Practical uses of patent prosecution analytics

- Clint Mehall – Partner – Davidson, Davidson & Kappel – ddkpatent.

Today's Speakers

Clint Mehall
Partner
Davidson, Davidson & Kappel, LLC

Amit Alagh
Senior Product Marketing Manager,
LexisNexis Intellectual Property Solutions

Today's Discussion

- Using examiner analytics to supplement prosecution strategy
- How to use PatentAdvisor to obtain individual attorney statistics
- Using PTAB Decisions to review legal arguments analytically
- Using PatentAdvisor data to guide conversations on client's prosecution strategy
- Comparative Analytics for analyzing clients vs. competitors

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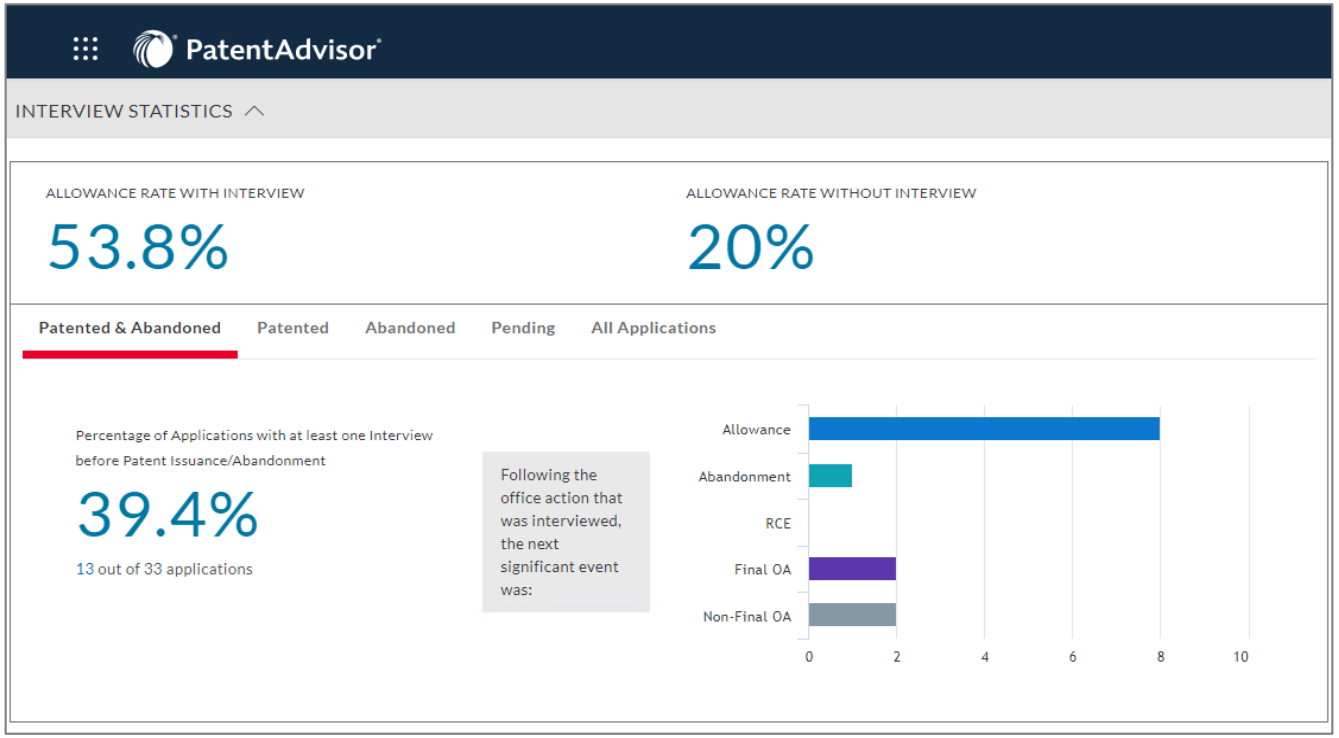
Using Examiner Analytics to Supplement Prosecution Strategy

