

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**



The World in 2012

COMPUTERWORLD

Smartphone patent fight: 'World War III'

Experts expect most of the dozens of patent lawsuits to eventually be settled; smartphone innovation could suffer, some add

The Washington Post Make us your start page

POSTPOLITICS

SOPA protests shut down Web sites

Forbes

Obama Says So Long SOPA, Killing Controversial Internet Piracy

YAHOO! FINANCE

Technology Patent Wars Heat Up -- Microsoft and AOL Make Billion Dollar Deal

Five Star Equities Provides Stock Research on AOL, Inc. and Microsoft Corporation



IP Battles and Technological Change

then



sewing
machine



railroads



telegraph



telephone



aircraft



radio

now





AIA: Protecting Innovation



First Inventors

vs.

Follow-on Competitors

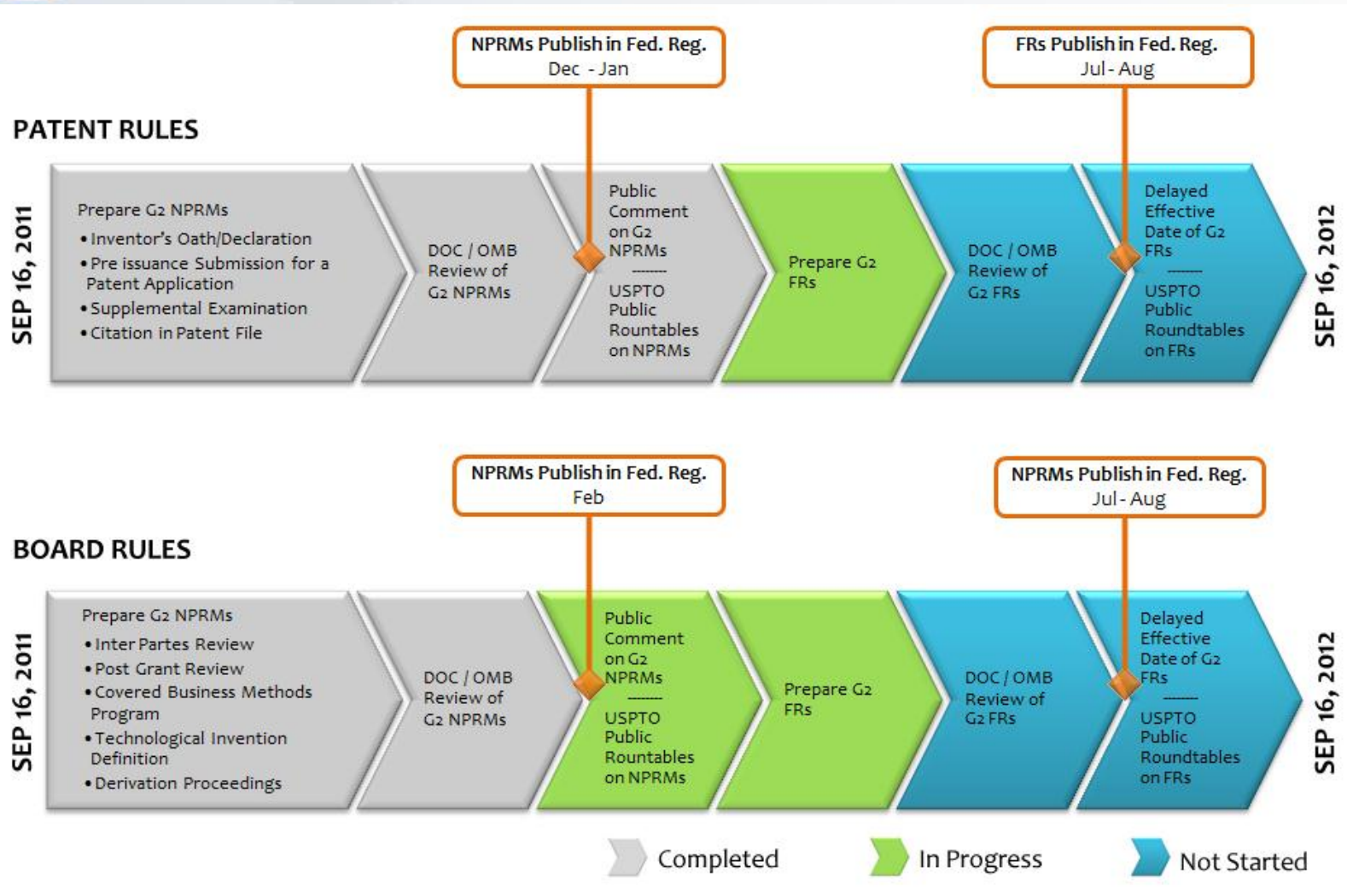


<http://www.uspto.gov/AmericaInventsAct>



America Invents Act (AIA)

Chronological Status



What we have implemented:

(60-Day and Under Effective Dates)

- Reexamination transition for threshold
- Tax strategies are deemed within the prior art
- Best Mode
- Human organism prohibition
- Patent term extension for drugs
- Virtual and false marking
- Venue change from DDC to EDVA for certain suits
- OED Statute of Limitations
- Fee Setting Authority (Sec. 10)
- Establishment of micro-entity (effective after Sec. 10 rulemaking completed)
- Prioritized examination
- 15% transition surcharge
- Electronic filing incentive
- Reserve fund

What remains to be implemented:

(12-Month Effective Date)

- 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 post-grant review program for covered business method patents

(18-Month Effective Date)

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

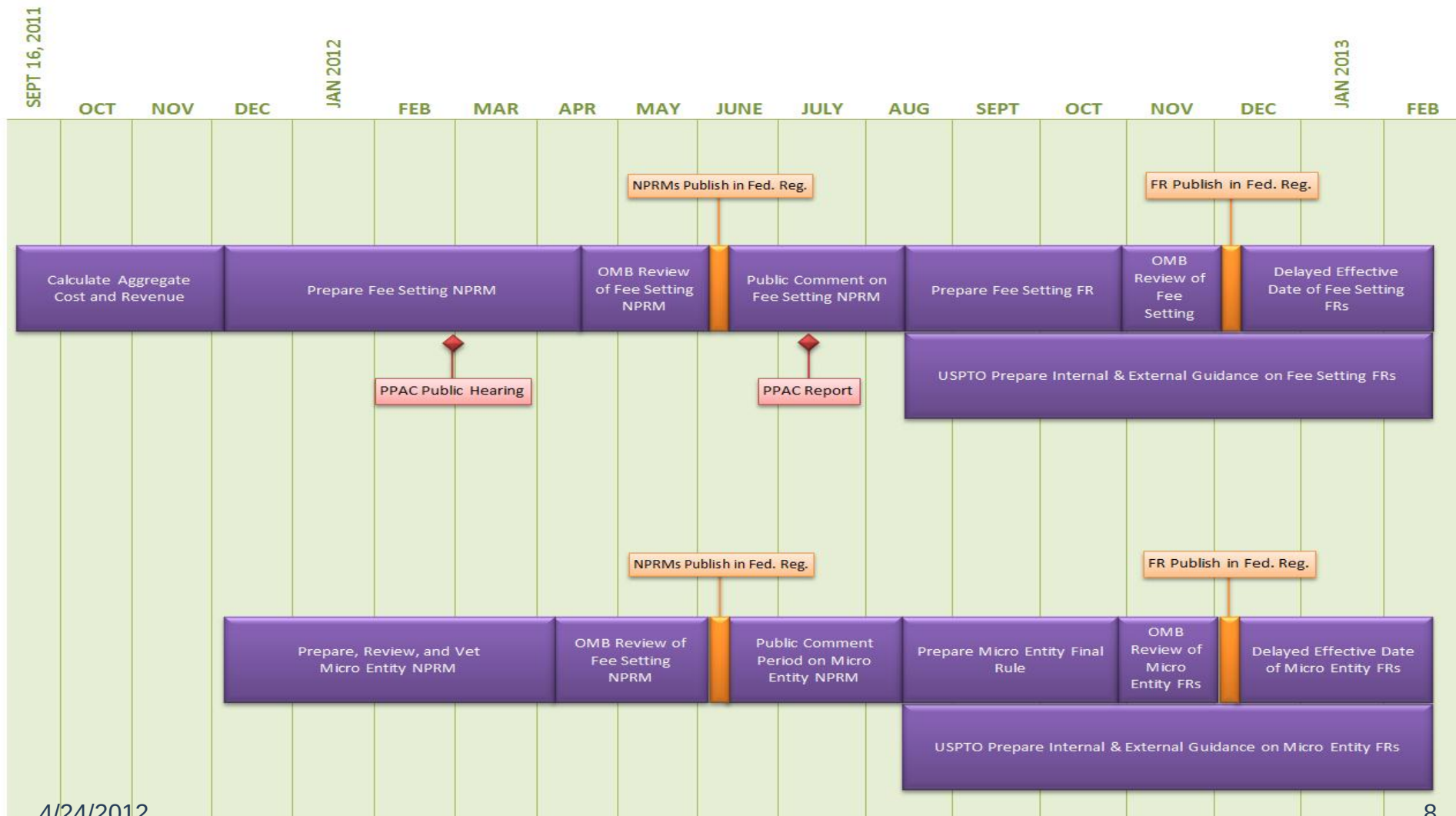


Proposed Rules in Progress (12 Month timeline)

