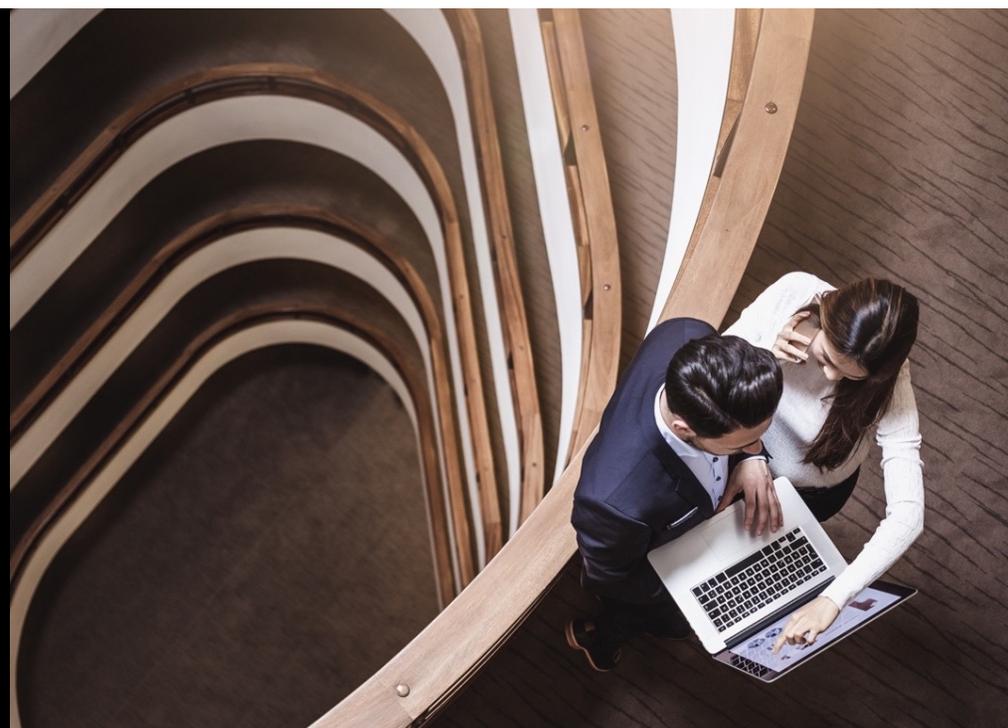




Practical uses of patent prosecution analytics

- 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

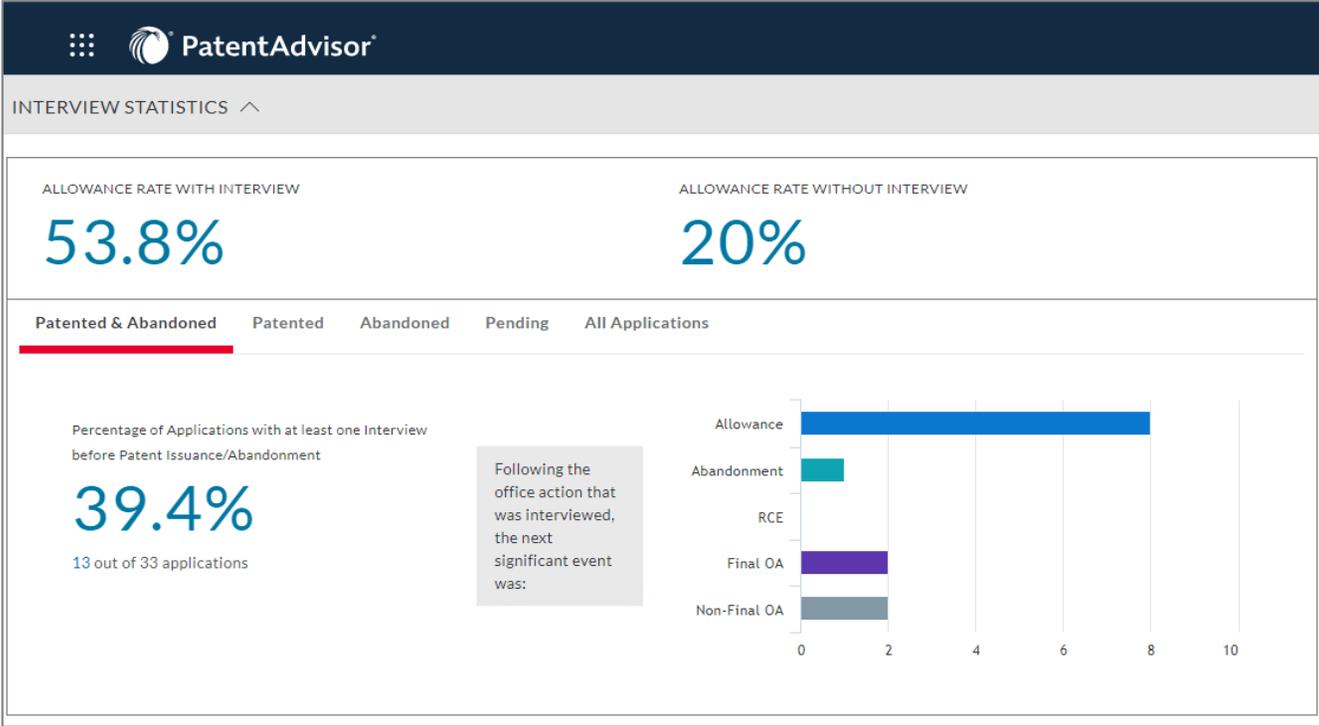


Using Examiner Analytics to Supplement Prosecution Strategy

Statistics every patent prosecutor should be considering

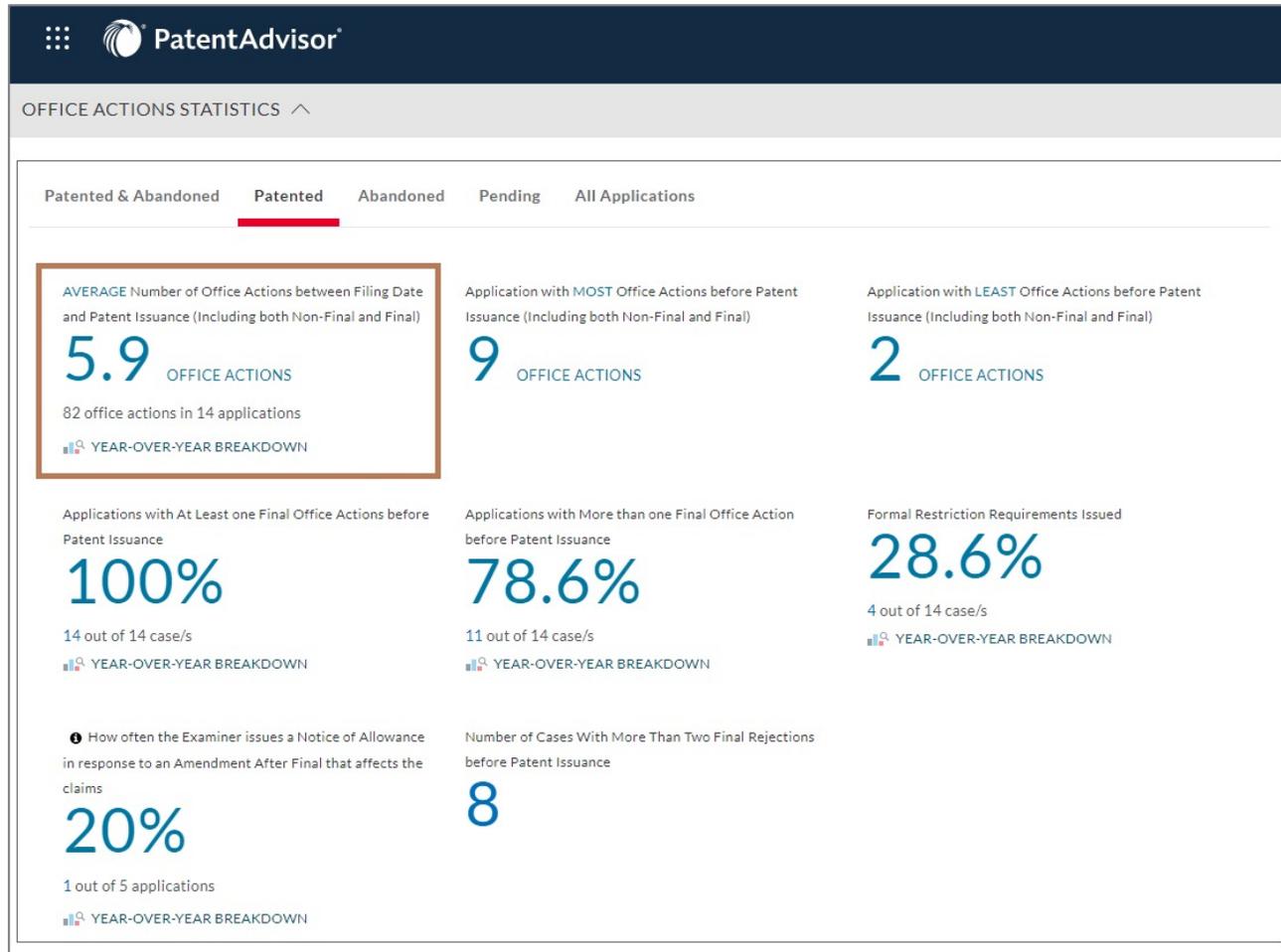
Examiner Analytics

Interviews



Examiner Analytics

Office Actions per patent



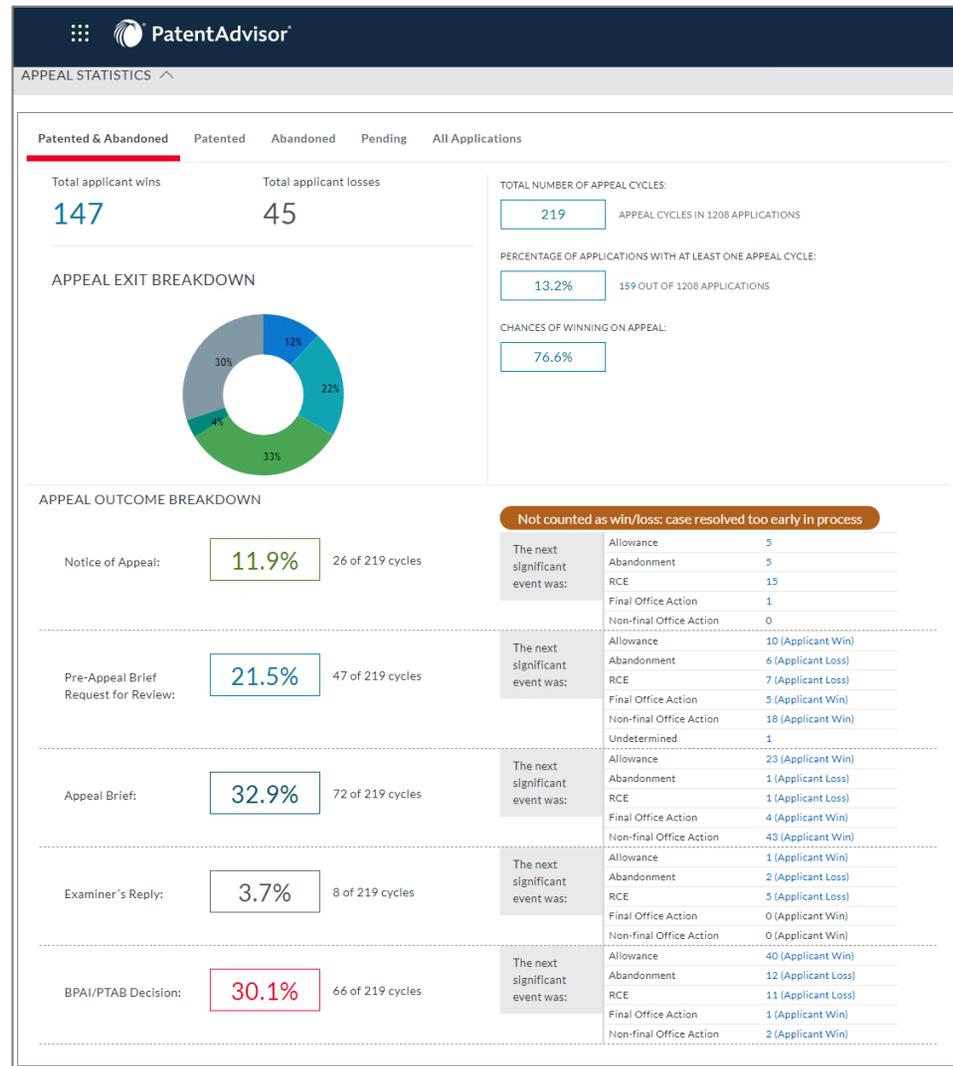
Examiner Analytics

Examiner allowance rate vs. Art Unit allowance rate



Examiner Analytics

Appeal statistics





File Wrapper Search to obtain individual attorney analytics

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

Individual Analytics

The screenshot shows the PatentAdvisor web interface. At the top is a dark blue navigation bar with the PatentAdvisor logo on the left and links for Search, Compare, My Saved Work, and Pathways™ on the right. Below the navigation bar is a white header area with the text "File Wrappers Search". The main content area is a light gray box containing a search form. The form has a tab labeled "File Wrappers" and a