

**UNITED STATES  
PATENT AND TRADEMARK OFFICE**



# Pendency update and continuation practice data

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UNITED STATES  
PATENT AND TRADEMARK OFFICE





# Key points of interest

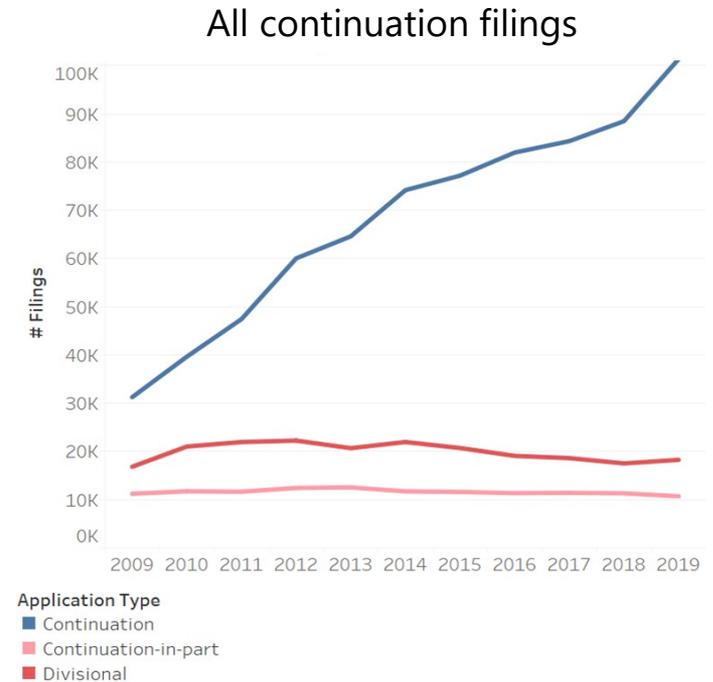
- Serialized growth rate is 1.3% at end of Q3
- Overall productivity for the year is up 0.5%
- Patent Term Adjustment (PTA)
  - Overall PTA compliance of mailed actions: 84%
  - Overall PTA compliance of remaining inventory: 88%
- Utility, Plant, Reissue (UPR) first action pendency is 15.9 months
  - Decrease from 16.2 months in Q3 of FY19
- UPR total pendency is 23.1 months
  - Slight decrease compared to 24.2 months in Q3 of FY19
- Attrition rate is 4.4%

# FY 2020 filing trends

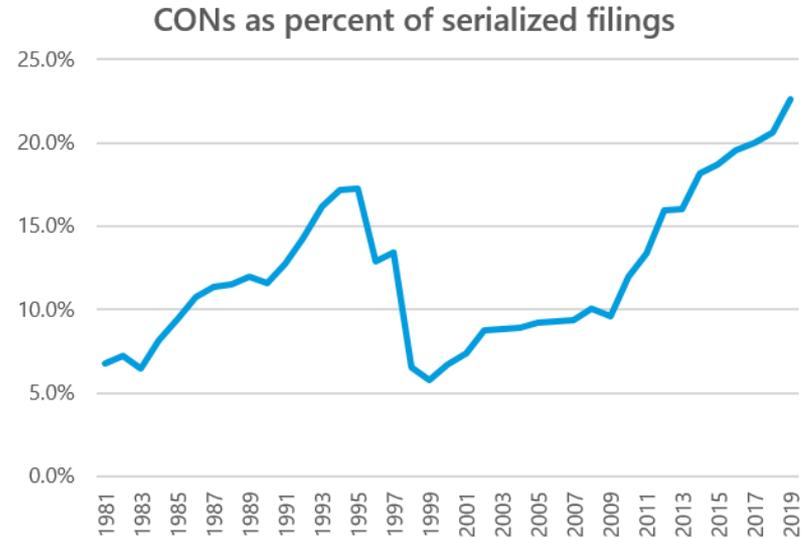
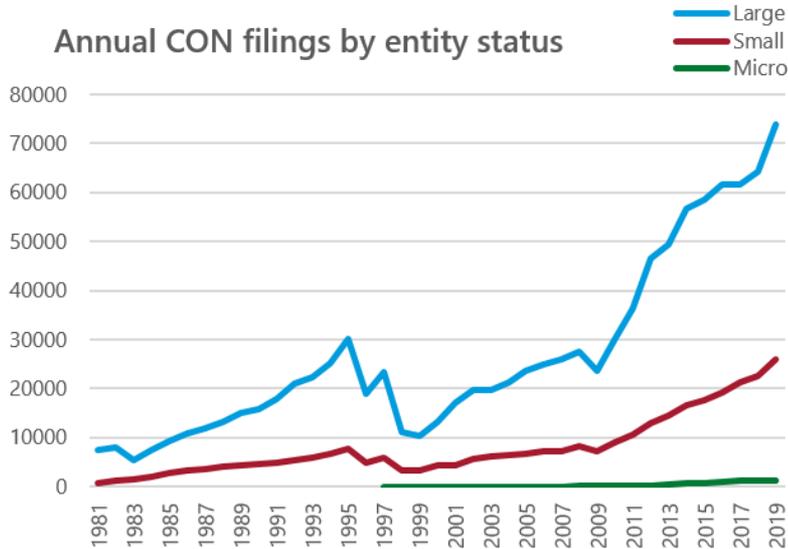
- **Serialized filings increased by 1.3% through Q3**
  - Compared to 4.2% growth for FY19 Q3
  - As of 8/11/2020, filings are up 0.5%
- **RCE filings have decreased by 7.7%**
  - Compared to 1% decrease this time last year
  - Less rework is a positive
  - As of 8/11/2020, RCE filings are down 8.2%
- **Provisional filings have increased by 2.4%**
  - Compared to the 1.3% increase last year
- **Design filings decreased by less than 1% (-0.2%)**
  - Compared to 2.4% decrease in FY19 Q3
  - As of 8/11/2020, filings are up 0.4%