Statistics every patent prosecutor should be considering

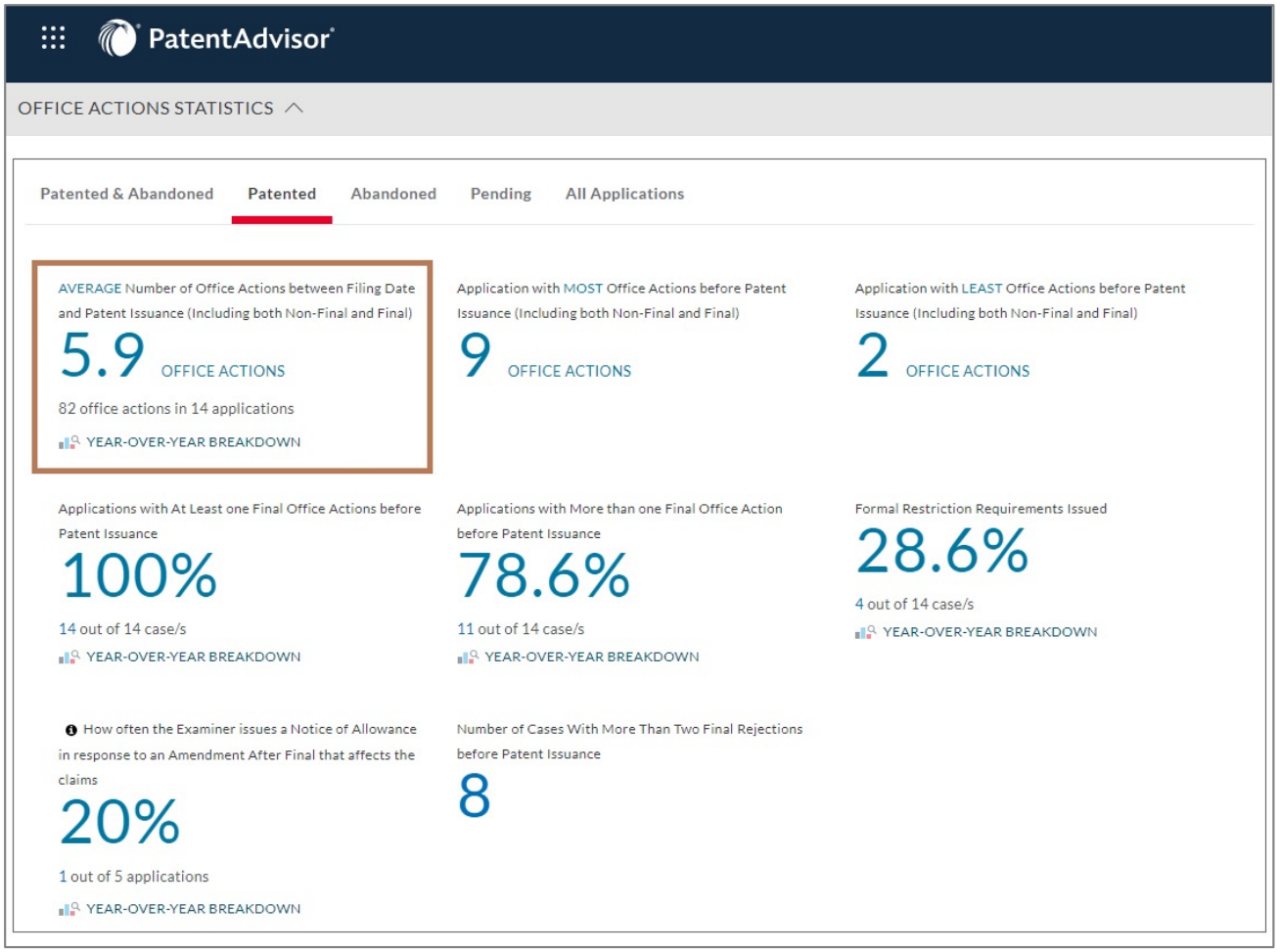
Examiner Analytics

Interviews



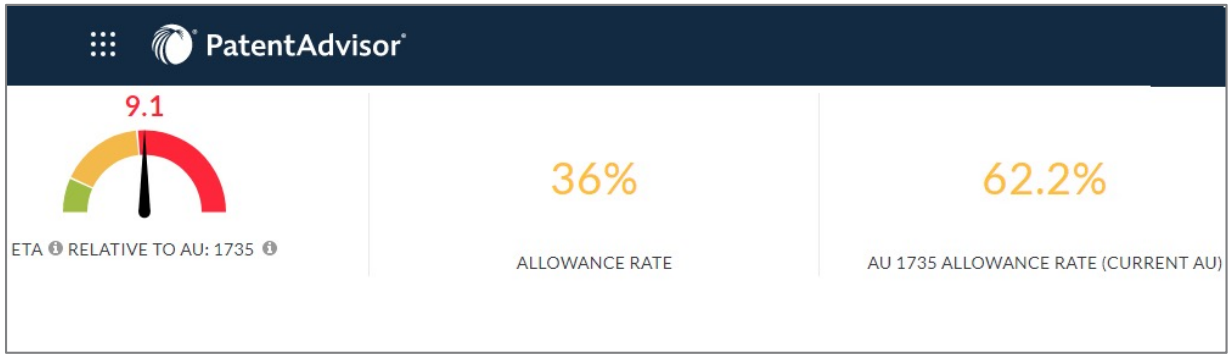
Examiner Analytics

Office Actions per patent



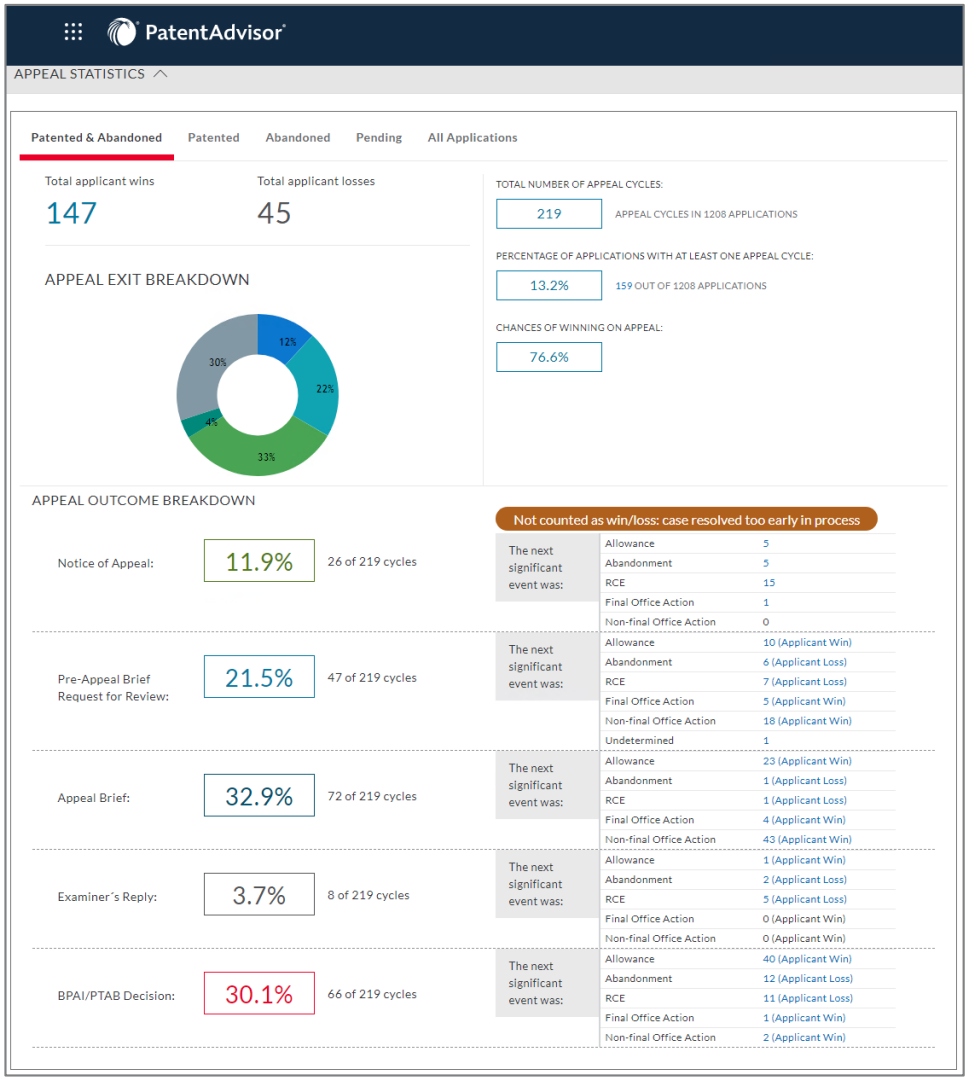
Examiner Analytics

Examiner allowance rate vs. Art Unit allowance rate



Examiner Analytics

Appeal statistics



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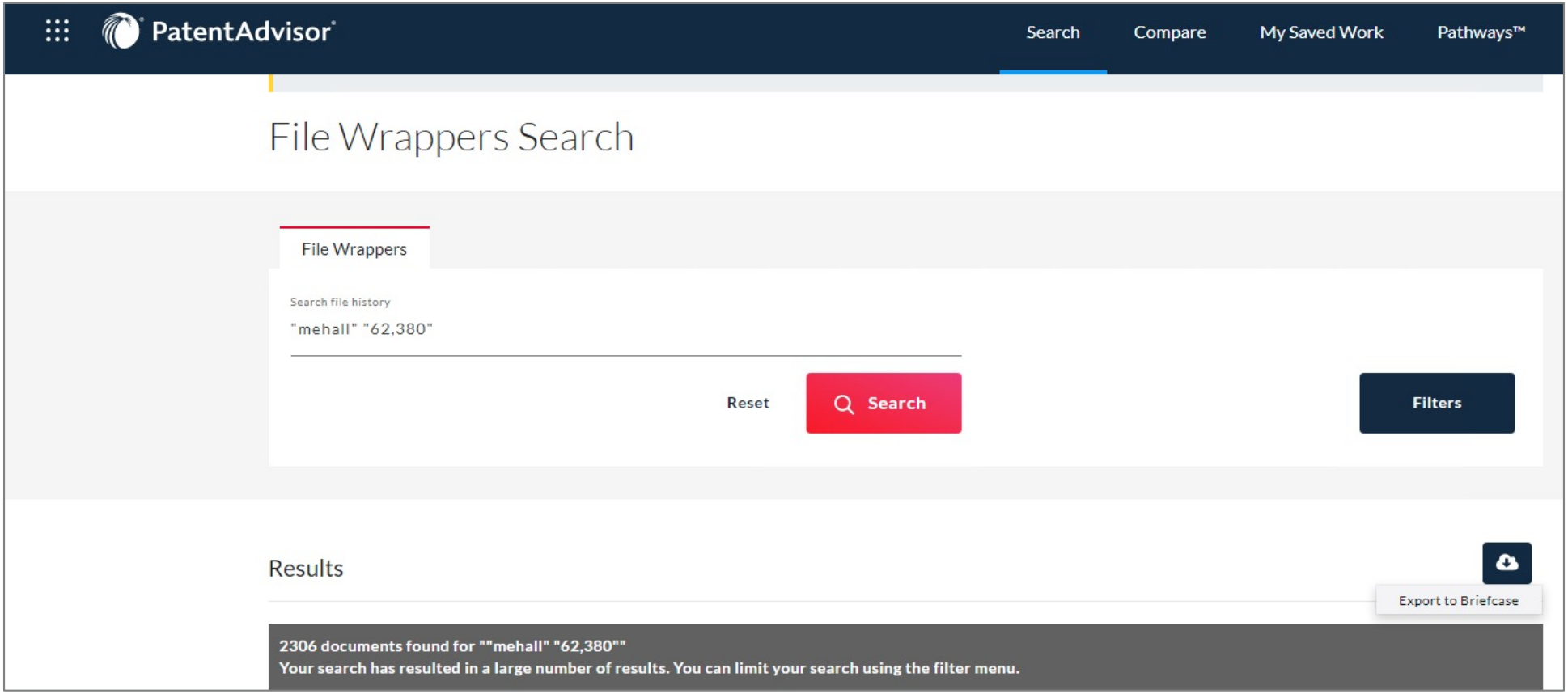
File Wrapper Search to obtain individual attorney analytics

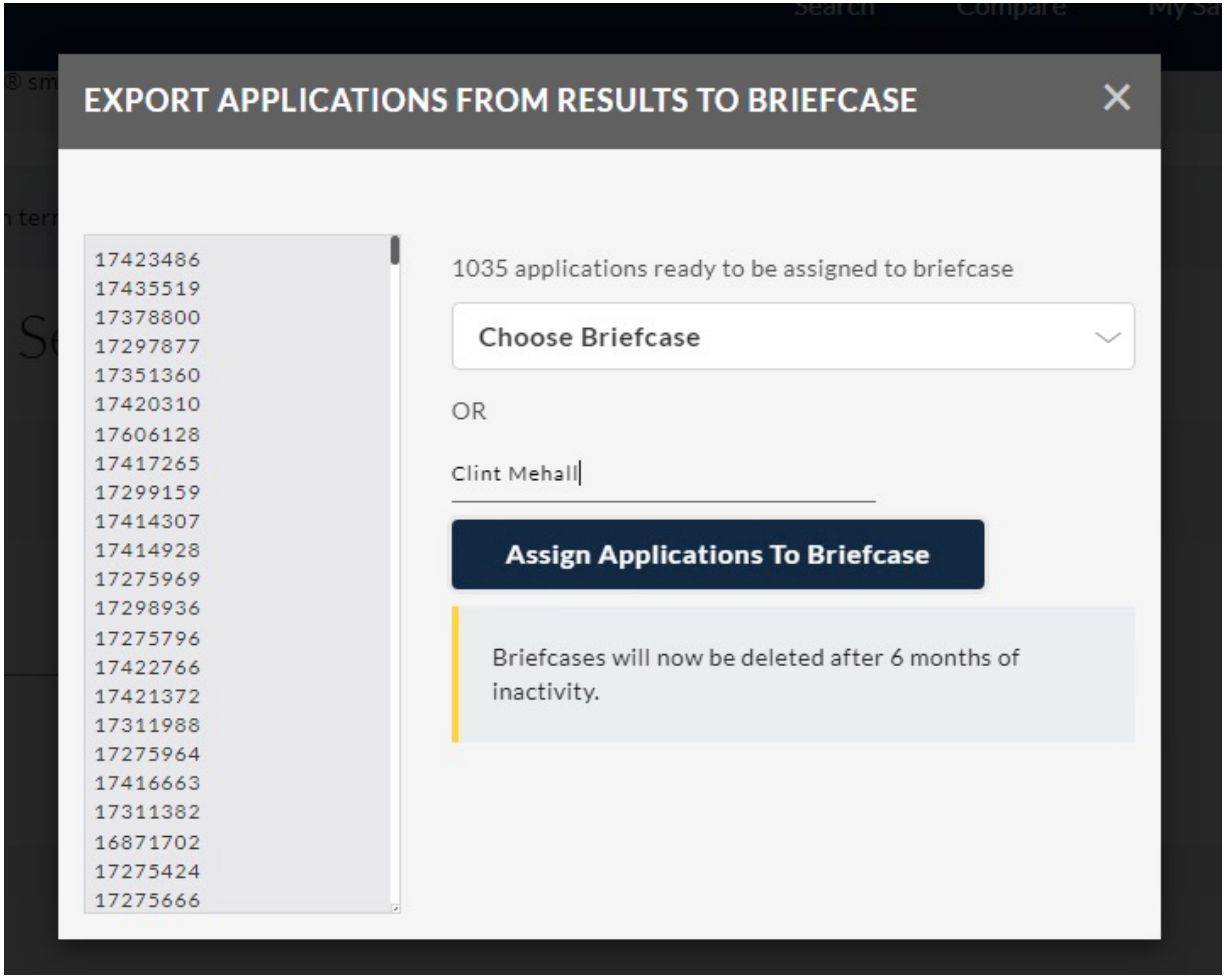
Can be useful for self-assessment, evaluating subordinates, potential hires or outside counsel

