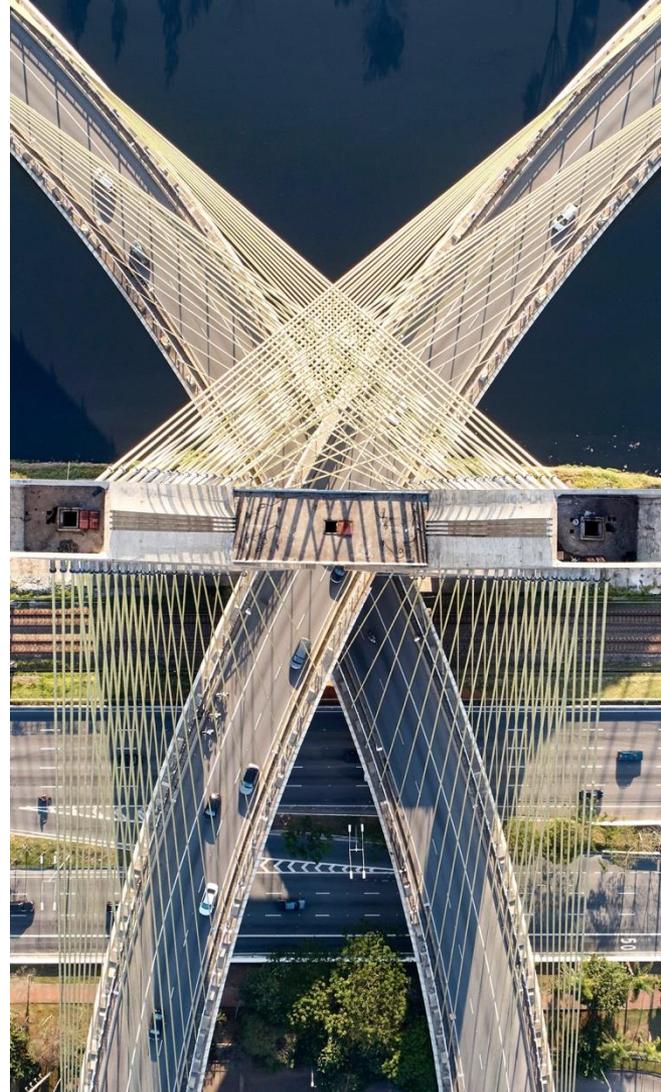


# Measuring USPTO Prosecution Outcomes

Is your company getting good results at the USPTO?





**Megan McLoughlin**

*Product Director for PatentAdvisor  
at LexisNexis IP Solutions*



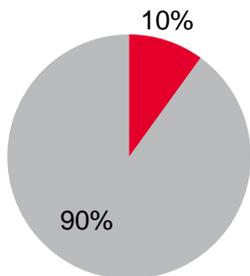
**William Mansfield**

*Director of Consulting & Customer Success  
at PatentSight – A LexisNexis Company*

## Today we will discuss:

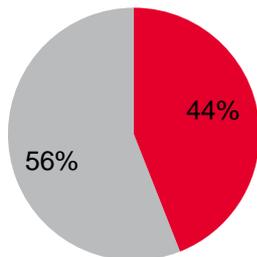
- How your examiner assignment can impact US prosecution outcomes
- How to accurately benchmark your prosecution performance against competitors in light of the outcome variability
- How European and Asian applicants fare at the USPTO compared to their US counterparts in some key industries

# Outcome variability at the USPTO



About **10 %** of the entire examiner pool accounts for close to **HALF** of **ALL** patents granted.

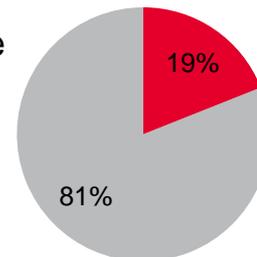
Examiners



>50 patents/year

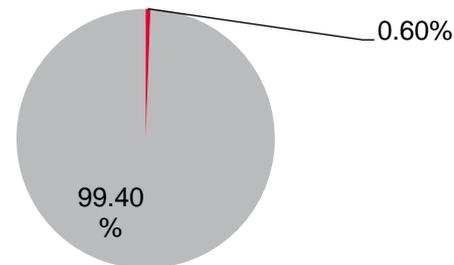
Patents

About **20 %** of the entire examiner pool accounts for **ONLY 0.6%** patents granted.



