

**UNITED STATES
PATENT AND TRADEMARK OFFICE**

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Patent Public Advisory Committee Quarterly Meeting Patent Trial and Appeal Board Update

Scott R. Boalick, Chief Administrative Patent Judge

Jacqueline Wright Bonilla, Deputy Chief Administrative Patent Judge

May 2, 2019

UNITED STATES
PATENT AND TRADEMARK OFFICE



Agenda

- **Chief Judge Boalick's vision**
- **Recent PTAB activity**
 - Precedential and informative decisions
 - Request for comments regarding motions to amend and responses
 - Pilot program concerning motion to amend practice and procedures
 - Notice regarding options for amendments through reissue or reexamination during a pending AIA trial proceeding
- **PTAB oral hearings**

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PTAB organizational structure

Scott R. Boalick, Chief Judge
Jacqueline W. Bonilla, Deputy Chief Judge

William M. Fink
Vice Chief Judge
for Operations

Michael P. Tierney
Vice Chief Judge
for Operations

Scott C. Weidenfeller
Vice Chief Judge
for Operations

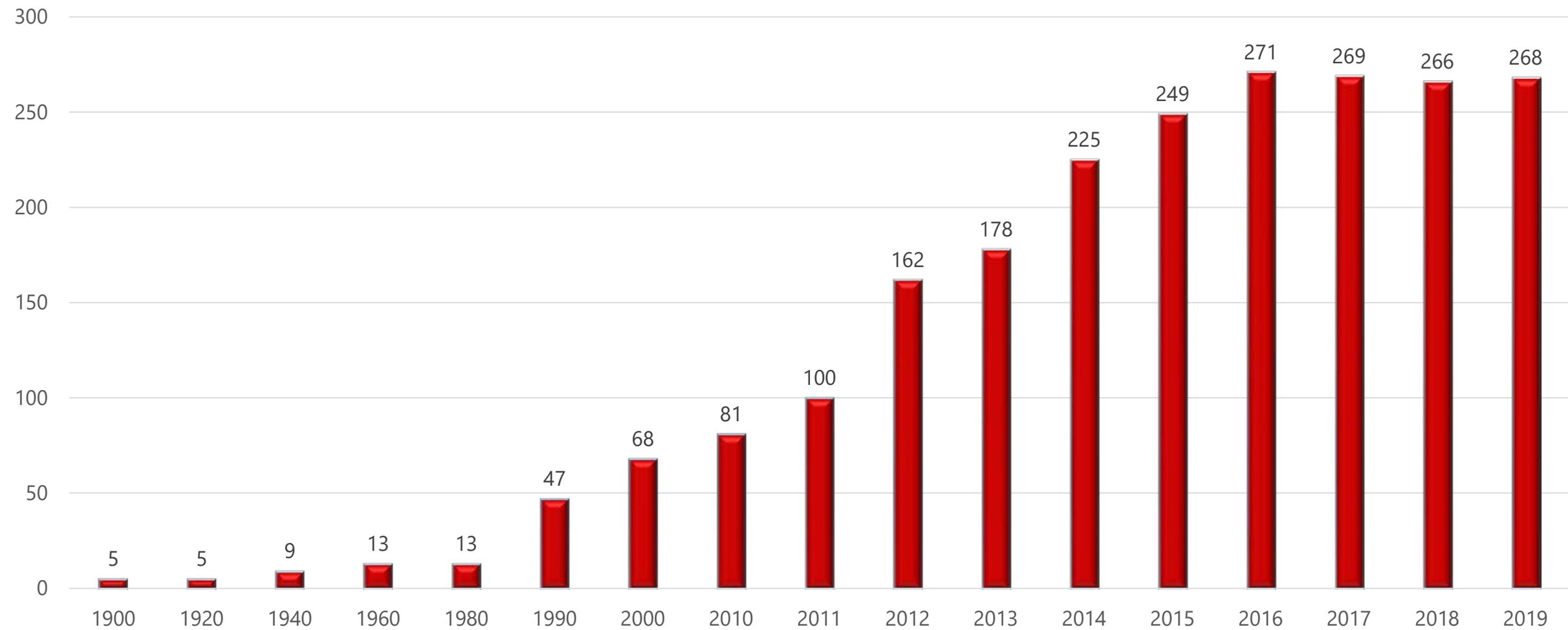
Acting Vice
Chief Judge
for
Operations

Janet A. Gongola
Vice Chief Judge
for Strategy

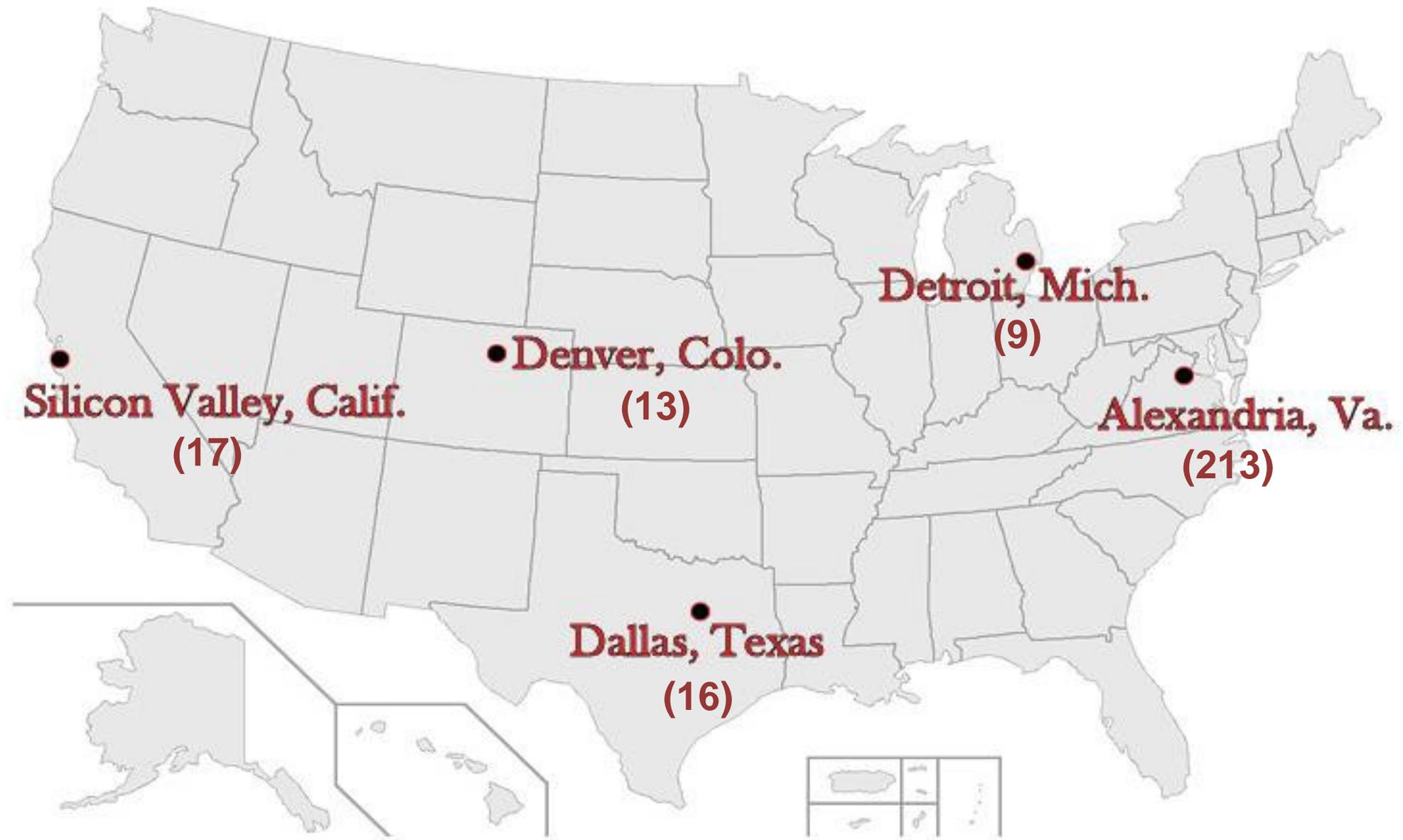
Dave Talbott
Board Operations
Division
Board Executive

Board size over time

(Calendar year)



Locations of PTAB Judges



*Alexandria, Va. count includes judges who participate in TEAPP.

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Precedential opinion panel (POP)

- Outlined in PTAB standard operating procedure 2 (SOP2), available at <https://go.usa.gov/xPMqxx>
- Criteria:
 - Constitutional questions
 - Important questions regarding statutes, rules, regulations
 - Important issues regarding precedential case law
 - Issues of broad applicability to Board
 - Resolve conflicts between Board decisions
 - Promote certainty and consistency

Precedential opinion panel (POP)

- Default composition
 - Director
 - Commissioner for Patents
 - PTAB Chief Judge
- Issued first decision on March 13, 2019
 - *Proppant Express Investments v. Oren Technologies*,
Case IPR2018-00914 (PTAB Mar. 13, 2019) (Paper 38)

POP decisions and orders

Case/Appeal Name	Case/Appeal Number	Topic	Status	Date Decided
<i>Proppant Express Invs., LLC v. Oren Techs., LLC</i>	IPR2018-00914, Paper 38	AIA - Joinder - 315(c)	Decided (POP)	3/13/2019

Case/Appeal Name	Case/Appeal Number	Topic	Status	Date Order Issued
<i>Hulu, LLC v. Sound View Innovations, LLC</i>	IPR2018-01039, Paper 15	AIA - Printed Publications	Pending (POP)	4/3/2019

Proppant Express Invs., LLC v. Oren Techs., LLC

IPR2018-00914 (PTAB Mar. 13, 2019) (Paper 38) (Precedential)

- Precedential Opinion Panel (POP) ordered review to address the following issues:
 - Under 35 U.S.C. § 315(c) may a petitioner be joined to a proceeding in which it is already a party?
 - Does 35 U.S.C. § 315(c) permit joinder of new issues into an existing proceeding?
 - Does the existence of a time bar under 35 U.S.C. § 315(b), or any other relevant facts, have any impact on the first two questions?
- The POP accepted additional briefing from the parties and amici and held an oral hearing on January 31, 2019. The POP issued a precedential decision on March 13, 2019.

Proppant Express Invs., LLC v. Oren Techs., LLC

IPR2018-00914 (PTAB Mar. 13, 2019) (Paper 38) (Precedential)

- The POP concluded:
 - 35 U.S.C. § 315(c) provides discretion to allow a petitioner to be joined to a proceeding in which it is already a party;
 - 35 U.S.C. § 315(c) provides discretion to allow joinder of new issues into an existing proceeding; and
 - The existence of a time bar under 35 U.S.C. § 315(b) is one of several factors that may be considered when exercising discretion under § 315(c).

