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FY21 pendency stats review

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Patent Public Advisory Committee quarterly meeting

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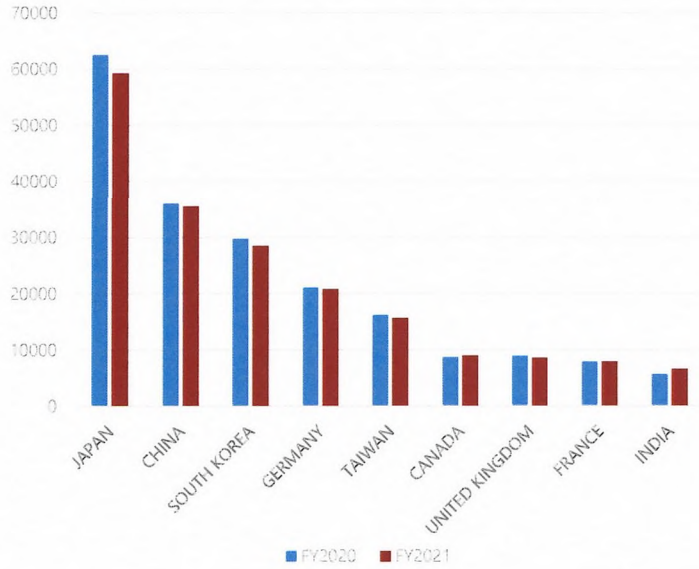
Key points of interest

- Patent term adjustment
  - Overall PTA compliance of mailed actions: 83%
  - Overall PTA compliance of remaining inventory: 86%
- Serialized growth rate was -0.1%
- Attrition rate was 5.8%

FY 2021 filing trends

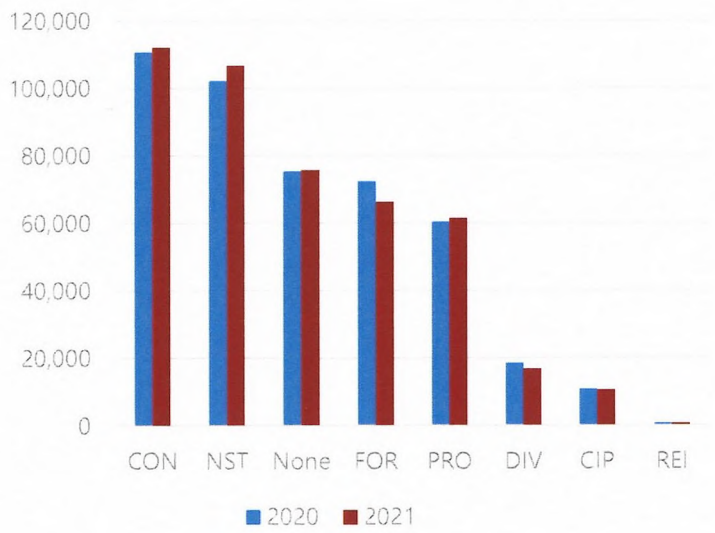
- Serialized filings decreased by 0.1%
  - Compared to 0.7% growth in FY20
- RCE filings have decreased by 6.5%
  - Compared to 9.0% decrease in FY20
- Provisional filings have decreased by 9.2%
  - Compared to 2.9% increase in FY20
- Design filings increased by 17.6%
  - Compared to 4.2% increase in FY20

FY21 USPTO serialized filings by country of origin



Country of Origin	FY2020	FY2021	% Growth
JAPAN	62566	59312	-5.2%
CHINA	36106	35606	-1.4%
SOUTH KOREA	29778	28606	-3.9%
GERMANY	21098	20896	-1.0%
TAIWAN	16283	15693	-3.6%
CANADA	8718	9071	4.0%
UNITED KINGDOM	8956	8652	-3.4%
FRANCE	7921	7953	0.4%
INDIA	5726	6638	15.9%
UNITED STATES	207404	209958	1.2%

