

Chief Patent Board Judge Waves Off Workforce Attrition Concerns

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A US Patent and Trademark Office executive played down the impact workforce attrition is having at the agency's board that reviews patent validity challenges and appeals for denied patents at a webinar Wednesday.

The Patent Trial and Appeal Board has seen around 30 of its administrative patent judges—roughly 13%—depart since Jan. 19 because of buyout offers, retirements, or resignations to take jobs in the private sector, Chief Judge Scott Boalick said during a PTO-run webinar. Asked if the board has sufficient staff, Boalick said the bleed of judges won't affect the administrative tribunal's workflow.

"We do have enough staff so we can handle both the appeals and the trials with the judges and staff on board," he said.

The Trump administration has pushed aggressively to slim the federal workforce. At the PTO, employees were given the opportunity to accept early retirement or buyout offers by April, after being warned of nearing layoffs. The patent examiners' union said it's filed grievances on the agency's ending remote work for probationary employees and the "suspension of training" for patent-focused employees.

Before President Donald Trump's inauguration, the PTAB had roughly 230 administrative patent judges and 120 support staff members, which includes patent attorneys and law clerks, Boalick said. Currently, he said, there are fewer than 200 APJs.

The agency has cited workforce attrition as a reason to increase APJ production goals in an effort to cut down pendency for appeals for rejected patent applications.

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