Proppant Express Invs., LLC v. Oren Techs., LLC

IPR2018-00914 (PTAB Mar. 13, 2019) (Paper 38) (Precedential)

- When an otherwise time-barred petitioner requests same party and/or issue joinder, the Board will exercise its discretion only in limited circumstances—namely, where fairness requires it and to avoid undue prejudice to a party.
- In exercising discretion, exemplary factors the Board may consider include:
 - Actions taken by a patent owner in a co-pending litigation (e.g., late addition of newly asserted claims);
 - Conduct of the parties;
 - The stage and schedule of an existing *inter partes* review; and
 - Non-exclusive factors set out in *General Plastic Industrial Co., Ltd. v. Canon Kabushiki Kaisha*, which may support the exercise of the Board's discretion to deny institution under § 314(a).

Hulu, LLC v. Sound View Innovations, LLC

IPR2018-01039 (PTAB Apr. 3, 2019) (Paper 15)

- Precedential Opinion Panel (POP) ordered review to address the following issue:
 - What is required for a petitioner to establish that an asserted reference qualifies as “printed publication” at the institution stage?
- The POP is accepting additional briefing from the parties and amici, due on May 1, 2019.
- The POP will accept responses to the additional briefing from the parties, due on May 15, 2019.

Recent decisions designated precedential

Case/Appeal Name	Case/Appeal Number	Topic	Date Issued	Date Designated
<i>Proppant Express Invs., LLC v. Oren Techs., LLC</i>	IPR2017-01917, Paper 86	AIA - RPI - 312(a)(2), 315(b)	2/13/2019	4/16/2019
<i>Ventex Co., Ltd v. Columbia Sportswear North America, Inc.</i>	IPR2017-00651, Paper 152	AIA - RPI - 312(a)(2), 315(b)	1/24/2019	4/16/2019
<i>Adello Biologics LLC v. Amgen Inc.</i>	PGR2019-00001, Paper 11	AIA - RPI - 322(a)(2)	2/14/2019	4/16/2019
<i>Lectrosonics, Inc. v. Zaxcom, Inc.</i>	IPR2018-01129, -01130, Paper 15	AIA - MTA - 316(d)	2/25/2019	3/7/2019
<i>Amazon.com, Inc. v. Uniloc Luxembourg S.A.</i>	IPR2017-00948, Paper 34	AIA - MTA - 316(d)	1/18/2019	3/18/2019
<i>DePuy Synthes Prods., Inc. v. MEDIDEA, L.L.C.</i>	IPR2018-00315, Paper 29	AIA - Oral Argument	1/23/2019	3/18/2019
<i>K-40 Elecs., LLC v. Escort, Inc.</i>	IPR2013-00203, Paper 34	AIA - Oral Argument	5/21/2014	3/18/2019
<i>Huawei Device Co., Ltd. v. Optis Wireless Tech., LLC</i>	IPR2018-00816, Paper 19	AIA - Request for Rehearing	1/8/2019	4/5/2019

Proppant Express Invs., LLC v. Oren Techs., LLC

IPR2017-01917 (PTAB Feb. 13, 2019) (Paper 86) (Precedential)

- Designated precedential on April 16, 2019.
- Denied motion to terminate proceeding after Petitioner updated mandatory notices to name additional RPI where Patent Owner argued that update necessitated a change in the petition filing date and termination under 35 U.S.C. § 315(b).
- Considered the following factors when determining whether to allow a Petitioner to amend RPI identification post-institution while maintaining the petition's original filing date:
 - attempts to circumvent the 315(b) bar,
 - bad faith by Petitioner,
 - prejudice to Patent Owner caused by delay, or
 - gamesmanship by Petitioner.

Ventex Co., Ltd v. Columbia Sportswear North America, Inc.

**IPR2017-00651 (PTAB Jan. 24, 2019) (Paper 152 (public version))
(Precedential)**

- Designated precedential on April 16, 2019.
- Dismissed petition, vacated institution, and terminated the review after determining that the petition was time-barred under 35 U.S.C. § 315(b) because Petitioner failed to name an RPI and privy that would have been time-barred if named at the time the petition originally was filed.

Adello Biologics LLC v. Amgen Inc.

PGR2019-00001 (PTAB Feb. 14, 2019) (Paper 11) (Precedential)

- Designated precedential on April 16, 2019.
- Granted Petitioner's pre-institution motion to amend mandatory notices to name additional RPI without changing petition date. Denied PO's motion for discovery of facts surrounding omission of new RPI from initial identification.
- Considered the following factors when determining whether to allow Petitioner to amend RPI identification while maintaining the petition's original filing date:
 - gamesmanship by Petitioner,
 - bad faith by Petitioner, and
 - prejudice to Patent Owner caused by delay.

Lectrosonics, Inc. v. Zaxcom, Inc.

IPR2018-01129, -01130 (PTAB Feb. 25, 2019) (Paper 15) (Precedential)

- Designated precedential on March 7, 2019.
- Replaces *Western Digital Corp. v. SPEX Techs., Inc.*, Case IPR2018-00082, -00084 (PTAB April 25, 2018) (Paper 13), previously informative
- Provides guidance and information regarding statutory and regulatory requirements for a motion to amend in light of Federal Circuit case law.

Lectrosonics, Inc. v. Zaxcom, Inc.

IPR2018-01129, -01130 (PTAB Feb. 25, 2019) (Paper 15) (Precedential)

- Sets forth guidance, such as:
 - contingent motions to amend;
 - the burden of persuasion that the Office applies when considering the patentability of substitute claims;
 - the requirement that a patent owner propose a reasonable number of substitute claims;
 - the requirement that the amendment respond to a ground of unpatentability involved in the trial;
 - the scope of the proposed substitute claims;
 - the requirement that a patent owner provide a claim listing with its motion to amend;
 - the default page limits that apply to motion to amend briefing; and
 - the duty of candor.

Amazon.com, Inc. v. Uniloc Luxembourg S.A.

IPR2017-00948 (PTAB Jan. 18, 2019) (Paper 34) (Precedential)

- Designated precedential on March 18, 2019.
- Section 311(b) limits a petitioner to requesting cancellation of existing claims only under § 102 and § 103.
- However, the statutory provision providing a right to a motion to amend, § 316(d), does not prevent the Board from considering unpatentability under sections other than § 102 and § 103 with respect to substitute claims.
- This decision determines that § 311(b) does not preclude Petitioner from raising, or the Board from considering, other grounds of unpatentability, including § 101, as to substitute claims not yet part of a patent, in the context of a motion to amend.

DePuy Synthes Prods., Inc. v. MEDIDEA, L.L.C.

IPR2018-00315 (PTAB Jan. 23, 2019) (Paper 29) (Precedential)

- Designated precedential on March 18, 2019.
- Determines that the testimony of an inventor at the oral hearing is considered new evidence, and not permitted, if a declaration from the inventor has not been previously provided.
- As set forth in the Trial Practice Guide:
 - A party may rely upon evidence that has been previously submitted in the proceeding and may only present arguments relied upon in the papers previously submitted. No new evidence or arguments may be presented at the oral argument.

K-40 Elecs., LLC v. Escort, Inc.

IPR2013-00203 (PTAB May 21, 2014) (Paper 34) (Precedential)

- Designated precedential on March 18, 2019.
- The Board does not envision that live testimony will be necessary at many oral arguments and will only order live testimony in limited circumstances, such as where the Board considers the demeanor of a witness critical to assessing credibility.
- Provides factors that may be considered in determining whether to permit live testimony including:
 - The importance of the witness's testimony to the case, i.e., whether it may be case-dispositive.
 - Whether the witness is a fact witness.

Huawei Device Co., Ltd. v. Optis Wireless Tech., LLC

IPR2018-00816 (PTAB Jan. 8, 2019) (Paper 19) (Precedential)

- Designated precedential on April 5, 2019.
- Addresses the good cause standard for filing new evidence with a rehearing request.
- As set forth in the Trial Practice Guide:
 - Evidence not already of record at the time of the decision will not be admitted absent a showing of good cause.
- A party should request a conference call prior to filing a rehearing request to argue that good cause exists for admitting the new evidence or, alternatively, the party may argue in the rehearing request itself that good cause exists.

Recent decisions designated informative

Case/Appeal Name	Case/Appeal Number	Topic	Date Issued	Date Designated
<i>Deeper, UAB v. Vexilar, Inc.</i>	IPR2018-01310, Paper 7	AIA - Institution - 314(a)	1/24/2019	4/5/2019
<i>Chevron Oronite Company LLC v. Infineum USA L.P.</i>	IPR2018-00923, Paper 9	AIA - Institution - 314(a)	11/7/2018	4/5/2019
<i>Ex Parte Smith</i>	2018-000064	101	2/1/2019	3/19/2019

Deeper, UAB v. Vexilar, Inc.

IPR2018-01310 (PTAB Jan. 24, 2019) (Paper 7) (Informative)

- Designated informative on April 5, 2019.
- Determines that “instituting a trial with respect to all twenty-three claims and on all four grounds based on evidence and arguments directed to [and where Petitioner demonstrates a reasonable likelihood of prevailing with respect to] only two claims and one ground would not be an efficient use of the Board’s time and resources.”
- Cites to SAS Q&A’s, Part D, *Effect of SAS on Future Challenges that Could Be Denied for Statutory Reasons* (June 5, 2018), available at https://www.uspto.gov/sites/default/files/documents/sas_qas_20180605.pdf
 - “[T]he panel will evaluate the challenges and determine whether, in the interests of efficient administration of the Office and integrity of the patent system (see 35 USC § 316(b)), the entire petition should be denied under 35 USC § 314(a).”

Chevron Oronite Company LLC v. Infineum USA L.P.

IPR2018-00923 (PTAB Nov. 7, 2018) (Paper 9) (Informative)

- Designated informative on April 5, 2019.
- Denies institution based on an inefficient use of the Board's time and resources where Petitioner demonstrates a reasonable likelihood of prevailing with respect to only two dependent claims out of 20 claims challenged.
- Cites to SAS Q&A's, Part D, *Effect of SAS on Future Challenges that Could Be Denied for Statutory Reasons* (June 5, 2018), available at https://www.uspto.gov/sites/default/files/documents/sas_qas_20180605.pdf
 - "[T]he panel will evaluate the challenges and determine whether, in the interests of efficient administration of the Office and integrity of the patent system (see 35 USC § 316(b)), the entire petition should be denied under 35 USC § 314(a)."

Ex Parte Smith

Appeal 2018-000064 (PTAB Feb. 1, 2019) (Informative)

- Designated informative on March 19, 2019.
- Both majority and dissenting opinions apply the revised guidance published in the USPTO's January 7, 2019 Memorandum, *2019 Revised Patent Subject Matter Eligibility Guidance*.