Examiners

<5 patents/year



Patents

**Poll:**

Do these statistics comport with your experience filing at the USPTO?

## Major electronics company with over 8,000 filings per year in the US

With “green” examiners

**Allowance rate**

**90.8%**

**Average time to disposition**

**2 years, 3 months, 4 days**

**Average office actions to disposition**

**1.5**

With “red” examiners

**Allowance rate**

**33.1%**

**Average time to disposition**

**3 years, 4 months, 4 days**

**Average office actions to disposition**

**2.8**

# Examiner distribution

## 1600: Biotechnology and Organic Chemistry



## 2100: Computer Architecture and Software



## 2800: Semiconductors, Electrical and Optical Systems and Components



## 3600: Transportation, Construction, Electronic Commerce, Agriculture, . . .



ETA 0 - 2.5



ETA 2.6 - 6



ETA 6+

# Causes of variability

## Technology?

### 2811 - SEMICONDUCTOR DEVICE MANUFACTURING: PROCESS

ALLOWANCE RATE

72.8%

ETA DISTRIBUTION

This shows the number of examiners of each color in the group.



### 2812 - SEMICONDUCTOR DEVICE MANUFACTURING: PROCESS

ALLOWANCE RATE

83.6%

ETA DISTRIBUTION

This shows the number of examiners of each color in the group.