NPRMs Published as of January 25, 2012	NPRMs Published in February
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	



Fee Setting 17 Month Timeline





Track One Statistics

	Petitions Filed	Days to Petition Decision	% of Decided Petitions Granted	Days from Petition to first Office action
Number of Track One	3,076	48.2	97%	43.1
Examination Status	First Action on Merits mailed	Final Dispositions mailed	Allowances Mailed	
Number of Track One applications	1,827	153	285	



Data Visualization Center

Your window to the USPTO
Patents Dashboard

March 2012 Patents Data, at a Glance

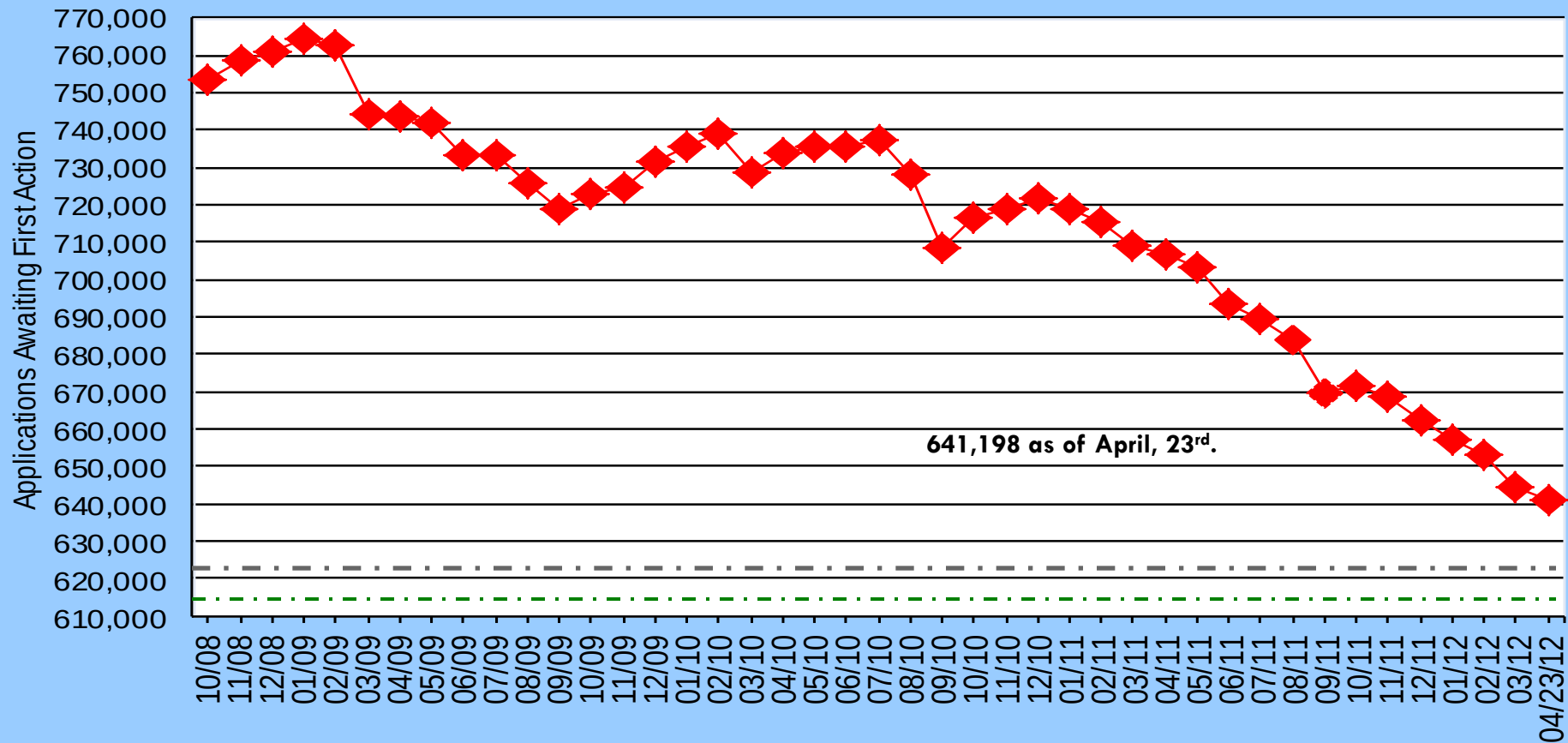


UPR allowance rate, including RCEs = 49.8%

UPR allowance rate, without RCEs = 67%



Unexamined Patent Application Backlog FY 2009 – FY 2012 (through April 23rd, 2012)

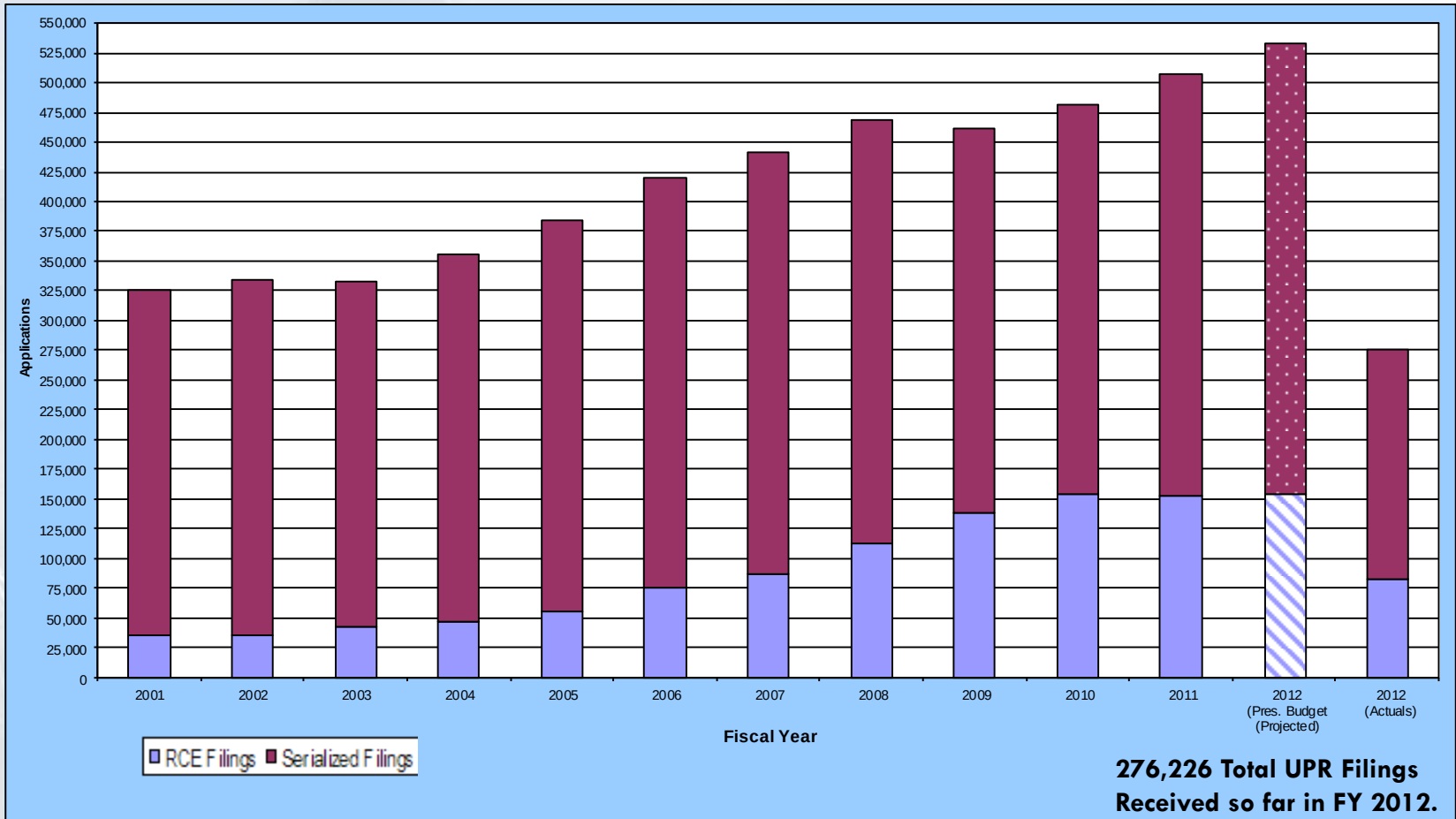


--- FY 2012 Target (2013 President's Budget): 621,800 – Includes CPC Production Adjustment.