FY21 USPTO filings by priority type

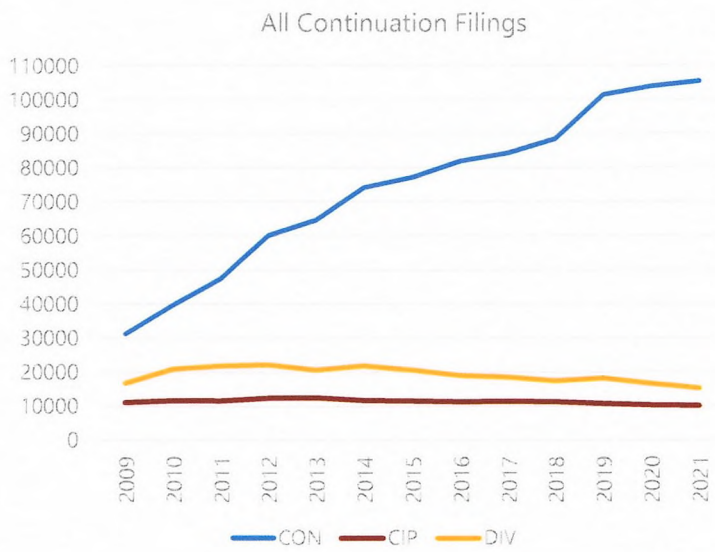


- FY 2021 serialized filings were flat; however, there was in increase in continuations
- National stage applications also showed an increase in filings, while applications claiming foreign priority and divisionals showed a decrease

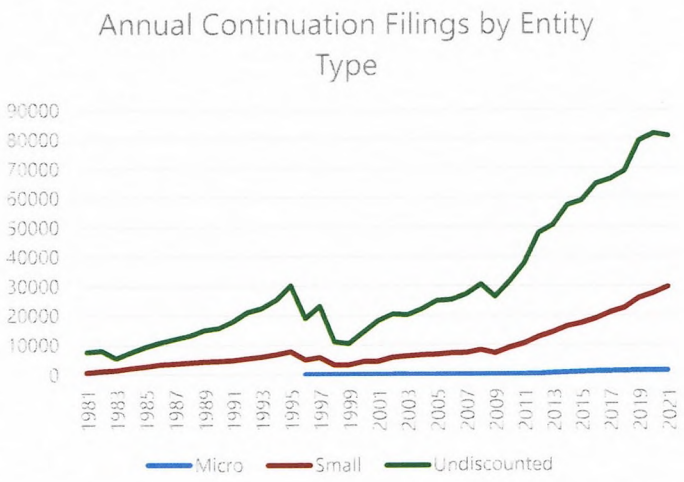
Priority Type	2020	2021	% Growth
CON	110722	112119	1.3%
NST	102180	106745	4.5%
None	75358	75779	0.6%
FOR	72360	66348	-8.3%
PRO	60378	61417	1.7%
DIV	18498	16834	-9.0%
CIP	10789	10533	-2.4%
REI	695	682	-1.9%

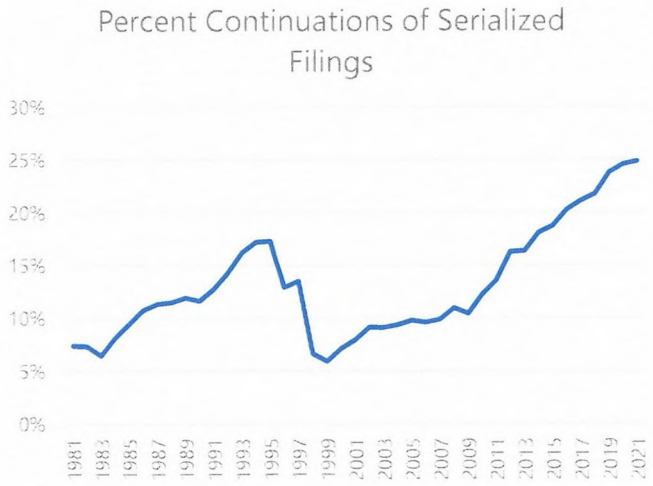
Continuation filing trends

- Continuations are rapidly increasing
  - Tripled in a decade
  - Now account for nearly a quarter of all serialized filings
- Impacts workload and docketing practice
  - Makes first-in, first-out and workload balancing more difficult
- Large majority filed from allowed cases
  - 80% of continuations have a patented parent
  - 21% of issued patents spawn a continuation