Individual Analytics



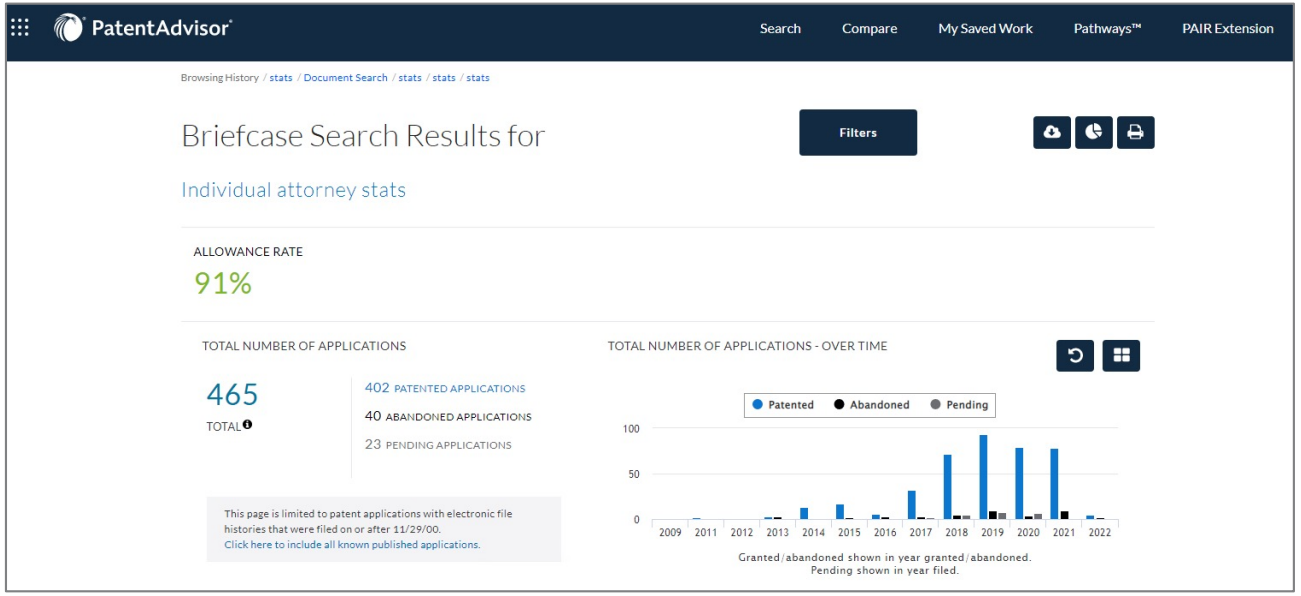
Individual Analytics

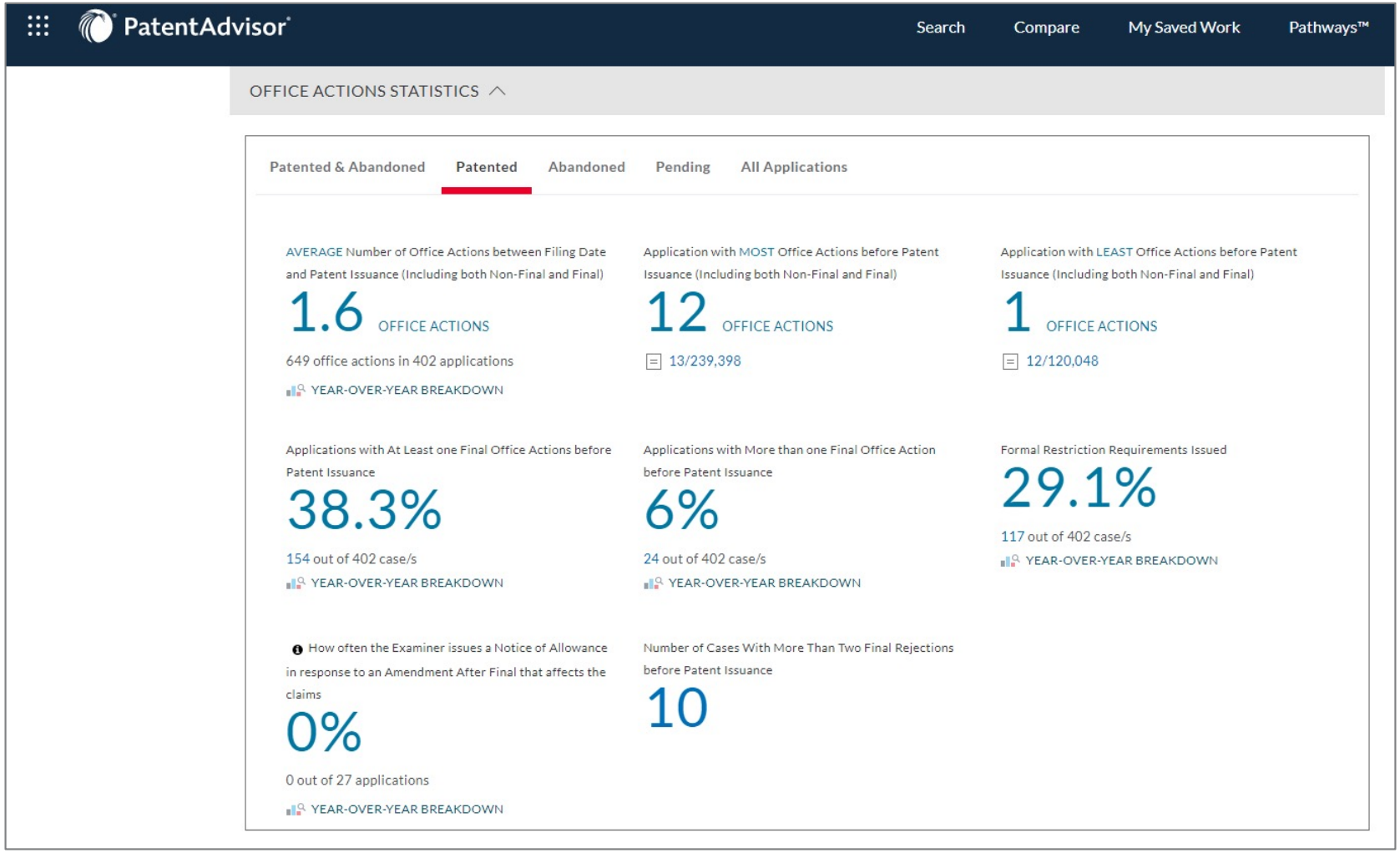
Using file wrapper search

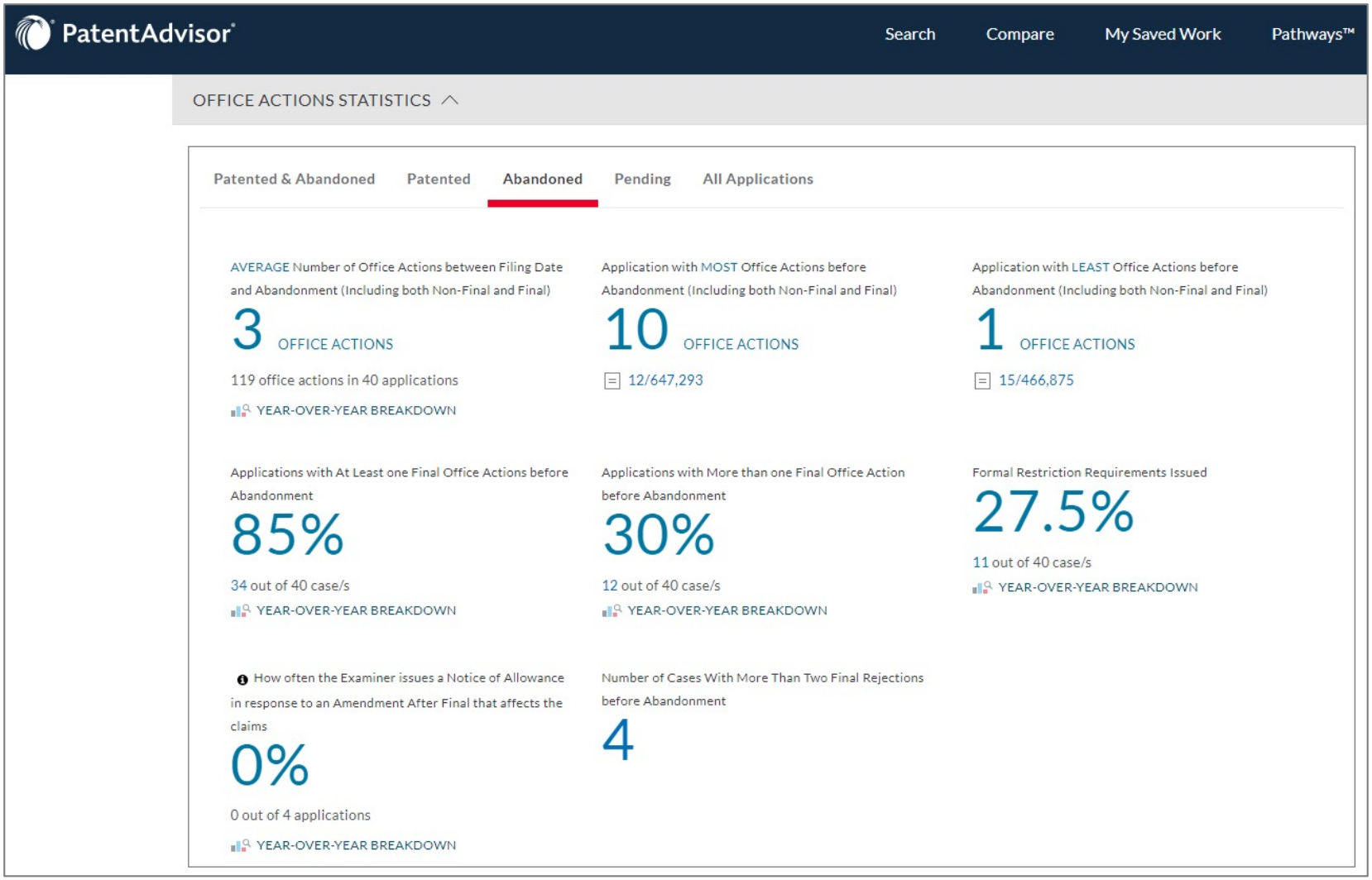


Individual Analytics

Using file wrapper search

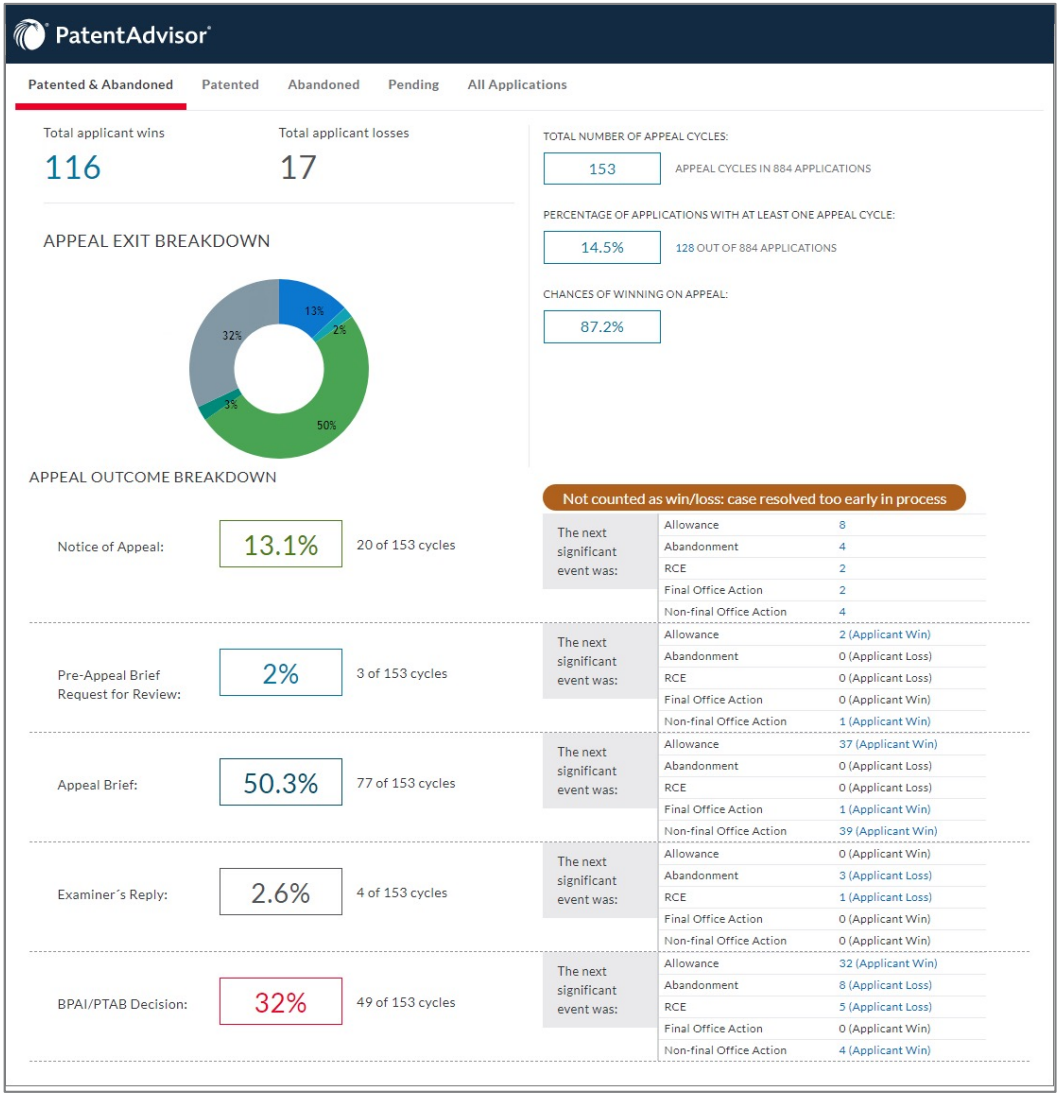



PatentAdvisor
Search
Compare
My Saved Work
Pathways™
OFFICE ACTIONS STATISTICS
Patented & Abandoned
Patented
Abandoned
Pending
All Applications
AVERAGE Number of Office Actions between Filing Date and Patent Issuance (Including both Non-Final and Final)
1.6 OFFICE ACTIONS
649 office actions in 402 applications
YEAR-OVER-YEAR BREAKDOWN
Application with MOST Office Actions before Patent Issuance (Including both Non-Final and Final)
12 OFFICE ACTIONS
13/239,398
Application with LEAST Office Actions before Patent Issuance (Including both Non-Final and Final)
1 OFFICE ACTIONS
12/120,048
Applications with At Least one Final Office Actions before Patent Issuance
38.3%
154 out of 402 case/s
YEAR-OVER-YEAR BREAKDOWN
Applications with More than one Final Office Action before Patent Issuance
6%
24 out of 402 case/s
YEAR-OVER-YEAR BREAKDOWN
Formal Restriction Requirements Issued
29.1%
117 out of 402 case/s
YEAR-OVER-YEAR BREAKDOWN
How often the Examiner issues a Notice of Allowance in response to an Amendment After Final that affects the claims
0%
0 out of 27 applications
YEAR-OVER-YEAR BREAKDOWN
Number of Cases With More Than Two Final Rejections before Patent Issuance
10


PatentAdvisor
Search
Compare
My Saved Work
Pathways™
OFFICE ACTIONS STATISTICS
Patented & Abandoned
Patented
Abandoned
Pending
All Applications
AVERAGE Number of Office Actions between Filing Date and Abandonment (Including both Non-Final and Final)
3 OFFICE ACTIONS
119 office actions in 40 applications
YEAR-OVER-YEAR BREAKDOWN
Application with MOST Office Actions before Abandonment (Including both Non-Final and Final)
10 OFFICE ACTIONS
12/647,293
Application with LEAST Office Actions before Abandonment (Including both Non-Final and Final)
1 OFFICE ACTIONS
15/466,875
Applications with At Least one Final Office Actions before Abandonment
85%
34 out of 40 case/s
YEAR-OVER-YEAR BREAKDOWN
Applications with More than one Final Office Action before Abandonment
30%
12 out of 40 case/s
YEAR-OVER-YEAR BREAKDOWN
Formal Restriction Requirements Issued
27.5%
11 out of 40 case/s
YEAR-OVER-YEAR BREAKDOWN
How often the Examiner issues a Notice of Allowance in response to an Amendment After Final that affects the claims
0%
0 out of 4 applications
YEAR-OVER-YEAR BREAKDOWN
Number of Cases With More Than Two Final Rejections before Abandonment
4

