

### How to Make and Use Prosecution/Attorney Analytics and Examiner Analytics

Patent Analytics How-to Webinar Series: Episode 04

#### 5-Episode Analytics How To Webinar Series

**Episode 01** – How to Make and Use Portfolio Analytics, Patent Landscapes, and Patent Watching/Surveillance Reports

Thursday, February 25<sup>th</sup>, 2021, at 12:00 PM CT

**Episode 02** – How to Make and Use Portfolio Curation, Competitive Patent Landscape and SWOT Analysis Reports

Thursday, March 25<sup>th</sup>, 2021, at 12:00 PM CT

**Episode 03** – How to Make and Use Freedom to Operate Maps and Analysis, Product Coverage Analysis and Maps **Thursday, April 22<sup>nd</sup>, 2021, at 12:00 PM CT**  **Episode 04** – How to Make and Use Prosecution Attorney Analytics and Examiner Analytics

Thursday, May 27th 2021, at 12:00 PM CT

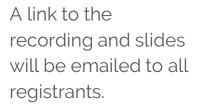
**Episode 05** – How to Make and Use Blue Ocean White Space Maps

Thursday, June 24<sup>th</sup>, 2021, at 12:00 PM CT

#### **Before We Get Started...**

Recording

Questions



Type in the question box and we will answer in real time or during the Q&A. Social

Follow us on LinkedIn or go to SLW Institute on slwip.com to see upcoming and on demand webinars.

#### **Today's Presenters...**



Steve Lundberg Principal & Chief Innovation Officer Schwegman Lundberg & Woessner



Janal Kalis Principal Schwegman Lundberg & Woessner FTO and Patent Analytics Expert



Milena Higgins Chief of Data Analytics Schwegman Lundberg & Woessner Ph.D. Physics



Rob Stanz Analytics Specialist Schwegman Lundberg & Woessner



Bill Kalweit Principal Schwegman Lundberg & Woessner

#### **Episode Overview**

### Analytics & Data-Driven Decisions

- Examiner analytics and prosecution
- Corporate analytics to facilitate strategic decisions
- Firm analytics to facilitate resource decisions

#### **Examiner Analytics**

Use Examiner Analytics to Develop Well-informed, Data-Driven Prosecution Decisions and Strategy

#### What is it?

 Examiner and Art Unit Analytics show key statistics for patent prosecution practices for PTO tech centers, art units, individual examiners.

### **Value Proposition**

- Examiner/Art unit analytics provide a basis to tailor prosecution strategies to better advance applications through prosecution
- Examiner analytics provide valuable insight into Examiner behavior, in absolute terms and relative terms, enabling a practitioner to make more informed choices on such things as interviewing a case, filing an RCE, filing an appeal, etc.

#### **PatentBots**

1 Alexandre and a second se	Employment Information				
Group:	Business Methods - Incentive Programs Operations Research; Electronic Shoppi Point of Sale, Inventory, Accounting; Cos Reservations, Shipping and Transportat Processing				
Classes: Dashboard	705 — Data processing: financial, busing management, or cost/price determination				
Art Unit:	3622				
Detent Dreefreeding	Pat Examnr Mechl Engrg				
Patent Proofreading Phone:	(571) 270-3984				
Email:	michael.sittner@uspto.gov				
Art Unit Predictor	: Virginia				
Degree:	Bachelor's Degree				
Examiner Statistics Service:	9 years				
Grade:	GS-14				