# 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
  - 70% of continuations have a patented parent
  - 26% of issued patents spawn a continuation

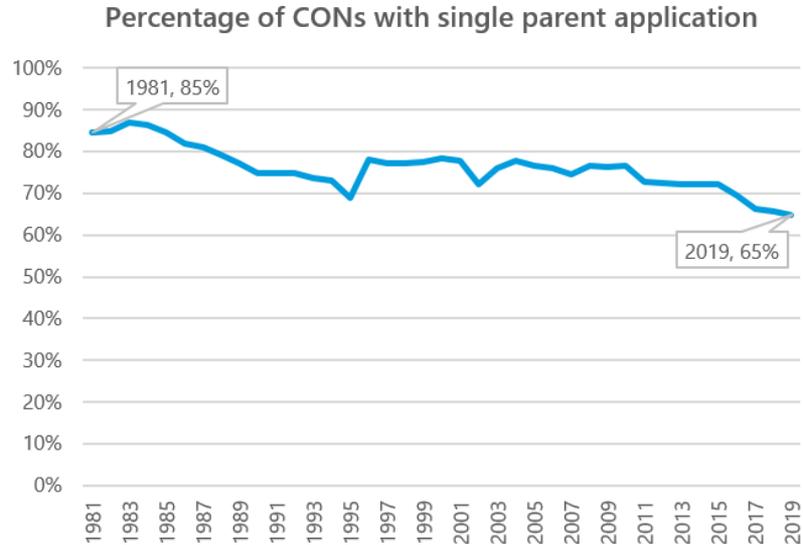
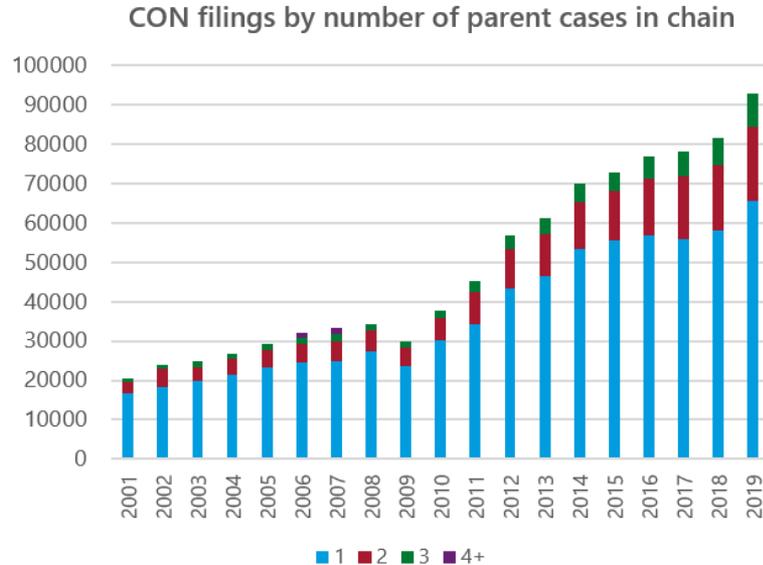