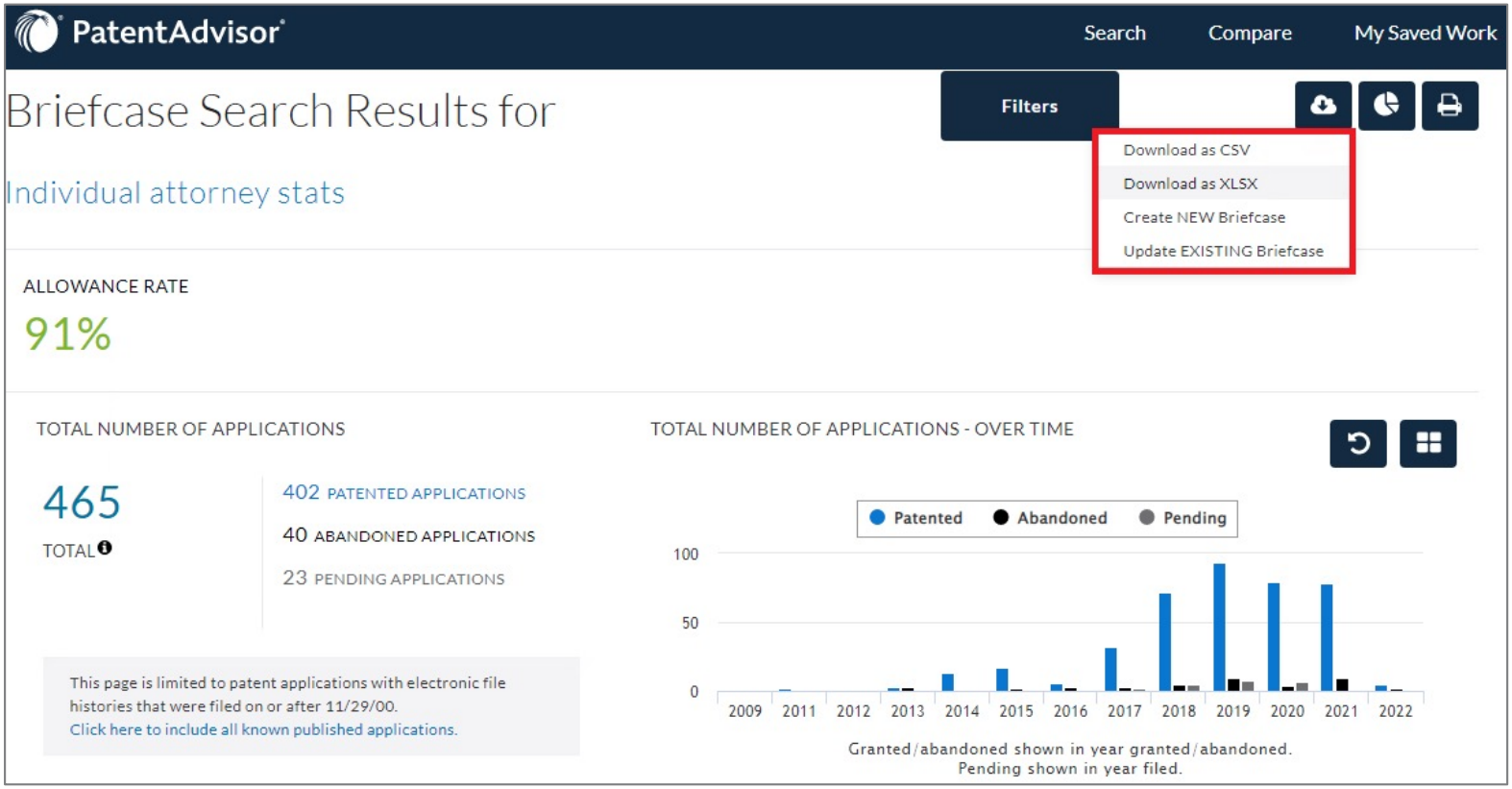
Individual Analytics

Appeals



Individual Analytics

Downloading spreadsheet data for comparison



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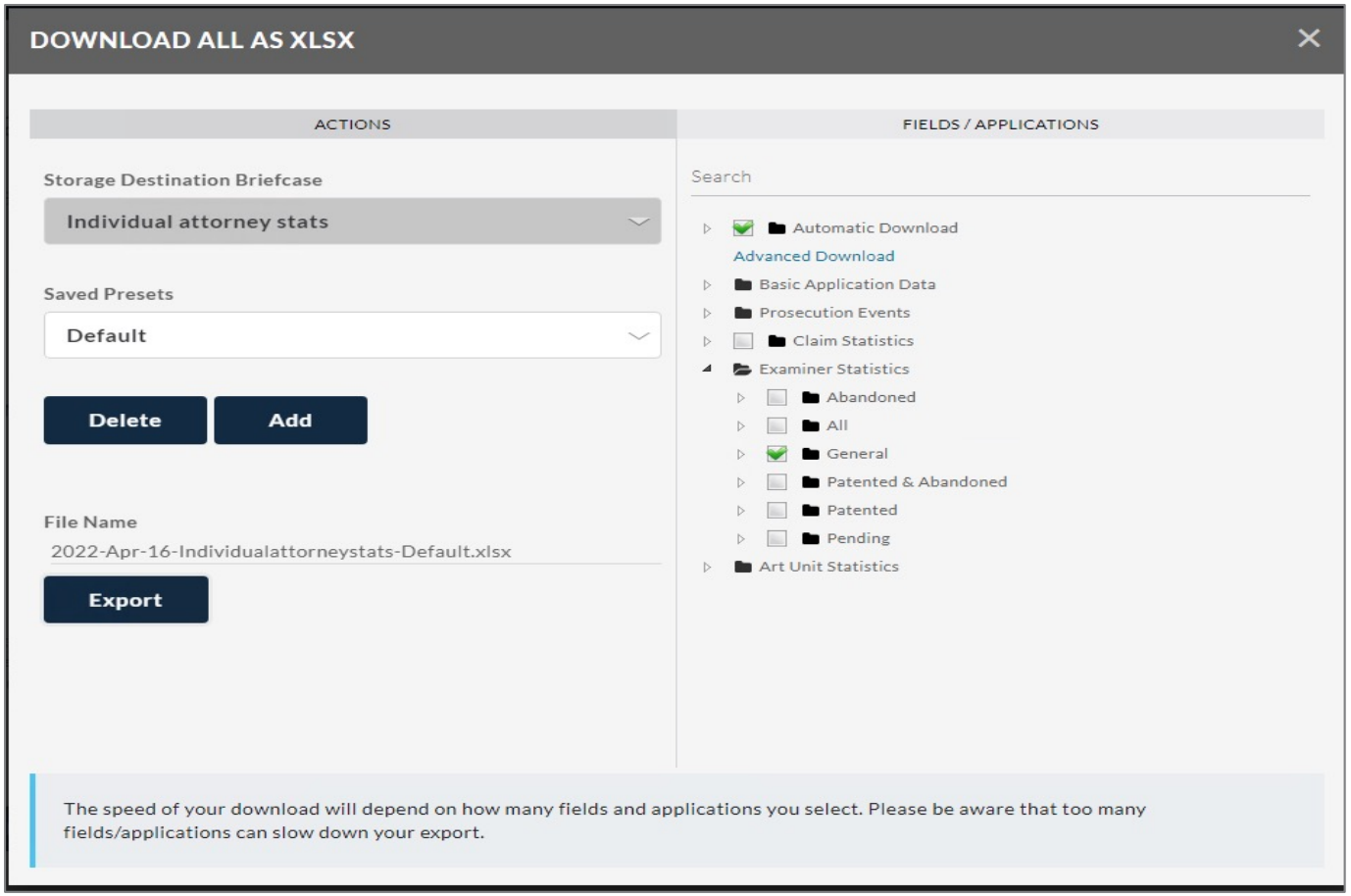

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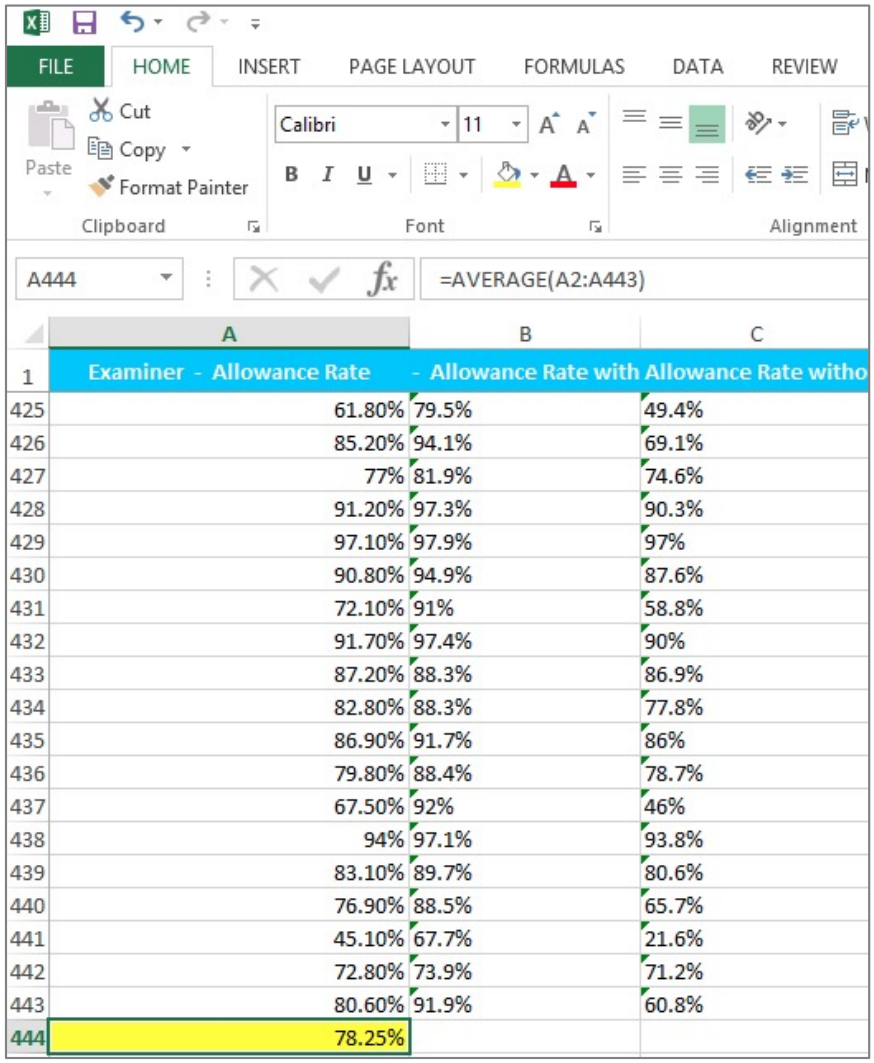

	A	B	C
1	Examiner - Allowance Rate	- Allowance Rate with	Allowance Rate witho
425	61.80%	79.5%	49.4%
426	85.20%	94.1%	69.1%
427	77%	81.9%	74.6%
428	91.20%	97.3%	90.3%
429	97.10%	97.9%	97%
430	90.80%	94.9%	87.6%
431	72.10%	91%	58.8%
432	91.70%	97.4%	90%
433	87.20%	88.3%	86.9%
434	82.80%	88.3%	77.8%
435	86.90%	91.7%	86%
436	79.80%	88.4%	78.7%
437	67.50%	92%	46%
438	94%	97.1%	93.8%
439	83.10%	89.7%	80.6%
440	76.90%	88.5%	65.7%
441	45.10%	67.7%	21.6%
442	72.80%	73.9%	71.2%
443	80.60%	91.9%	60.8%
444	78.25%		

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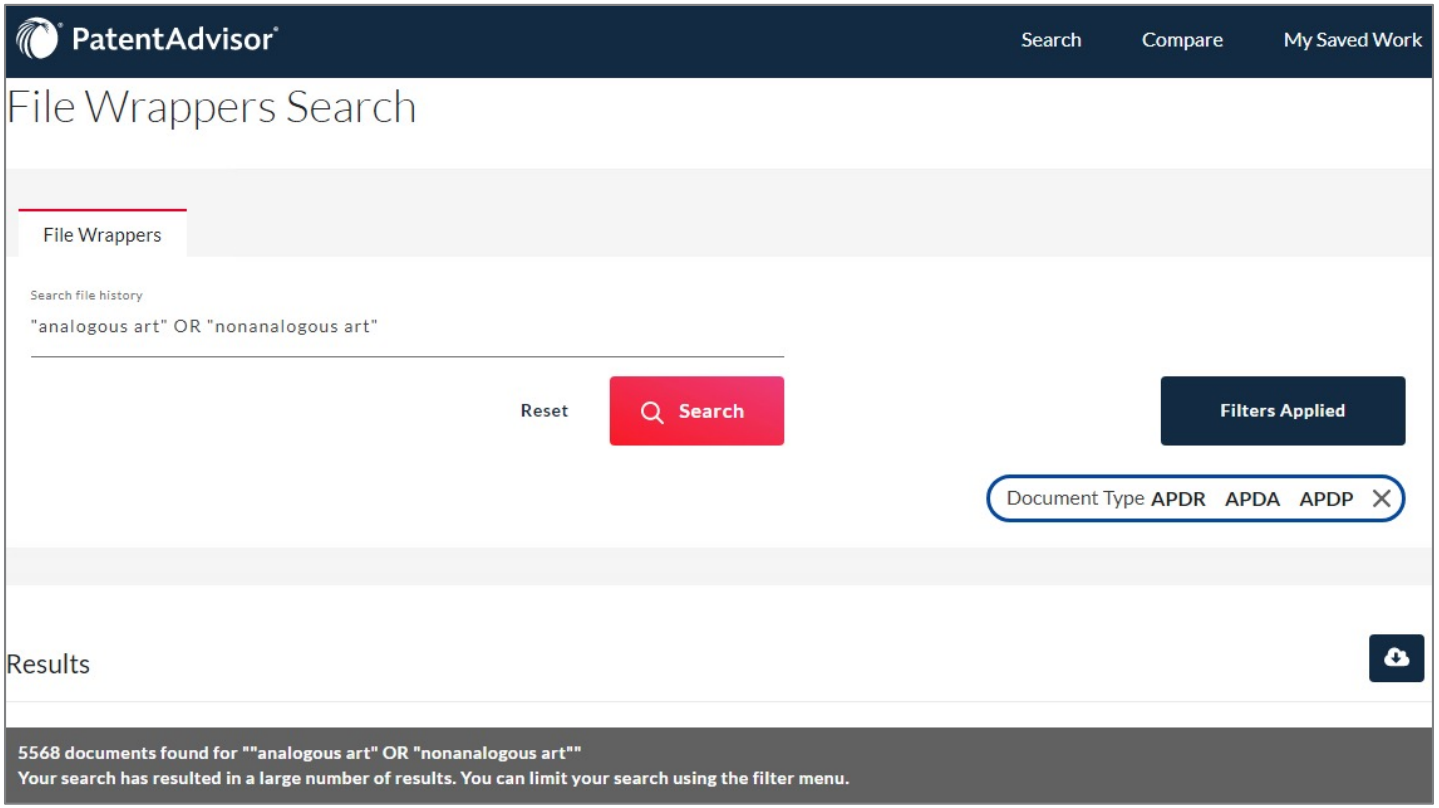
Reviewing PTAB ex parte appeal Decisions