## Experience?

### NADAV, ORI

GROUP ART UNIT 2811



ETA <sup>ⓘ</sup> RELATIVE TO AU: 2811 <sup>ⓘ</sup>

### TOTAL NUMBER OF APPLICATIONS

948

TOTAL <sup>ⓘ</sup>

515 PATENTED APPLICATIONS

362 ABANDONED APPLICATIONS

71 PENDING APPLICATIONS

# Measuring corporate success

## What is “par for the course”?



3 Office Actions,  
1 RCE

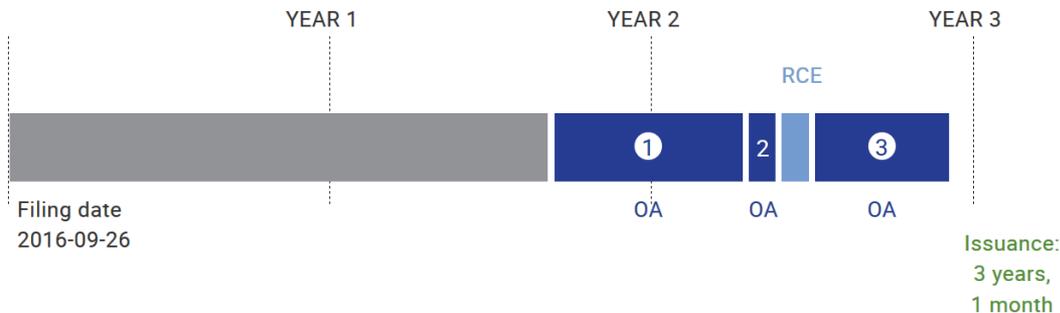


2 Office Actions,  
1 RCE



2 Office Actions

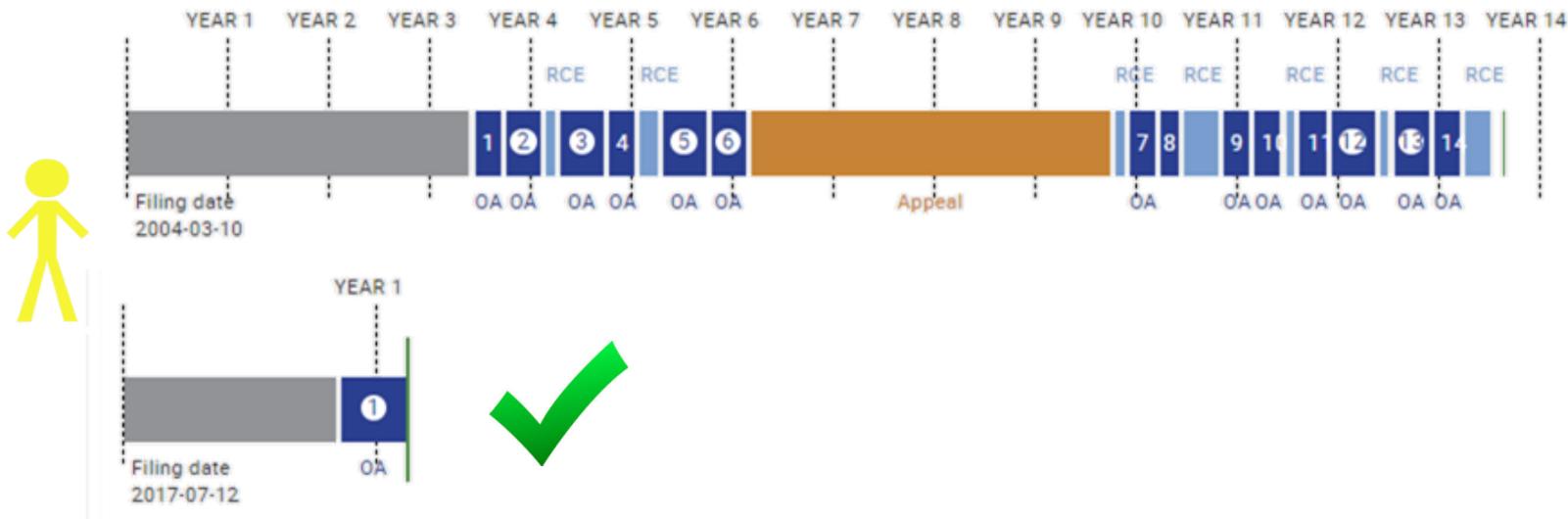
Same outcome,  
different success rate



# PatentAdvisor Efficiency Score™

- Normalized for examiner difficulty
- Normalized for # of applications
- No direct penalty for abandonments

