

Patent Public Advisory Committee Meeting

Update on the Board of Patent Appeals and Interferences



James Donald Smith
Chief Administrative Patent Judge
February 14, 2012



Board Hiring

- Goal: 100 new APJs in FY2012
- Since October 2011
 - Reviewed over 425 applicant records
 - Interviewed 73 candidates
 - 7 additional candidates scheduled
 - Selected 31 highly qualified candidates to become new Judges
 - 8 on board as of 2/13/2012
 - Current vacancy announcement closes 5/31/2012
 - New advertisements being readied
- Opportunities at Detroit Satellite Office once opened



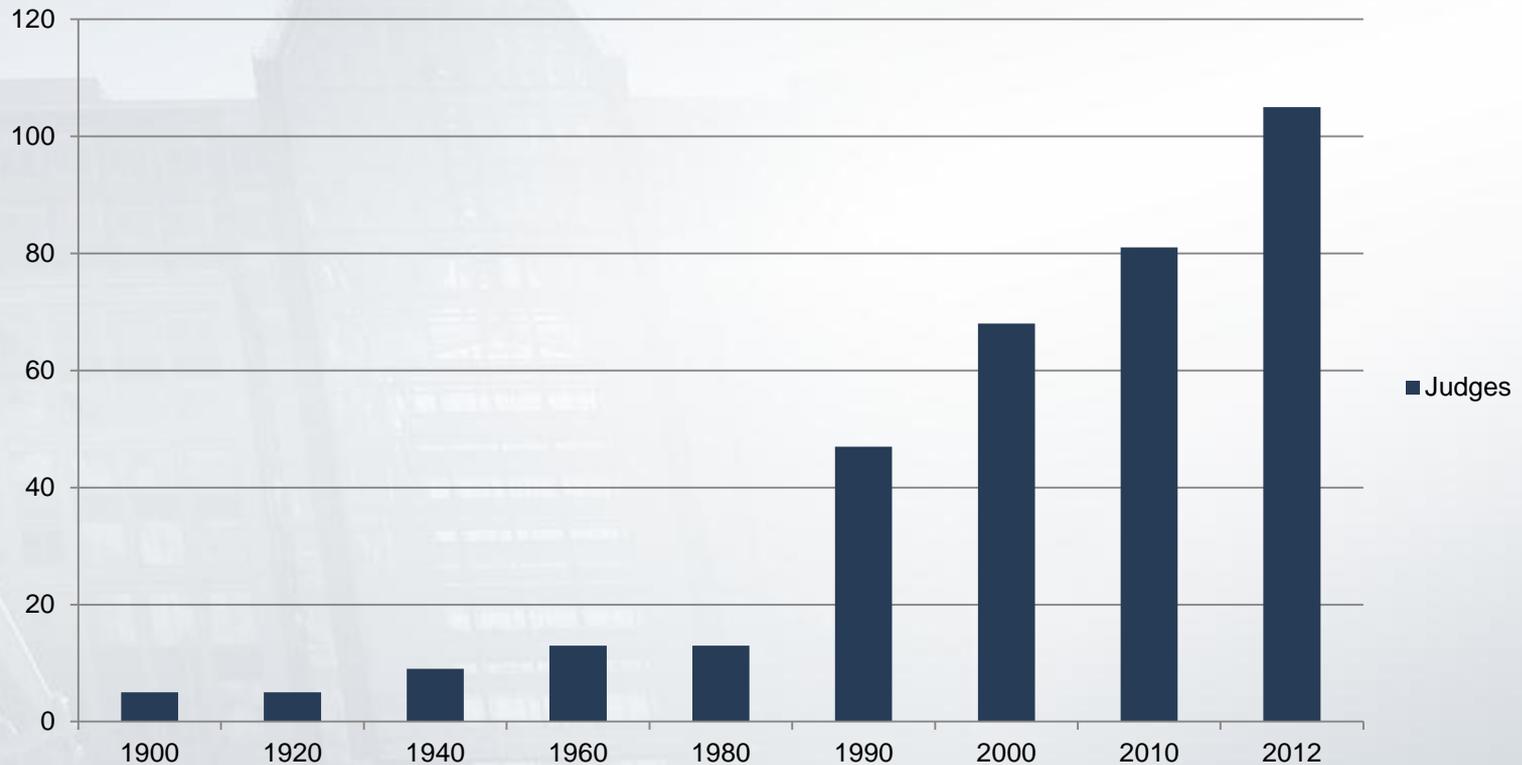
Board Hiring

- New Judges selected from:
 - USPTO Patent Corps, Office of the General Counsel, and the BPAI
 - International Trade Commission and Department of Justice
 - Private Practice
 - Industry