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Background

- October 29, 2018 motion to amend (MTA) request for comments (RFC)
 - Proposed a new MTA process and pilot program
 - Sought input regarding burden of persuasion when determining patentability of substitute claims, after *Aqua Products*
 - Included 17 questions of interest, but also solicited feedback regarding MTA practice generally
- Office received 49 comments from stakeholders (as of Dec. 21, 2018)
- Office carefully considered all comments and revised pilot program in response

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MTA pilot program

- In response to comments, the office issued a notice regarding a new pilot program concerning MTA practice and procedures in AIA trials (published March 15, 2019)
- Notice also provides responses to comments
 - Topics include timelines, retroactivity of applying pilot, Board preliminary decision, opportunity to file a revised MTA, contingent MTAs, and opting-out of pilot
 - Comments also included requests for clarification regarding existing reissue and reexamination procedures at the Office
 - Stakeholder comments to October MTA RFC are available at <https://go.usa.gov/xEXS2>

Highlights of MTA pilot program

- New program provides patent owner (PO) with two options not previously available:
 1. PO may choose to receive preliminary guidance (PG) from Board on its MTA.
 2. PO may choose to file a revised MTA after receiving petitioner's opposition to initial MTA and/or after receiving Board's PG (if requested).

Highlights of MTA pilot program

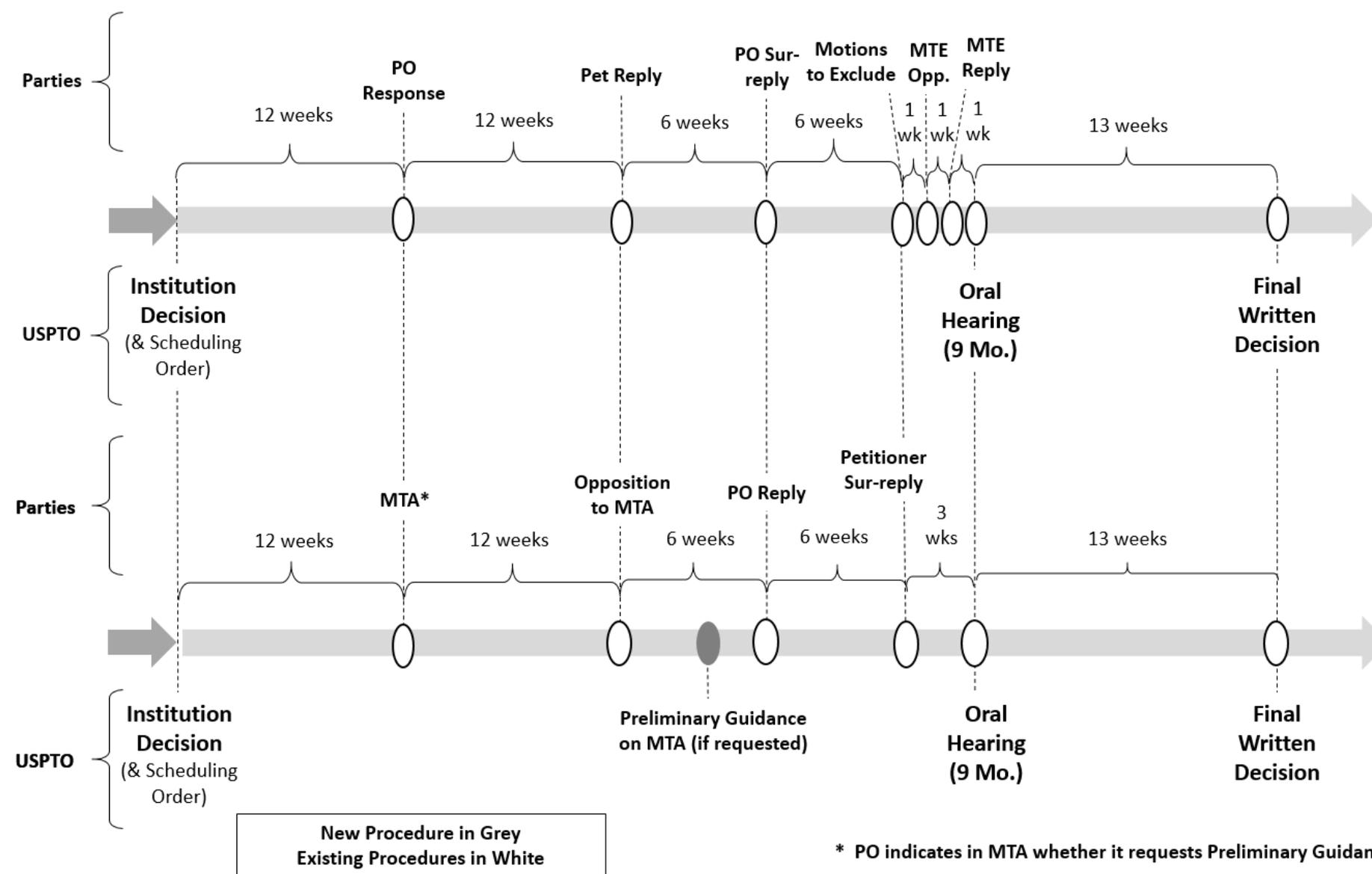
- If PO does not elect either option:
AIA trial practice, including MTA procedure, is essentially unchanged from current practice, especially regarding timing of due dates for already existing papers in an AIA trial
 - One small exception: times between due dates for certain later-filed papers are extended slightly

Highlights of MTA pilot program

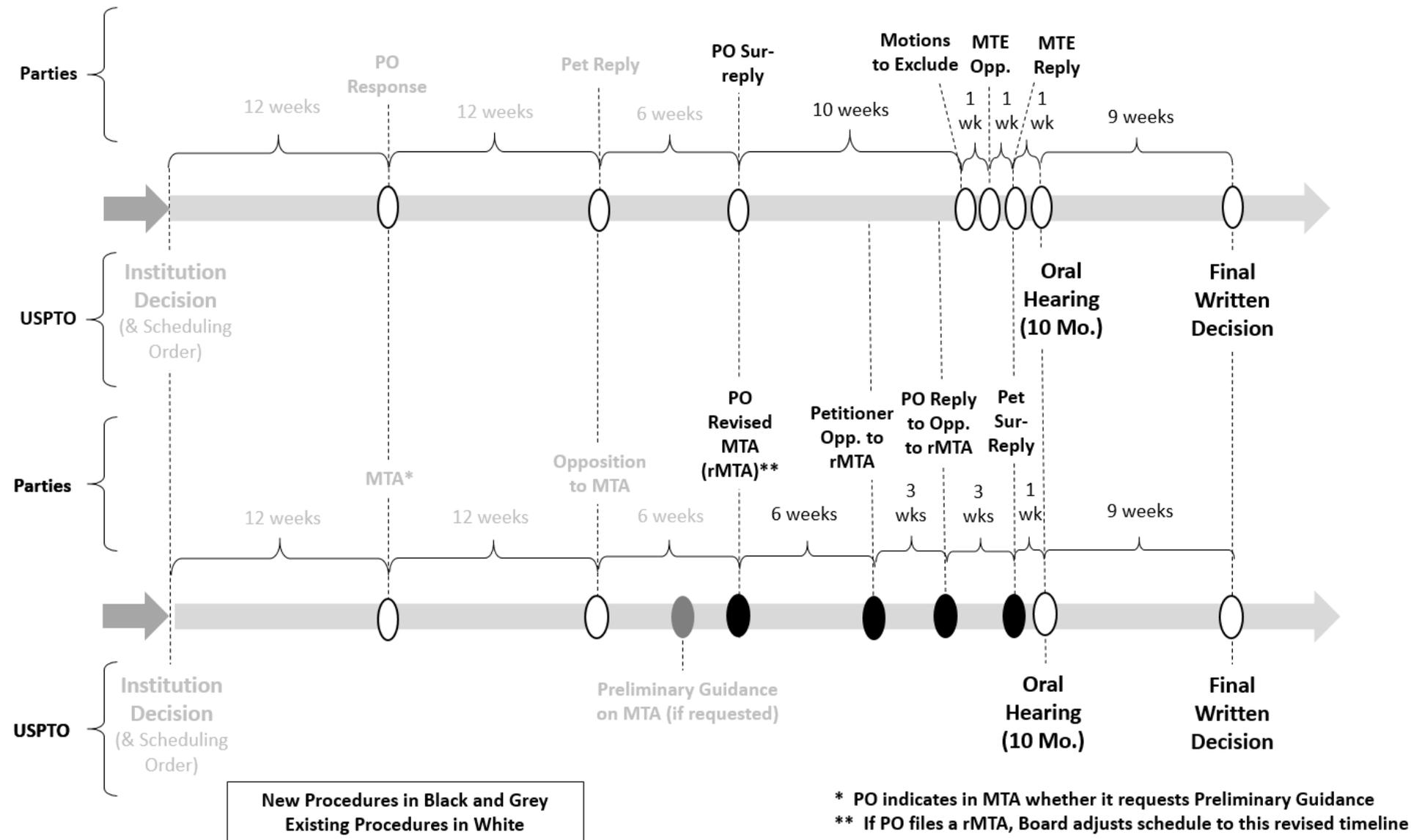
- Upon institution of an AIA trial, Board will issue the same scheduling order in every case
 - Due dates are similar to current practice
 - Due dates are calculated in weeks
- If PO chooses to file a revised MTA after receiving petitioner's opposition and Board's PG (if requested), Board will issue a revised scheduling order soon thereafter

Schedule entered at institution

(Appendix 1A)



Revised schedule if revised MTA (Appendix 1B)



Highlights of MTA pilot program

- MTA and revised MTA are contingent unless PO indicates otherwise, e.g., by canceling original claims
- If PO does not request PG in initial MTA, no PG
- Changes if/after PO files a revised MTA:
 - One additional paper for each party
 - New briefing and oral hearing schedule to accommodate
- Final written decision addresses only substitute claims at issue in latest filed MTA
- The full text of the notice can be found in the Federal Register at [84 Fed. Reg. 9497 \(March 15, 2019\)](#)

Pilot program implementation

- Effective date is publication date of notice (March 15, 2019)
- Applies to all AIA trials instituted on or after that date
- USPTO anticipates it will reassess pilot program approximately 1 year from effective date
 - Potentially may terminate program at any time or continue program (with or without modifications) depending on stakeholder feedback and effectiveness of program

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Notice regarding options for reissue or reexamination during pending AIA trial proceeding

Notice provides:

- A summary of current practice regarding existing Office procedures that apply to reissue and reexamination, including after a petitioner files an AIA petition challenging claims of same patent, after Board institutes a trial, and after Board issues a final written decision (FWD)
- Summary information about factors the Office currently considers when determining:
 - Whether to stay or suspend a reissue proceeding, or stay a reexamination proceeding, that involves a patent at issue in an AIA proceeding; and
 - When and whether to lift such a stay or suspension

Amendments through reissue or reexamination

The Office will consider a reissue application or a request for reexamination any time before, but not after, either:

1. Office issues a certificate that cancels all claims of a patent, or
2. Federal Circuit issues a mandate in relation to a decision that finds all claims of a patent are invalid or unpatentable

Amendments through reissue or reexamination

The Office will not issue a trial certificate (e.g., canceling all claims) relating to a patent at issue in an AIA proceeding until after either:

1. Deadline for filing a notice of appeal to Federal Circuit has passed without a party filing an appeal, which is:
 - 63 days after the date of a FWD, or
 - 63 days after the date of a decision on a request for rehearing regarding the FWD
2. All decisions or determinations in relation to an appeal to the Federal Circuit regarding the patent are finally resolved

Amendments through reissue or reexamination

Thus, patent owners (POs) may avail themselves of a reissue application or a request for reexamination before, during, or after an AIA trial concludes with a FWD, as long as application or request is timely filed

Stays of reissue or reexamination

- **The Board ordinarily will stay a parallel Office proceeding where good cause exists**
 - Good cause may exist if, for example, an on-going AIA proceeding is addressing the same or overlapping claims of a patent at issue in a parallel Office proceeding
- **The Board typically will consider motions to stay (or may impose a stay *sua sponte*):**
 - After institution of an AIA trial proceeding, and
 - Before the filing of a notice of appeal or the deadline for filing a notice of an appeal to Federal Circuit has passed

Notice regarding options for reissue or reexamination during pending AIA trial proceeding

- See notice for information regarding:
 - Non-limiting factors considered by Board when deciding whether to grant a stay of a reissue or reexamination
 - Non-limiting factors considered by Patents when deciding whether to suspend a reissue application
 - Non-limiting factors considered by the Board when deciding whether to lift a stay
 - Non-limiting factors considered by Patents when deciding whether to lift a reissue suspension

Motion to lift a stay of a parallel proceeding

- **If PO files a motion to lift a stay after a FWD:**
 - Board typically will lift stay, absent reasons not to do so, e.g., in view of factors discussed above
 - Board typically will lift a stay if PO proposes amendments in a reissue or reexamination in a meaningful way not previously considered by the Office
 - Meaningful amendments include those that narrow the scope of claims considered in an AIA proceeding or otherwise attempt to resolve issues identified in a FWD

During appeal to the Federal Circuit

Under certain circumstances, the Office will proceed with a reissue application or request for *ex parte* reexamination after the Board issues a FWD relating to the same patent, including during an appeal of FWD at the Federal Circuit

Reissue proceedings and Federal Circuit appeals

- After a FWD issues, as long as PO files in a timely manner, and raises issues different than those already considered in the AIA proceeding (e.g., amendments meaningfully different than those in a previously presented motion to amend), the Office typically will consider a reissue application (subject to possible suspension considerations)
- If a Federal Circuit appeal remains ongoing when an examiner identifies allowable subject matter, the Office typically will not pass a reissue application to allowance until Federal Circuit appeal concludes
- The examiner may need to reevaluate status of allowable subject matter in view of a decision by Federal Circuit

Reissue options after Federal Circuit appeal

- After Federal Circuit appeal concludes, PO may confer with examiner and decide how to proceed with reissue:
 - For example:
 - Proceed to issuance,
 - File a request for continued examination (RCE) for further amendments/ prosecution, or
 - Abandon reissue application

Reexamination options after Federal Circuit appeal

- Unlike reissue applications, POs do not have the option to abandon *ex parte* reexamination proceedings
- Once started, reexaminations proceed with special dispatch to completion (see 35 U.S.C. § 305)
- Thus, after the Office determines that it is appropriate to lift a stay, or that a stay is not appropriate, reexamination typically will continue to completion, notwithstanding a Federal Circuit appeal of a FWD on the same patent

Reexamination options after Federal Circuit appeal

- If the Office identifies allowable subject matter, or determines that some or all claims are unpatentable, the Office typically will issue a NIRC and reexamination certificate, even if a relevant Federal Circuit appeal is ongoing, unless PO timely files a notice of appeal in the reexamination (for Board review)
- PO may appeal a final rejection of any claim to Board by filing a notice of appeal within required time
- Thus, to ensure a reexamination certificate does not cancel original patent claims that are separately on appeal at the Federal Circuit, PO must timely file an appeal of any final rejection of those original claims

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Technical features of PTAB hearings



Technical features of PTAB hearings

- All hearing rooms are equipped with Video Teleconferencing Equipment (VTC) and have the ability to connect to each other
- Judges not located in regional offices connect via Cisco Jabber
- Attorneys can connect to the hearing room either by using their own video teleconferencing equipment, going to a regional office or via WebEx
- Attorneys can also connect telephonically to hearing rooms through the VTC to conduct their hearings via audio only
- Hearing connections are monitored by the VTC Operations team as well as a member of the hearings team
- Panels can participate in hearings from home during inclement weather or other office closures

Hearing Room A



Hearing Room B



Hearing Room D



Alexandria hearings

Alexandria hearings

- Three hearing rooms
- In FY18, PTAB (Alexandria) conducted 1006 proceedings
 - 591 AIA
 - 385 ex parte appeals
 - 30 ex parte reexams
 - 0 inter partes reexams

Regional office hearings

Detroit, MI



Denver, CO



Dallas, TX



San Jose, CA



Regional office hearings

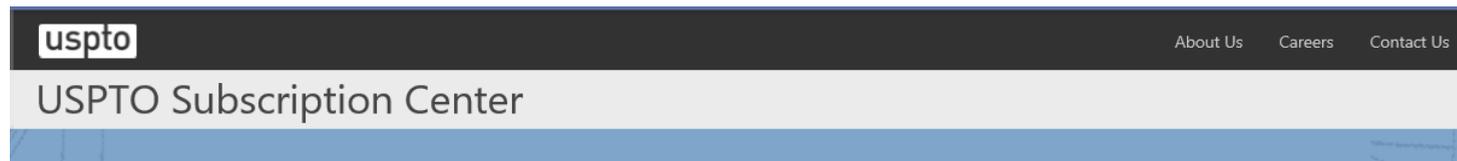
- 4 regional offices, each with a hearing room
- Regional offices have conducted 170 proceedings
 - 30 AIA
 - all had remote judges participating
 - 140 ex parte appeals
 - 131 had remote judges participating
 - 0 ex parte reexam
 - 0 inter partes reexams

Hearings initiatives

- PTAB will consider the parties' preference of hearing location
- Increased access for the public to view any hearing, from any Regional Office
- PTAB is in the process of updating the audio visual systems in all hearing rooms

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- USPTO Press Releases
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- FYI at the USPTO
- Inventors Eye
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- USPTO Awards