search history section with the text "Search file history" and the query ""mehall" "62,380"". Below the search input are three buttons: "Reset", a red "Search" button with a magnifying glass icon, and a dark blue "Filters" button. Below the search form is a "Results" section. On the right side of the results section is a dark blue button with a cloud icon and the text "Export to Briefcase™". Below the results section is a dark gray box with the text: "2306 documents found for ""mehall" "62,380"" Your search has resulted in a large number of results. You can limit your search using the filter menu."

Individual Analytics

Using file wrapper search

EXPORT APPLICATIONS FROM RESULTS TO BRIEFCASE [X]

17423486
17435519
17378800
17297877
17351360
17420310
17606128
17417265
17299159
17414307
17414928
17275969
17298936
17275796
17422766
17421372
17311988
17275964
17416663
17311382
16871702
17275424
17275666

1035 applications ready to be assigned to briefcase

Choose Briefcase [v]

OR

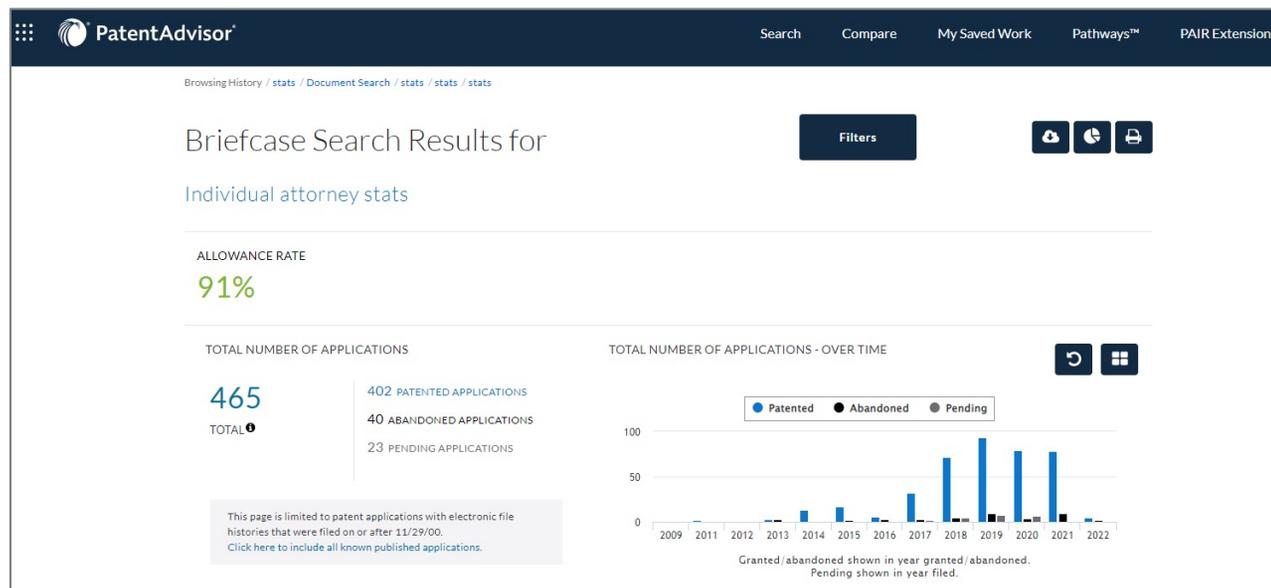
Clint Mehall

Assign Applications To Briefcase

Briefcases will now be deleted after 6 months of inactivity.