Two patents from the same examiner



# Industry example: AI

USPTO Technology Center group 2120: AI & Simulation/Modeling

## Dataset: Top 5 filers from 3 regions in TCG 2120

TOTAL NUMBER OF APPLICATIONS

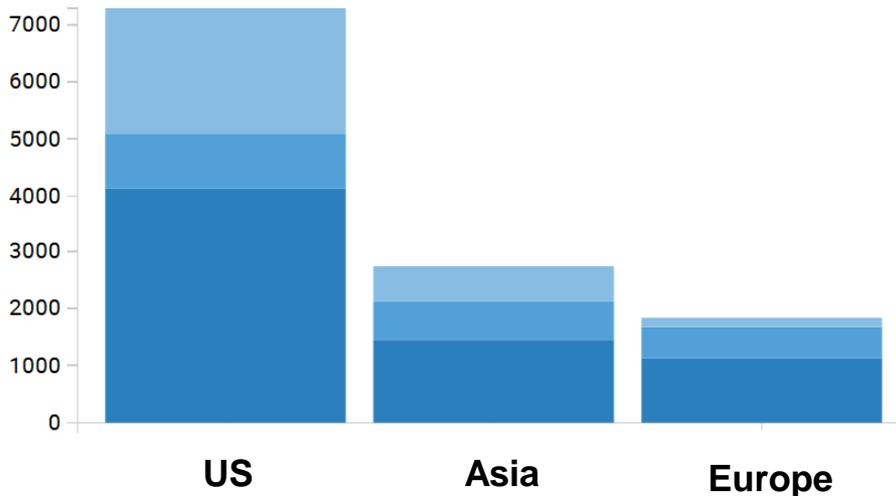
**12103**

TOTAL

**6765** PATENTED APPLICATIONS

**2302** ABANDONED APPLICATIONS

**3036** PENDING APPLICATIONS



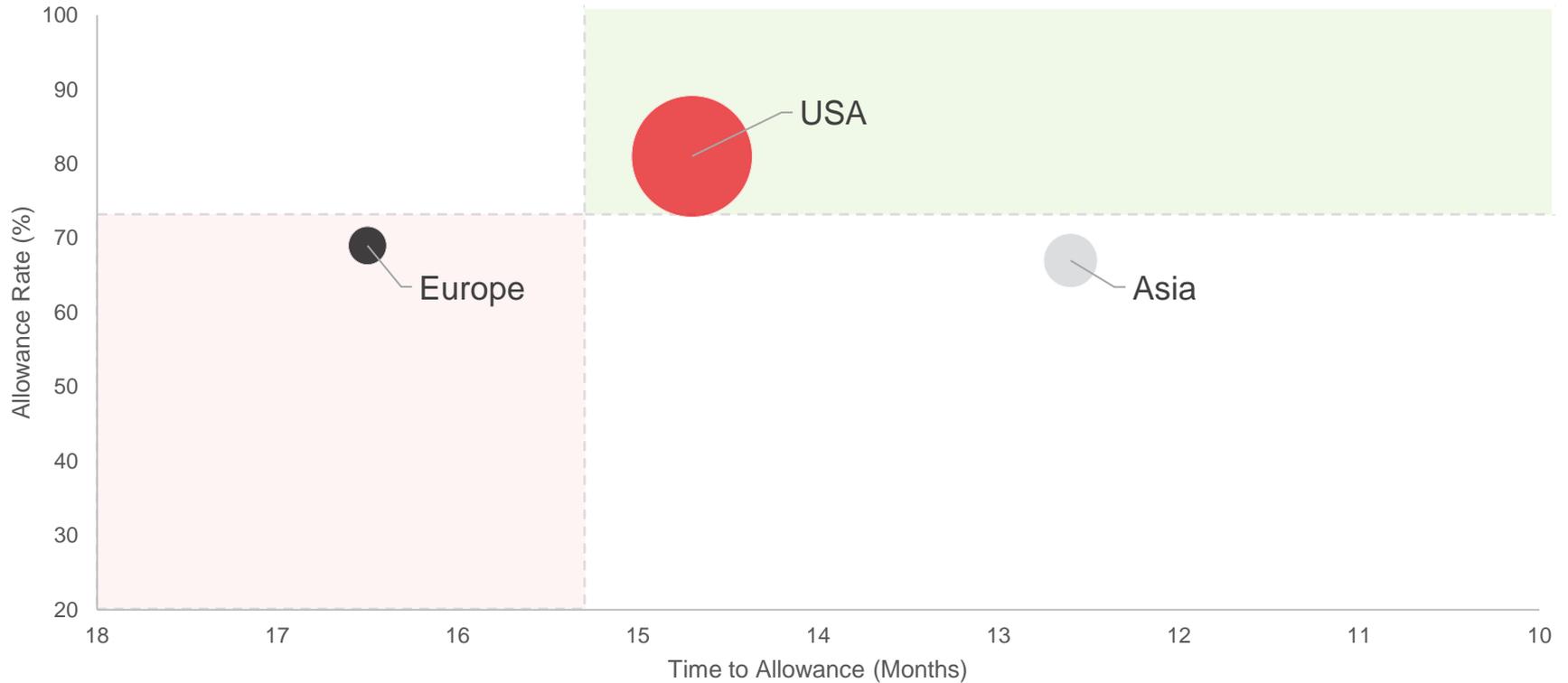
**US:** IBM, Microsoft, Google, GE, Intel