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Questions and comments

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PTAB Statistics

APPENDIX



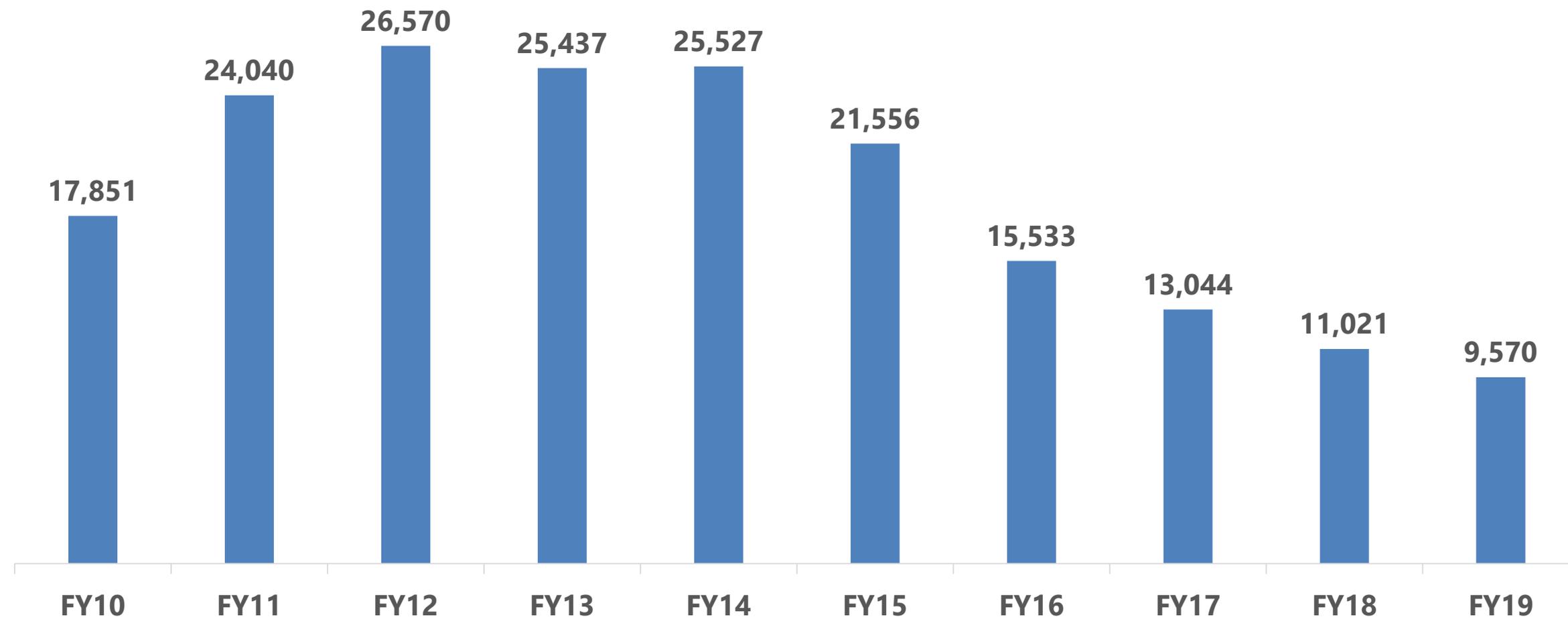
March 2019

APPEAL AND INTERFERENCE STATISTICS



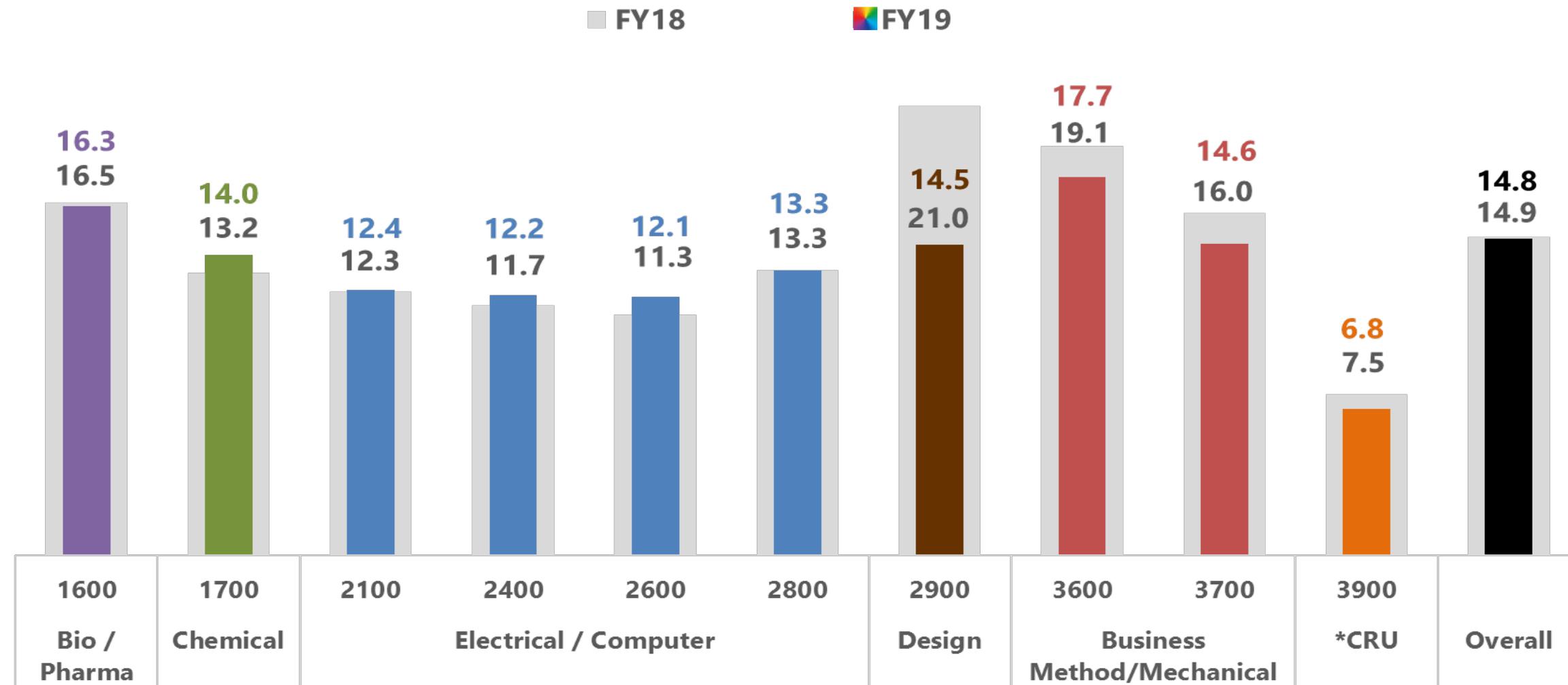
Pending appeals FY10 to FY19

(Sept. 30, 2010 – Mar. 31, 2019)



Pendency of decided appeals in FY18 and FY19

(Jan. – Mar. FY18 compared to Jan. – Mar. FY19)



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

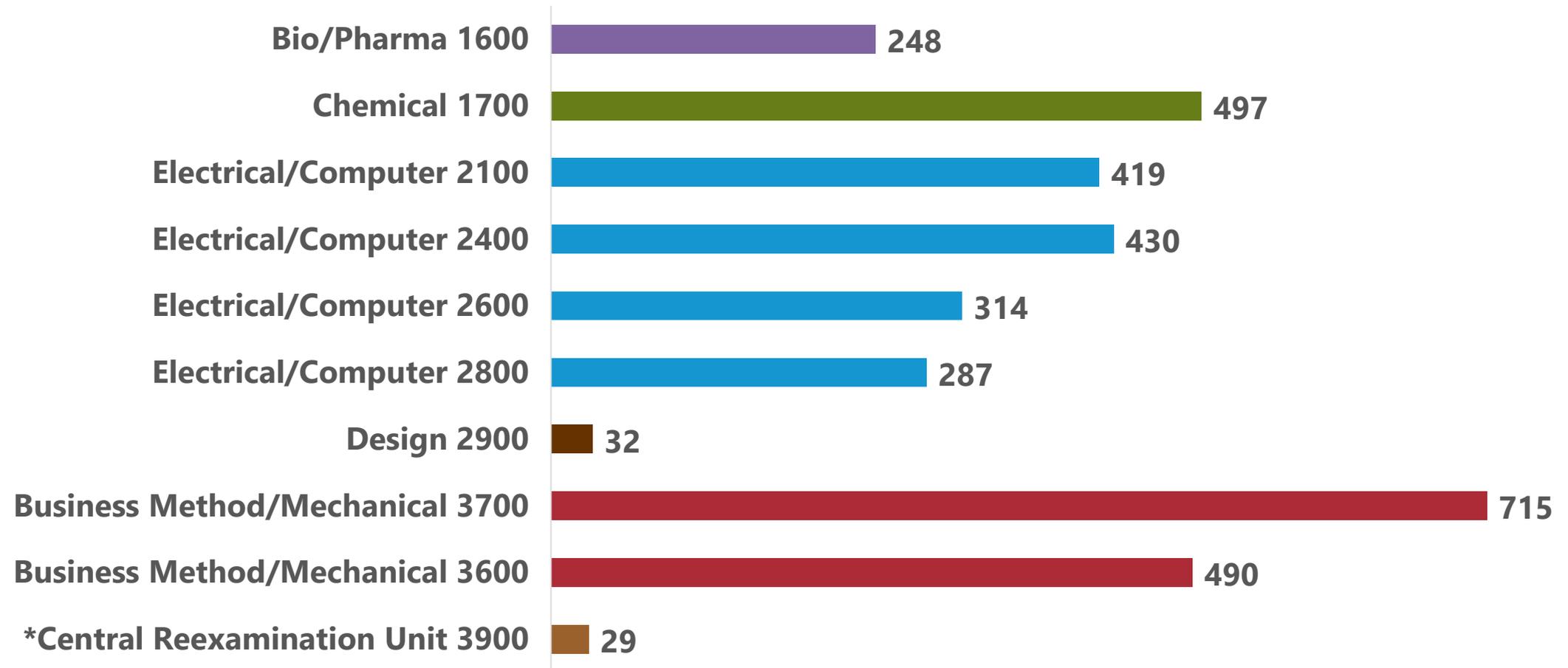
Pendency is calculated for a three month period compared to the same period the previous year.

*CRU (Central Reexamination Unit) decisions include 11 ex parte reexams, 12 inter partes reexams, 1 supplemental examination review and 4 reissues from all technologies.



Appeal intake in FY19

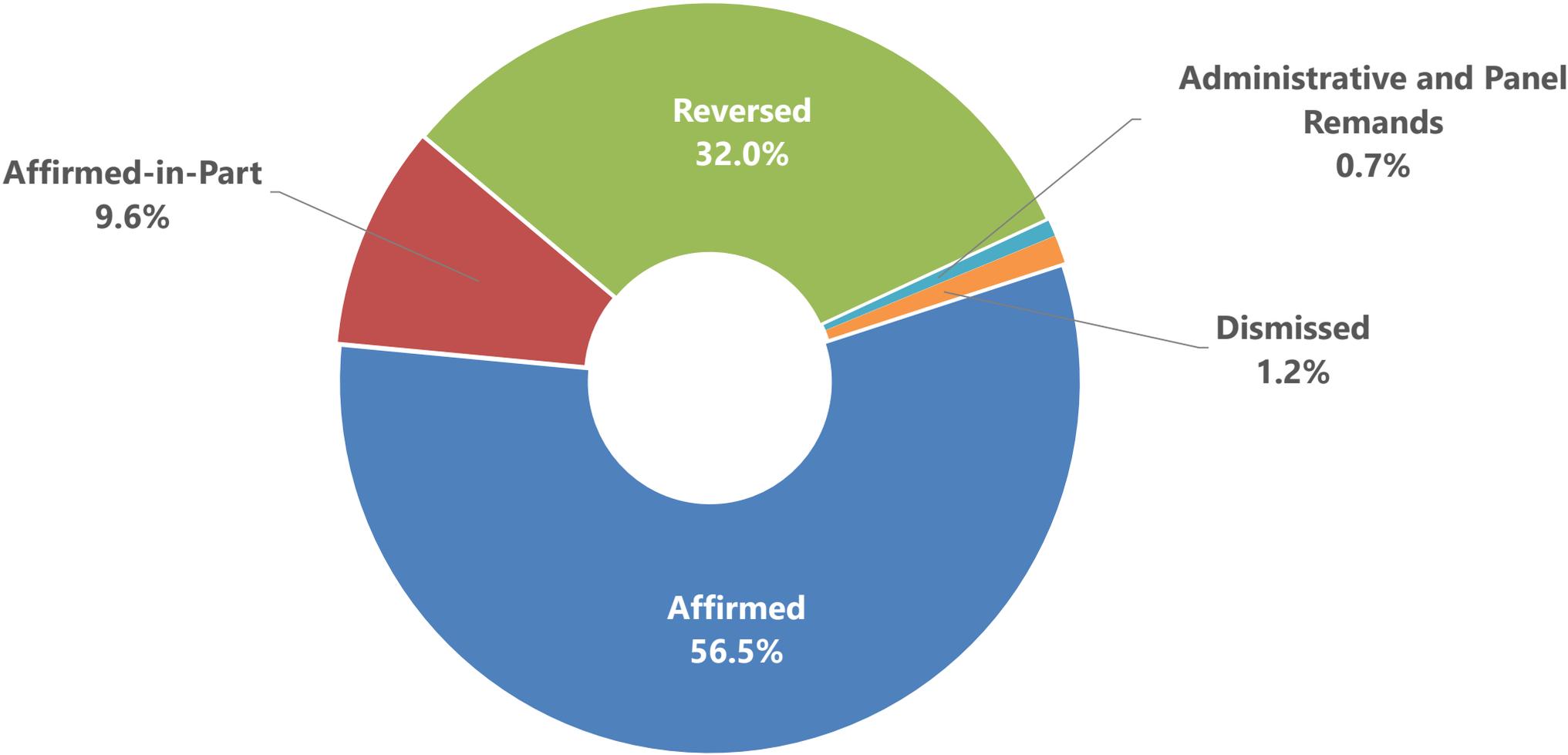
(Oct. 1, 2018 – Mar. 31, 2019)



*The Central Reexamination Unit includes ex parte reexams, inter partes reexams, supplemental examination reviews and reissues from all technologies.