Individual Analytics

Using file wrapper search



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

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

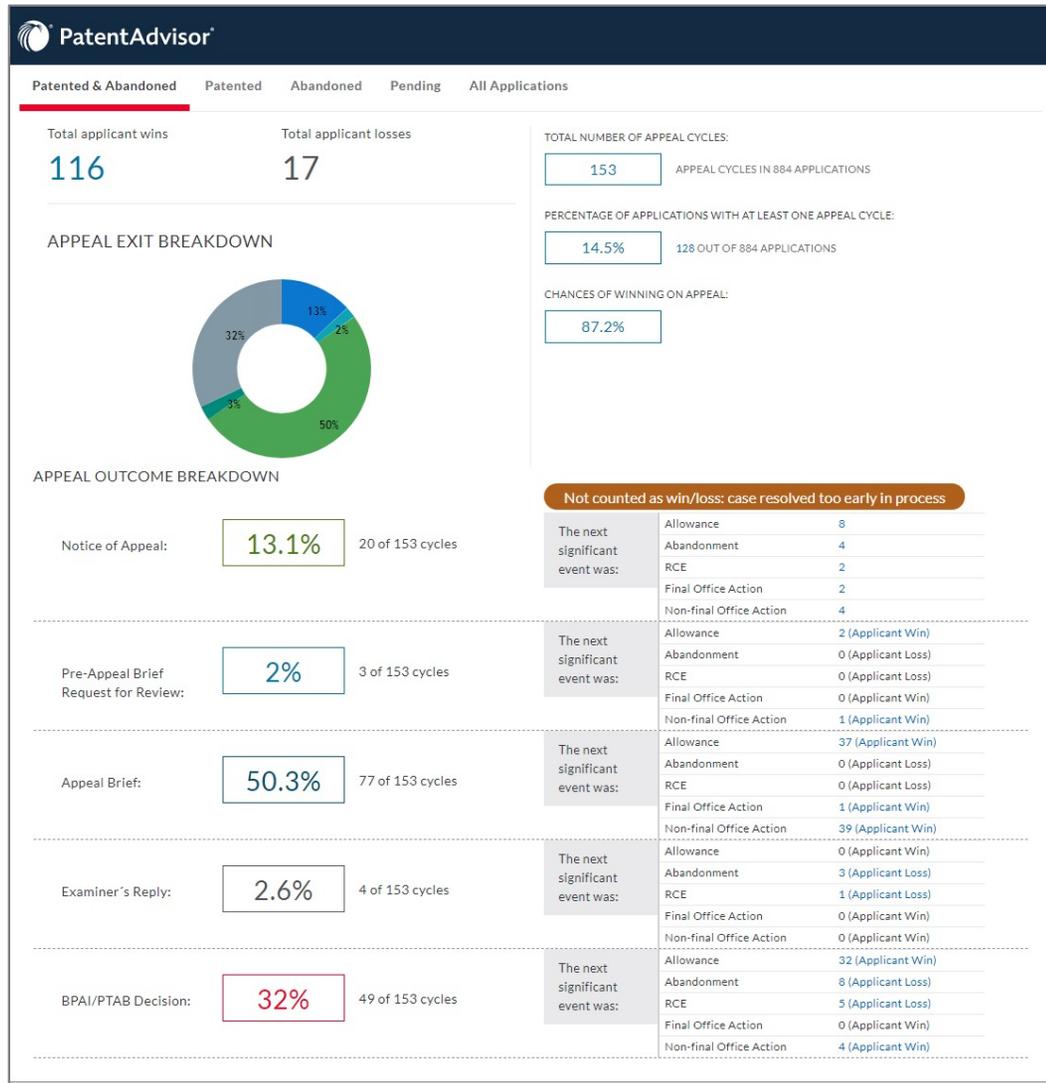
YEAR-OVER-YEAR BREAKDOWN

Number of Cases With More Than Two Final Rejections before Abandonment

4

Individual Analytics

Appeals



Individual Analytics

Downloading spreadsheet data for comparison

PatentAdvisor Search Compare My Saved Work

Briefcase Search Results for

Individual attorney stats

ALLOWANCE RATE
91%

TOTAL NUMBER OF APPLICATIONS

465
TOTAL ⓘ

- 402 PATENTED APPLICATIONS
- 40 ABANDONED APPLICATIONS
- 23 PENDING APPLICATIONS

This page is limited to patent applications with electronic file histories that were filed on or after 11/29/00.
[Click here to include all known published applications.](#)

TOTAL NUMBER OF APPLICATIONS - OVER TIME

Patented Abandoned Pending

Granted/abandoned shown in year granted/abandoned.
Pending shown in year filed.

Year	Patented	Abandoned	Pending
2009	0	0	0
2010	0	0	0
2011	0	0	0
2012	0	0	0
2013	0	0	0
2014	10	0	0
2015	15	0	0
2016	5	0	0
2017	30	0	0
2018	70	0	0
2019	90	5	0
2020	80	5	0
2021	75	10	0
2022	5	0	0

Individual Analytics

Downloading spreadsheet data for comparison

DOWNLOAD ALL AS XLSX

ACTIONS

Storage Destination Briefcase

Individual attorney stats

Saved Presets

Default

Delete Add

File Name

2022-Apr-16-Individualattorneystats-Default.xlsx

Export

FIELDS / APPLICATIONS

Search

- Automatic Download
- Advanced Download
- Basic Application Data
- Prosecution Events
- Claim Statistics
- Examiner Statistics
 - Abandoned
 - All
 - General
 - Patented & Abandoned
 - Patented
 - Pending
- Art Unit Statistics

The speed of your download will depend on how many fields and applications you select. Please be aware that too many fields/applications can slow down your export.

Individual Analytics

Downloading spreadsheet data for comparison

The screenshot shows the Microsoft Excel interface with the following data:

	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%		



Reviewing PTAB ex parte appeal Decisions

Reviewing Legal Arguments Analytically

PTAB Decisions

Reviewing Legal Arguments Analytically

The screenshot displays the PatentAdvisor interface for a search titled "File Wrappers Search". The search query entered is "analogous art" OR "nonanalogous art". The interface includes a search bar, a "Search" button, and a "Filters Applied" button. A filter menu is open, showing "Document Type" with selected options "APDR", "APDA", and "APDP". The results section shows "5568 documents found for 'analogous art' OR 'nonanalogous art'" and a message: "Your search has resulted in a large number of results. You can limit your search using the filter menu."

PTAB Decisions

Reviewing Legal Arguments Analytically



BPAI/PTAB Decision:

81.6%

5147 of 6309 cycles

The next significant event was:

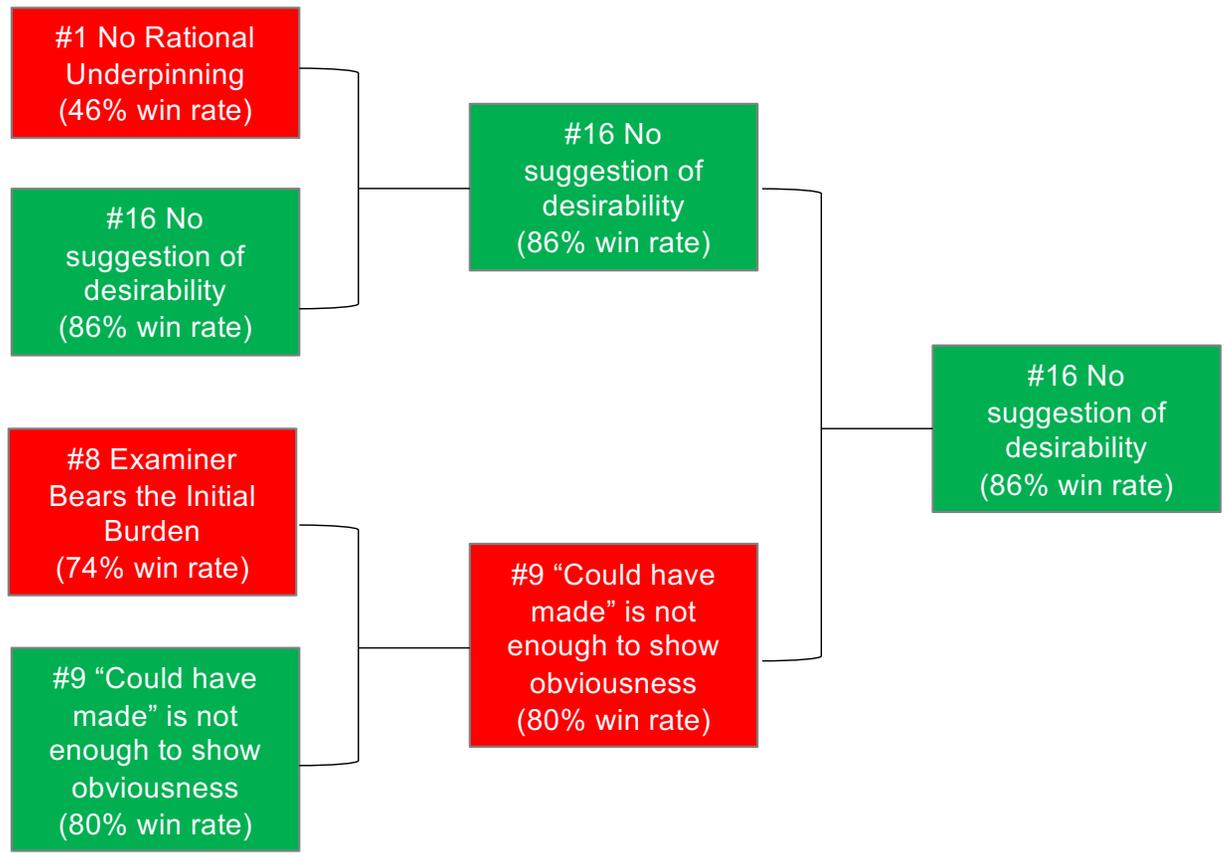
Allowance	1134 (Applicant Win)
Abandonment	2853 (Applicant Loss)
RCE	942 (Applicant Loss)
Final Office Action	40 (Applicant Win)
Non-final Office Action	165 (Applicant Win)
Undetermined	13