Members of the Board

Judges





Training Components for New Judges

- Standard Operating Procedures and Internal Processing
- Use of Board's IT Infrastructure
- Legal Issues Training
- Board Rules Training
- Judicial Writing Training
- Trial Practices Training



Board Backlog

- Receiving focused attention from Board and Office
- Backlog being reviewed by DOC IG
 - Continue thru mid-2012
 - Good for the Board!
- Working to further optimize Board operations and use of resources



Board Backlog

- Backlog continues to increase
 - FY2012/Q1, backlog increased by 1,400 appeals
 - Despite 20% increase in decisions issued at same point last year
- With *successful* hiring
 - Projected intake/output balance by beginning of FY2013
 - Mid-FY2013 – projected output > projected intake



BPAI Receipts and Dispositions

Past Month

BPAI Receipts and Dispositions			
Period:	12/31/2011	thru	1/31/2012
Discipline	# Cases Received	# Cases Disposed	Difference (Disposed minus Received)
Biotech	73	58	-15
Business Methods	96	49	-47
Chemical	128	159	+31
Contested Cases	23	33	+10
Design	4	0	-4
Electrical	429	293	-136
Mechanical	200	199	-1
Totals	953	791	-162

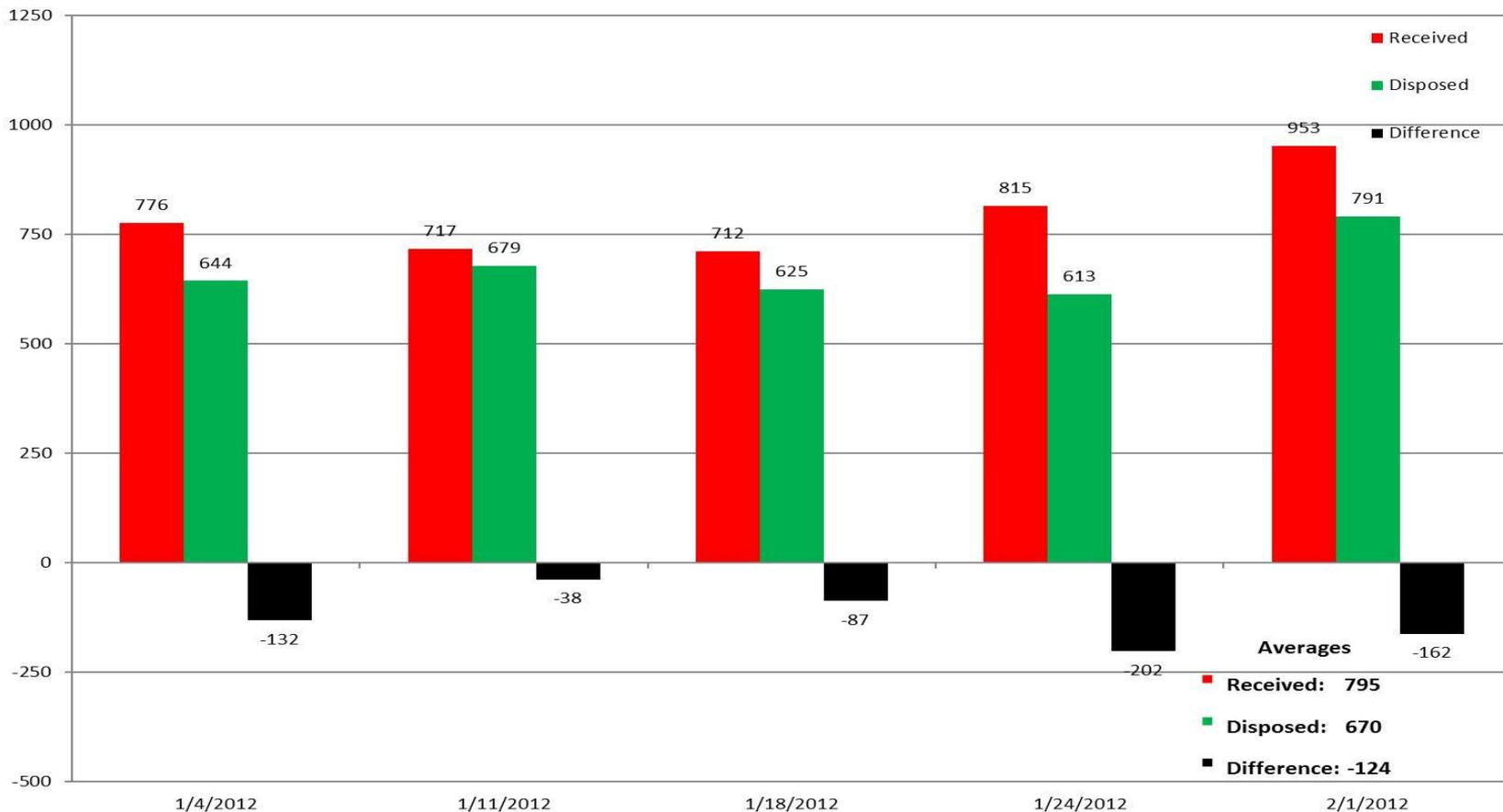


BPAI Receipts and Dispositions