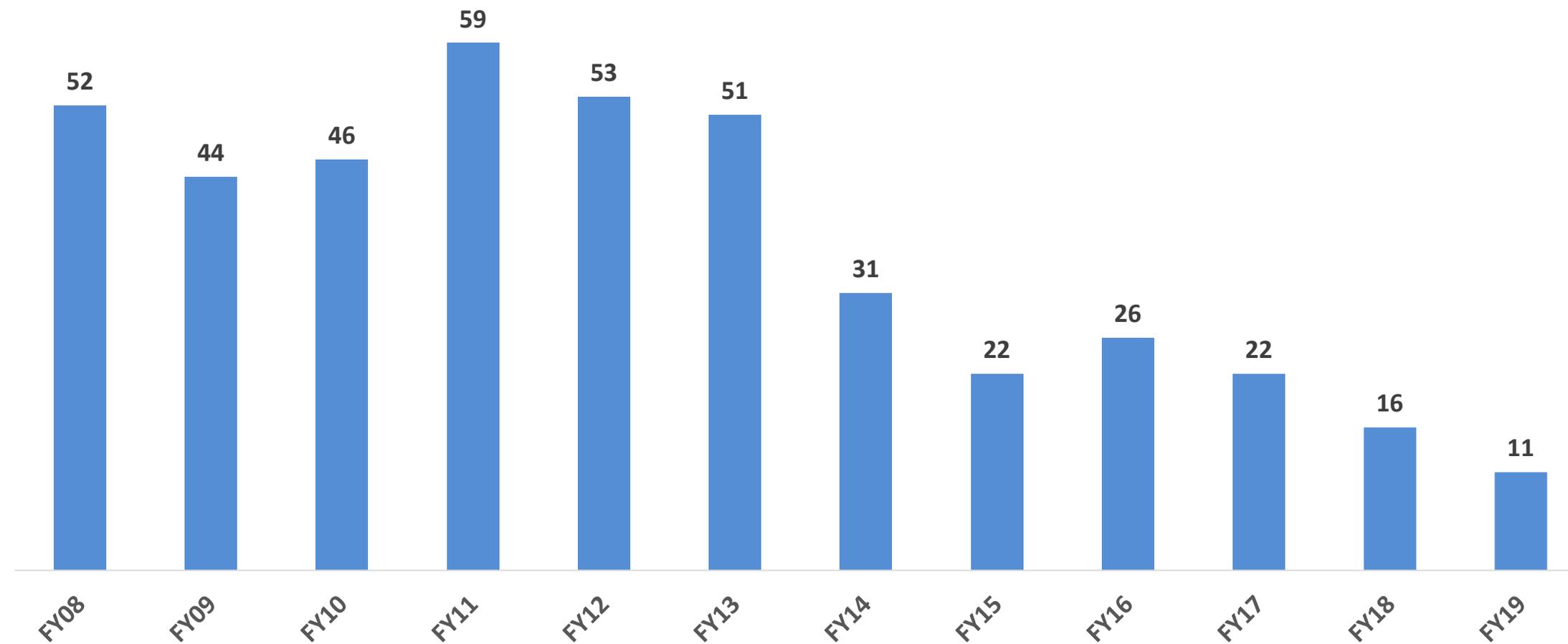
Appeal outcomes in FY19

(Oct. 1, 2018 - Mar. 31, 2019)



Interference inventory

(Sept. 30, 2008 – Mar. 31, 2019)



March 2019

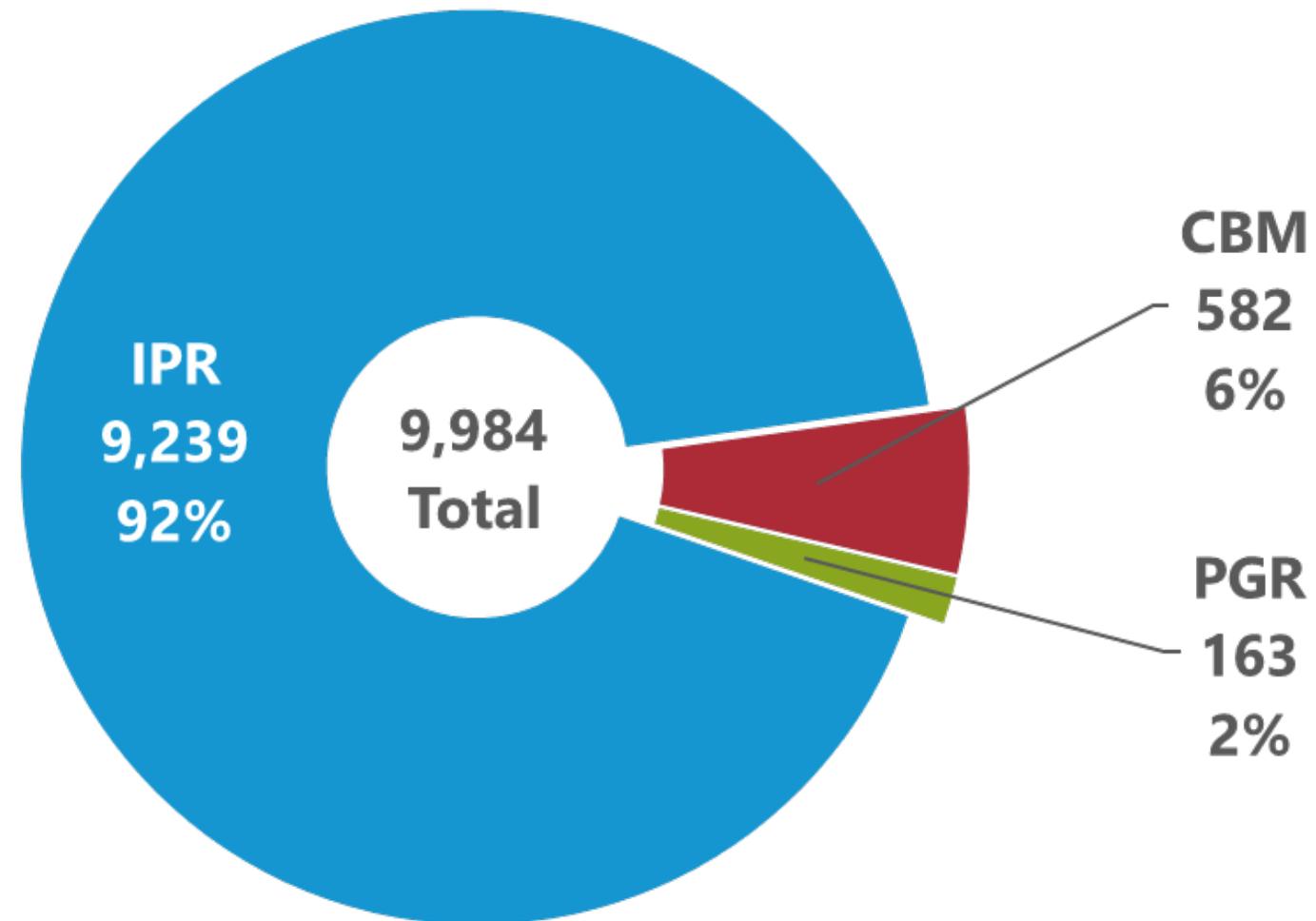
TRIAL STATISTICS

IPR, PGR, CBM



Petitions by Trial Type

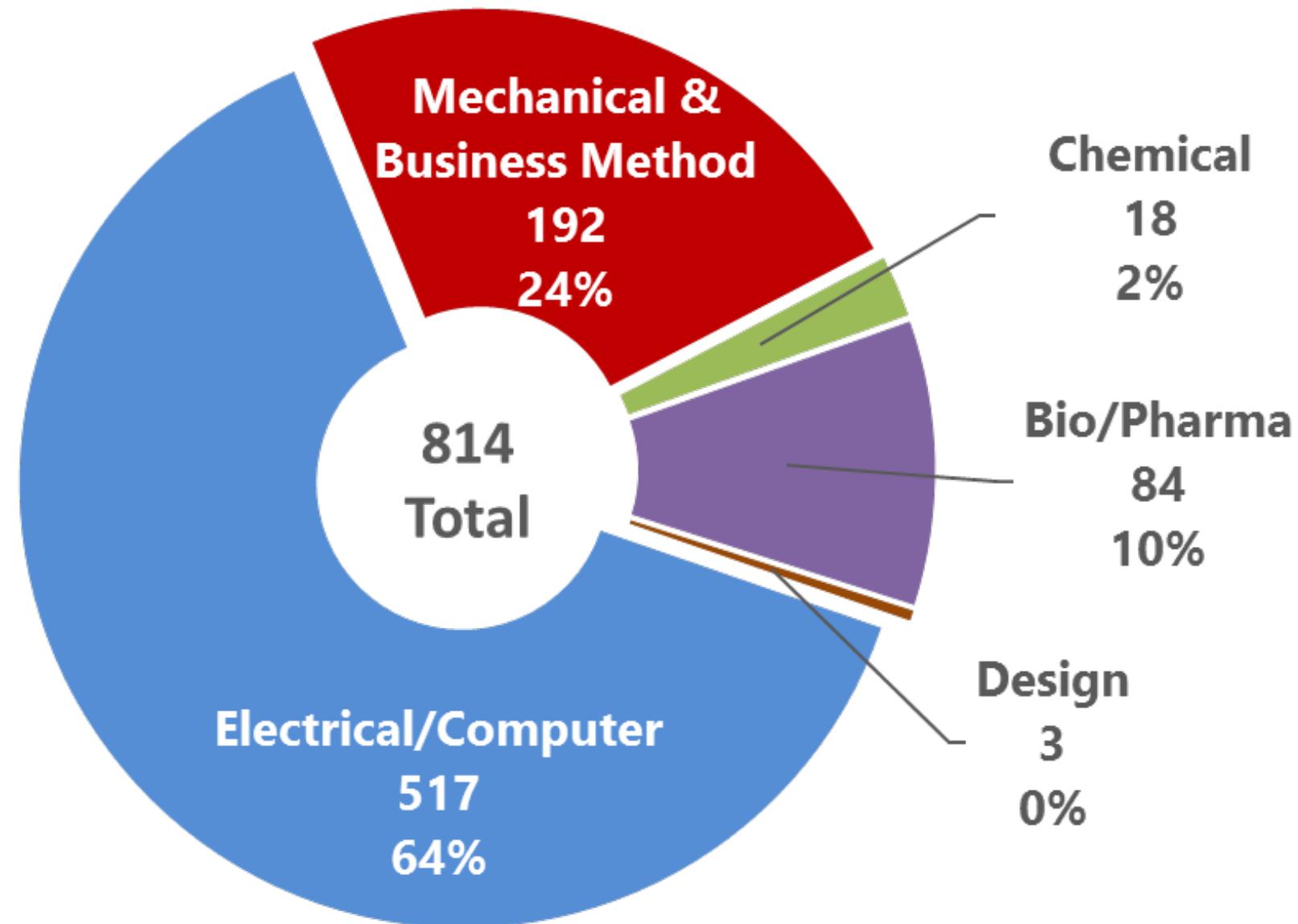
(All Time: Sept. 16, 2012 to Mar. 31, 2019)



Trial types include Inter Partes Review (IPR), Post Grant Review (PGR), and Covered Business Method (CBM).