# Historical continuation filings



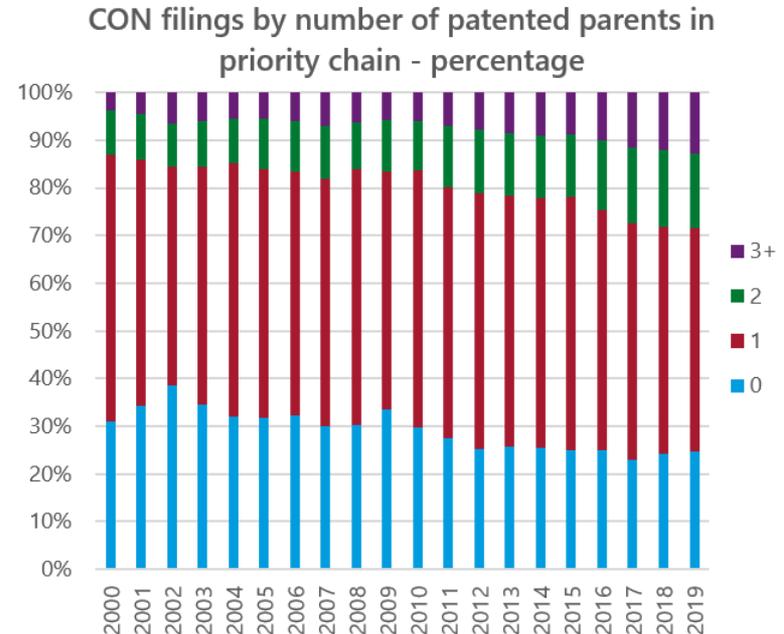
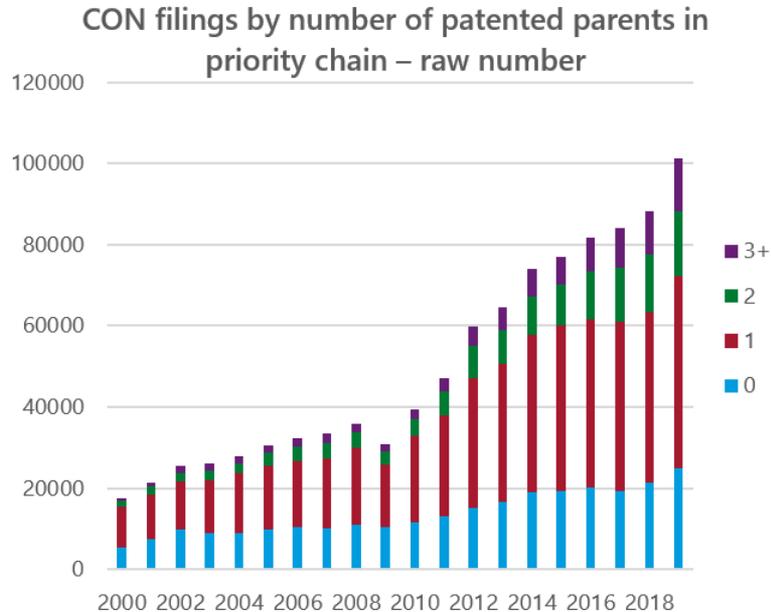
- Continuations have increased in both raw numbers and percent of filings
- Ratio between large and small entity continuation filings generally matches the overall ratio in overall filings
- Micro entities are somewhat underrepresented in continuation filings