**Asia:** Fujitsu Limited, Samsung, NEC, Mitsubishi, Toshiba

**Europe:** Siemens, ABB, Robert Bosch, Philips, Airbus

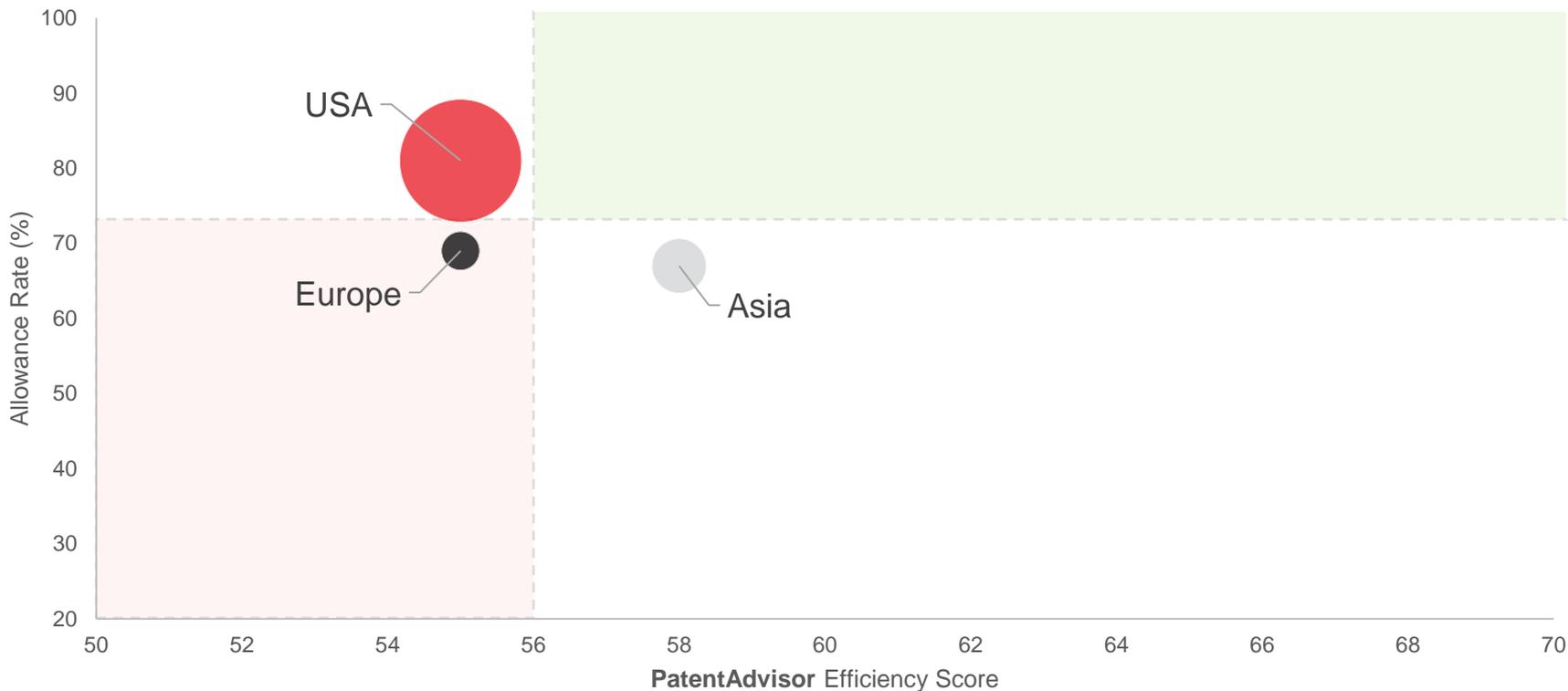
# Industry example: AI

USPTO Technology Center group 2120: AI & Simulation/Modeling



# Industry example: AI

USPTO Technology Center group 2120: AI & Simulation/Modeling



# Industry example: Pharma (vaccines)

USPTO Technology Center group 1640: Immunology, Receptor/Ligands, Cytokines Recombinant Hormones, and Molecular Biology