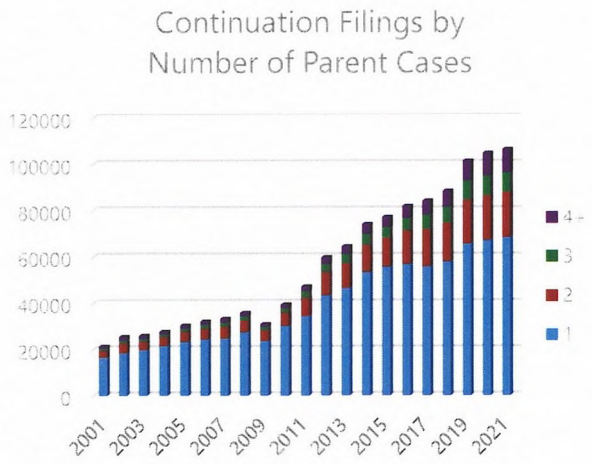
Historical continuation filings

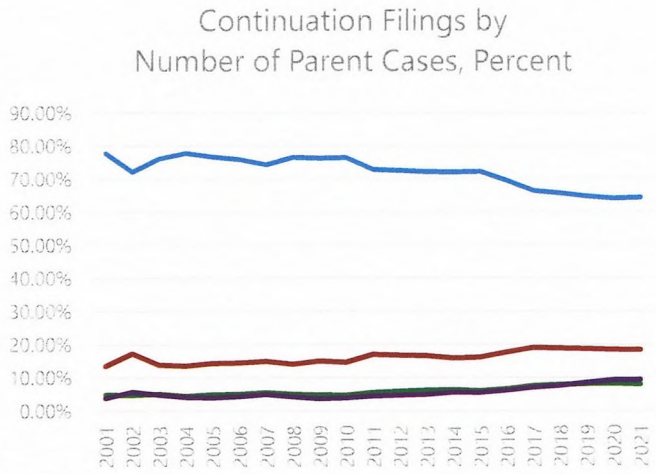




- Continuations have increased in both raw numbers and percent of filings
- Ratio between large and small entity continuation filings generally matches the ratio in overall filings
- Micro entities are somewhat underrepresented in continuation filings

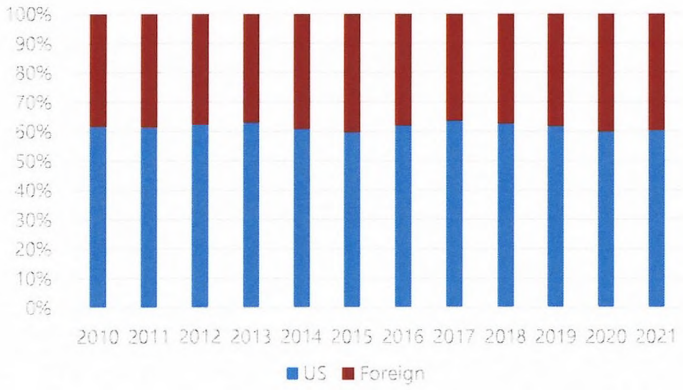
Continuation parentage

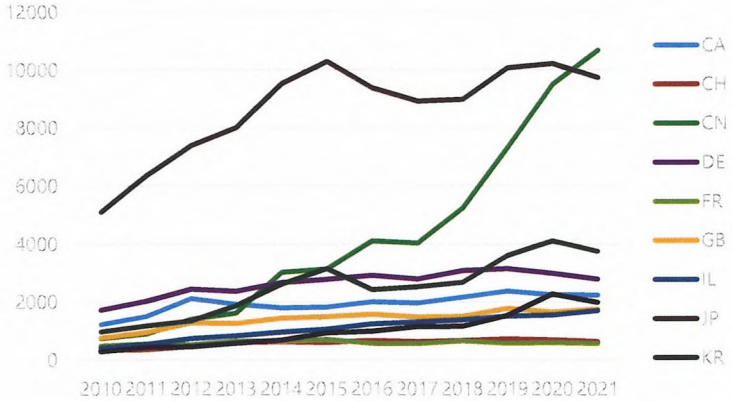




- Majority of continuations have a single parent application, usually an allowed case
- More and more multi-parent continuations have been filed over time