Reviewing Legal Arguments Analytically

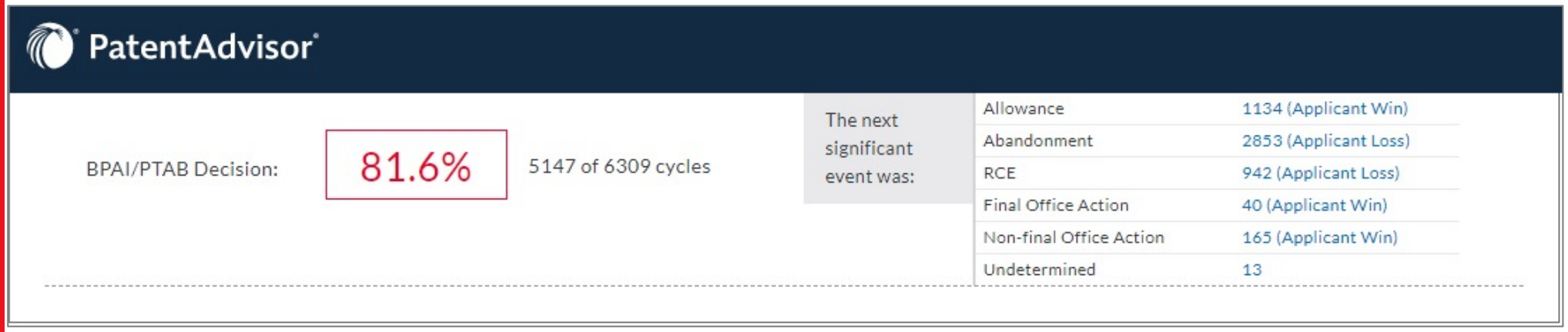
PTAB Decisions

Reviewing Legal Arguments Analytically



PTAB Decisions

Reviewing Legal Arguments Analytically

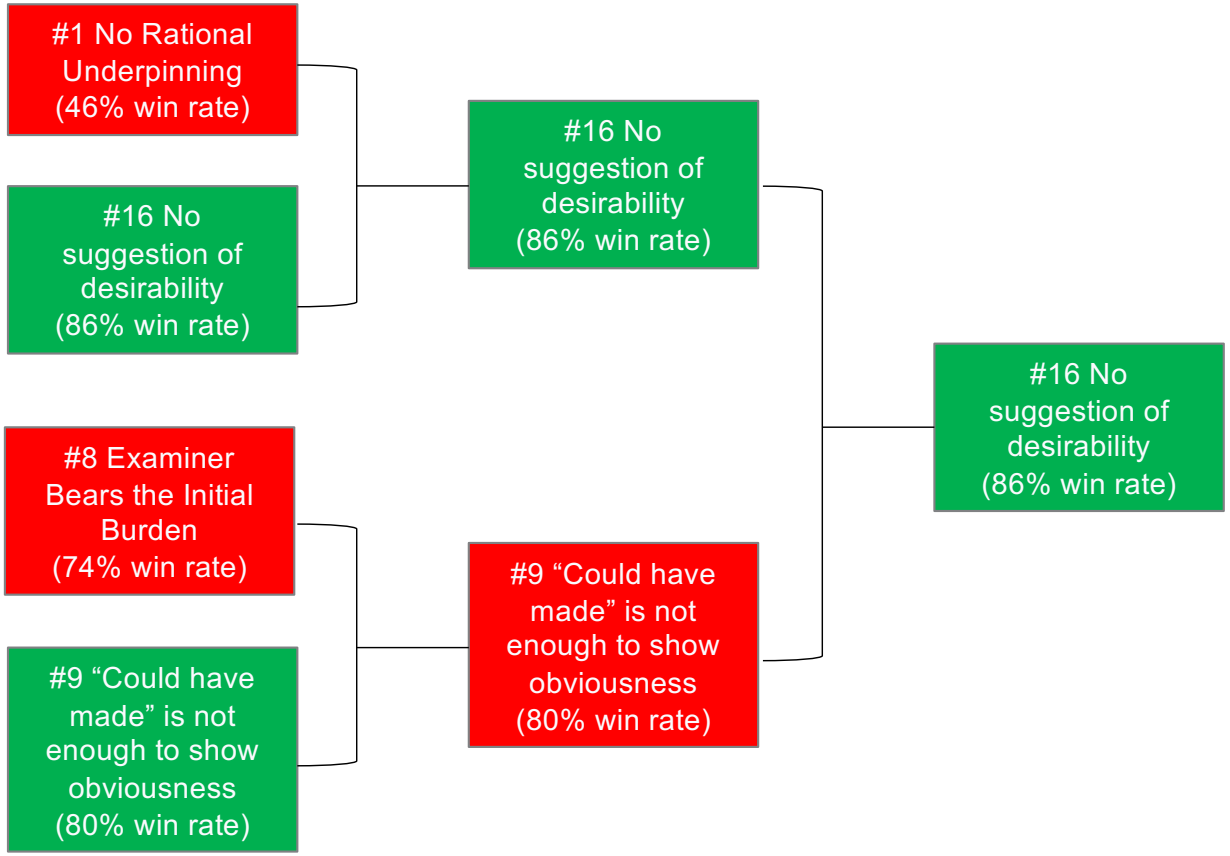


Only **26%** chance of winning when PTAB Decision mention analogous art case law

PTAB Decisions

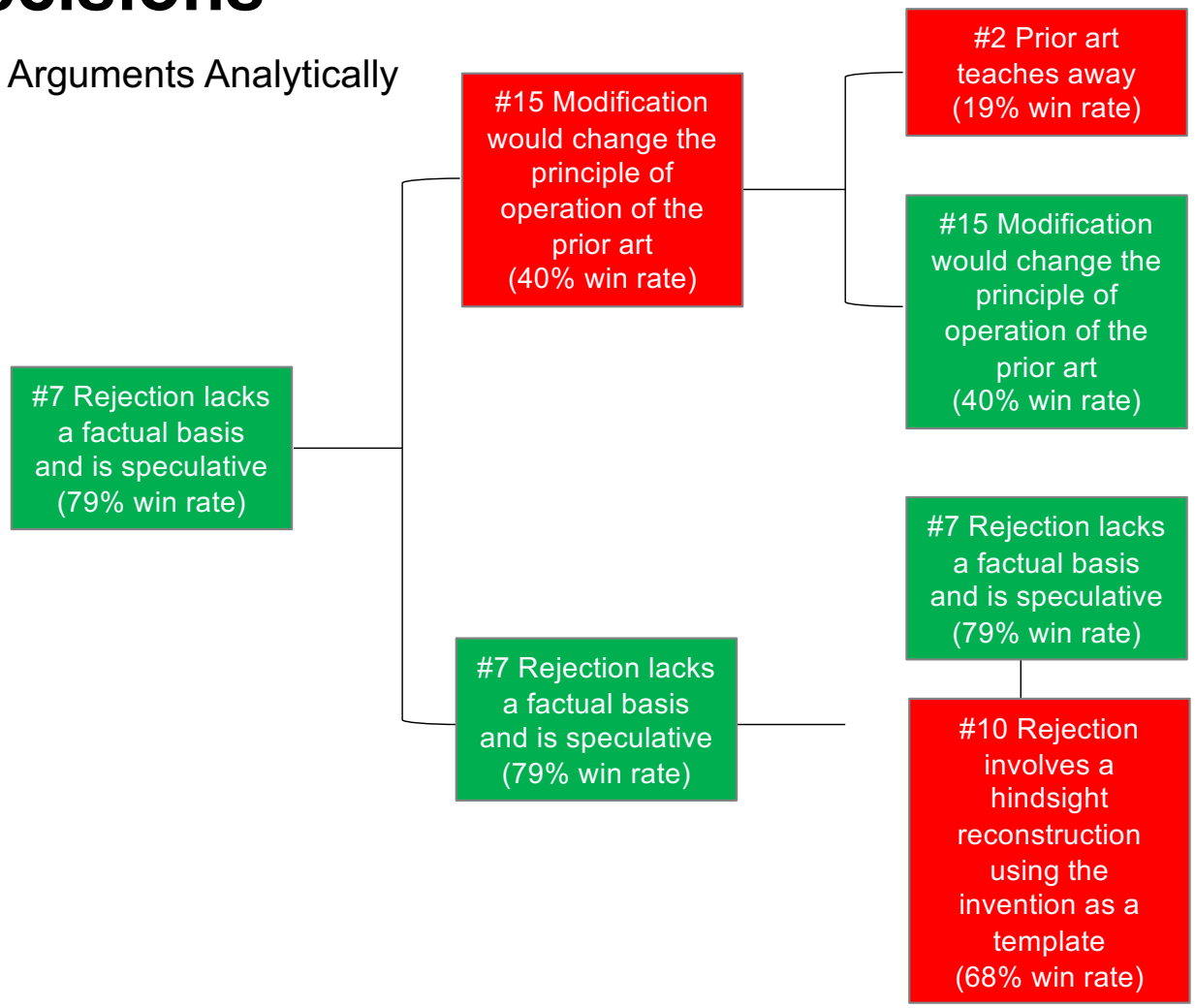
Reviewing Legal Arguments Analytically

Ex Parte Appeals Madness



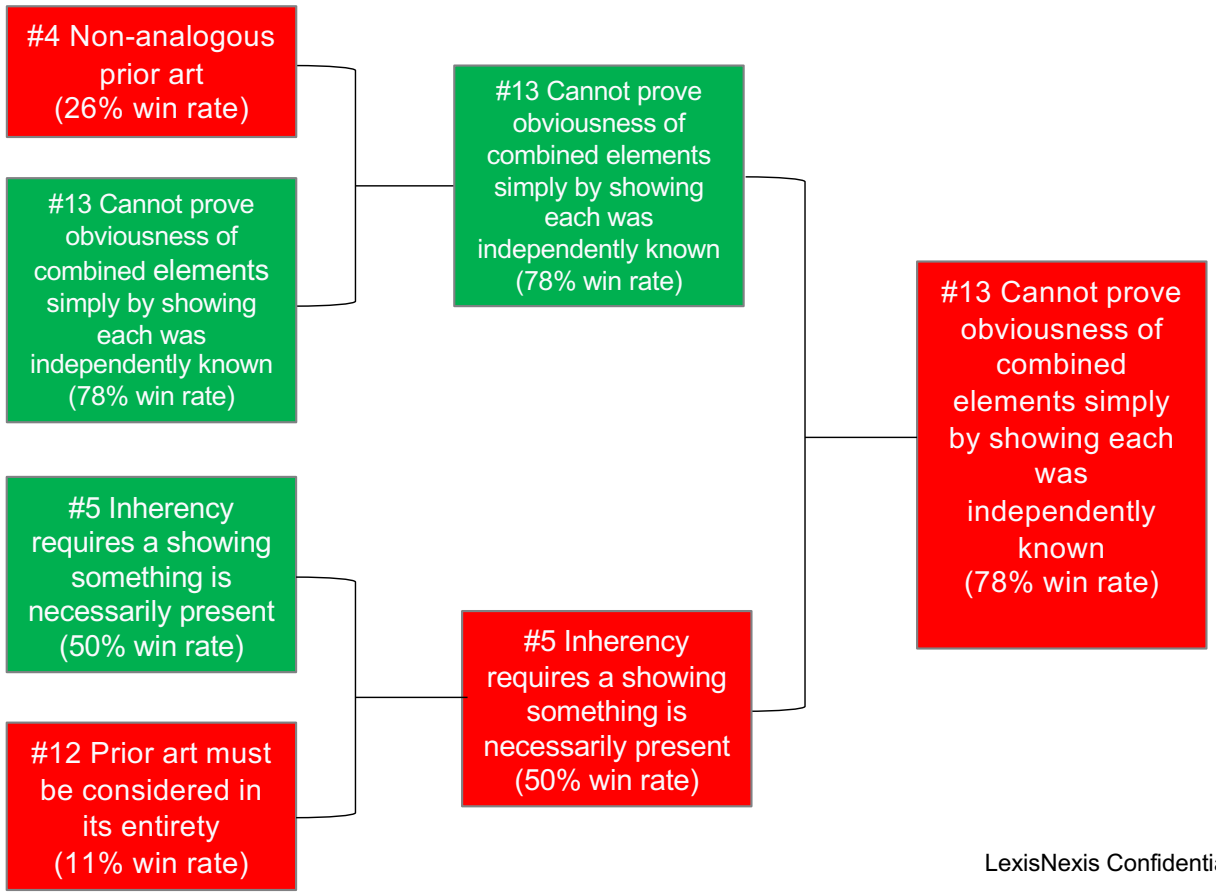
PTAB Decisions

Reviewing Legal Arguments Analytically