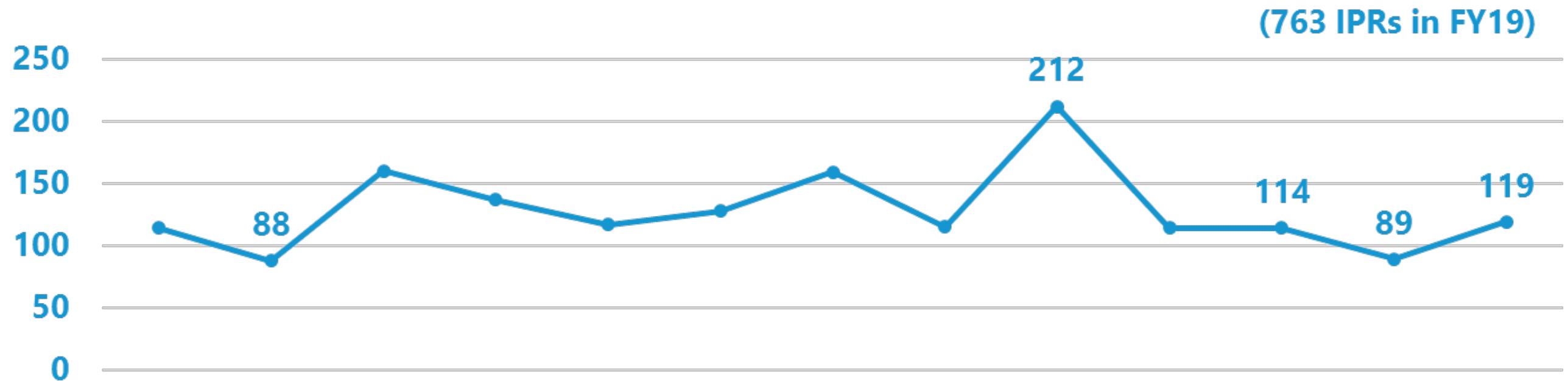
Petitions Filed by Technology in FY19

(FY19: Oct. 1, 2018 to Mar. 31, 2019)



Petitions Filed by Month

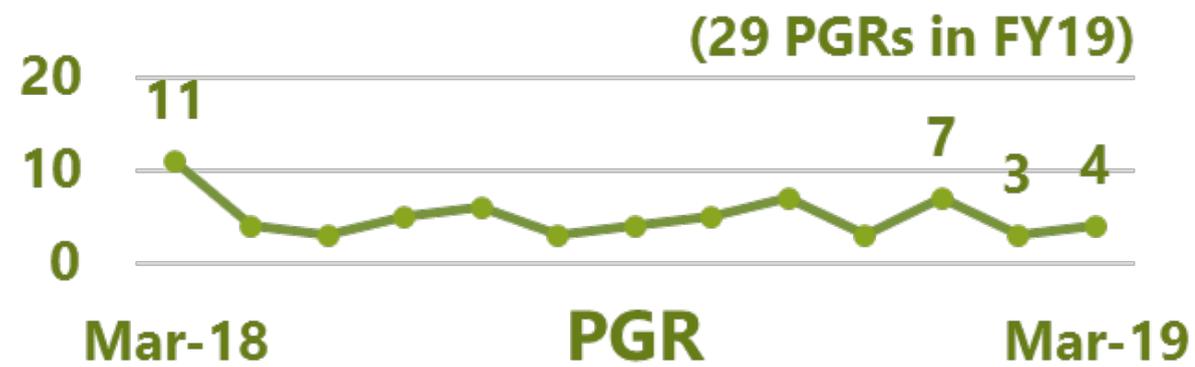
(Mar. 2019 and Previous 12 Months: Mar. 1, 2018 to Mar. 31, 2019)



Mar-18

IPR

Mar-19

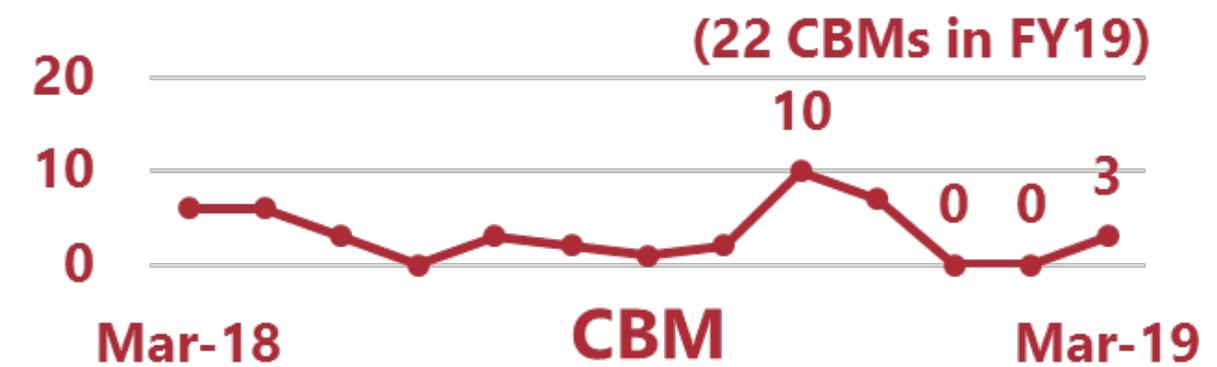


(29 PGRs in FY19)

Mar-18

PGR

Mar-19



(22 CBMs in FY19)

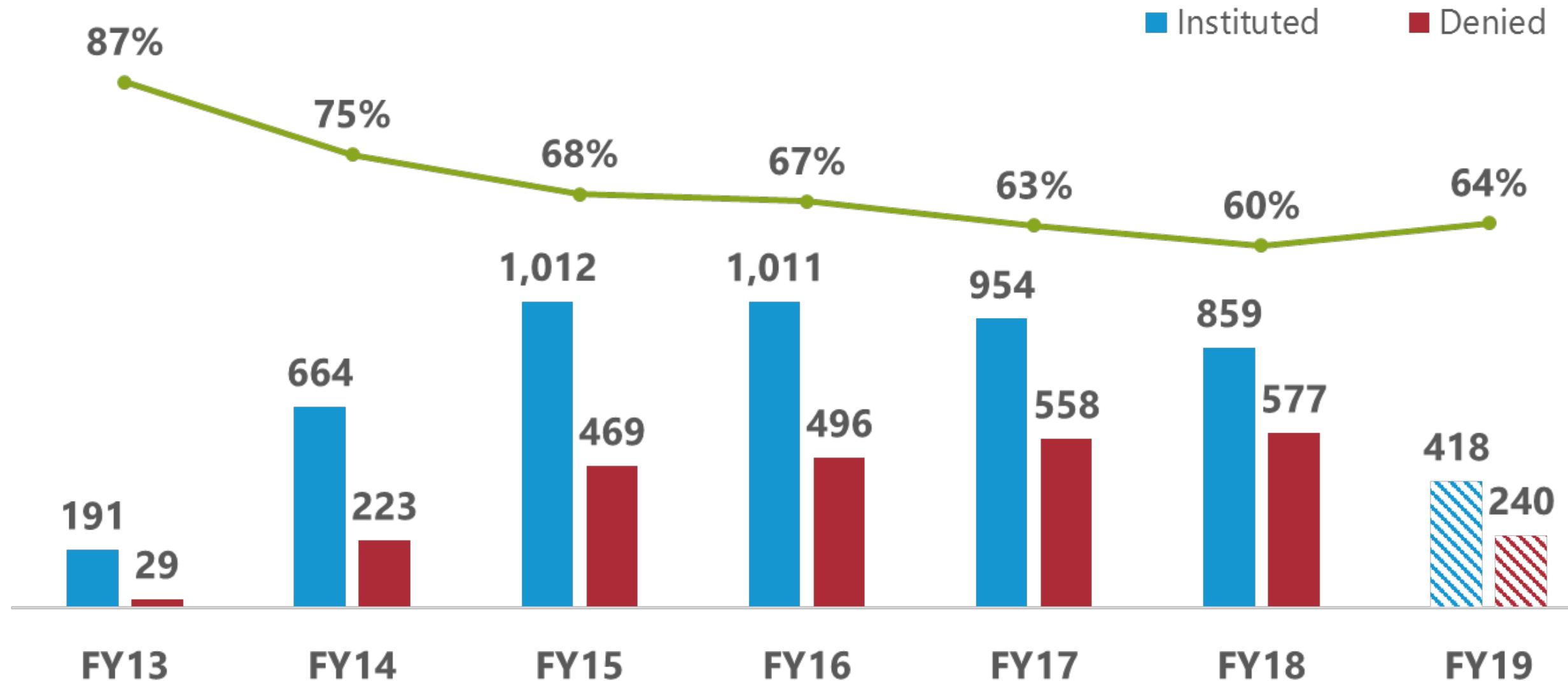
Mar-18

CBM

Mar-19

Institution Rates

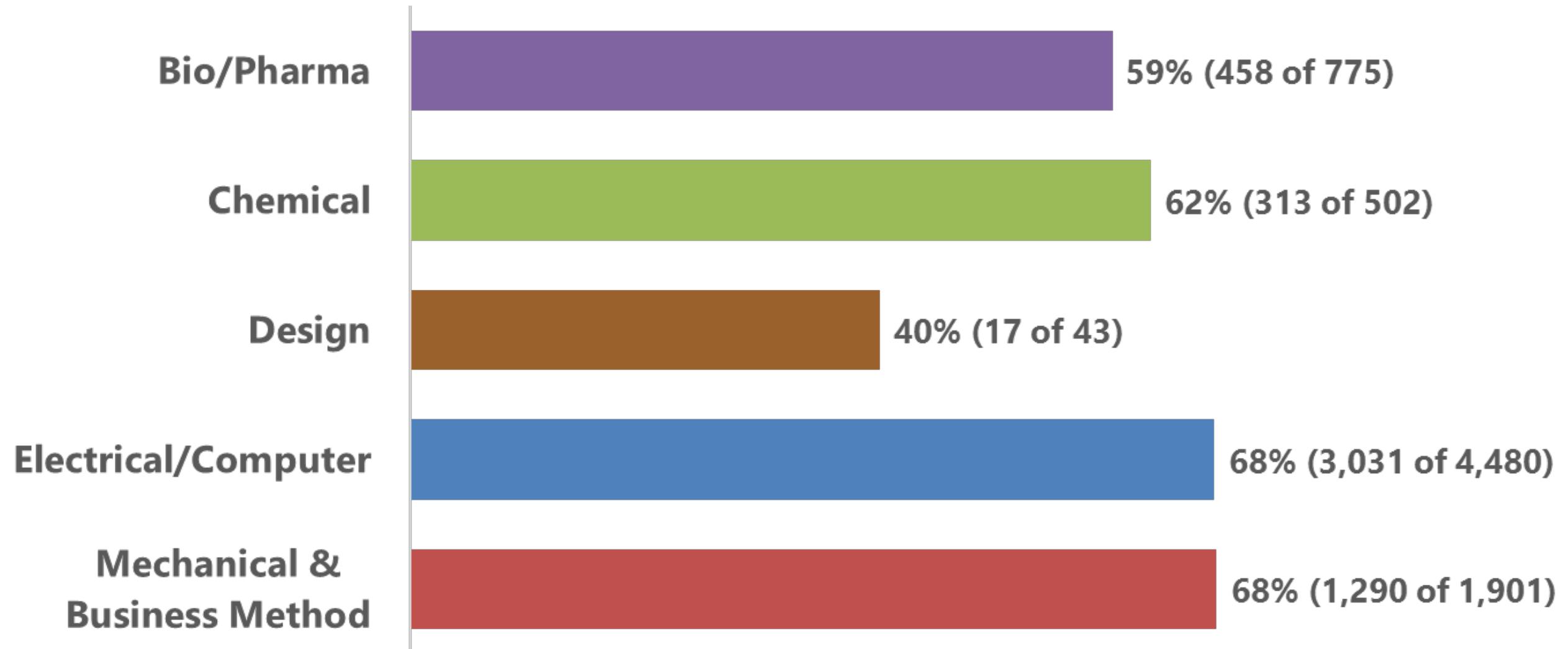
(FY13 to FY19: Oct. 1, 2012 to Mar. 31, 2019)



Institution rate for each fiscal year is calculated by dividing petitions instituted by decisions on institution (i.e., petitions instituted plus petitions denied). The outcomes of decisions on institution responsive to requests for rehearing are excluded.