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

PTAB Decisions

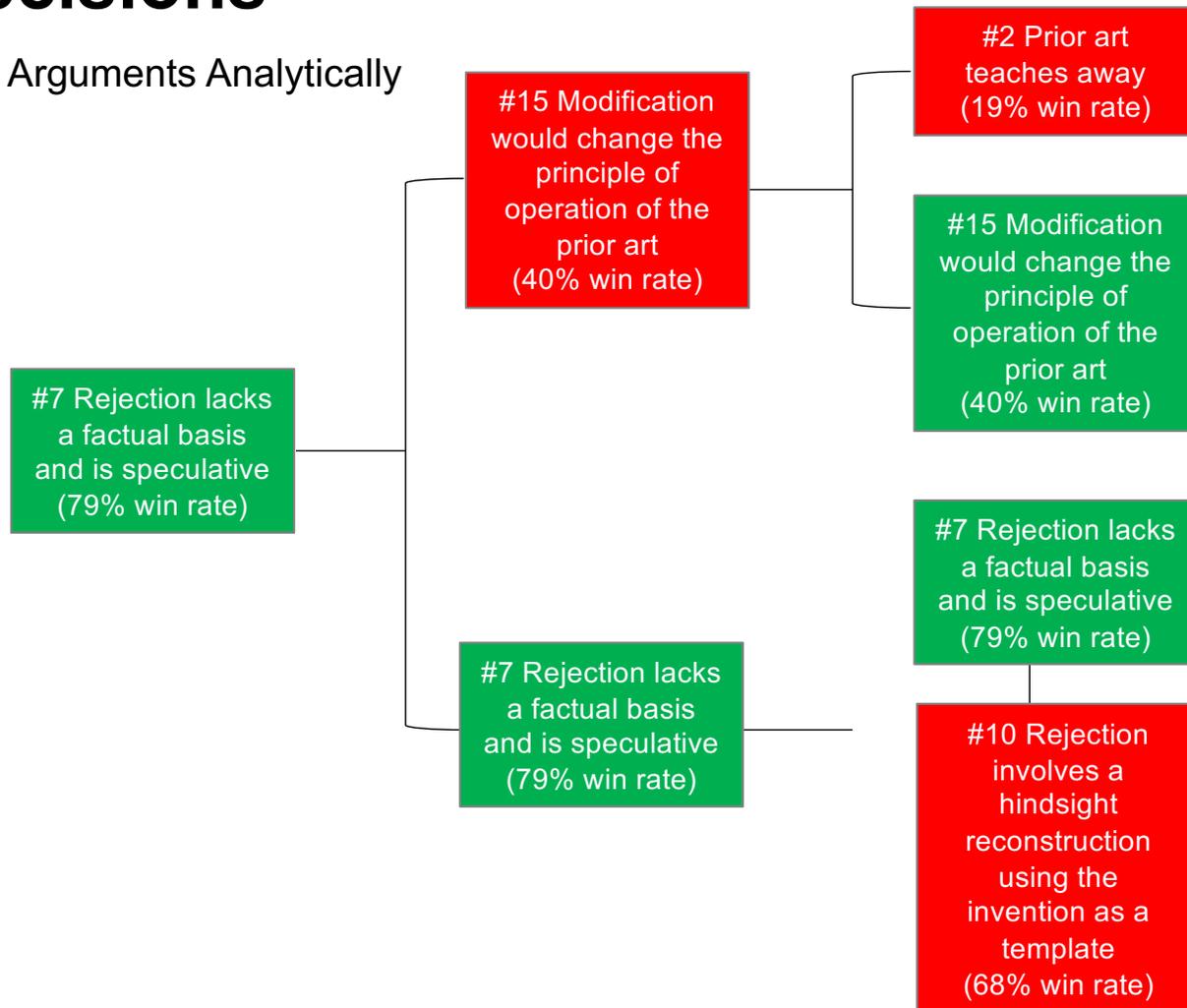
Reviewing Legal Arguments Analytically

Ex Parte Appeals Madness



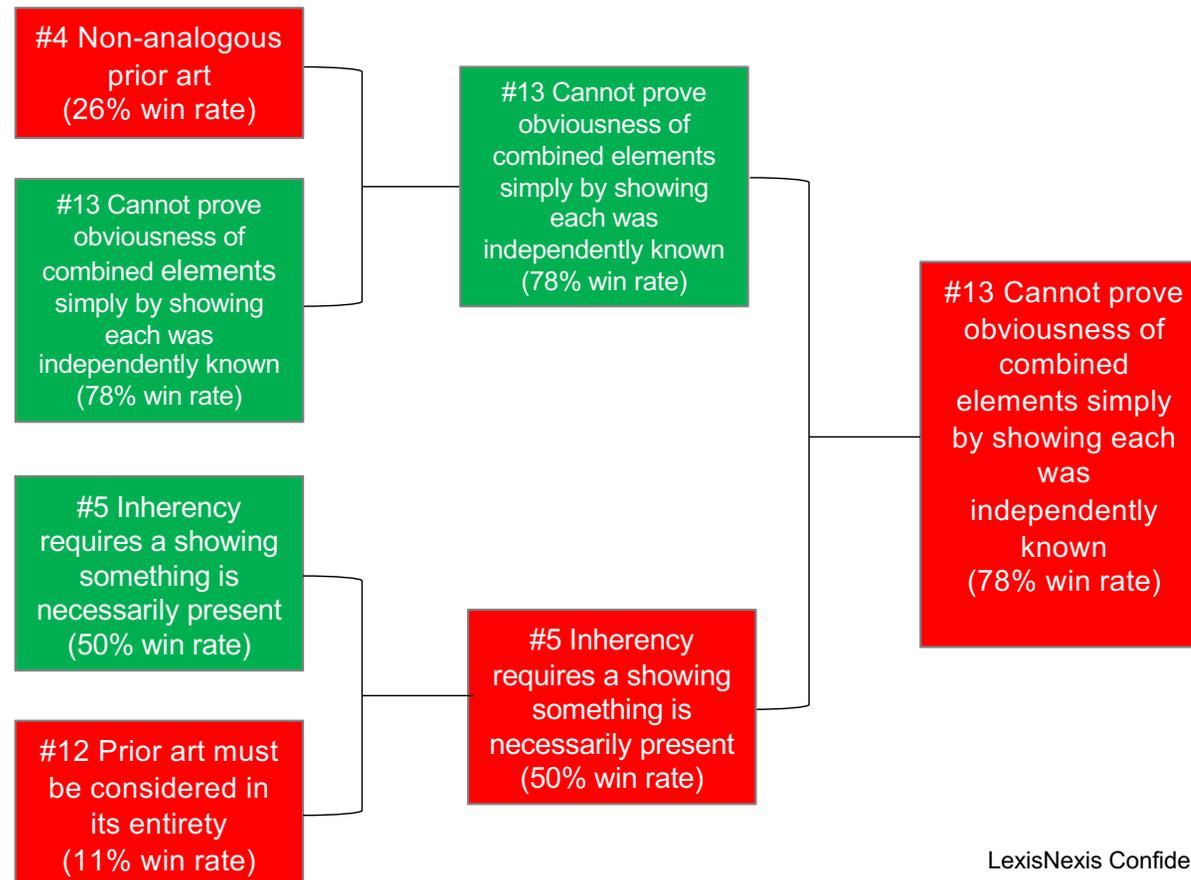
PTAB Decisions

Reviewing Legal Arguments Analytically



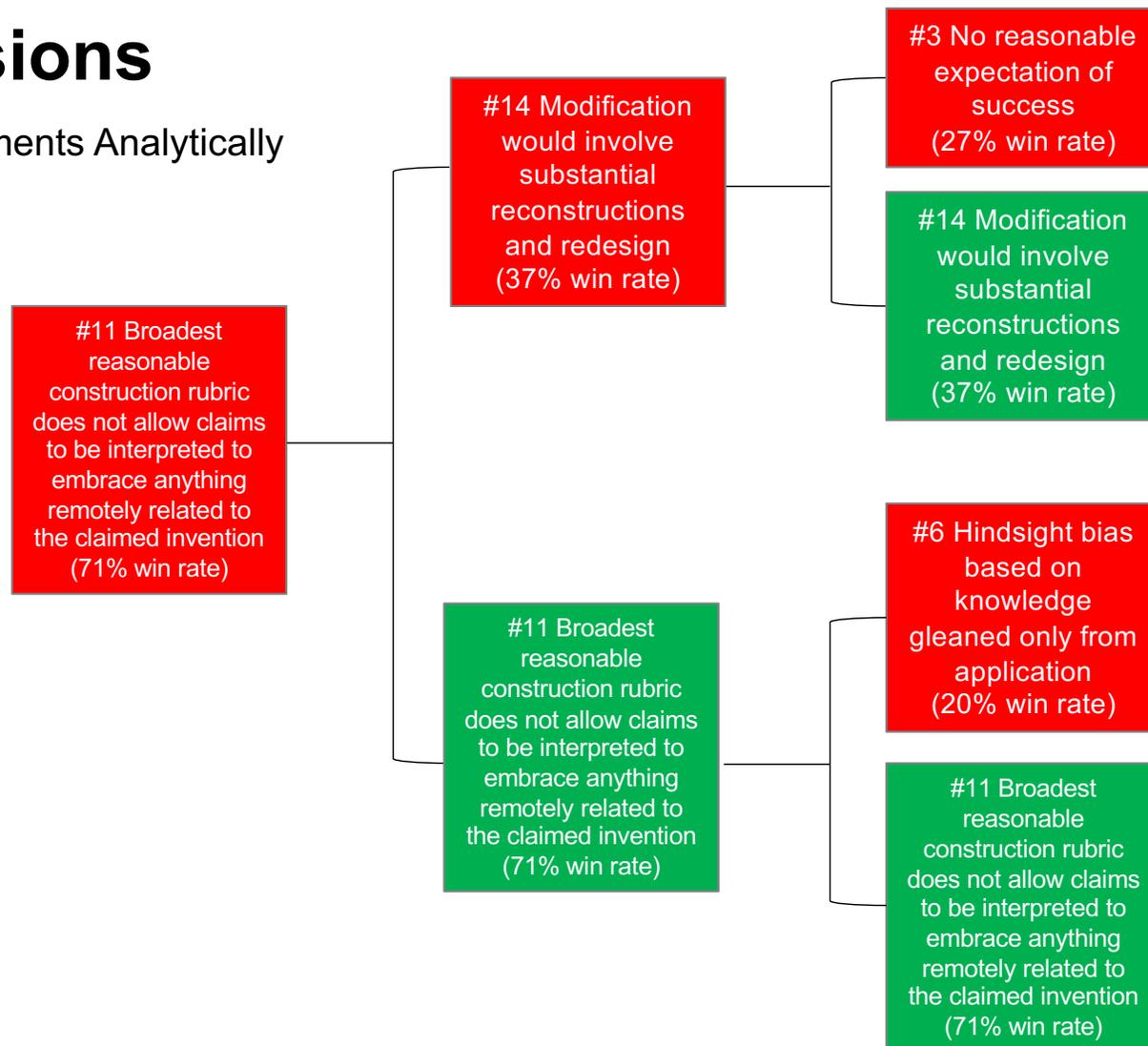