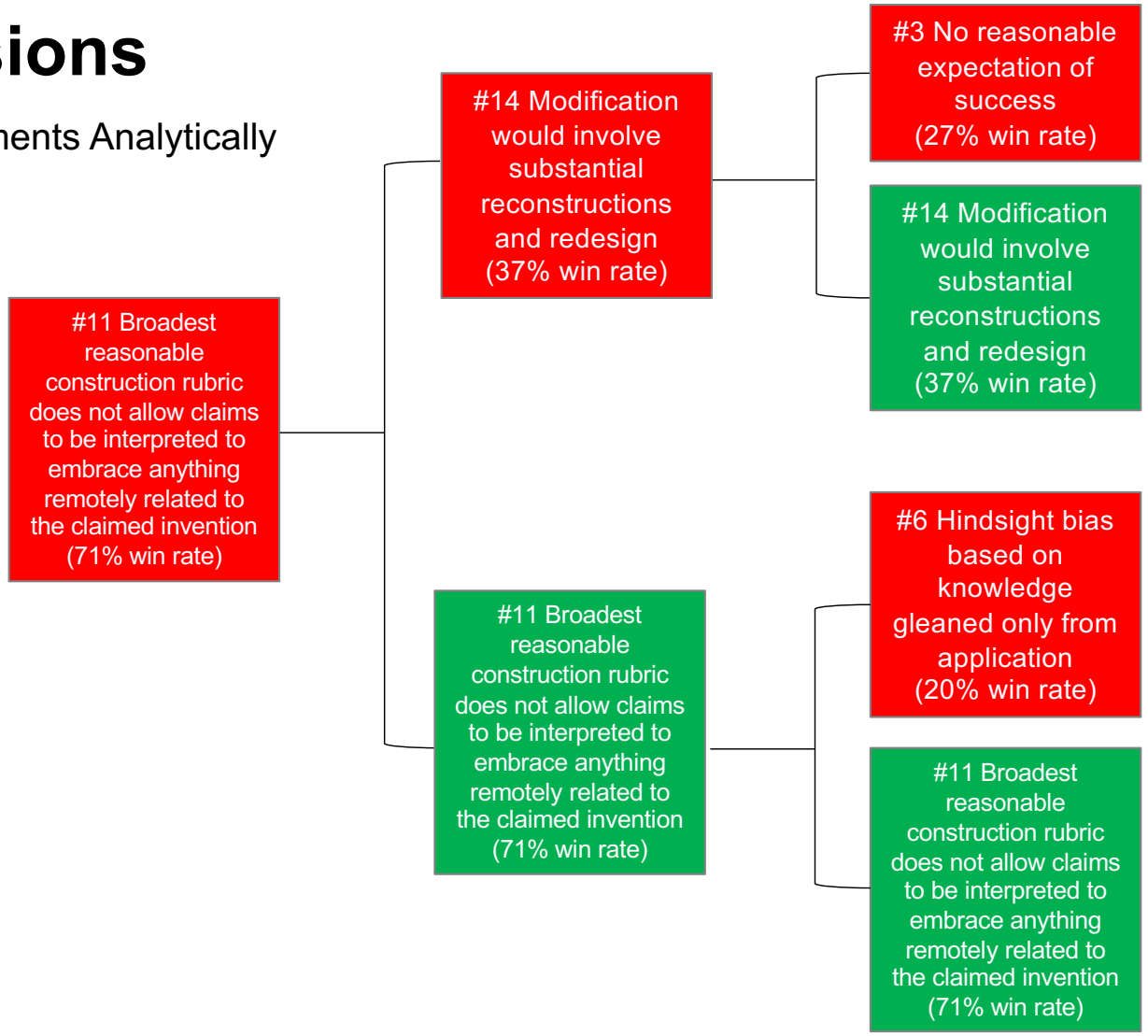
PTAB Decisions

Reviewing Legal Arguments Analytically



PTAB Decisions

Reviewing Legal Arguments Analytically



PTAB Decisions

Reviewing Legal Arguments Analytically

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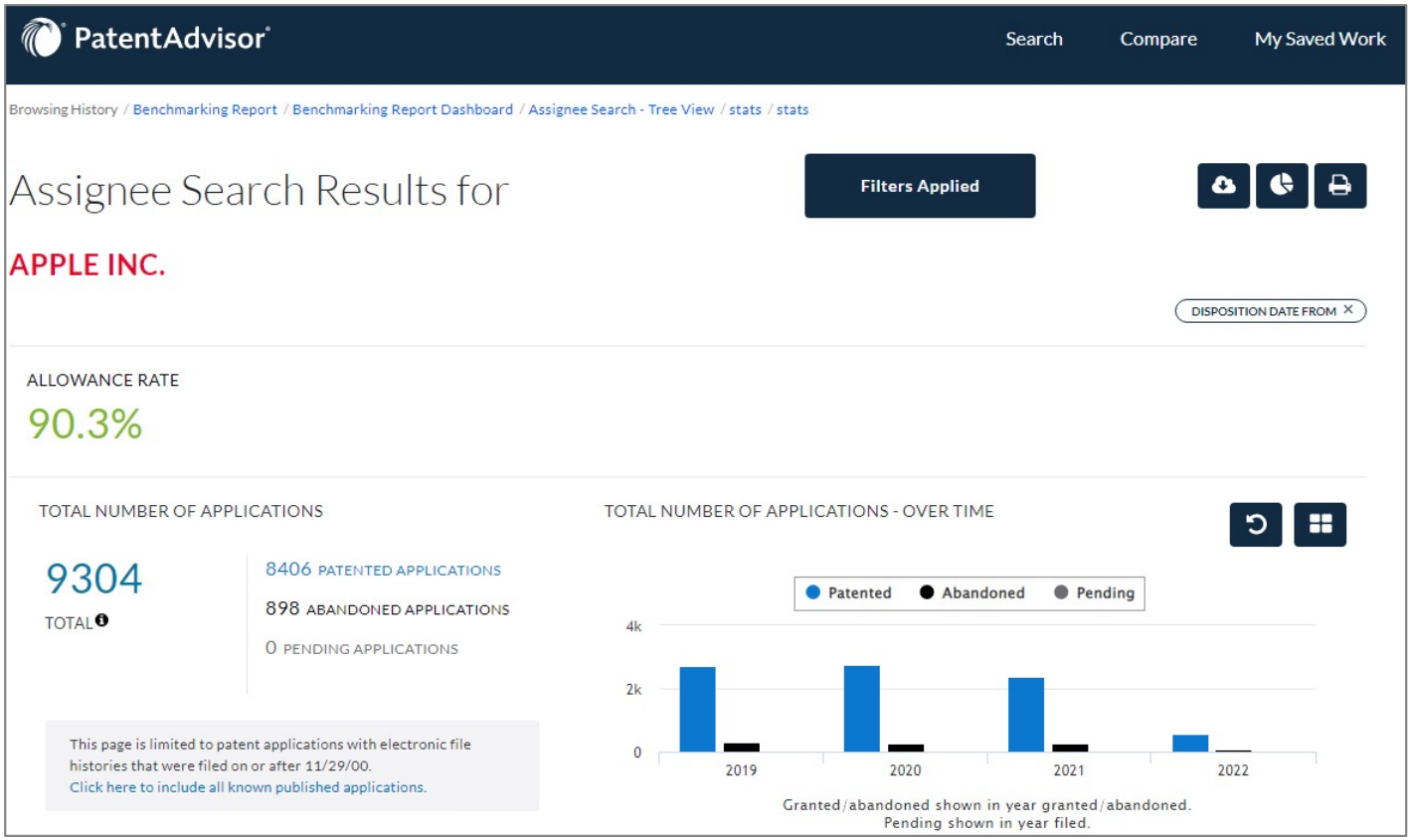
Client Analytics

Basic data to start conversations on client strategy

Client Analytics

Basic data to start conversations on client strategy



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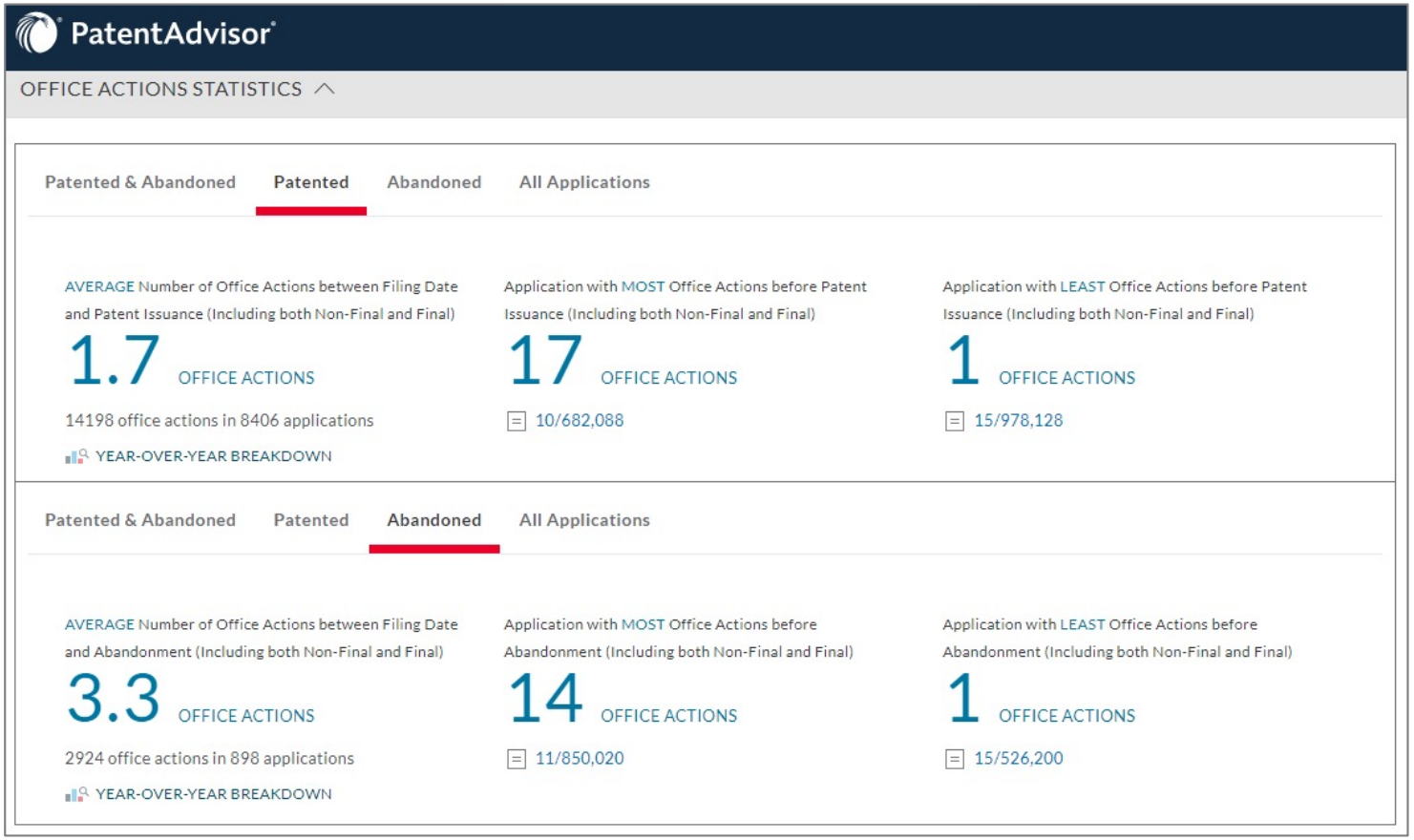