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



Total UPR and RCE Filings FY 2001 – FY 2012 (through April 17th)



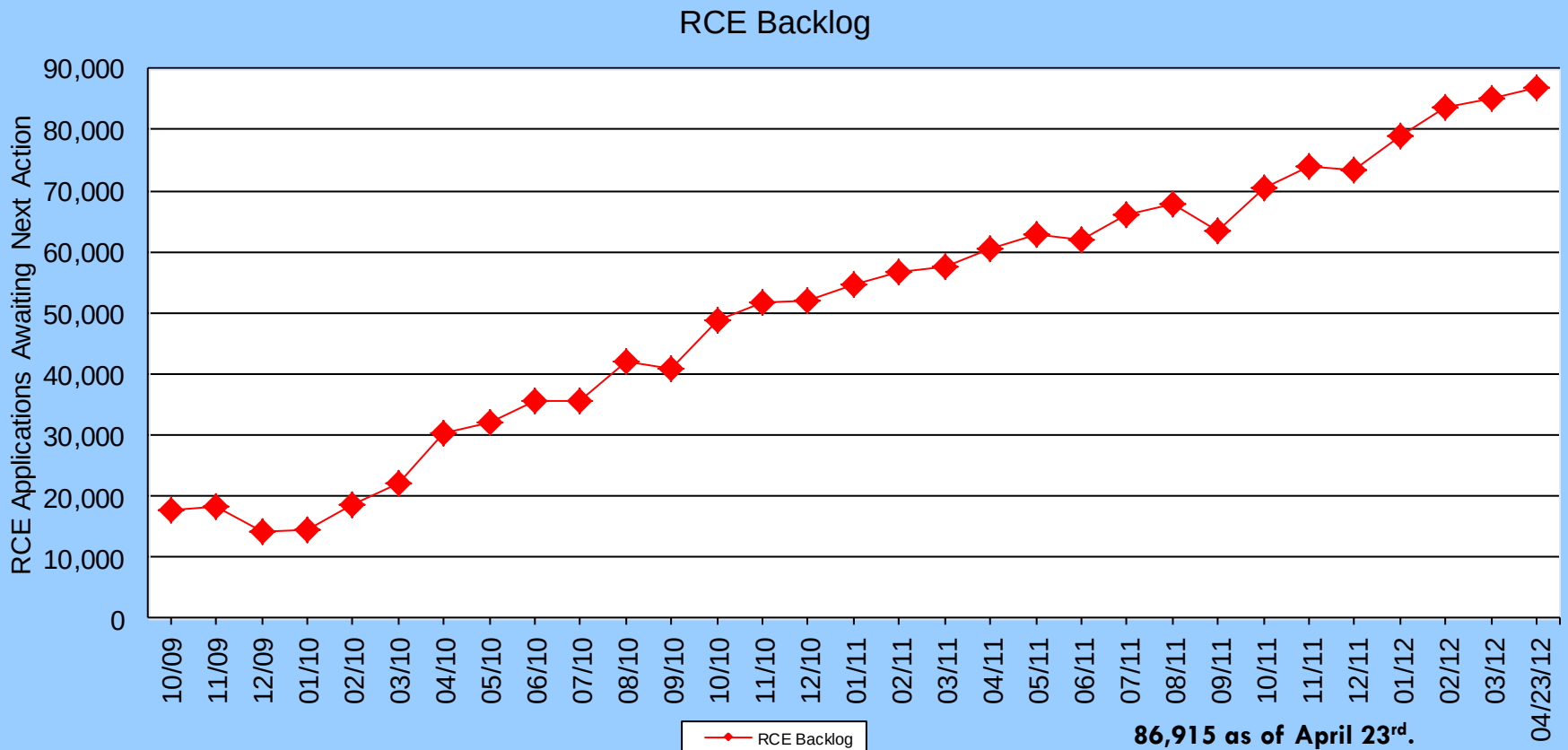
FY 2012 Target based on 2013 President's Budget: 533,300 (5.2% Projected Growth over FY 2011)

FY 2012 Total URR filings through March are currently 3.6% above FY 2011; RCE filings are 2.4% above FY2011; FY 2012 Serialized filings are 4.1% above FY 2011



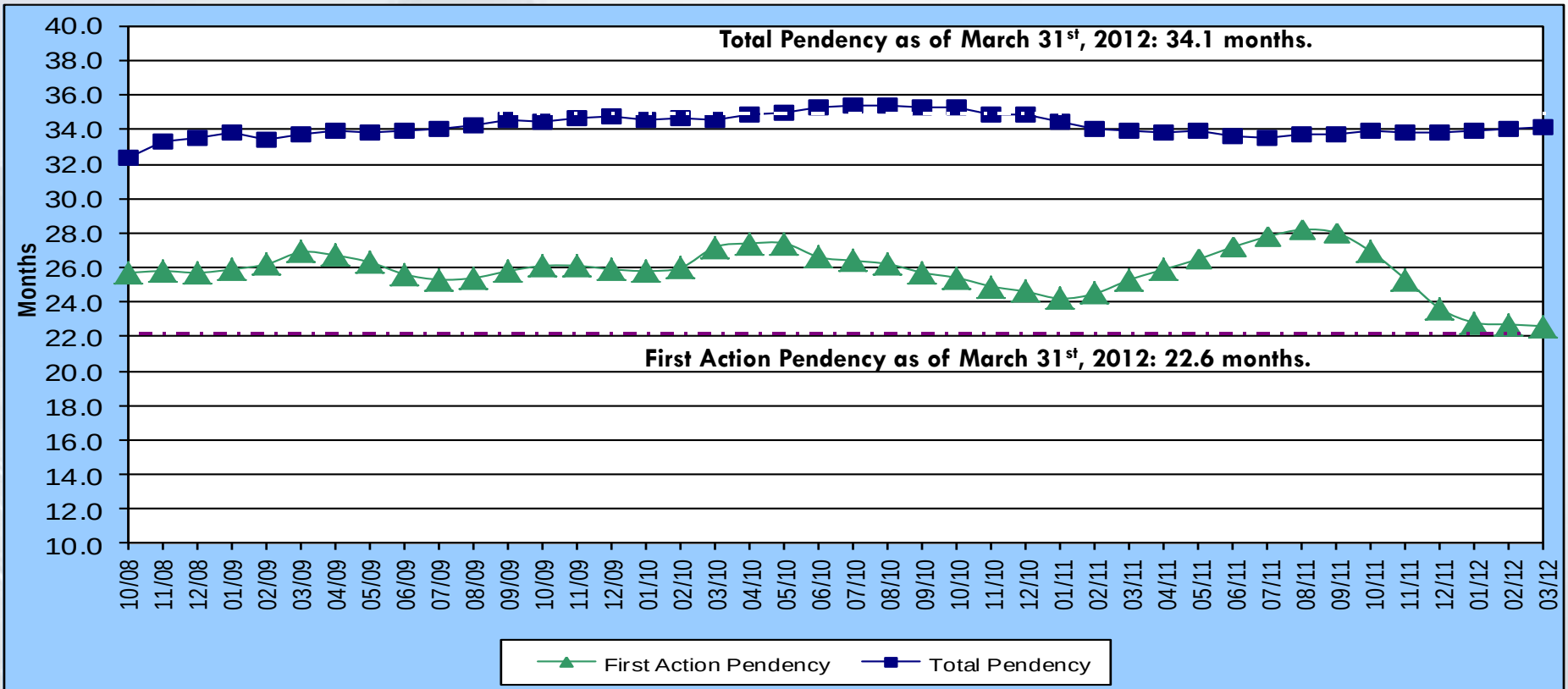
RCE Backlog

FY 2010 – FY 2012 (through April 23rd, 2012)