PTAB Decisions

Reviewing Legal Arguments Analytically



PTAB Decisions

Reviewing Legal Arguments Analytically



PTAB Decisions

Reviewing Legal Arguments Analytically



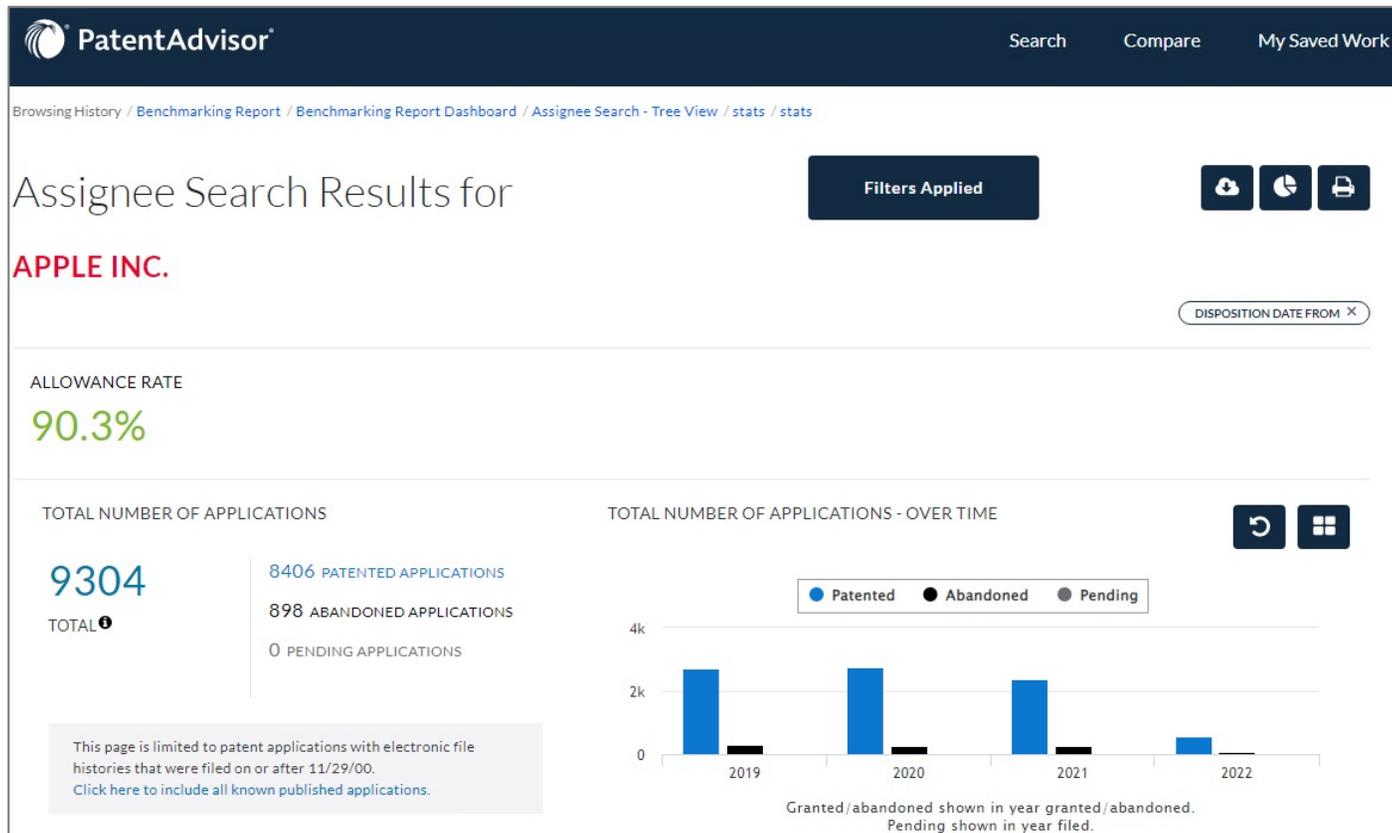


Client Analytics

Basic data to start conversations on client strategy

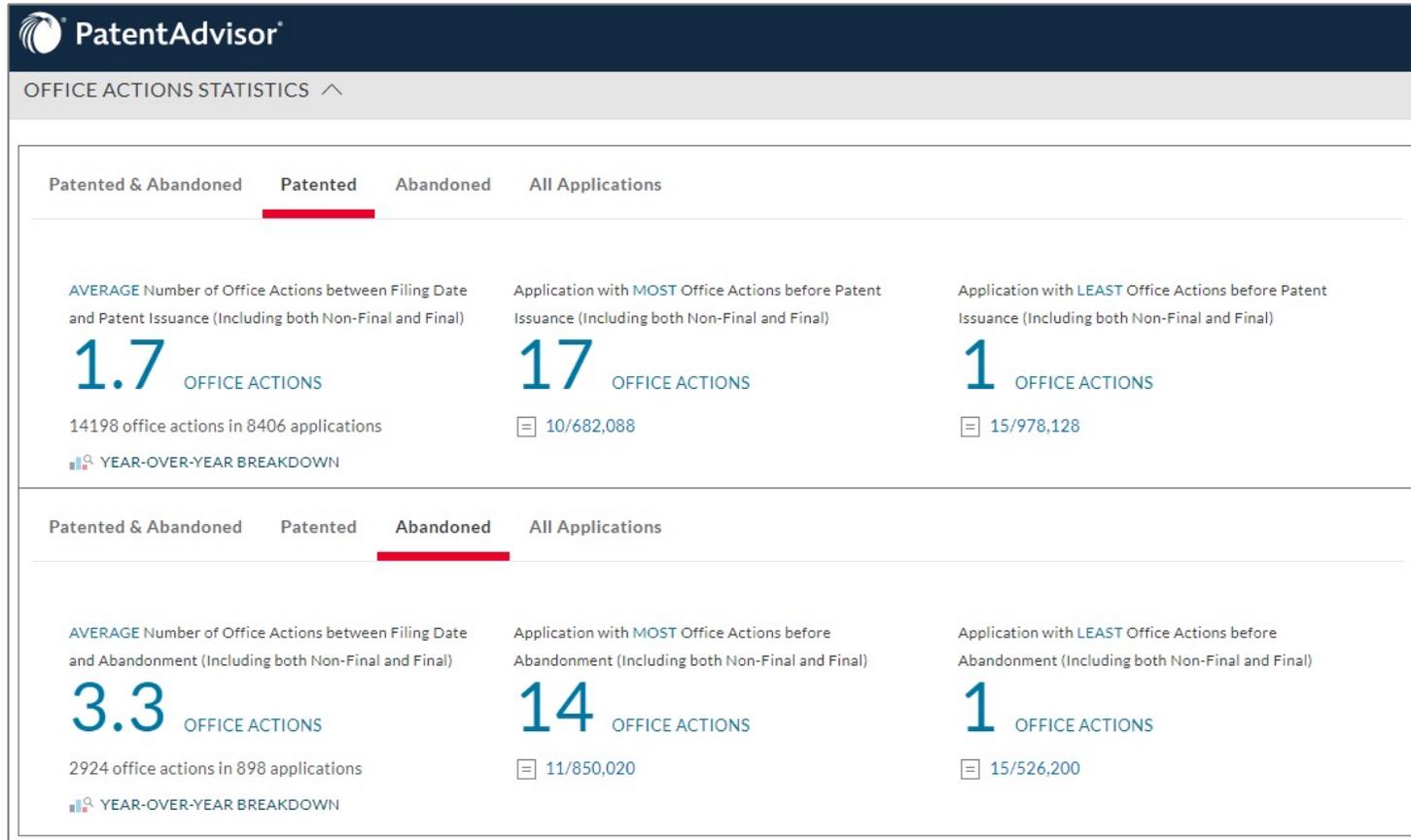
