

**UNITED STATES  
PATENT AND TRADEMARK OFFICE**



# Patent Trial and Appeal Board (PTAB) update

Scott R. Boalick, Chief Administrative Patent Judge

Jacqueline W. Bonilla, Deputy Chief Administrative Patent Judge

Janet A. Gongola, Vice Chief Judge

Michael P. Tierney, Vice Chief Judge

Michael W. Kim, Vice Chief Judge

February 11, 2021

Patent Public Advisory Committee quarterly meeting

UNITED STATES  
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# Agenda

- Update on LEAP
- Update on Fast Track Appeal Pilot
- Update on Motion to Amend Pilot
- New final rules
- Indefiniteness memo
- Latest info on PTAB filings and outcomes, including ex parte pendency and new AIA roundup statistics for FY19 and FY20

# USPTO PTAB webpage—statistics

Appeals

Decisions

Hearings

Resources and guidance

**Statistics**

PTAB dashboard

PTAB data tools and IT systems

PTAB events

New to PTAB

About PTAB

PTAB help

Patent Trial and Appeal Board (PTAB) performance benchmarks for dispositions, pendency, inventory, and other tracking measures.

Under Construction: PTAB is migrating to a new statistics format for AIA trials. We are moving all of our outcome statistics into a new quarterly “Outcome Roundup” format that includes outcome information on a by-petition, by-patent, and by-claim basis. We will continue publishing non-outcome trial statistics on a monthly basis. In addition, we now provide end of year outcome statistics for fiscal year 2019 for AIA trials below, and expect to provide the same for fiscal year 2020 soon.

## Trial statistics

Current fiscal year (FY) statistics to date:

- [FY21 Q1 Outcome Roundup](#) (coming soon)
- [November 2020](#)
- [October 2020](#)

Prior fiscal year statistics:

- [FY20 End of Year Outcome Roundup](#)
  - [Appendix](#)
- [FY19 End of Year Outcome Roundup](#)
  - [Appendix](#)

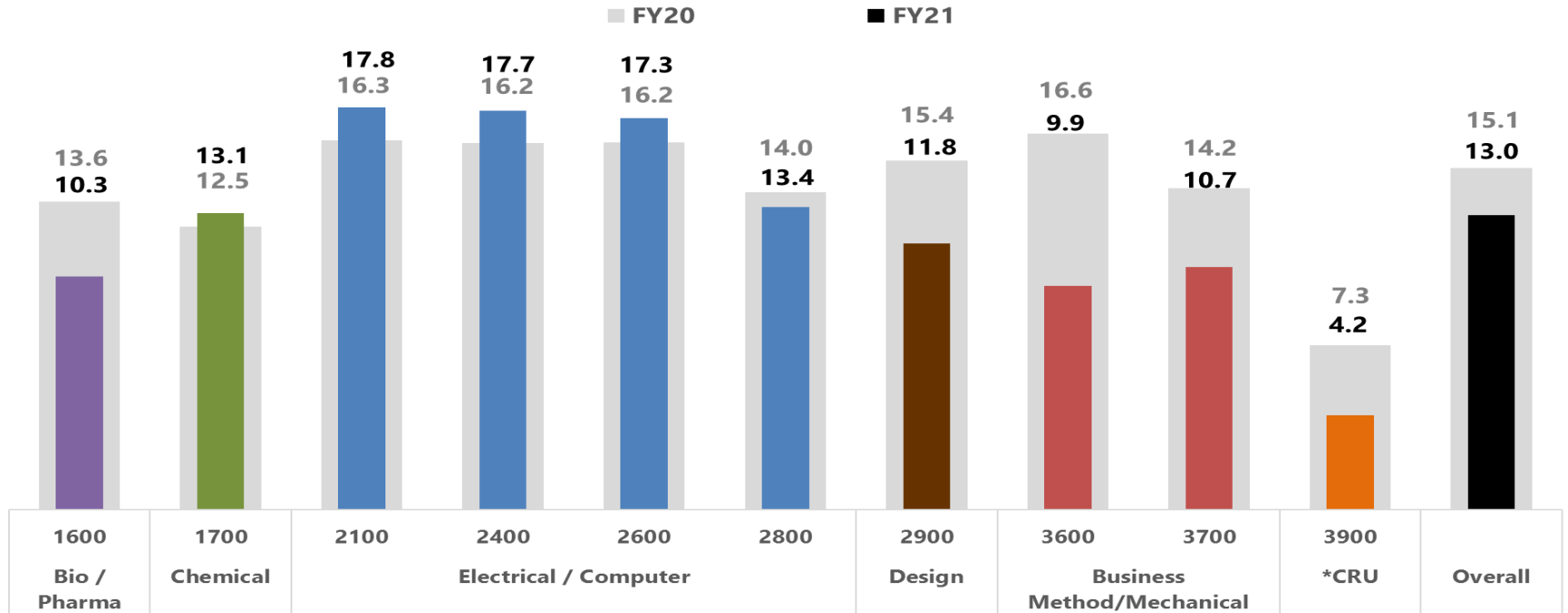
## Appeal and interference statistics

Current fiscal year (FY) statistics to date:

- [December 2020](#)
- [November 2020](#)
- [October 2020](#)

# Pendency of decided appeals

(Oct. 2019 – Dec. 2019 compared to Oct. 2020 – Dec. 2020)



Pendency is calculated as average months from Board receipt date to final decision.