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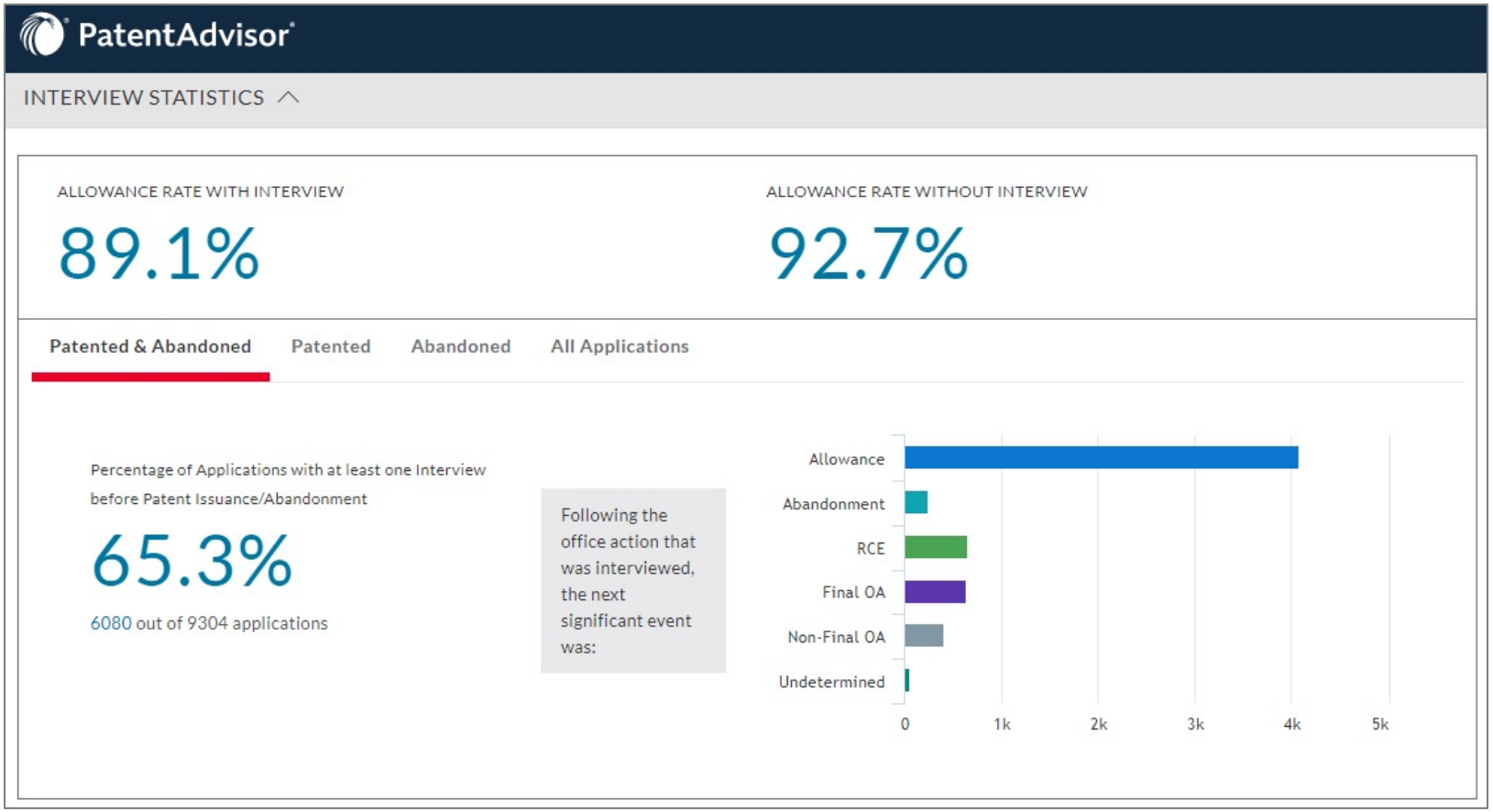

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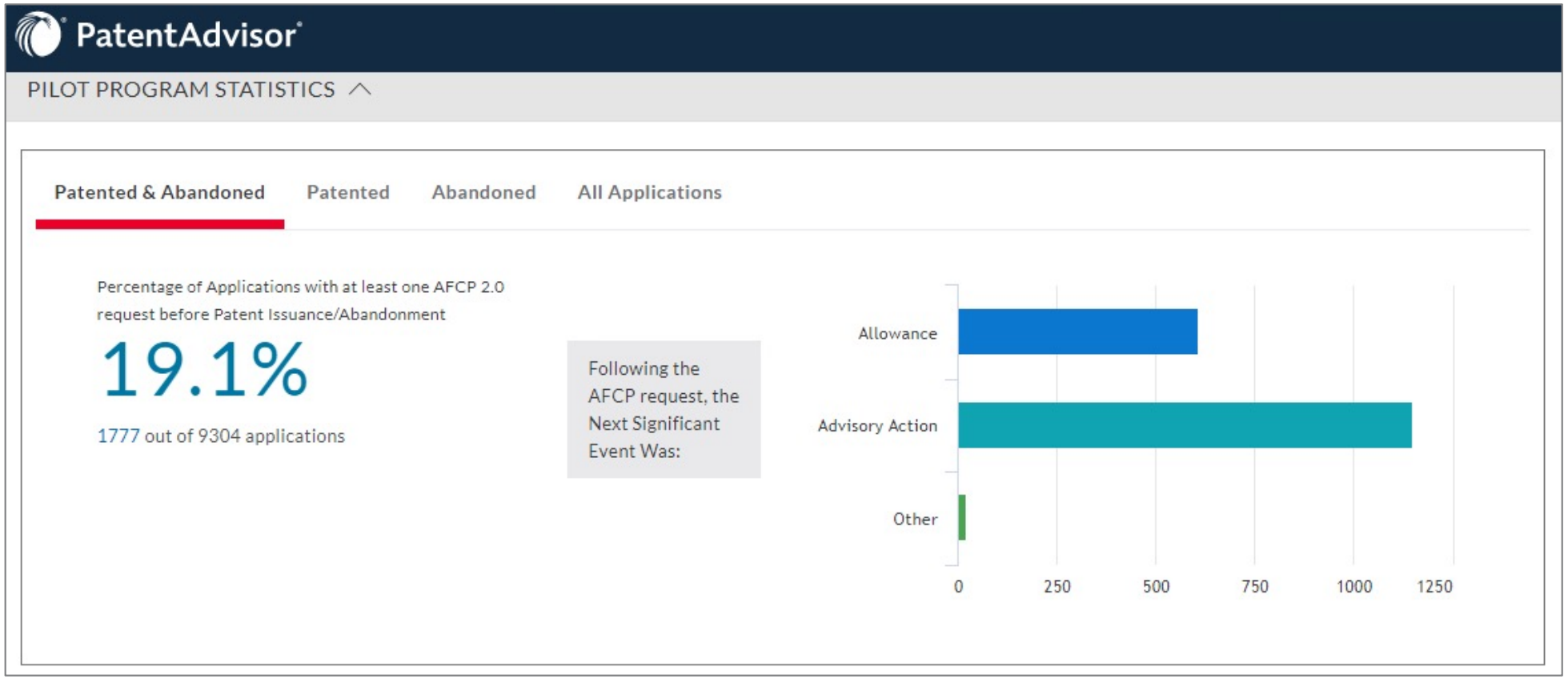
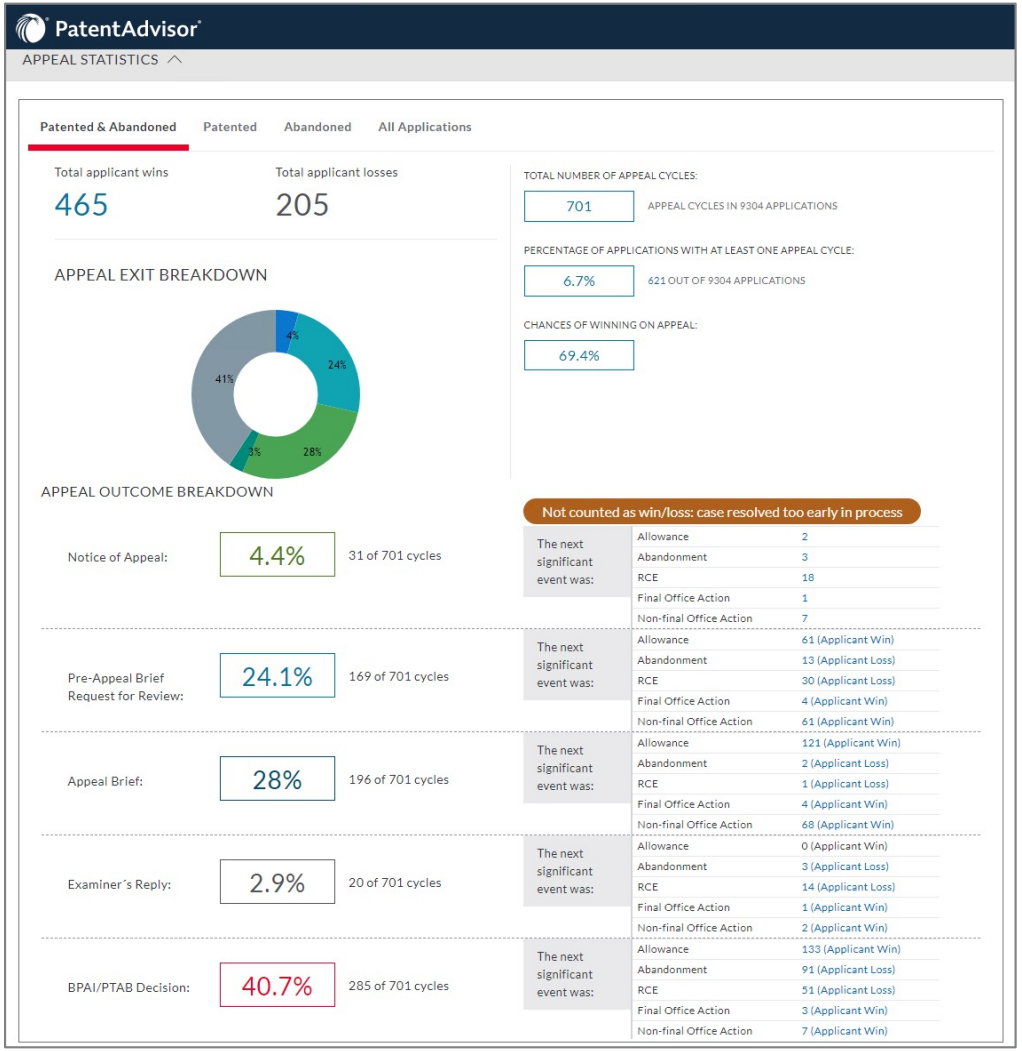


Client Analytics

Basic data to start conversations on client strategy



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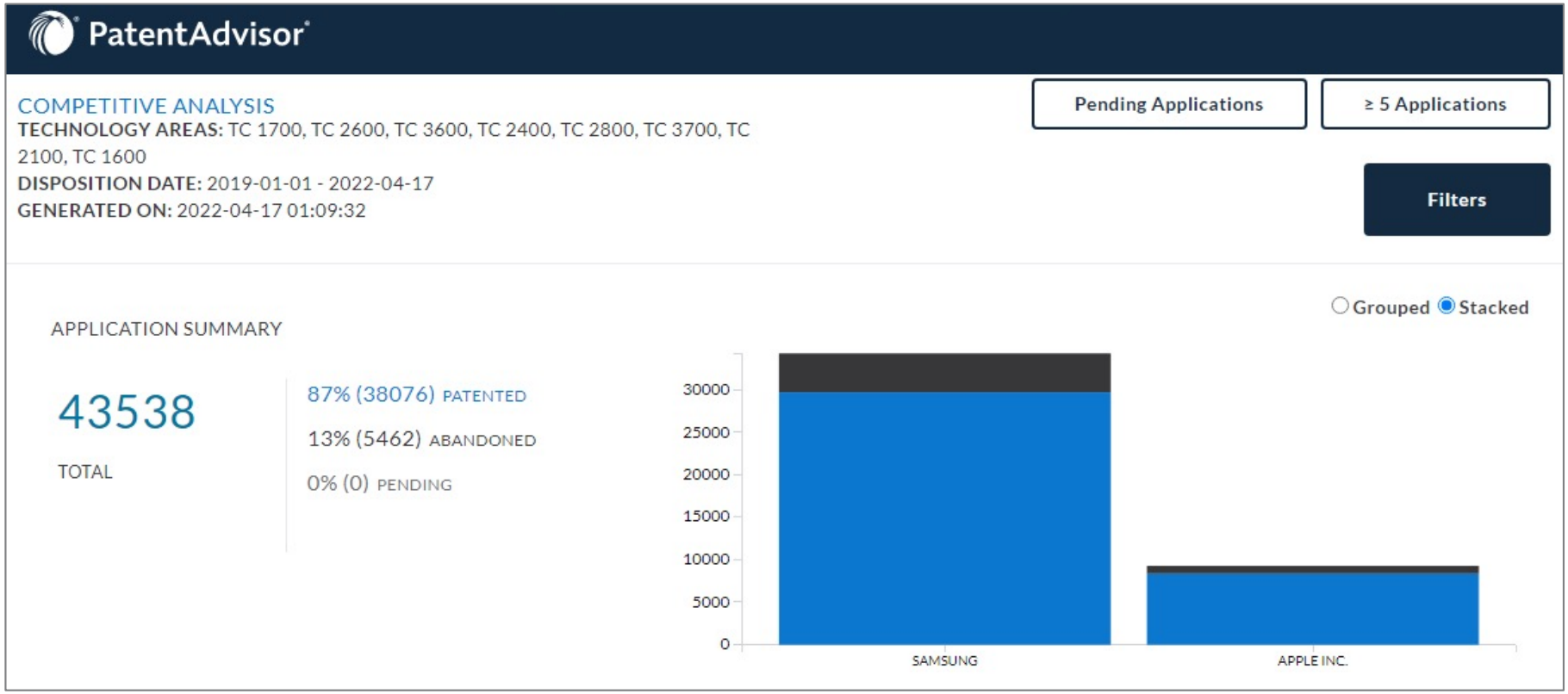
Comparative Analytics for analyzing client vs. competitors

Should filing and prosecution strategy be adjusted?

