

8th Annual Advanced Patent Law Institute



James T. Moore
Vice Chief Administrative Patent Judge
Patent Trial and Appeal Board
01/24/2013



Current Events at the PTAB

- Hiring
- New Board presence in satellite USPTO offices
- Ex Parte Appeals statistics
- New Judge output
- PTAB Outcomes
- CAFC Outcomes
- Published Opinions



Hiring

- Since October 2011
 - Reviewed nearly 1,300 applicant records
 - Interviewed over 200 candidates
 - Selected nearly 80 highly qualified candidates to become new Judges
 - We stand at 164 Judges as of January 14, 2013.
- Opportunities at Detroit/Denver/Dallas/Silicon Valley Satellite Offices
 - Selecting candidates from previous postings now
 - New advertisements posted; short duration, then possibly again later in calendar year 2013
- Goal for FY2013: to hire 60 judges.



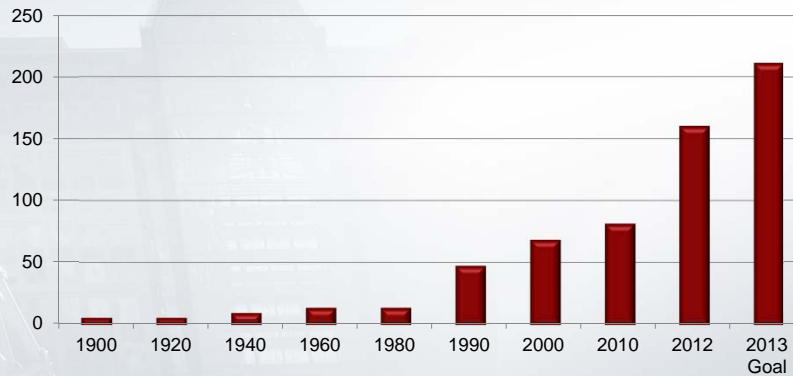
Board Hiring

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



Members of the Board (as of 01/10/2013)

Judges

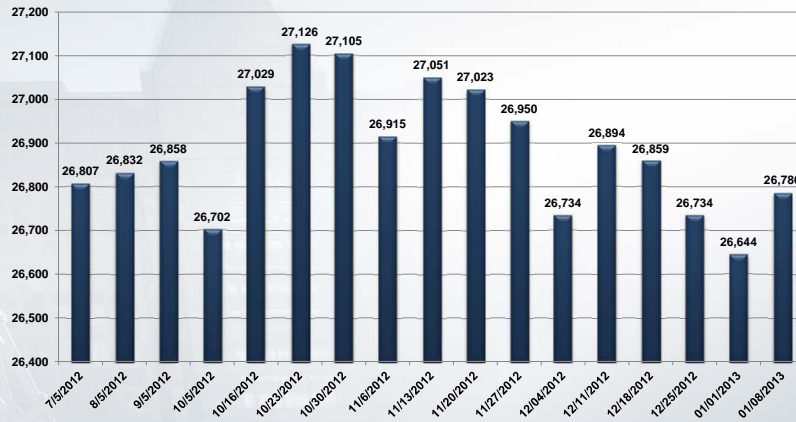


Board Backlog

- Growth of the Backlog has essentially been halted
 - Last 6 months: more decisions issued than new appeals received
 - Benefiting from numerous factors
 - Successful hiring in FY2012 that needs to continue in FY2013
 - Somewhat lower end-of-year intake for FY2012 and beginning of FY 2013
 - Extraordinary efforts by current Judges
- Trend can still be reversed if ex parte appeal intake and AIA intake grow faster than new hires

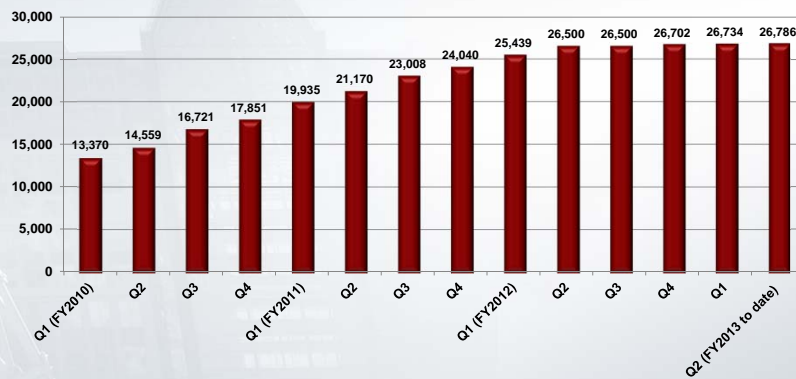


Board Backlog



Size of Backlog for the Past 13 Quarters

Appeals





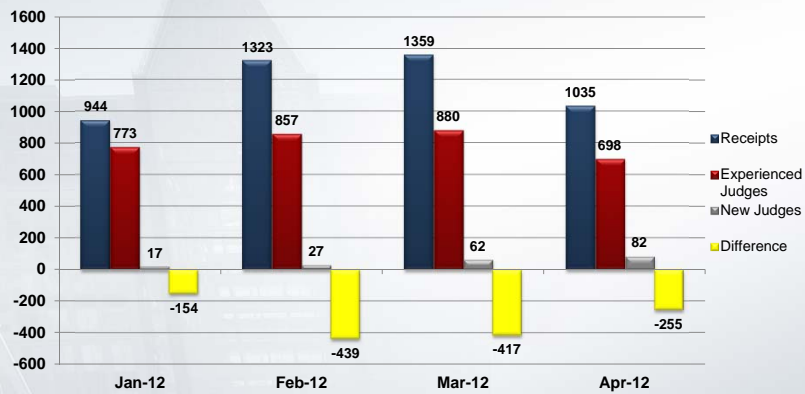
PTAB Receipts and Dispositions

Past Month

PTAB Receipts and Dispositions			
Period:	12/08/2012	thru	01/08/2013
Discipline	# Cases Received	# Cases Disposed	Difference (Disposed minus Received)
Biotech	49	69	20
Business Methods	90	56	-34
Chemical	126	142	16
Contested Cases	10	22	12
Design	3	2	-1
Electrical	320	357	16
Mechanical	176	235	59
Totals	774	883	109