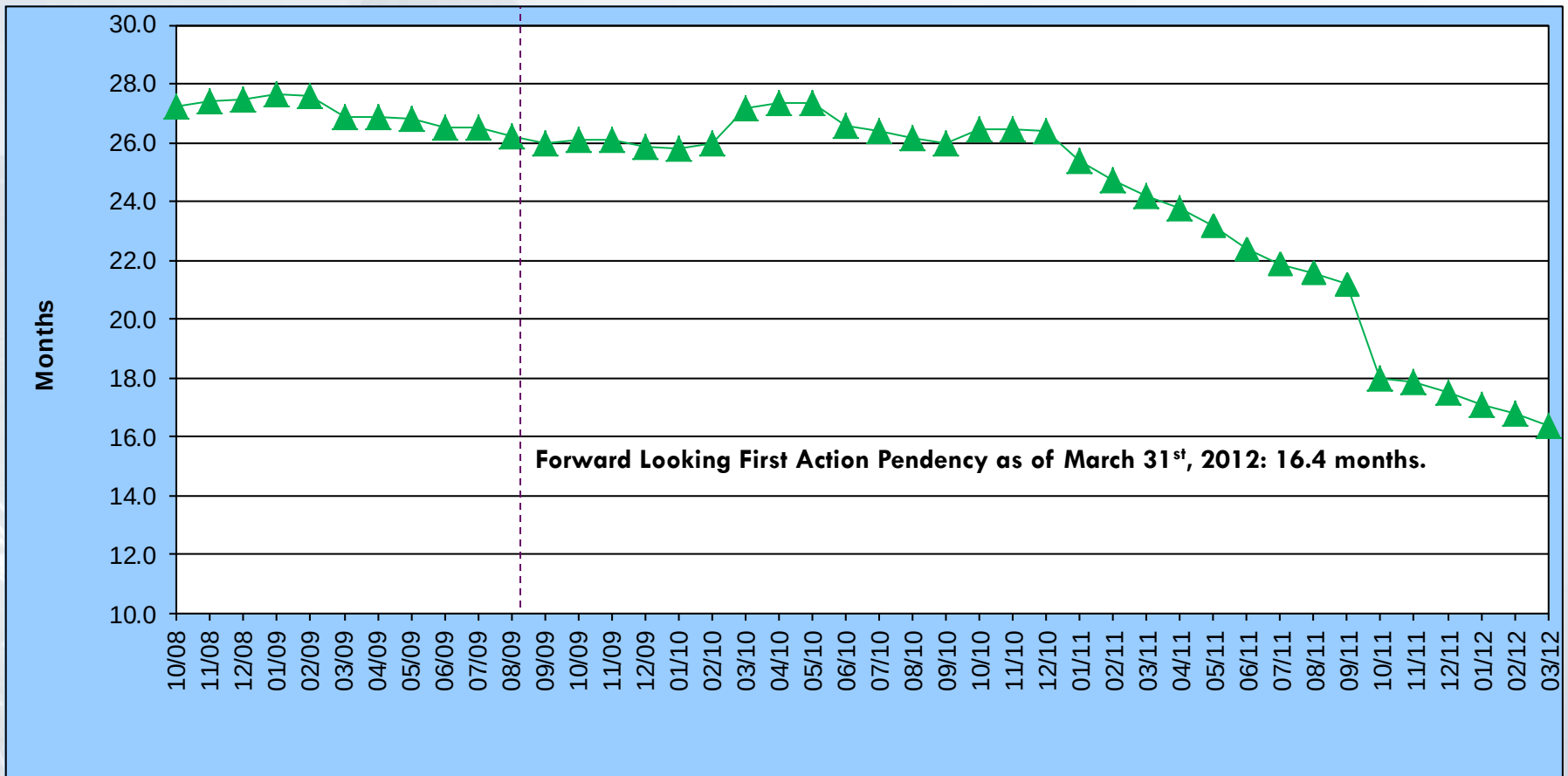
First Action Pendency and Total Pendency FY 2009 – FY 2012 (through March)



- - - Average Total Pendency FY 2012 Target: 34.7 months (Actual as of 03/31/12 – 34.1 months)
- . - Average First Action Pendency FY 2012 Target: 22.5 months (Actual as of 03/31/12 – 22.6 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 March)

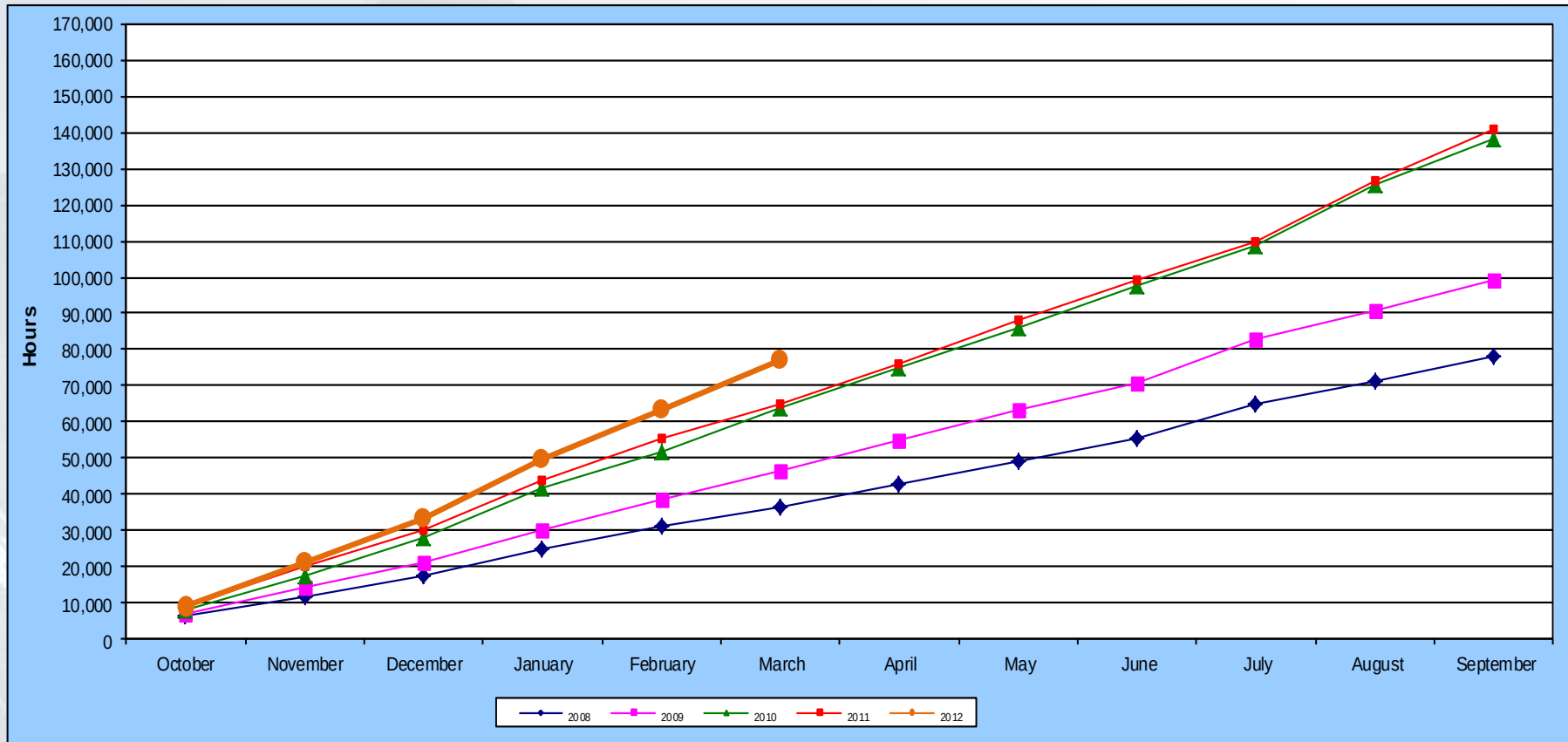


Forward Looking Pendency represents an estimate of the average number of months it would take to complete a first Office action under current and projected workload and resource levels for an application filed at the given date.



Interview Time

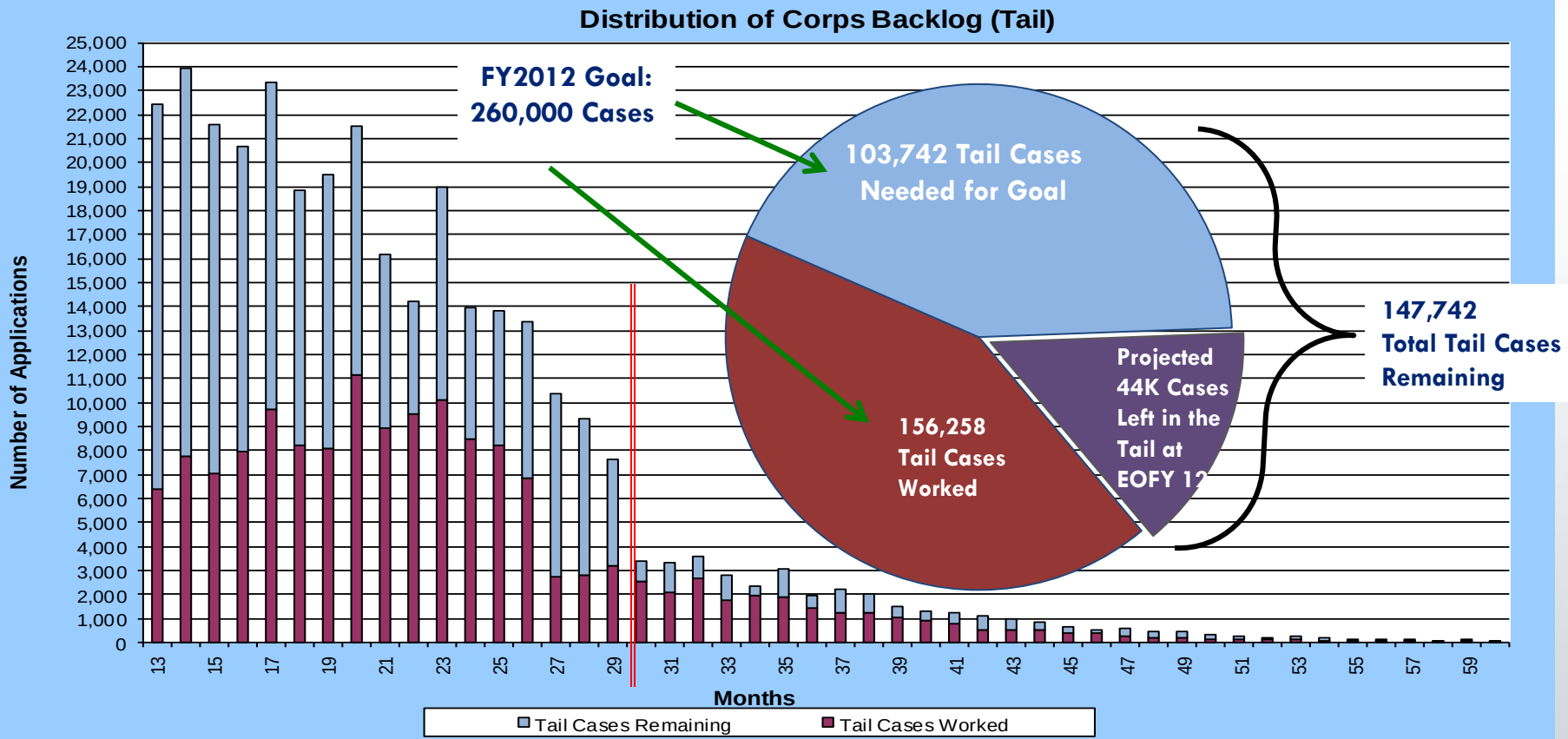
FY 2008 – FY 2012 (through March)



(77,328 hours as of March, 2012, compared with 65,086 hours as of March, 2011.)