Weekly: 1/4/2012 through 2/1/2012

Receipts & Dispositions Summary Report FY-2012 2nd Quarter

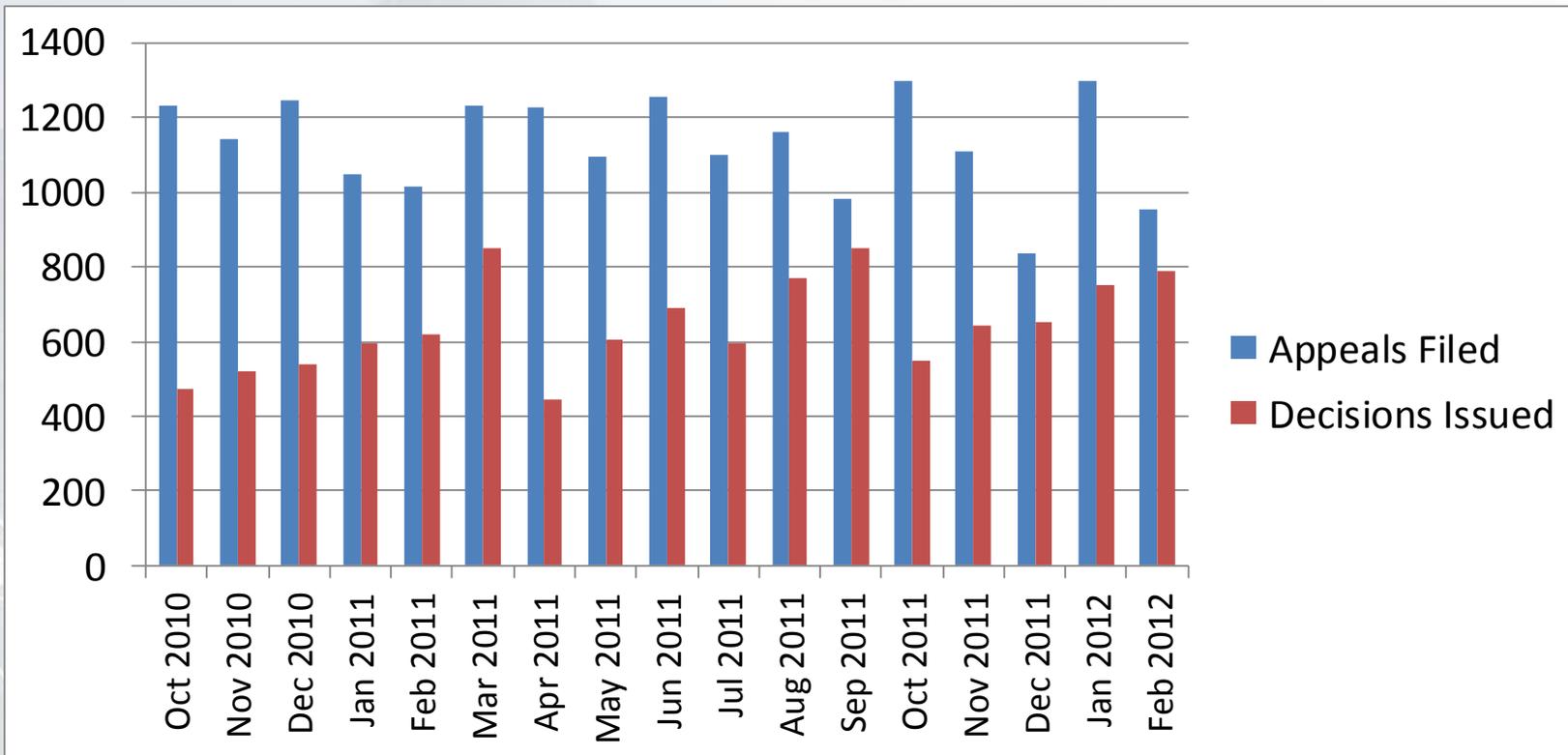
2/1/2012





Appeals v. Decisions

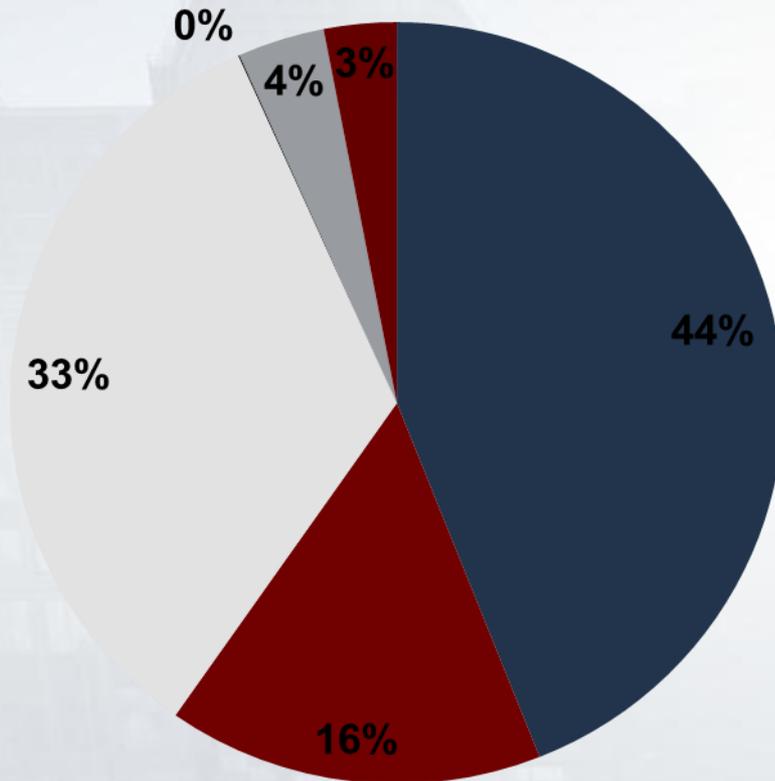
as of 2/1/12





Decisions by Type: FY 2012

Decisions

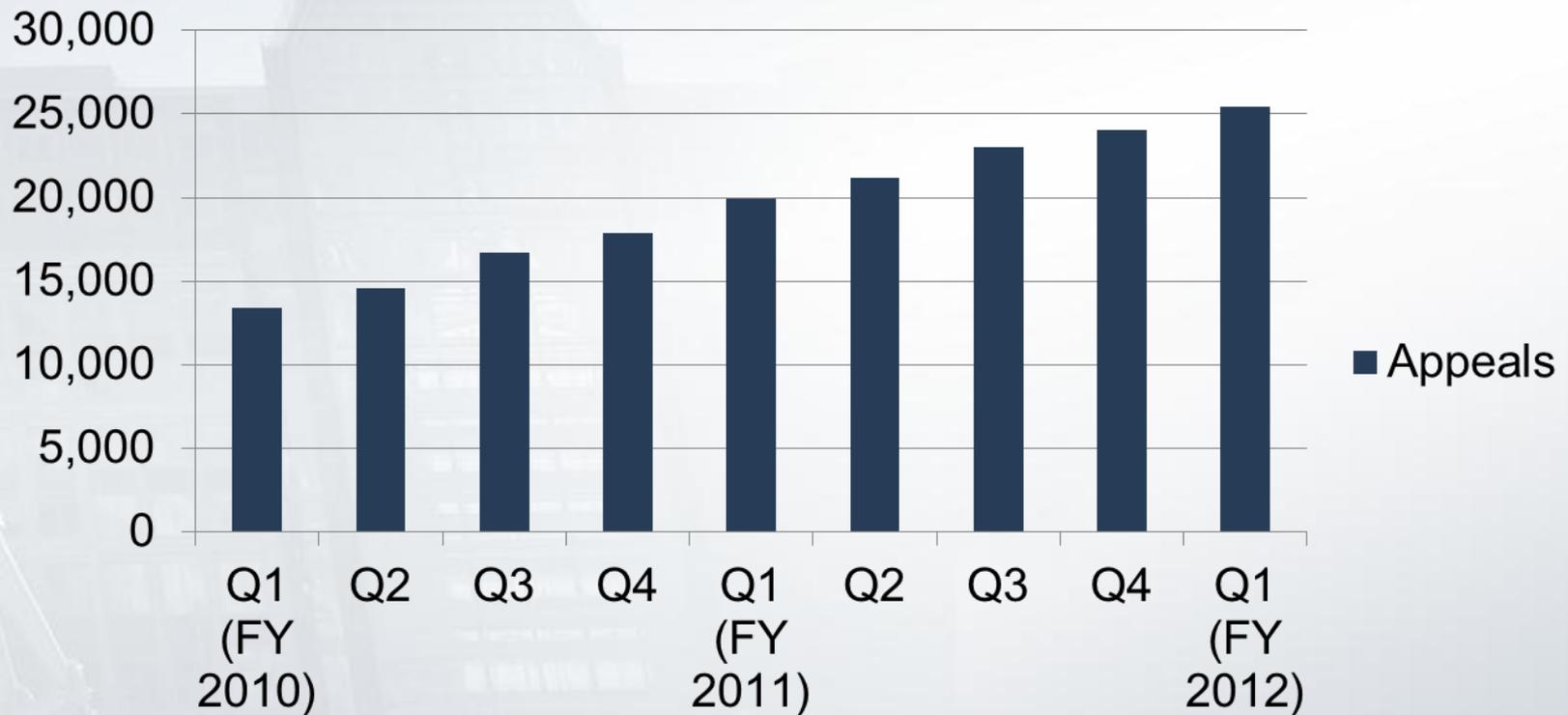


- Affirmed
- Affirmed-in-Part
- Reversed
- Panel Remand
- Administrative Remand
- Dismissed