## Dataset: Top 5 filers from 3 regions in TCG 1640

TOTAL NUMBER OF APPLICATIONS

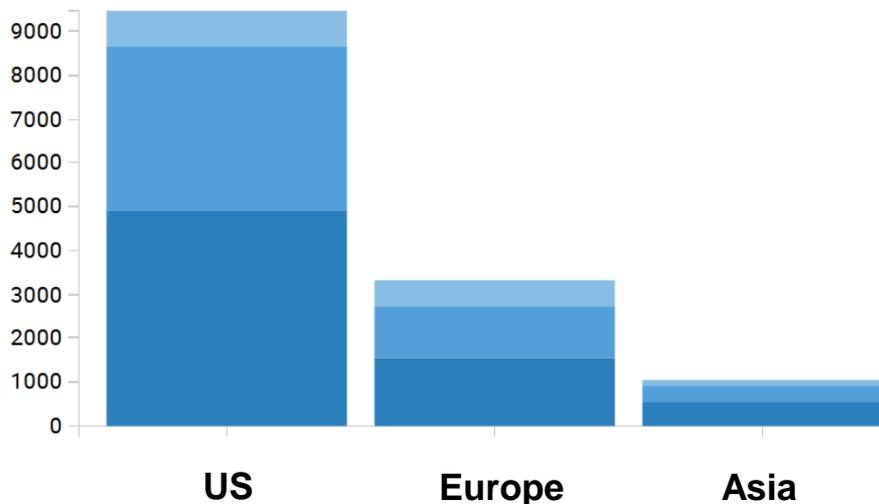
**13864**

TOTAL

**7040** PATENTED APPLICATIONS

**5318** ABANDONED APPLICATIONS

**1506** PENDING APPLICATIONS



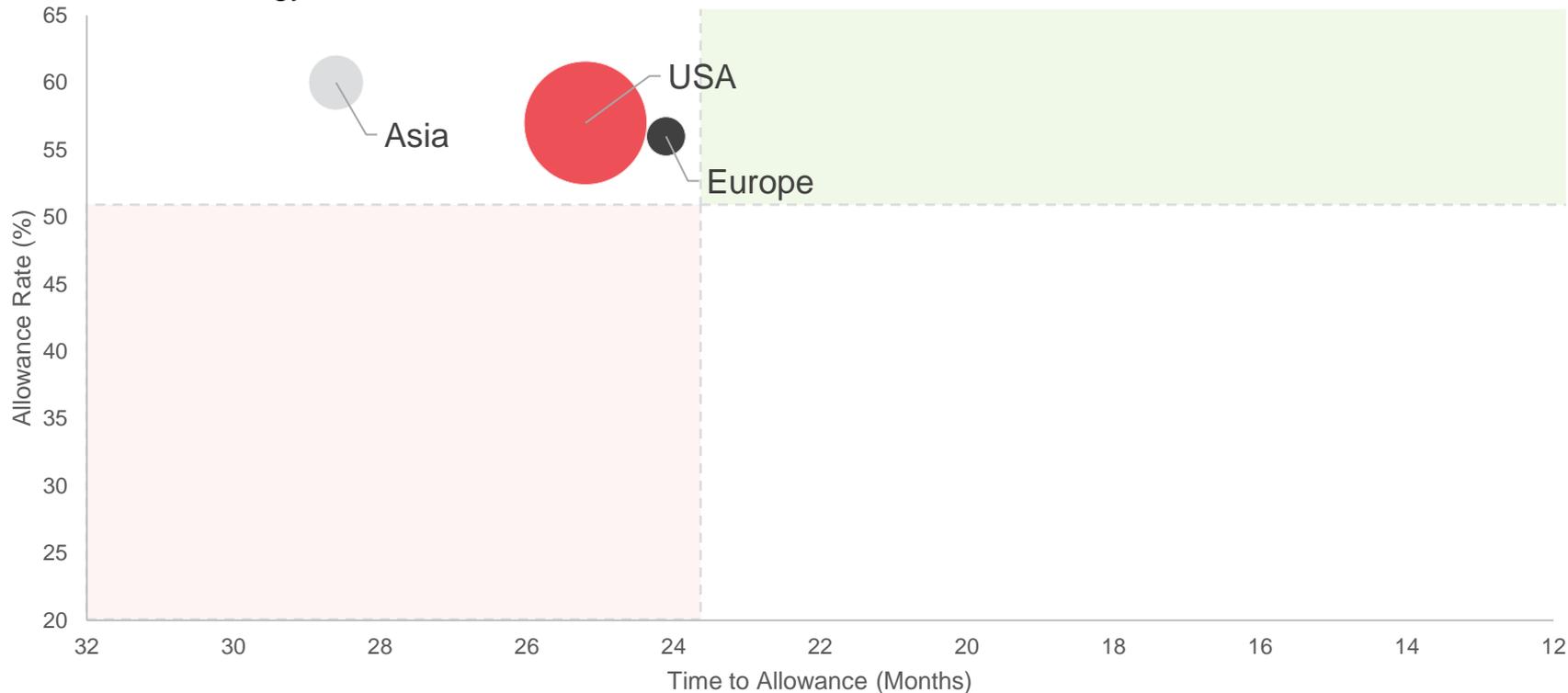
**US:** National Institutes of Health, USA, Genentech, University of California, Abbvie