Clearing the Oldest Patent Applications 2.0 (COPA) FY 2012 (through April 7th, 2012)



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

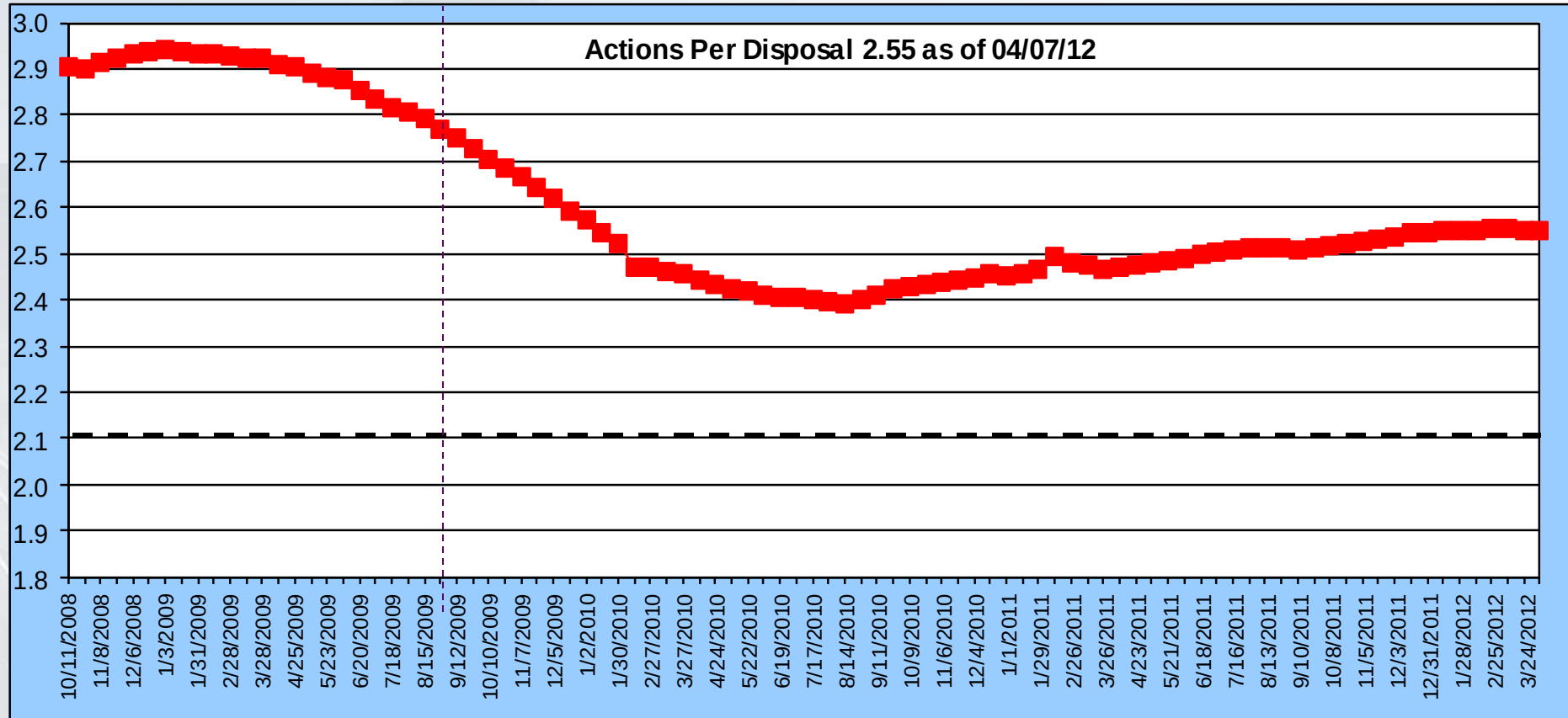
FY 2012 Goal: Reduce COPA Backlog (Tail) by 260,000 applications (24,108 applications have been disposed)

12,474 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 April 7th, 2012)

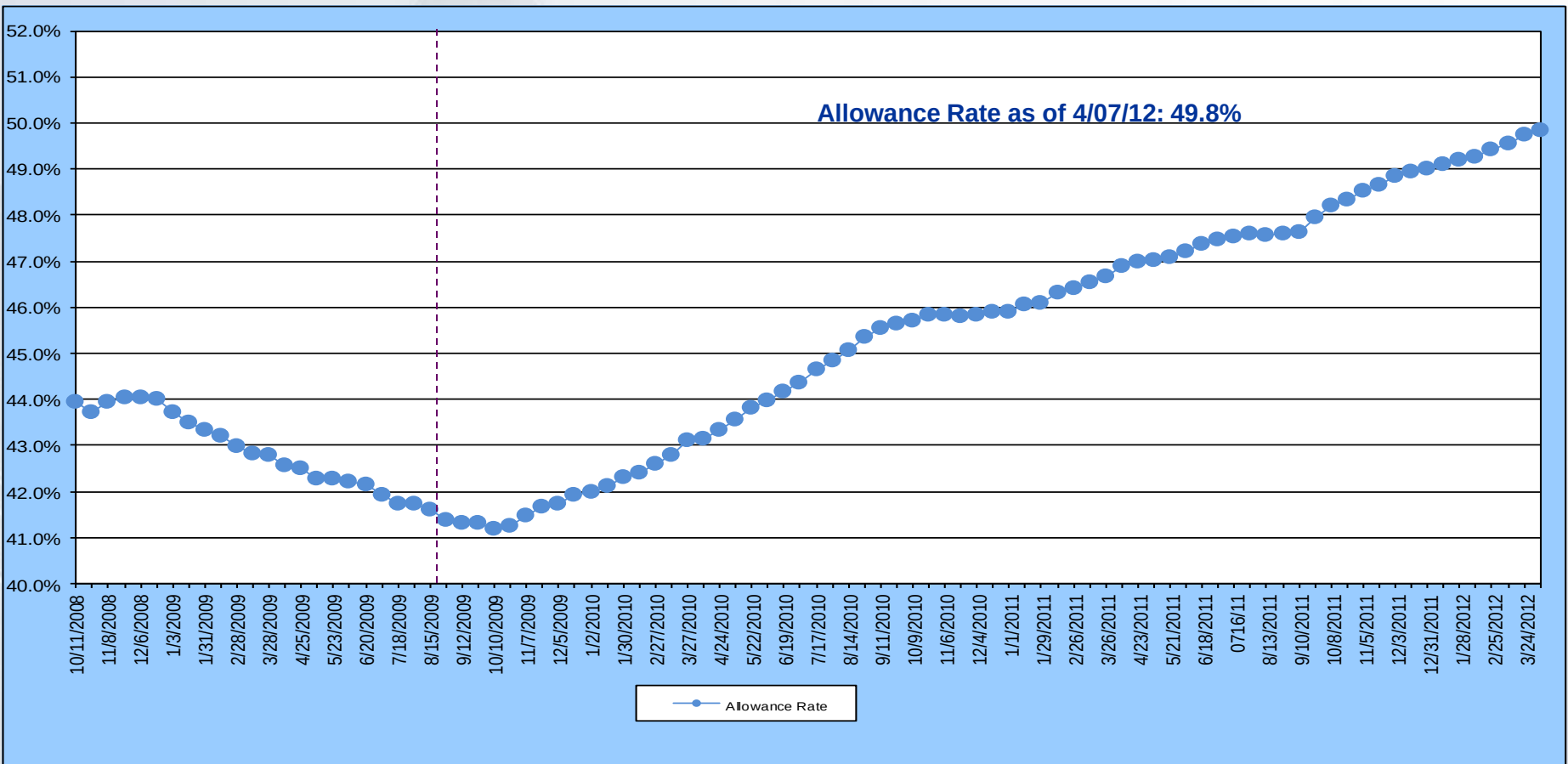


----- **Actions Per Disposal Target**

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 April 7th, 2012)