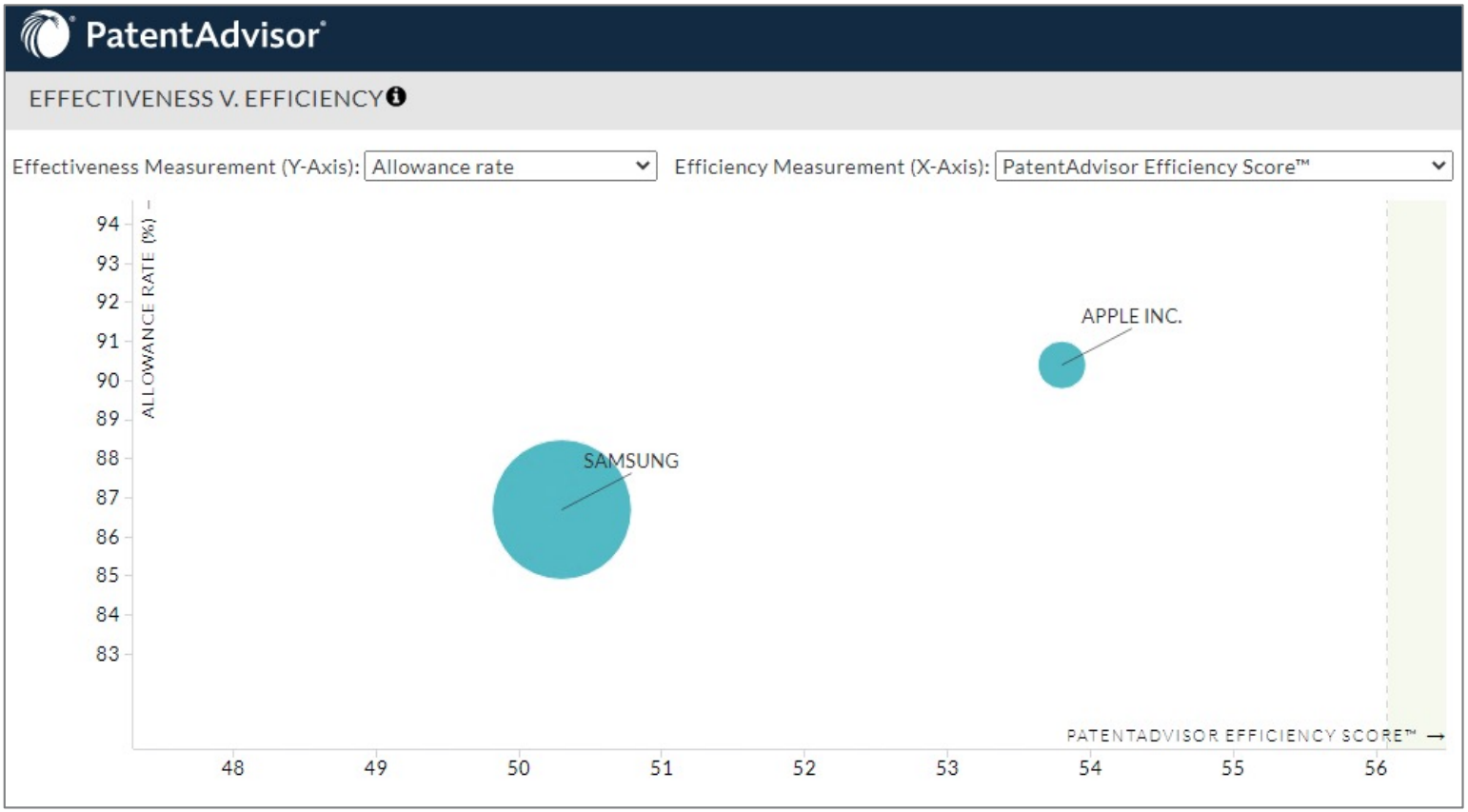
Comparative Analytics

Comparing your client with their competitors



Comparative Analytics

Comparing your client with their competitors



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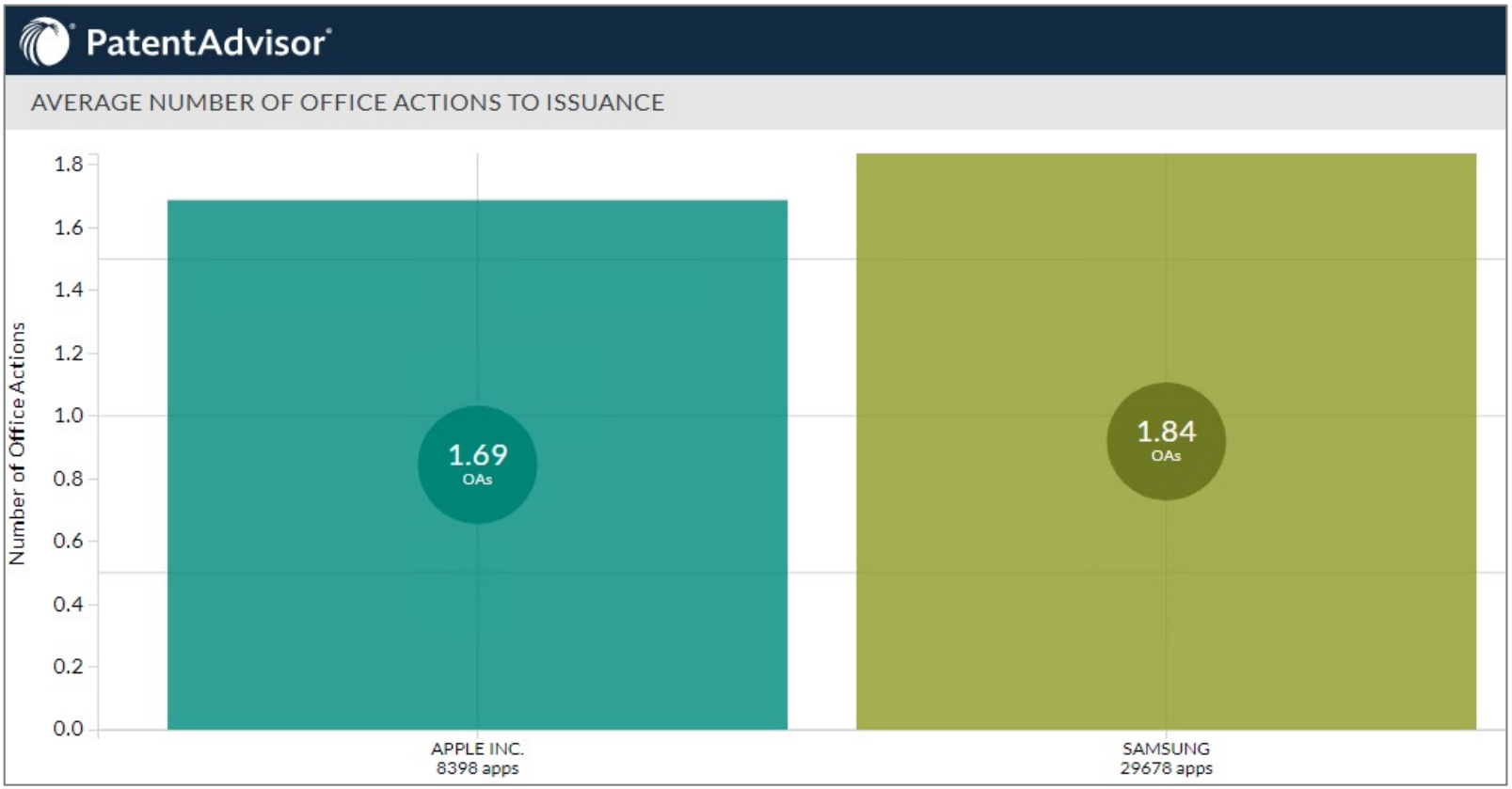
Comparing your client with their competitors



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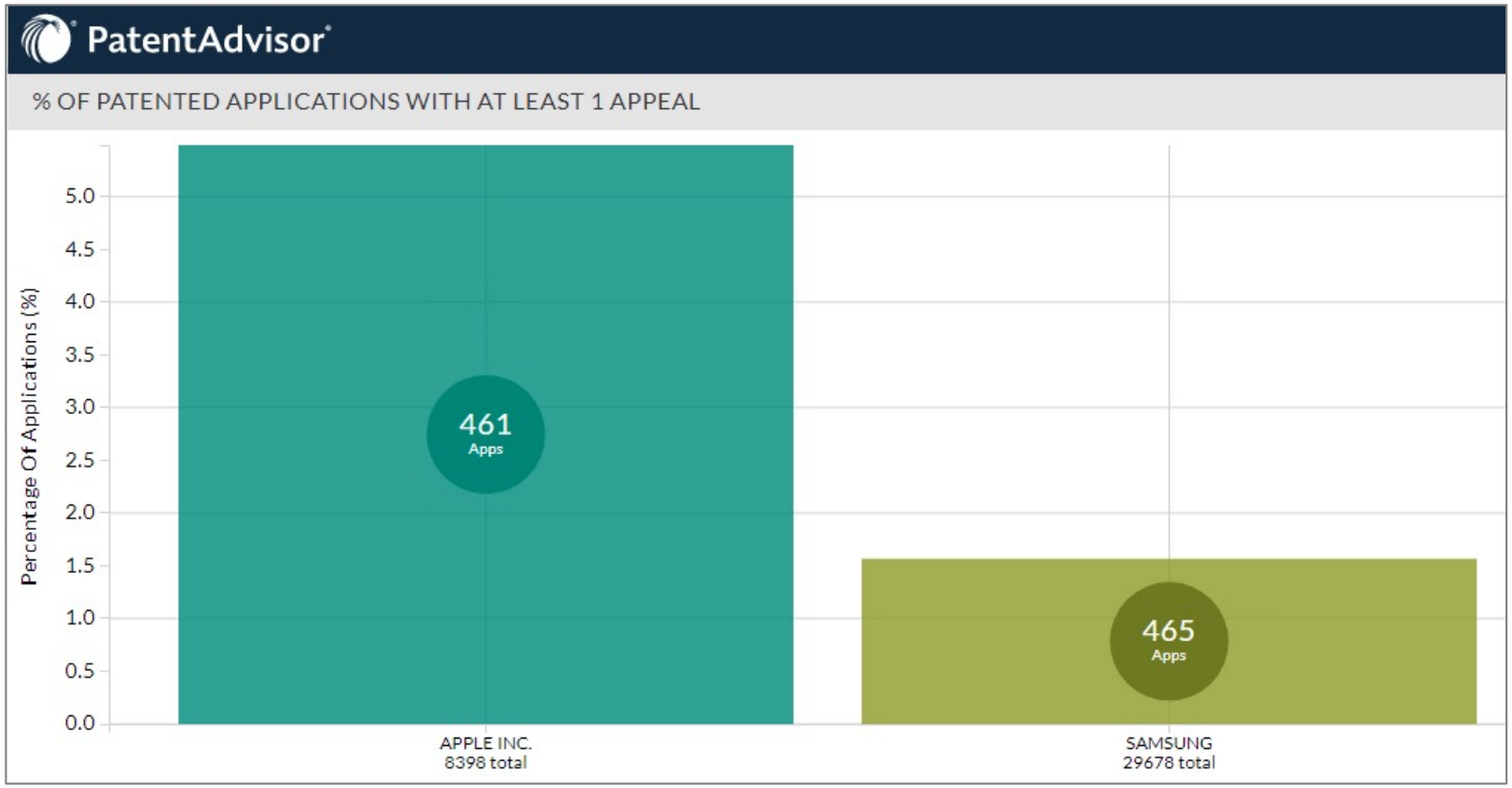

Comparative Analytics

Comparing your client with their competitors

QUESTIONS?

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