Client Analytics

Basic data to start conversations on client strategy



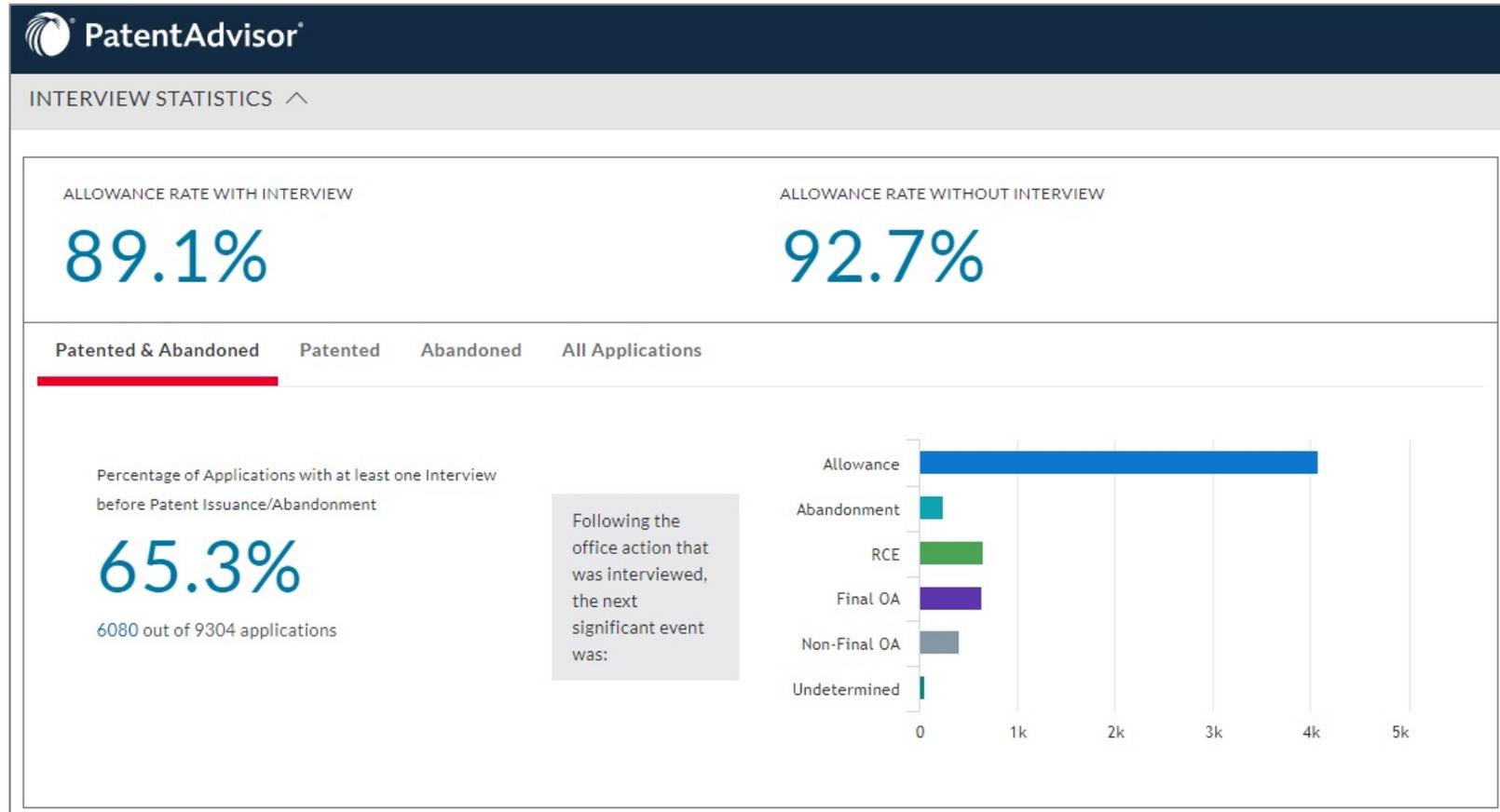
Client Analytics

Basic data to start conversations on client strategy



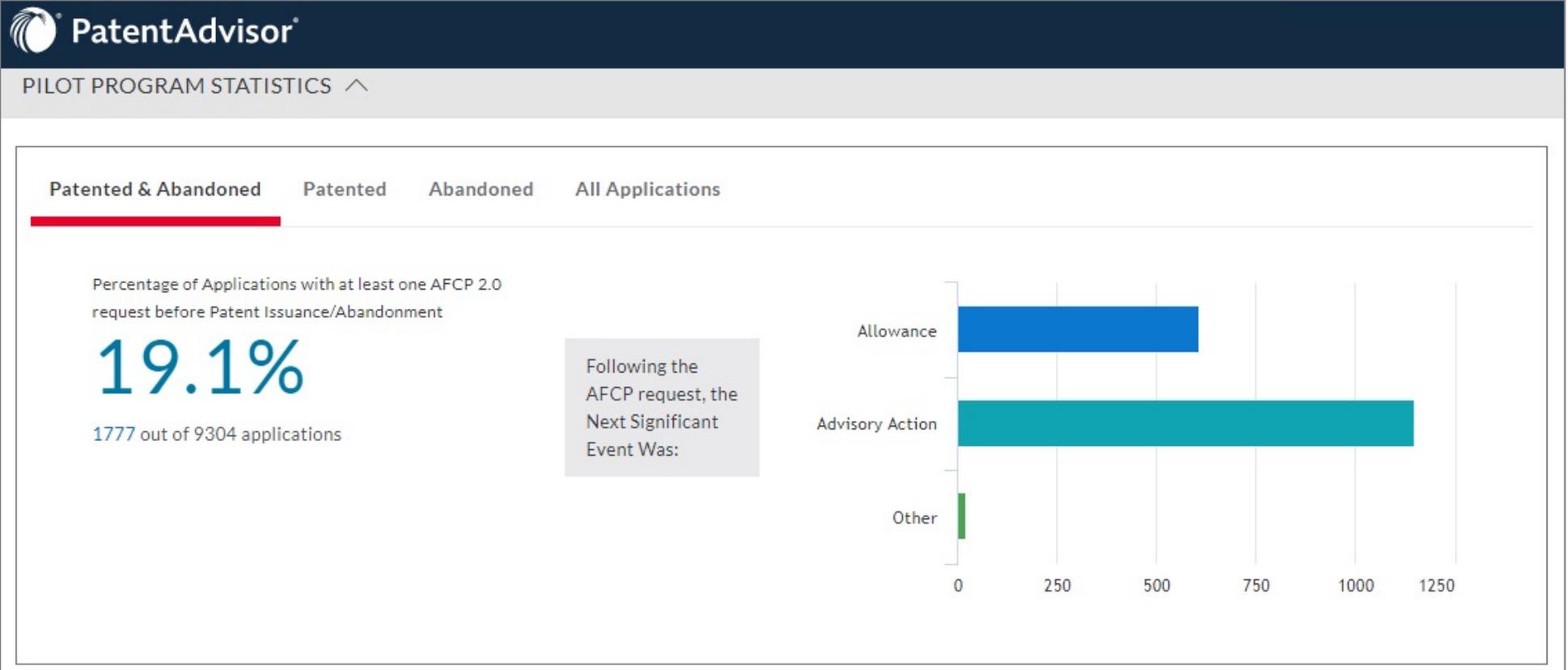
Client Analytics

Basic data to start conversations on client strategy