**Europe:** Hoffman la Roche, Glaxosmithkline, Novartis AG, Janssen, Sanofi

**Asia:** Chugai Pharmaceutical, Agensys, Takeda, Kyowa Kirin, Fujifilm

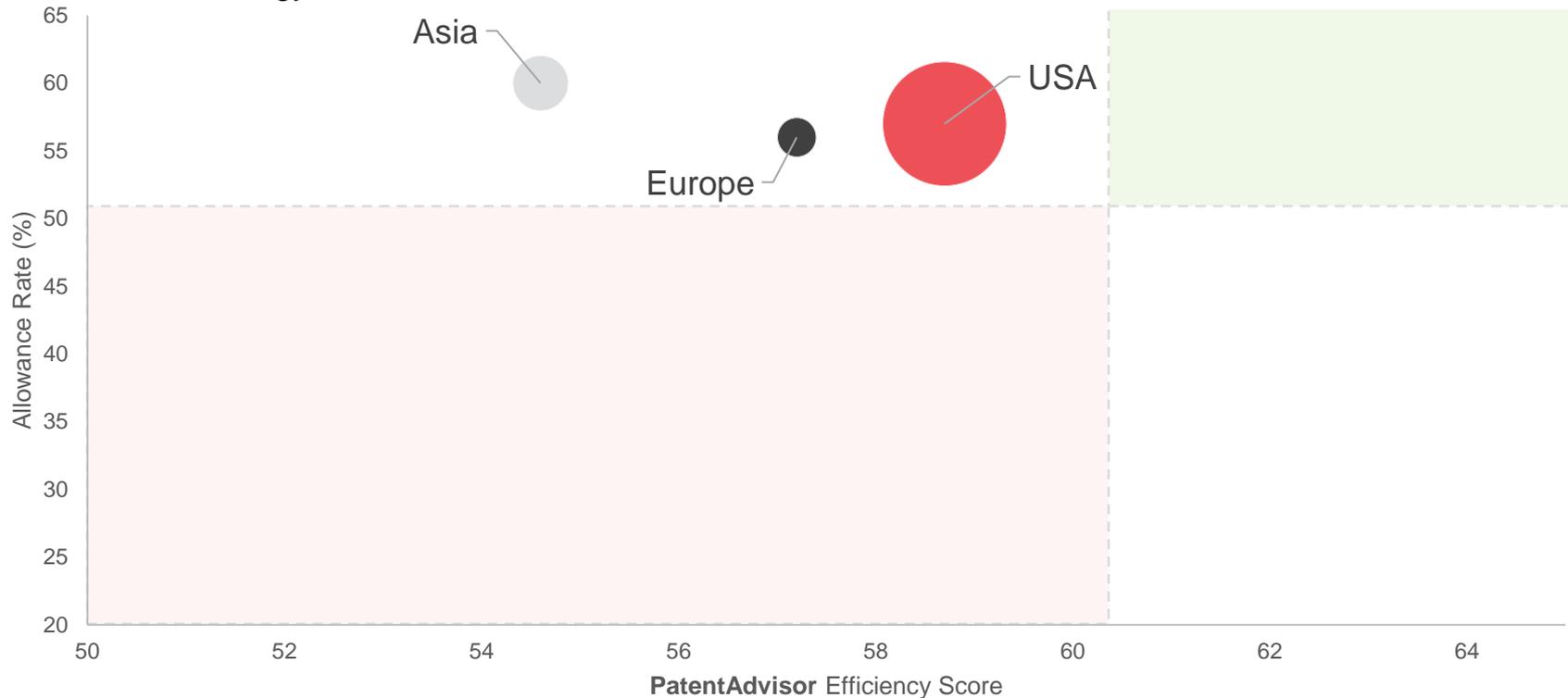
# Industry example: Pharma (vaccines)

USPTO Technology Center group 1640: Immunology, Receptor/Ligands, Cytokines Recombinant Hormones, and Molecular Biology



# Industry example: Pharma (vaccines)

USPTO Technology Center group 1640: Immunology, Receptor/Ligands, Cytokines Recombinant Hormones, and Molecular Biology



## Part II: Evaluating performance of outside counsel

Are your law firms doing a good job?  
Which are outperforming others?

**Thursday, 16<sup>th</sup> April**

**CEST 15:00**

**EST 10:00**

**PST 07:00**

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# Thank you

**William Mansfield**

**Director Consulting and Customer Success**

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