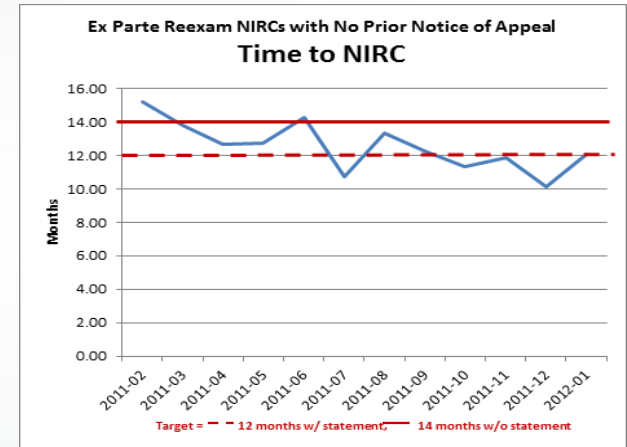
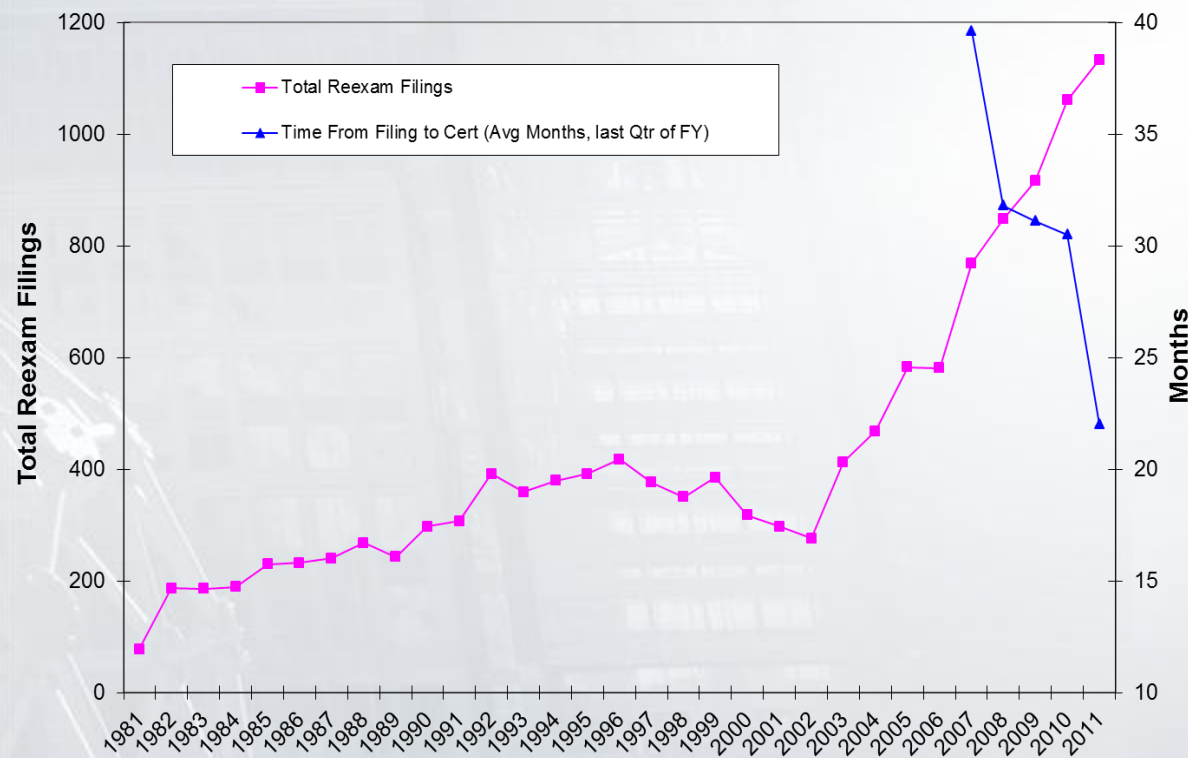
Sustained increase in allowance rate is a positive indicator – it shows increased efficiency of the workforce.



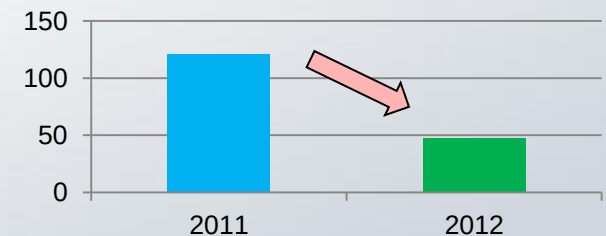
Central Re-examination Unit (CRU)