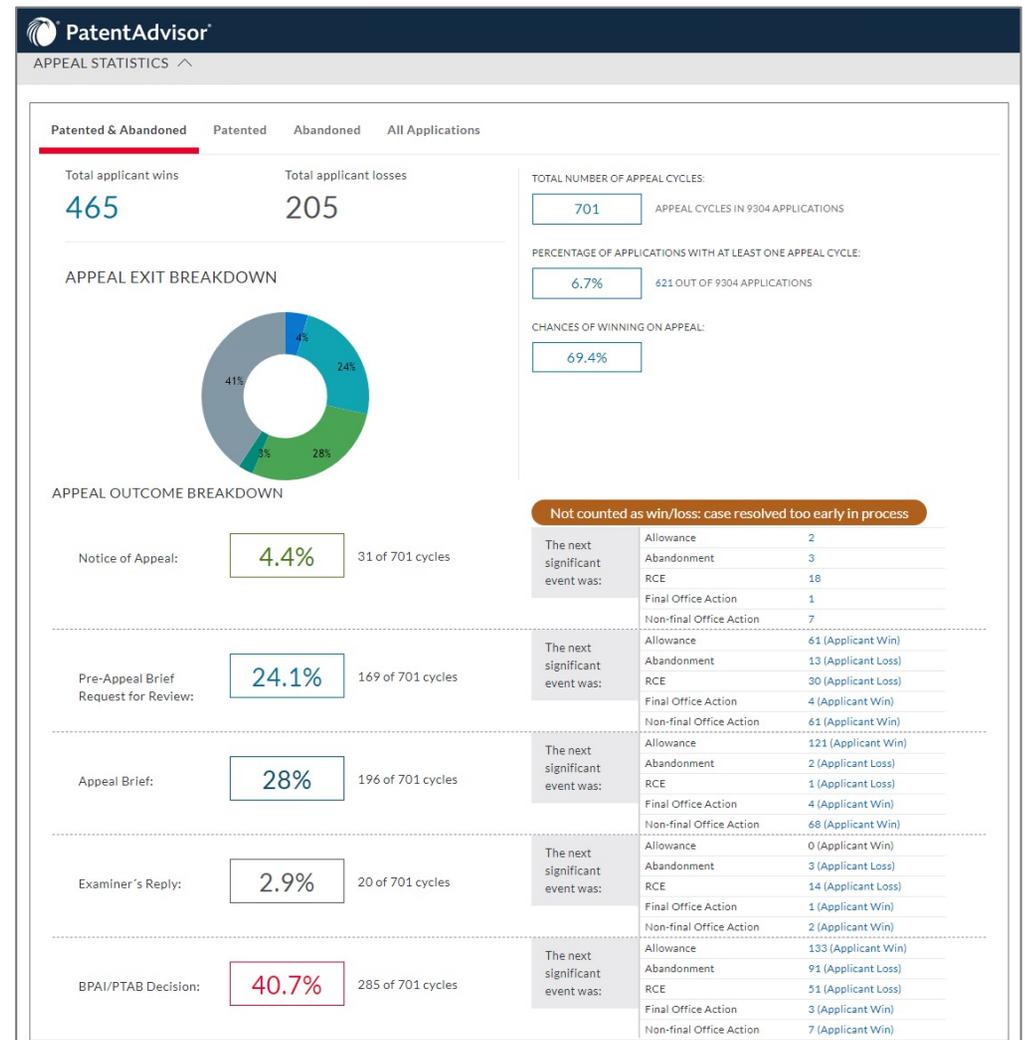
Client Analytics

Basic data to start conversations on client strategy



Client Analytics

Basic data to start conversations on client strategy



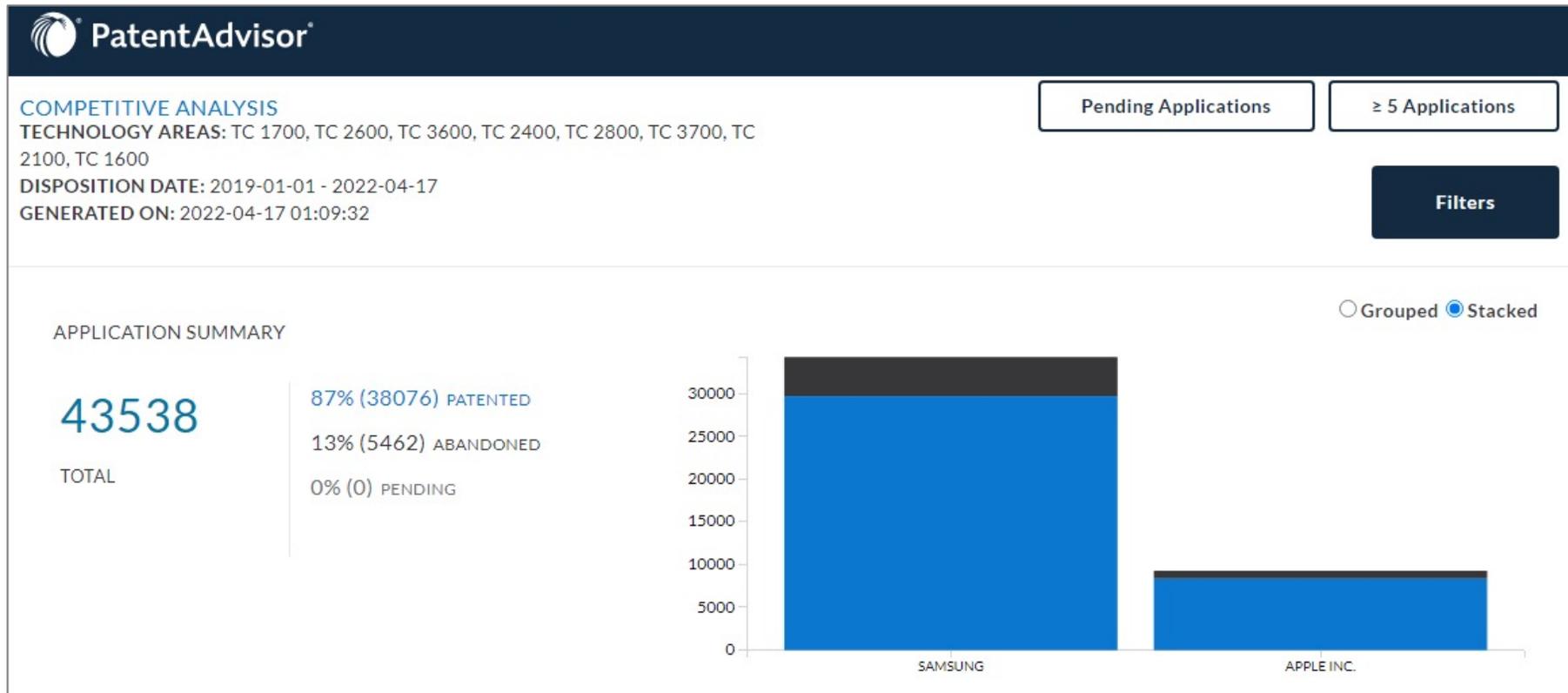


Comparative Analytics for analyzing client vs. competitors

Should filing and prosecution strategy be adjusted?

