

USPTO update



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UNITED STATES
PATENT AND TRADEMARK OFFICE



Optimize patent quality and timeliness

Current backlog of unexamined patent applications: 546,733

Backlog

The patent application backlog **decreased ~27%** since 2009.

The patent application backlog **decreased 1%** from FY 2017 to FY 2018.

FY 2017	529,579 unexamined applications
FY 2018	522,149 unexamined applications



March 2019

Filings

The patent application filings **increased 4%** since FY 2014.

FY 2014	618,457 applications
FY 2018	643,349 applications

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Optimize patent quality and timeliness

First office action pendency

First action pendency decreased ~40% since 2009.

January 2009	25.9 months
March 2019	15.9 months

Average total pendency

The average total pendency decreased ~30% since 2009.

January 2009	33.8 months
March 2019	23.7 months

Patent Trial and Appeal Board (PTAB)

PTAB ex parte appeals backlog

Ex parte appeals backlog

The inventory of ex parte appeals decreased ~15% since 2017.

FY 2017	~ 13,000 appeals
FY 2018	< 11,000 appeals

Average pendency for appeals

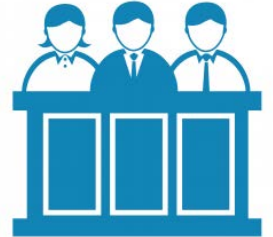
The pendency of ex parte appeals decreased ~14% since 2017.

FY 2017	Pendency = 17.8 months
FY 2018	Pendency = 15.3 months

Patent Trial and Appeal Board (PTAB)

PTAB procedural enhancements and guidance

1. Published final rule for adopting *Phillips* standard for claim construction
2. Implemented motion to amend practice and procedures pilot program
3. Published PTAB trial practice guide
4. Issued guidance to implement the SCOTUS *SAS* decision and the Federal Circuit *Aqua Products* decision
5. Published standard operating procedures for paneling cases and issuing decisions



Patent eligibility and written description

Guidance on subject matter eligibility

- **84 Fed. Reg. 4** (Jan. 7, 2019): Guidance on the procedure for determining whether a claim is directed to a judicial exception under step one of the *Alice/Mayo* framework

Guidance on written description

- **84 Fed. Reg. 4** (Jan. 7, 2019): Guidance on the examination of functional language used to claim computer-implemented inventions for written description and enablement and 35 U.S.C. § 112(f).

Provide leadership and education

FY 2018 global and domestic training

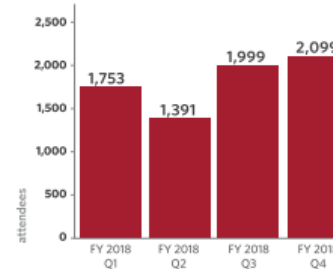
- ❖ Quantity of individuals trained increased by 46 % since 2014
- ❖ USPTO provided 151 total training programs (FY 2018)
- ❖ USPTO trained 7,240 individuals (FY 2018)

Fiscal Year	Target	Actual
2014	4,300	4,960
2015	6,300	5,283
2016	5,000	4,975
2017	5,000	4,134
2018	5,000	7,242
2019	5,000	

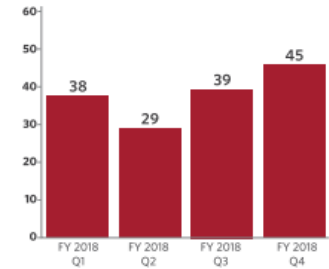
Target met.

Measure updated in FY 2018 to include U.S. stakeholder education, to reflect administration priorities.

NUMBER OF ATTENDEES
TRAINED BY GIPA



EDUCATIONAL PROGRAMS
CONDUCTED BY GIPA



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THANK YOU



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