- **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



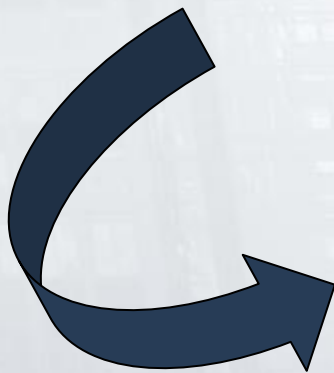


Board of Patent Appeals & Interferences

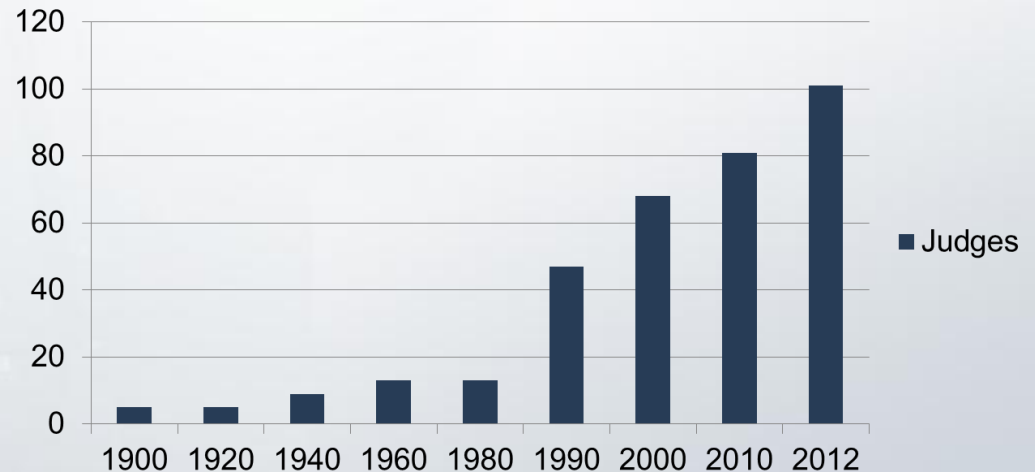
Appeals



***Aggressive hiring to tackle BPAI backlog**



Judges



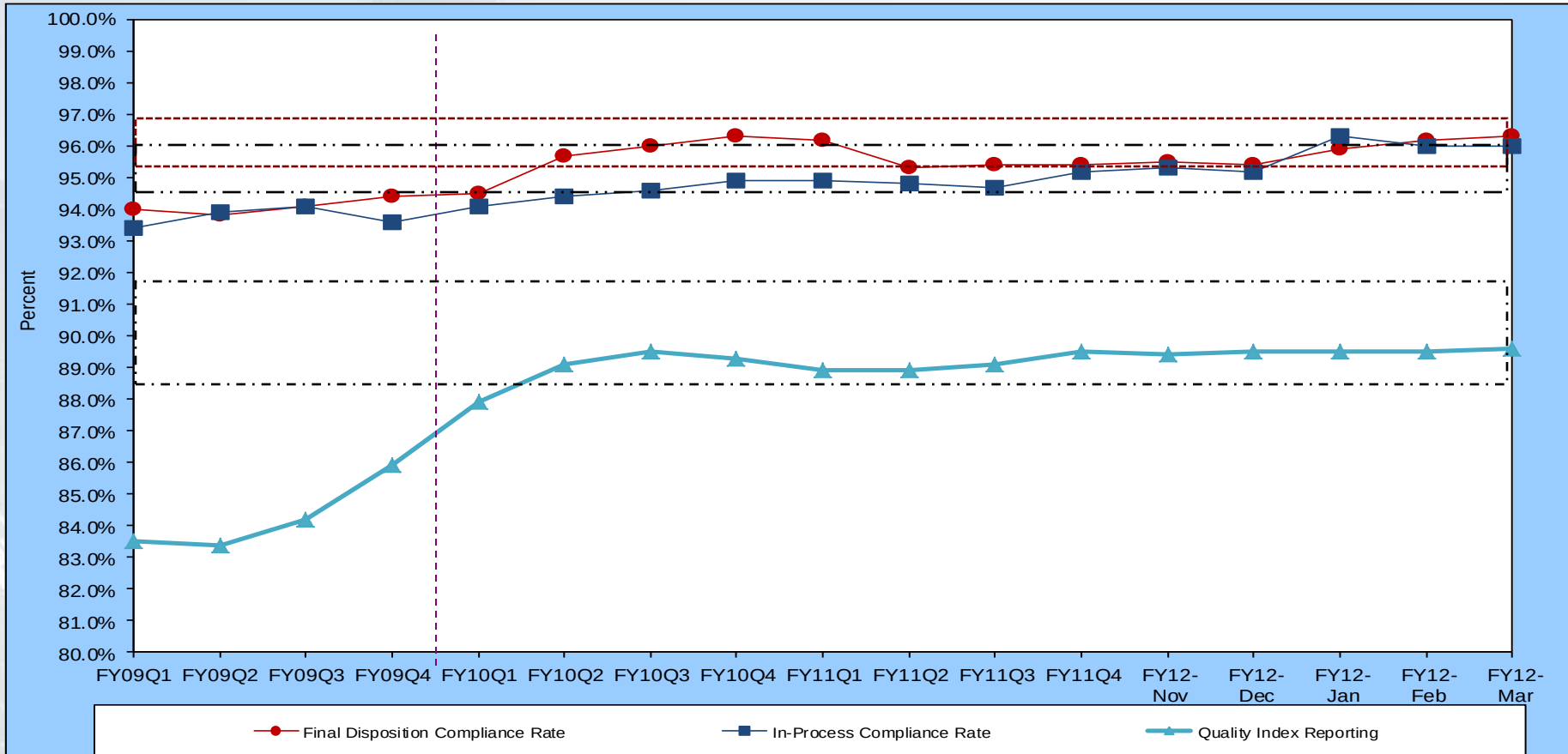


Quality Measures

Final Disposition, In-Process and QIR

12 Month Rolling Average

FY 2009 – FY 2012 (through March)



2012 Final Disposition Compliance Rate Target Range **2012 In-Process Compliance Rate Target Range**

(95.6% - 96.7%). Actual as of March: 96.3% **(94.6% - 96.0%). Actual as of March: 96%**

2012 Quality Index Reporting Target Range

(88.3% - 91.60%). Actual as of March: 89.6%



Quality Measures

Reporting Period	Patent Quality Composite Metrics							
	Final Disposition Compliance Rate	In-Process Compliance Rate	FAOM Search Review	Complete FAOM Review	Quality Index Reporting	External Quality Survey	Internal Quality Survey	Quality Composite Score
FY12Q2	96.3%	96.0%	97.0%	91.5%	89.6%	5.0	5.1	65.5
FY12-Feb	96.2%	96.0%	95.6%	90.9%	89.5%	3.0	5.1	49.3
FY12-Jan	95.9%	96.3%	95.6%	91.0%	89.5%	3.0	4.3	43.9
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.

Actual qs of FY 2012 Q2 – 65.5

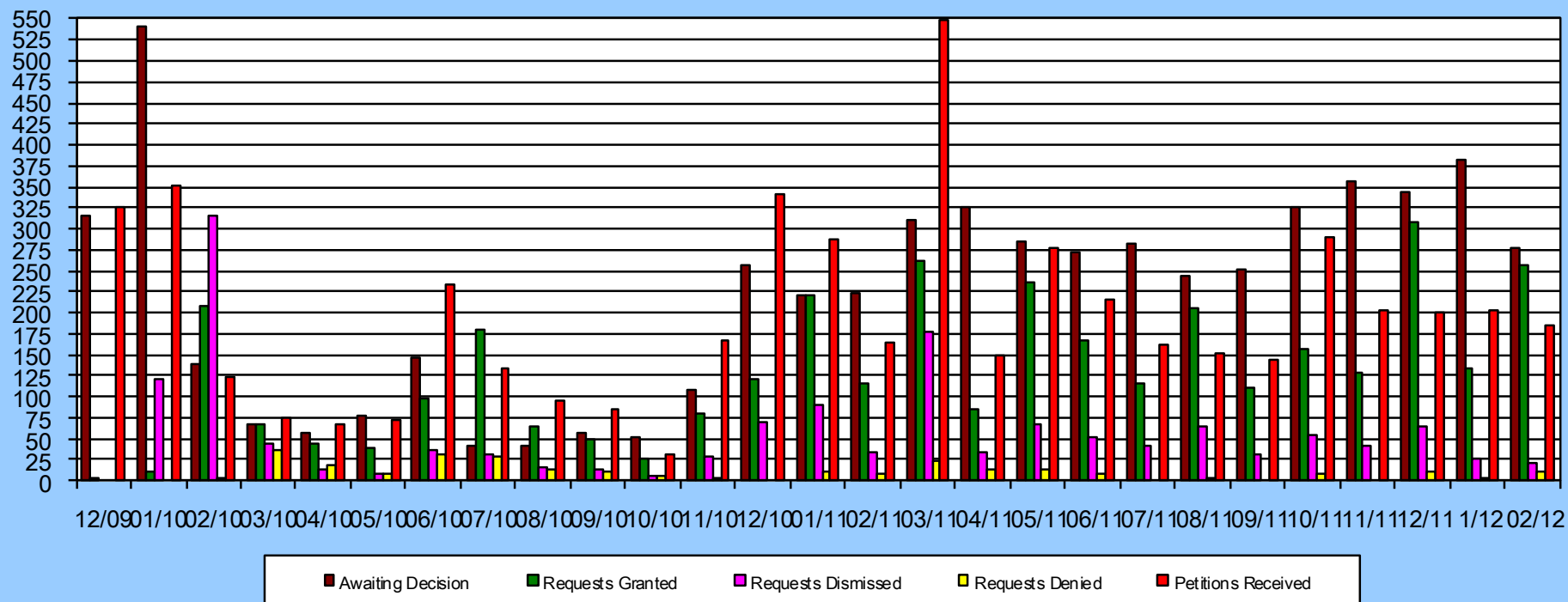


Green Technologies Pilot

Data as of February 27th, 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
Petitions Received	32	166	340	287	165	548	150	276	216	162	151	145	291	202	201	202	186	5,550
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





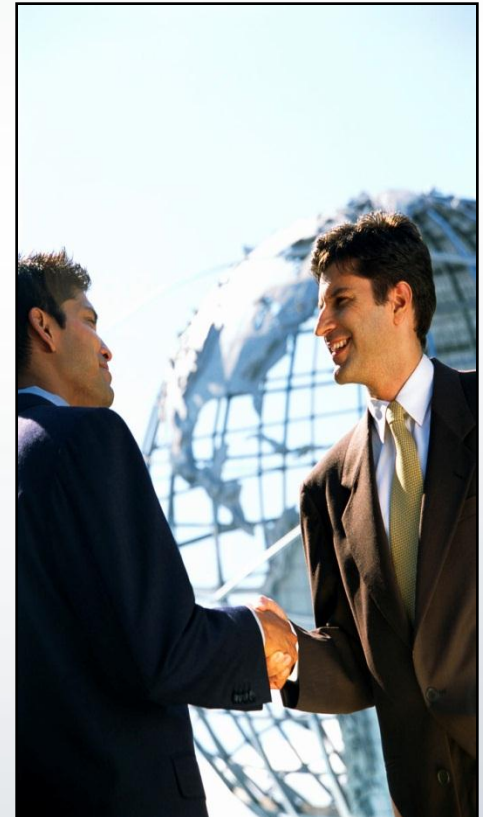
Global Impacts of AIA

- AIA adopts international norms related to:
 - First-to-file
 - Prior user rights
 - Broadening the definition of prior art
 - Eliminating the *Hilmer* doctrine
 - Virtually eliminating the best mode requirement
- US Patent Reform:
 - Facilitates worksharing with international patent offices
 - Provides renewed opportunities to harmonize the international patent system



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	7,032
PCT-PPH	3,290
Total	10,322

- PPH results compared with all cases:

	Paris-PPH	PCT-PPH	All Cases
Grant Rate (Allowances/Total Number of Disposals)	89%	92%	49%
Actions per Disposal	2.13	1.61	2.49



Cooperative Patent Classification (CPC)