Comparative Analytics

Comparing your client with their competitors



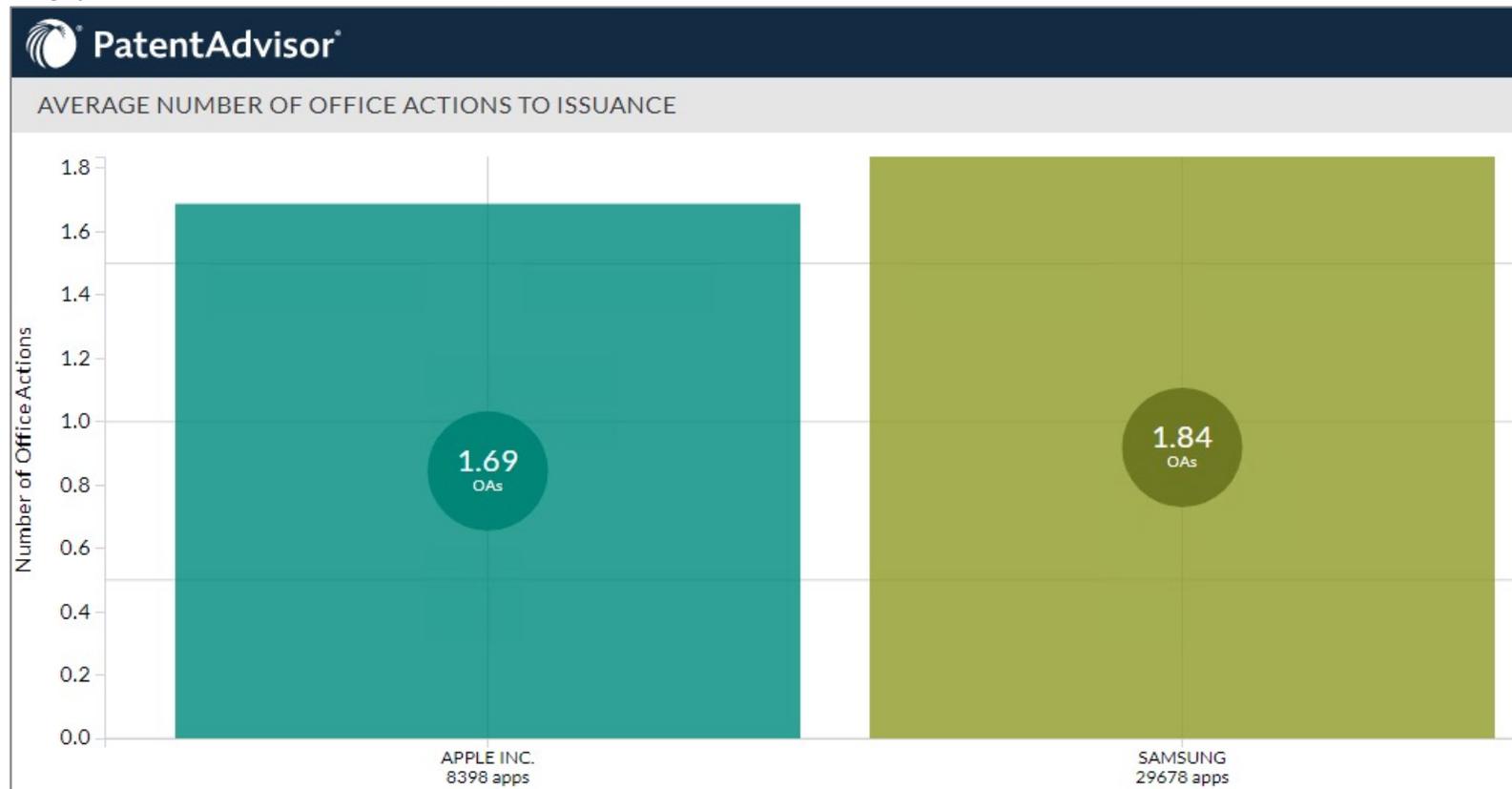
Comparative Analytics

Comparing your client with their competitors



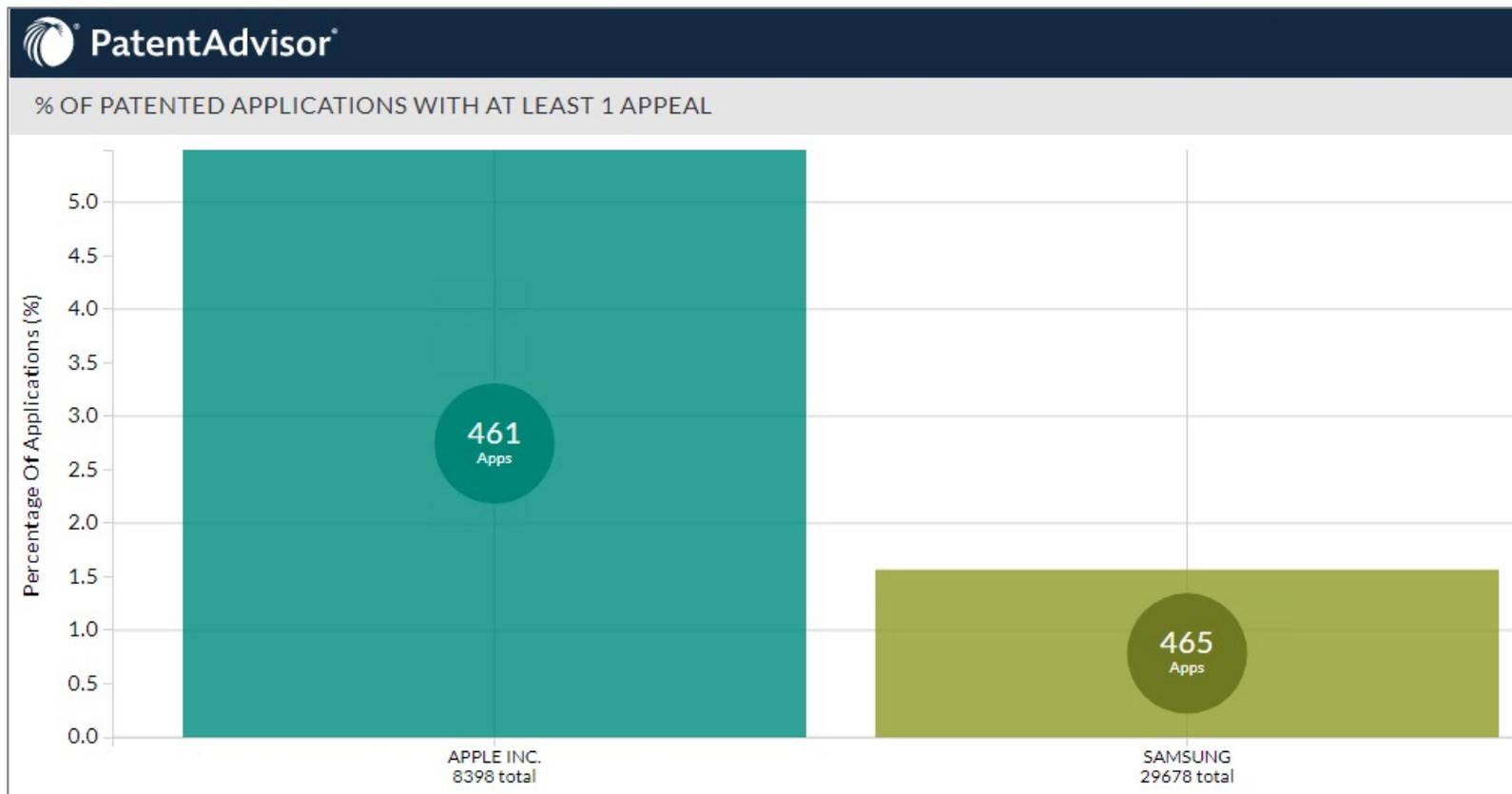
Comparative Analytics

Comparing your client with their competitors



Comparative Analytics

Comparing your client with their competitors



Comparative Analytics

Comparing your client with their competitors





QUESTIONS?



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