Institution Rates by Technology

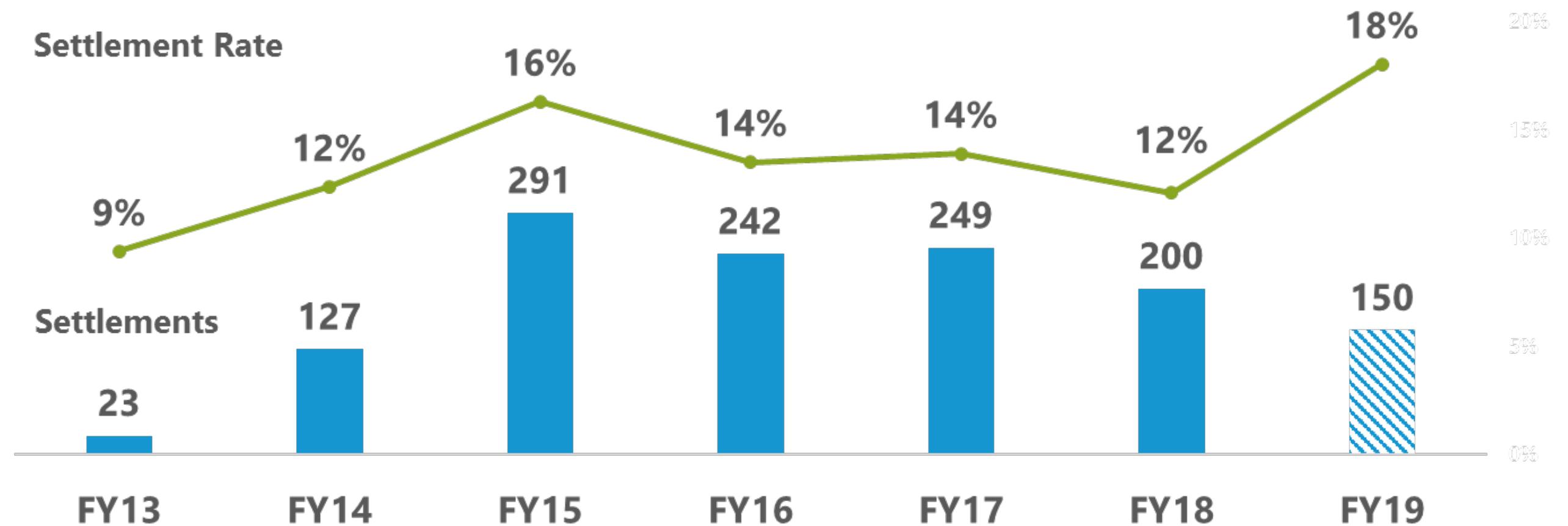
(All Time: Sept. 16, 2012 to Mar. 31, 2019)



Institution rate for each technology is calculated by dividing petitions instituted by decisions on institution (i.e., petitions instituted plus petitions denied). The outcomes of decisions on institution responsive to requests for rehearing are excluded.

Pre-Institution Settlements

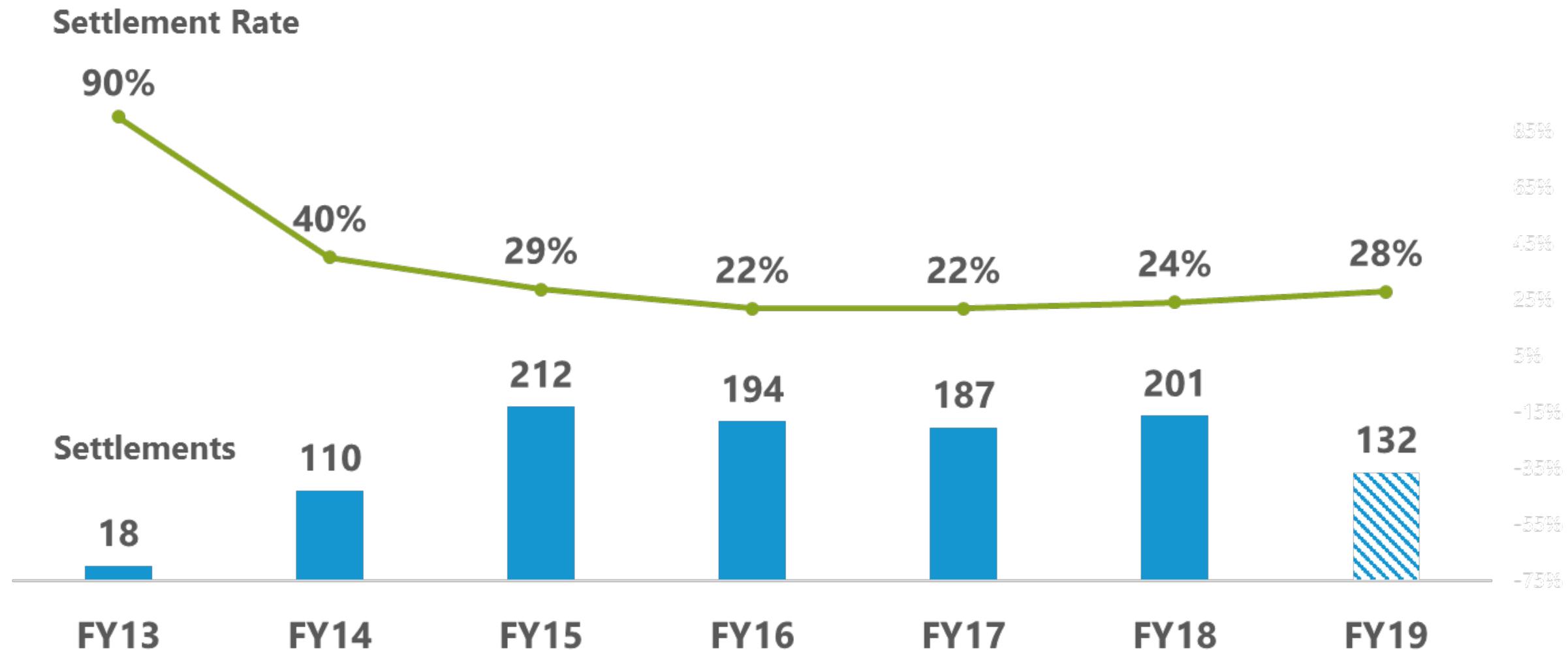
(FY13 to FY19: Oct. 1, 2012 to Mar. 31, 2019)



Settlement rate for each year is calculated by dividing pre-institution settlements by the sum of proceedings instituted, denied institution, dismissed, terminated with a request for adverse judgment, and settled before decision on institution.

Post-Institution Settlements

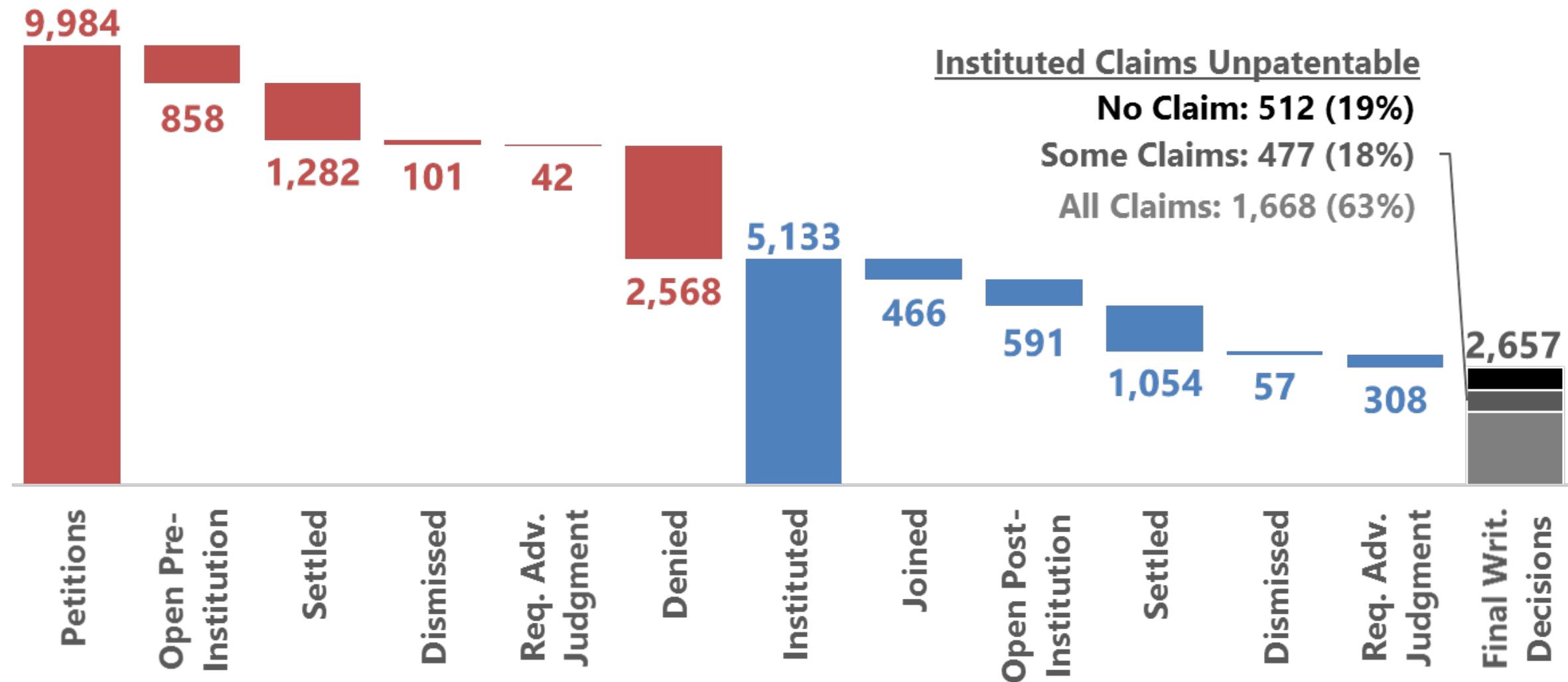
(FY13 to FY19: Oct. 1, 2012 to Mar. 31, 2019)



Settlement rate for each year is calculated by dividing post-institution settlements by proceedings terminated post-institution (i.e., settled, dismissed, terminated with a request for adverse judgment, and final written decision), excluding joined cases.

Status of Petitions

(All Time: Sept. 16, 2012 to Mar. 31, 2019)



These figures reflect the latest status of each petition. The outcomes of decisions on institution responsive to requests for rehearing are incorporated. Once joined to a base case, a petition remains in the Joined category regardless of subsequent outcomes.