# Continuation parentage



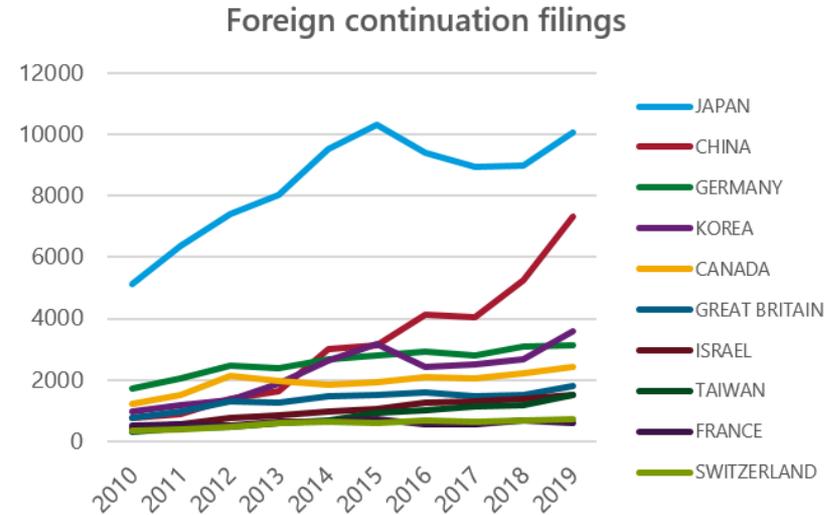
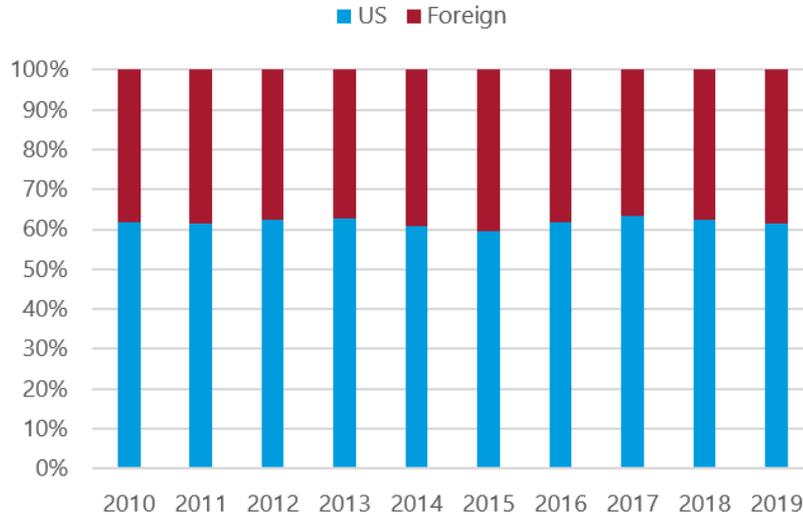
- Majority of continuations have a single parent application, usually an allowed case
- More and more multi-parent continuations have been filed over time

