

**UNITED STATES
PATENT AND TRADEMARK OFFICE**



Examination Time and the Production System

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What do Examiners need to balance?

- **Production**
 - How many office actions / period of time
- **Workflow (Docket Management)**
 - Completing those actions within expected timeframe
- **Quality**
 - Quality of those actions

Examiner Performance Appraisal Plan

Examiners' performance rating depends on balancing all of these, and more:

- 35% Productivity
- 35% Quality
- 20% Workflow (Docket Management)
- 10% Stakeholder Interaction

Examiner Dockets have Competing Priorities



NEW



AMENDED



TRACK 1



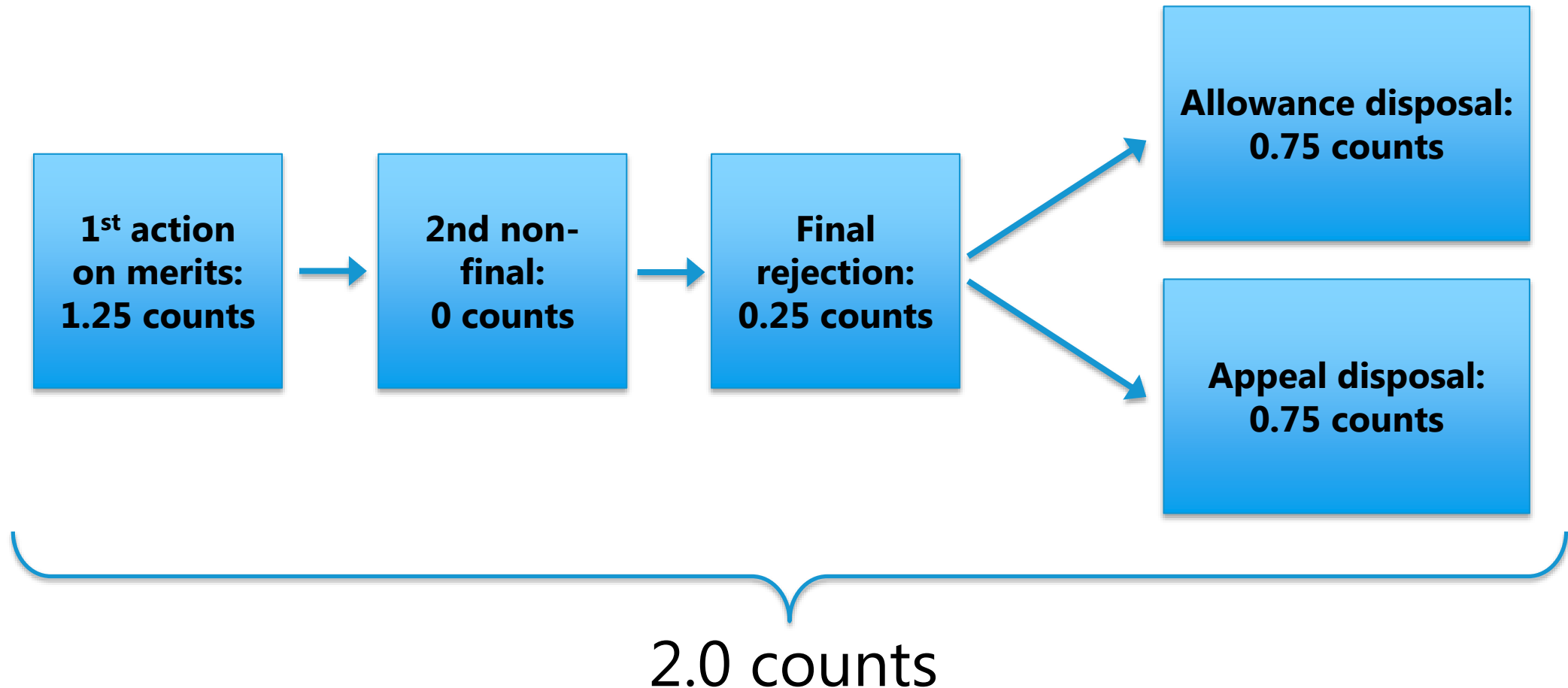
AFTER FINAL



CORRECTIONS

Which cases to work on? How many cases? When?

Production System: Counts Awarded Throughout Prosecution



Production Goals

- Production goals expected for examiners depend on several factors:
 - “Examining Hours” per accounting periods
 - Every two weeks
 - Every quarter
 - Every Fiscal Year
 - Technology complexity
 - Seniority

Production Goals: Examining Hours

Includes

- All major examination activities
 - Reviewing the application
 - Analyzing the claims
 - Searching the prior art
 - Considering prior art
 - Consulting with colleagues
 - Writing office actions
 - Addressing applicant's responses

Excludes

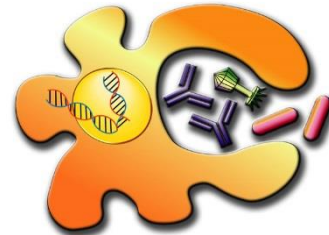
- Leave and holidays
- Training
- Staff meetings
- Programs where examiners receive additional time (AFCP2.0, QPIDS, etc.)

Production Goals: Technology and Seniority

- The **Technology Complexity** of an application designates the amount of time the examiner is given.



16.6 hours/BD
Fishing lures



25.9 hours/BD
Immunotherapy



27.7 hours/BD
Satellite communication

- The **seniority** influences expected production; senior examiners are expected to produce more work than junior examiners.
- There are as many as nine different levels of seniority

Production Goal Calculation: Expected Production Units For 100% of Goal

$$\frac{(\# \text{ of Examining Hours}) * (\text{Seniority Factor})}{(\text{Technology Complexity})} = \text{"X" BDs* Needed For 100\% of Goal}$$

*BD is "Balanced Disposal" or "Production Unit" and equals 2 Counts

Example: 100% Bi-Weekly Production Goal for GS-7, GS-12 and GS-14 Examiners:

All three examiners have the same number of examining hours (72) and the same GS-12 Technology Complexity (16.6 hours/BD):

$$\text{GS-7:} \quad \frac{72 \times 0.7 \times 2}{16.6} = 6.1 \text{ Counts}$$

$$\text{GS-12:} \quad \frac{72 \times 1.0 \times 2}{16.6} = 8.7 \text{ Counts}$$

$$\text{GS-14:} \quad \frac{72 \times 1.35 \times 2}{16.6} = 11.7 \text{ Counts}$$

Examiners balance multiple priorities

- In addition to completing work to meet production requirements, examiners must do their work in a timely manner.
- Workflow (Docket Management) system aligns examiner priorities with statutory requirements.

Workflow (Docket Management System)

- Provides an objective measure of the timeliness and flow of patent applications through the examination process in accordance with prescribed time periods that are set by Office policy.
- Each application filing falls into one of five categories, each with an associated clock
- Each category has its own “expected average days” for completion
- Uses the same percentage scale as Production

Docket Management Scores - General

- Fewer days to action = Higher Score



- Meeting expected average days (EAD) (par) = 100% score
- Above (more days than) EAD (par) $< 100\%$
- Below (fewer days than) EAD (par) $> 100\%$

Summary