Backlog for the Past 9 Quarters

Appeals





Pendency Time for the Past 9 Quarters





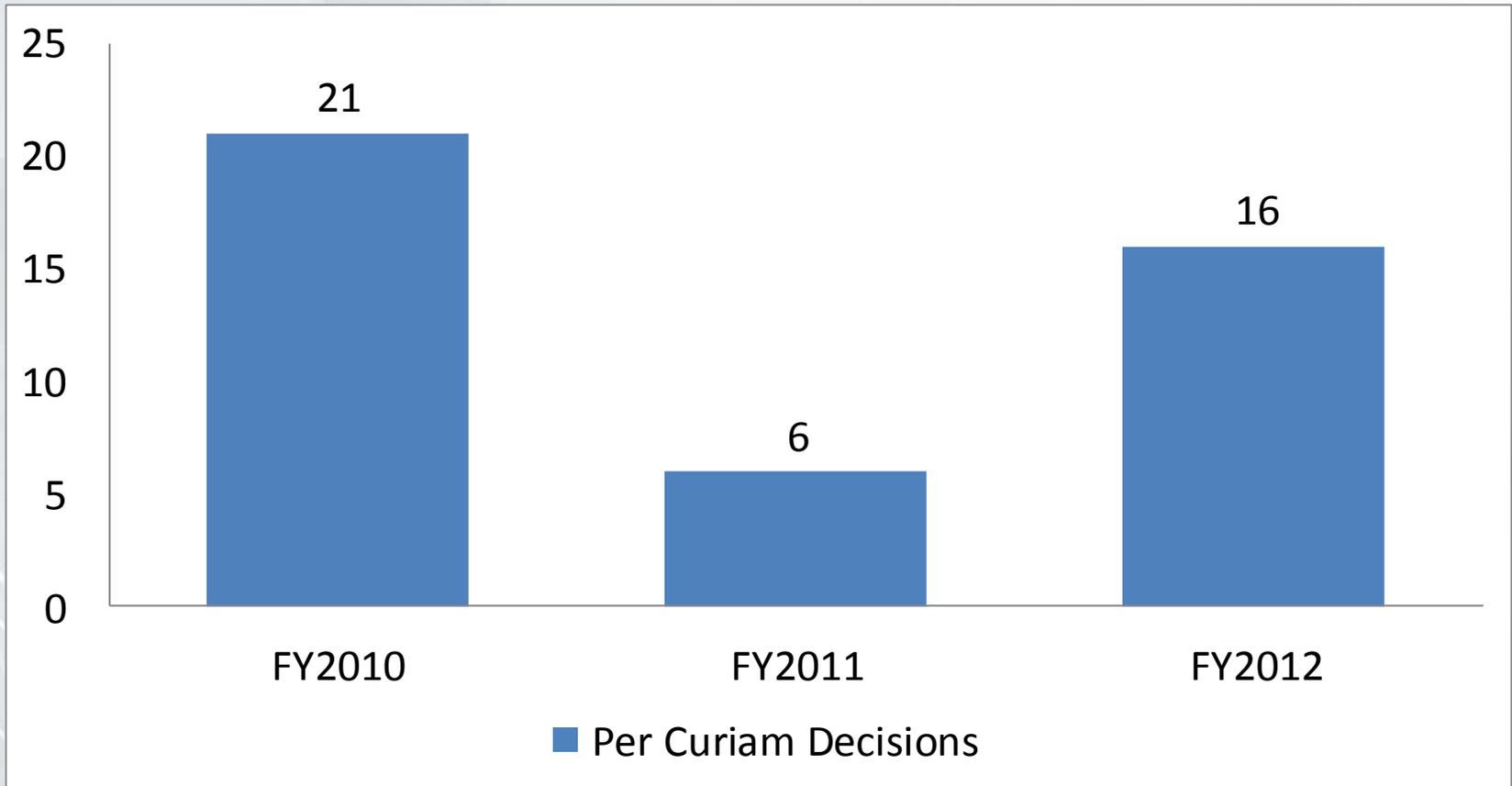
Per Curiam Decisions

- Allow the Board to issue decisions based on arguments presented by Examiners or Applicants
 - Shorter decisions; disposed sooner
- Arguments must sufficiently explain the decision
- Working with offices of the Under-Secretary and Solicitor to finalize rules



Per Curiam Decisions

as of 2/13/2012





Outcomes at the Federal Circuit

- **For FY 2012 (October 1, 2011 to date)**
- 32 patent cases have been disposed:
 - 20 affirmed
 - 9 dismissed
 - 3 remanded



Patent Corps Collaboration

- Continuing to explore collaboration opportunities
- Additional Examiner interviews?
- Examiner review of after-final amendments before coming to the Board?



Rules Committee

- Four new proceedings under America Invents Act – September 2012
- Rules under development
- Rules committee comprised of Board Judges
- Work proceeding smoothly
- Already incorporating public comment, where appropriate