the Board (on-going)



Published Opinions

- Committee established to increase designation of precedential and informative decisions
- Also will post informative orders from AIA proceedings
- Looking at optimizing manner of posting on site