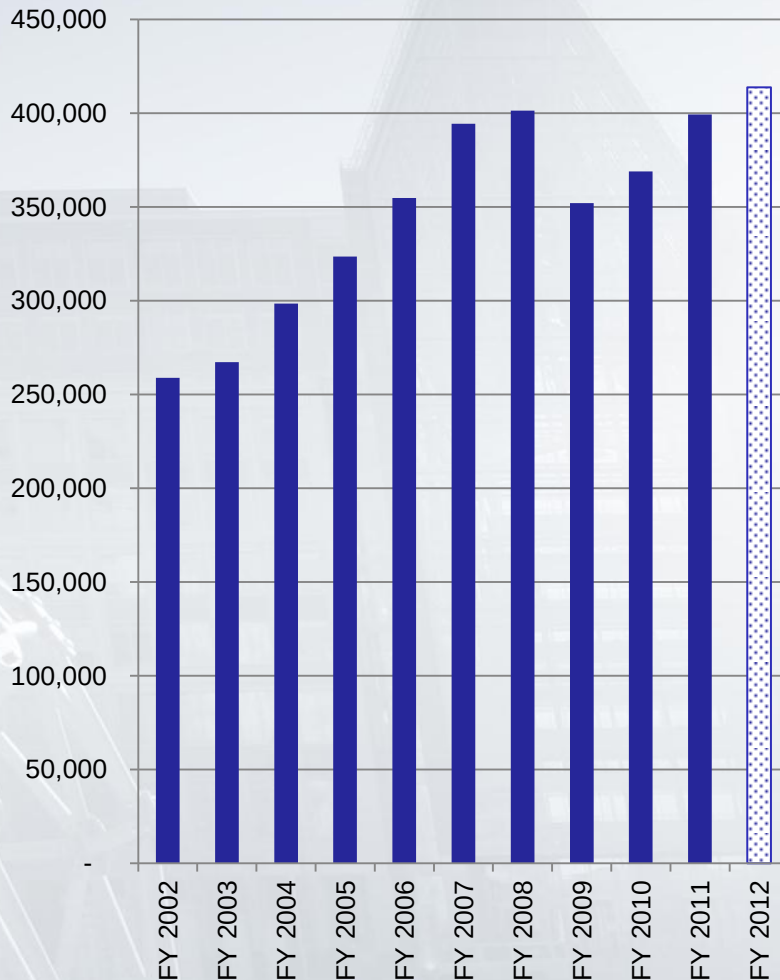


Europäisches
Patentamt
European
Patent Office
Office européen
des brevets

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

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

***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

**United States Patent and Trademark Office**
An Agency of the Department of Commerce

Trademark Status and Document Retrieval

About USPTO Patents Trademarks IP Law & Policy Products & Services Careers Inventors News & Notices eBusiness/Alerts FAQs For Kids

USPTO > Trademark > TSDR > Trademark Search

TSDR was experiencing delays in displaying documents that were submitted Monday, April 2, 2012 and Tuesday April 3, 2012. The issue has been resolved, no data has been lost, and the upload of the backlog should be completed soon. Thank you for your patience.

TSDR FAQ'S

Trademark Status & Document Retrieval (TSDR) ?

US Registration No 3824627 Status Documents

Advanced Search

Status results found

STATUS DOCUMENTS ?

View Assignment View Proceeding Download Print Preview

Generated on: This page was generated by TSDR on 2012-04-23 15:11:03 EST

Mark: CU 

US Serial Number: 77892761 Application Filing Date: Dec. 14, 2009

US Registration Number: 3824627 Registration Date: Jul. 27, 2010

Register: Principal

Mark Type: Trademark, Service Mark

Status: Registered. The registration date is used to determine when post-registration maintenance documents are due.

Status Date: Jul. 27, 2010

Publication Date: May 11, 2010

Expand All

Mark Information

Goods and Services

Basis Information (Case Level)

Current Owner(s) Information

Attorney/Correspondence Information

Prosecution History

TM Staff and Location Information

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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
- » STOPfakes.gov

- » Strategy Targeting Organized Privacy (STOP!)
- » Information Quality Guidelines
- » Department of Commerce
- » USPTO Webmaster



IP & Humanitarian Challenges

**Patents
for Humanity**



[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*



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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
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event or item here



Event: Title of the
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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 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

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



IP Awareness Assessment Tool

uspto.GOV

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

IP Awareness Assessment

Beta

uspto NIST

A business and inventors IP education tool

IP Awareness Assessment

The IP Awareness Assessment, developed under the joint efforts of United States Patent and Trademark Office (USPTO) and National Institute of Standards and Technology/Manufacturing Extension Partnership (NIST/MEP), allows you to assess your intellectual property awareness. Following the completion of the assessment, you will receive a customized training material. [Learn more](#)

Feedback

Your **feedback** and comments are crucial for improving the IP Awareness Assessment.

Inventor Assistance Program

Important Notice

Please note that any information provided here does not constitute legal advice, but is intended to increase your IP awareness. When filing an application for obtaining specific IP rights, it is recommended that you obtain professional legal assistance. The IP Awareness Assessment contains links to external websites. USPTO does not maintain those external sites and is not responsible for the material found therein.

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. The following button takes you to 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. The following button takes you to the full assessment.

» full assessment

Before starting the assessment, please note:

- Save the link for this page as a favorite/bookmark on your browser.
- In the "Internet Options" of your browser, deselect/uncheck 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 at your convenience.
- As you are answering the assessment questions, choose the answer that best applies to your business or circumstances as an independent inventor or individual. Where applicable, choose all the responses that apply to your situation.
- Responses or data collected in the assessment are not stored or used by the USPTO or NIST MEP.

uspto.GOV

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

IP Awareness Assessment

Beta

uspto NIST

A business and inventors IP education tool

Pre-Assessment

Pre-Assessment

Question 1

Do you plan to or do you currently create, use and/or sell any products or services?

- ☐ Yes.
☐ No.



next



return to start

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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.

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](http://www.uspto.gov/americaninventsact). Additional information regarding the AIA is available at www.uspto.gov/americaninventsact.

We really appreciate your thinking and recommendations!

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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.

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- Review our Terms of Participation and Privacy Policy.**
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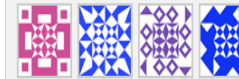
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In January 2011, the USPTO began offering an alternate method for commenting on selected chapters of the Manual. To participate in an online discussion and contribute your ideas, look for the  [Discuss this Section](#) links in Chapters 500, 900, and 1900, or see <http://uspto-tmep.ideascale.com>.





ePetitions

ePetition Resource Page

The ePetitions Resource Page provides useful information and guidance regarding the submission, automatic processing, and immediate grant of ePetitions.

- **Secure Filing with Auto-Grant.** Filing an ePetition via EFS-Web automates the petition process and allows petitioners to directly input the requisite information into a secure Web interface and immediately receive an ePetition decision.
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PDF-based ePetitions

The PDF-based ePetitions require the download and completion of the respective EFS-Web Fillable PDF Form.

- Petition to Make Special Based on Age (37 CFR 1.102)
 - [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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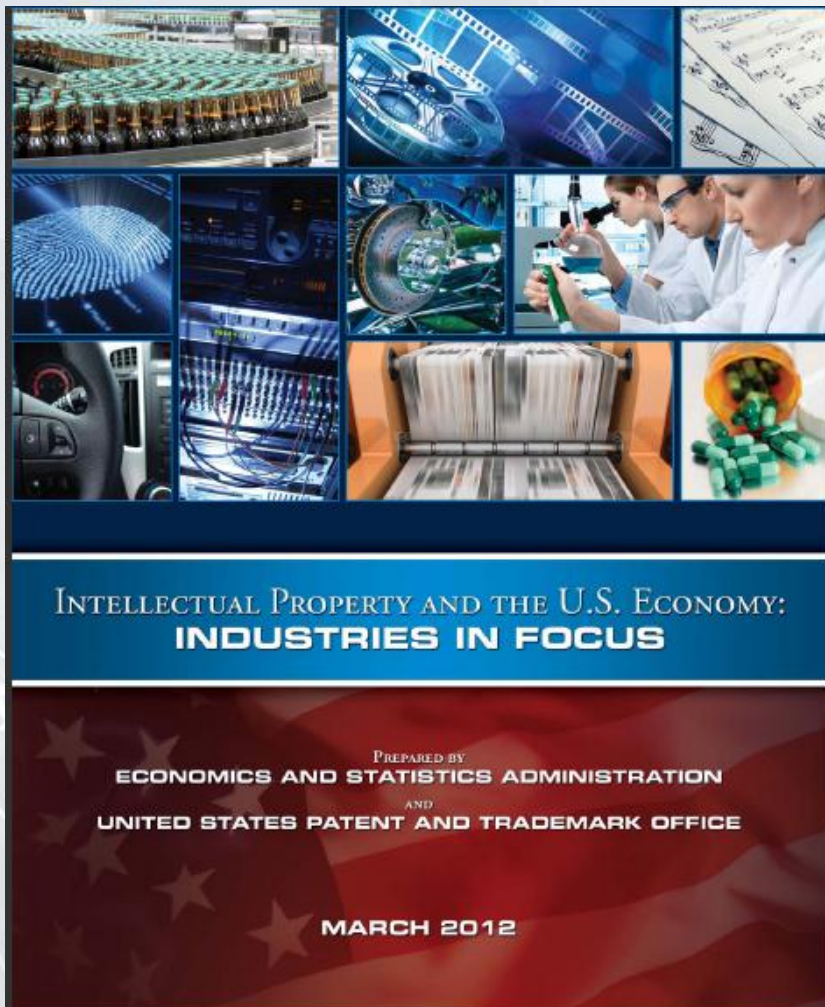
The ePetition information can be entered directly into EFS-Web screens. The PDF form is **not required** for these ePetitions.

- Request for Withdrawal as Attorney or Agent of Record (37 CFR 1.36)
- 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))



IP Jobs Report

- IP-intensive industries accounted for about \$5.06 trillion in value added, or 34.8% of U.S. gross domestic product (GDP), in 2010.
- Every 2 jobs in IP-intensive industries supports an additional 1 job elsewhere in the economy.
- In total, 40.0 million jobs, or 27.7% of all jobs, were directly or indirectly attributable to the most IP-intensive industries.
- The AIA is strengthening IPR to allow those industries to continue to flourish and add jobs.



Thank You