# Patented parents



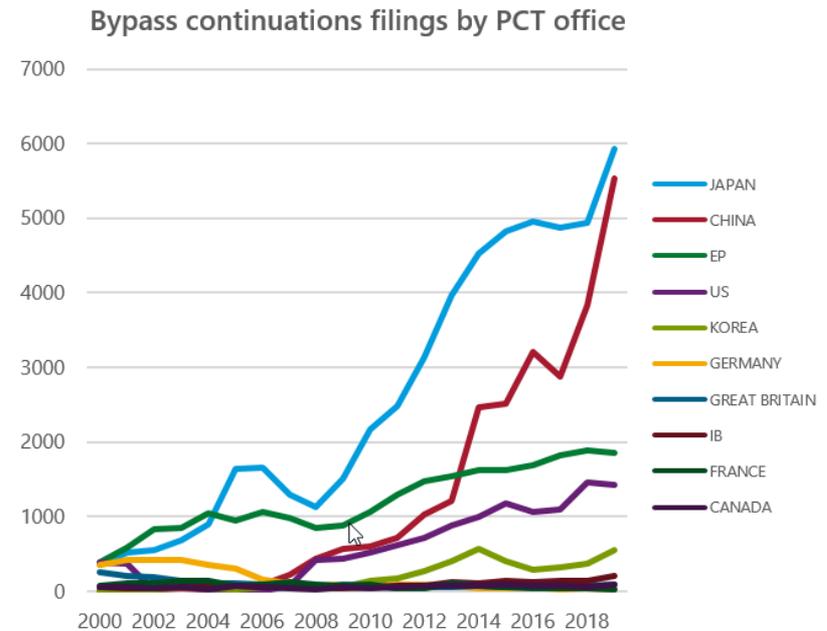
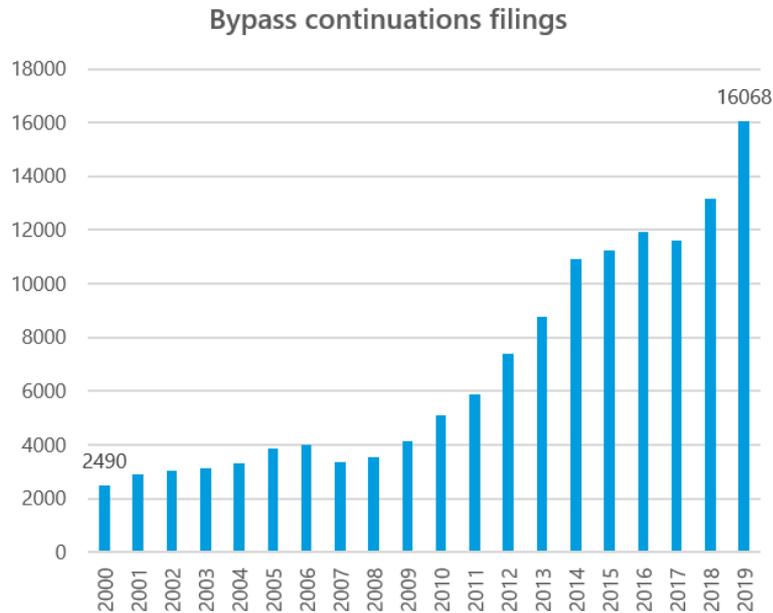
- Plurality of continuations have a single allowed parent
- More multi-patent families are being developed over time

# Origin of continuation filings



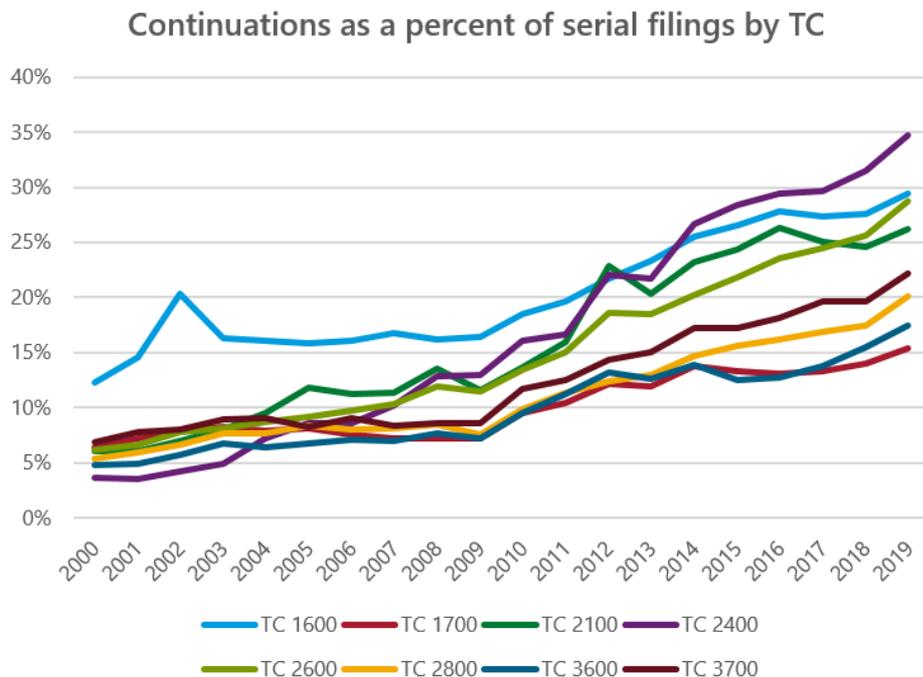
- Continuation filings are skewed to U.S. origin compared to overall filings (~60% of CONs vs ~50% total)
- Japan and China rapidly adopting continuation usage

# Bypass continuations



- Usage of bypass continuations has increased over six-fold since 2000
- Japan and China are heaviest users 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



# Thank you!

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