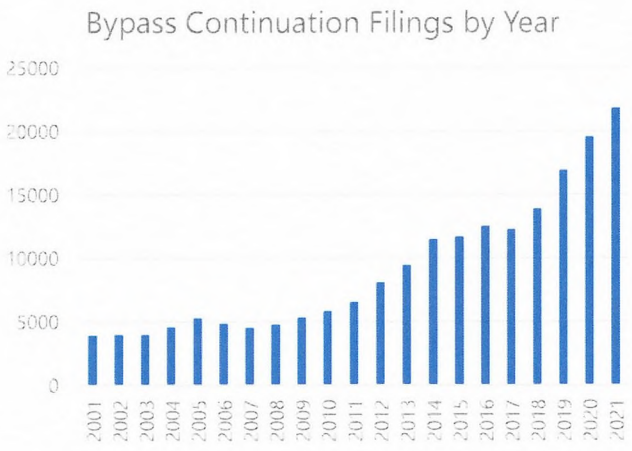
Origin of continuation filings

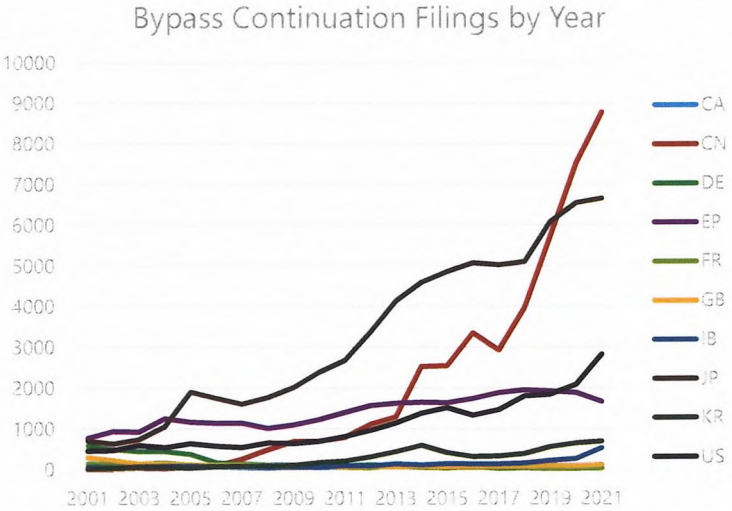




- Continuation filings are skewed to US origin compared to overall filings (~60% of CONs vs ~50% total)
- Japan and China rapidly adopting continuation usage
- China now 2nd to US

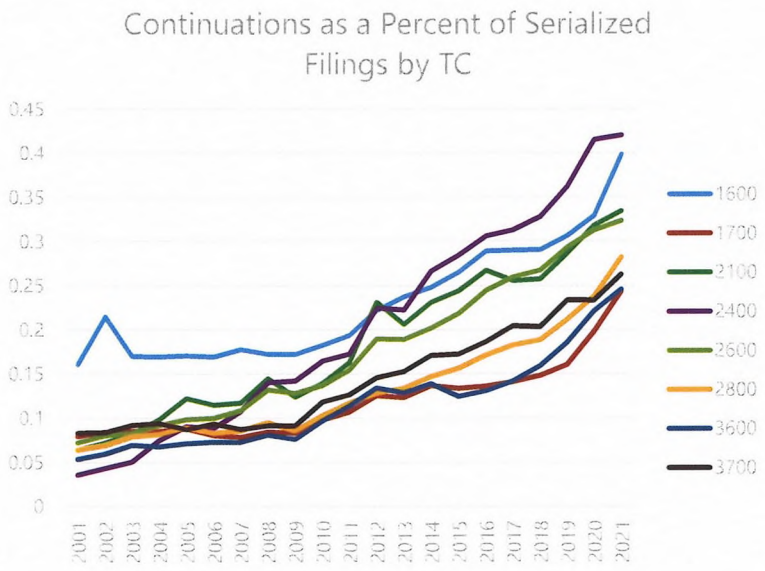
Bypass continuations





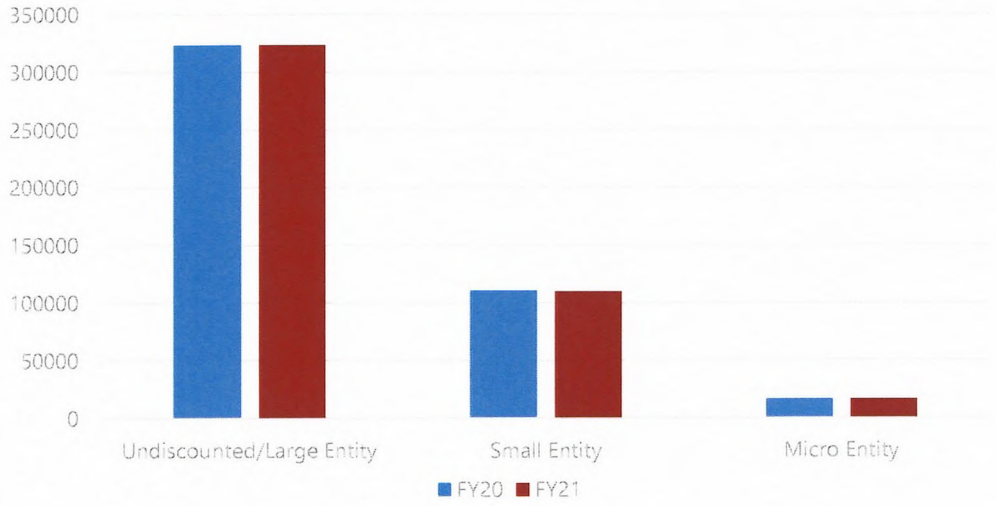
- Usage of bypass continuations has increased over six-fold since 2000
- China heaviest user of bypass continuation practice
- Bypass continuations account for ~15% of all continuations

Continuations by Technology Center (TC)



- TC 1600 (biotech and organic chemistry) has a long history of heavy continuation usage
- Electrical tech centers have greatly increased their usage since 2009
  - TC 2400 (networks, multiplex, cable, and security) has highest percentage of CONs in the corps

Serialized filings by entity status



- Ratio of entity status relatively stable
- Most growth appears to have come from large entities

Thank you!

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