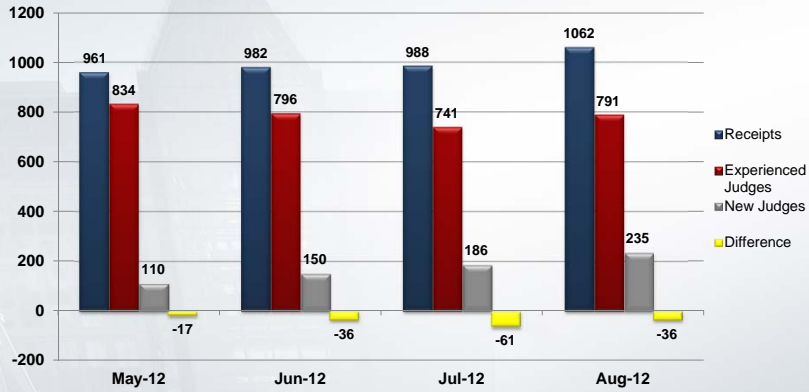


Monthly Receipts and Dispositions – New Judge Comparison

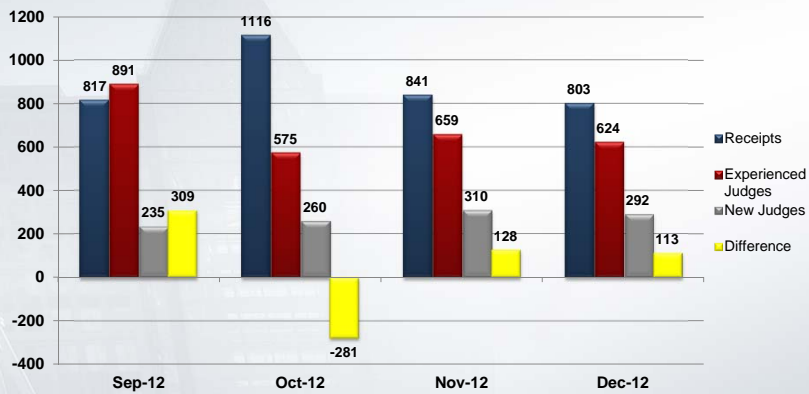




Monthly Receipts and Dispositions – New Judge Comparison

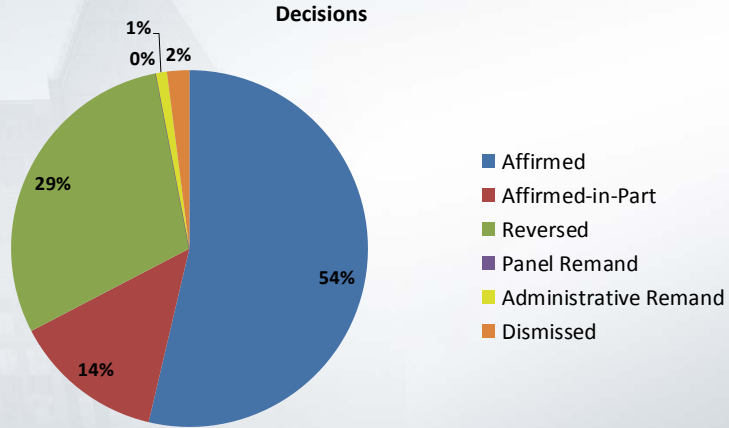


Monthly Receipts and Dispositions – New Judge Comparison





Decisions by Type: FY2013



Outcomes at the Federal Circuit

	FY2012	FY2013 (to date)	Total
Affirmances	67	15	82
Reversals	4	0	4
Remands	10	3	13
Dismissals	12	7	19
Total	93	25	118

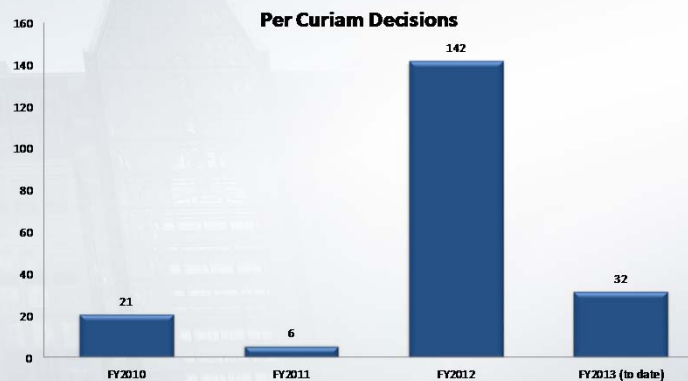


Decisions Adopting Persuasive Arguments Made in the Record

- Allow the Board to issue decisions based on arguments presented by Examiners or Appellants
 - Shorter decisions; disposed sooner; sometimes designated “*Per Curiam*”
- Arguments of record must sufficiently explain the decision



“Per Curiam” Short Decisions as of 12/04/2012





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