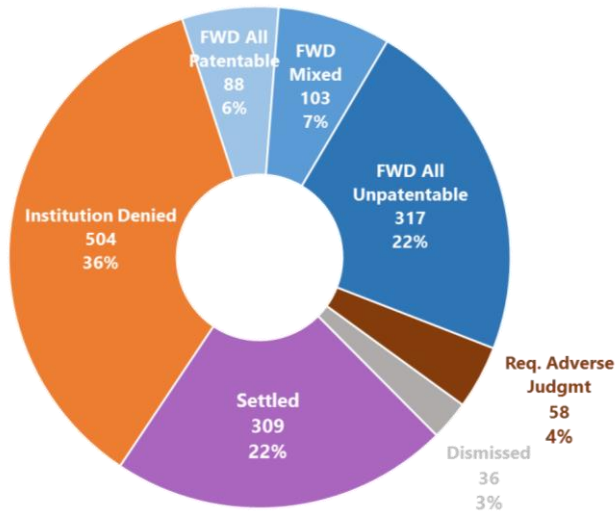
Pendency is calculated for a three month period compared to the same period the previous year.

\*CRU (Central Reexamination Unit) decisions include 10 *ex parte* reexams, 2 *inter partes* reexam, 0 supplemental examination reviews, and 6 reissues from all technologies for Oct. – Dec. 2020.

# FY2020 AIA statistics

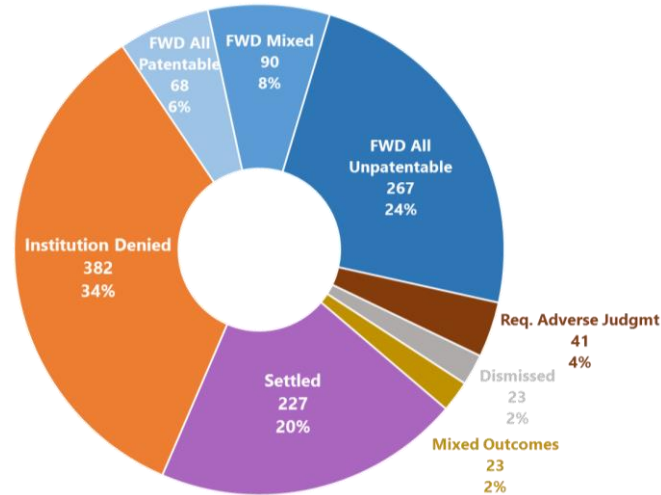
## Outcomes by petition

(FY20: Oct. 1, 2019 to Sept. 30, 2020)



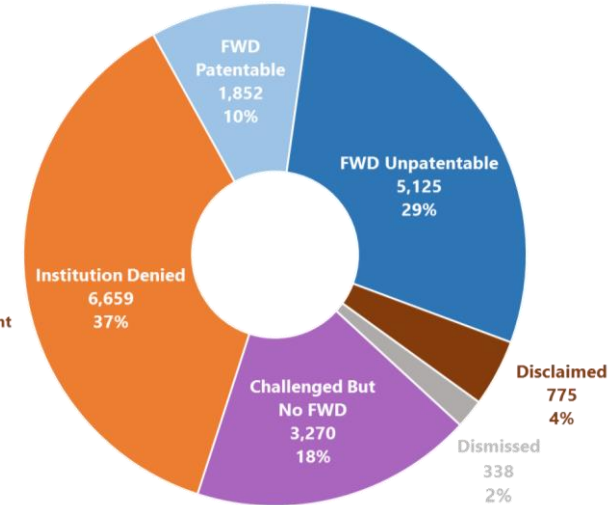
## Outcomes by patent

(FY20: Oct. 1, 2019 to Sept. 30, 2020)



## Outcomes by claim challenged

(FY20: Oct. 1, 2019 to Sept. 30, 2020)



FWD patentability or unpatentability reported with respect to the claims at issue in the FWD. "Mixed Outcome" is shown for patents receiving more than one type of outcome from the list of: denied, settled, dismissed, and/or req. adverse judgement only. A patent is listed in a FWD category if it ever received a FWD, regardless of other outcomes.

# Questions and comments

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