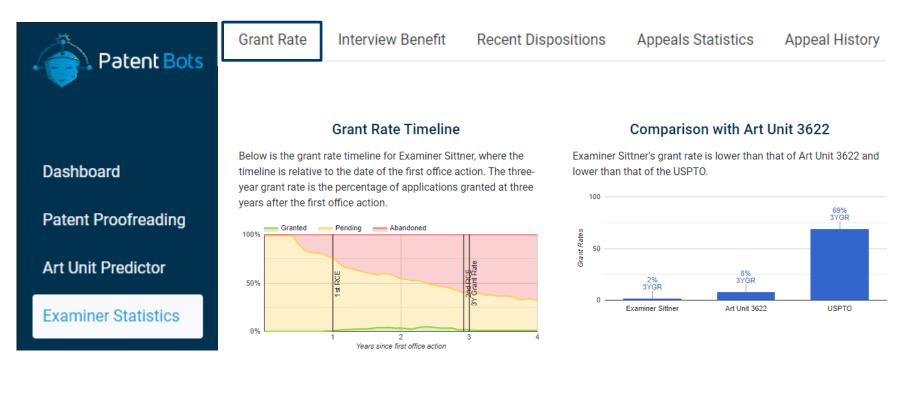
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entive Programs, Coupons; lectronic Shopping; Health Care; Accounting; Cost/Price, and Transportation; Business	
and manoportation, business	Grant
: financial, business practice, price determination	3-Year Gra
	Difficulty:
g	Difficulty P
qoy	With Examiner Sittn patent by 3 years af
301	extremely hard exar examiners (with 100

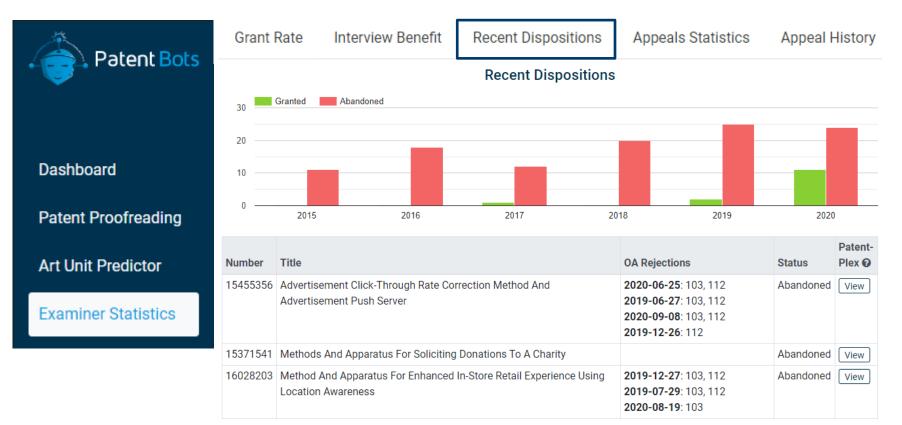
#### Rate and Difficulty Ranking

3-Year Grant rate:	2% over 110 cases
Difficulty: 🕑	Extremely Hard
Difficulty Percentile: 😧	98th

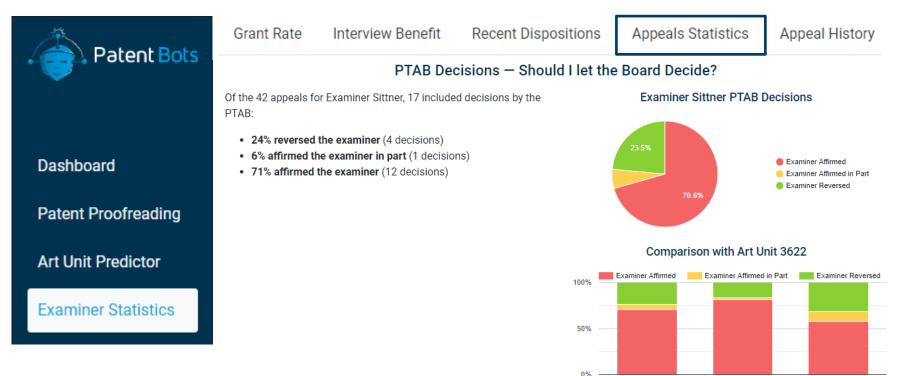
ner, you have a 2% chance of getting an issued fter the first office action. Examiner Sittner is an miner and in the 98th percentile across all Oth percentile most difficult).







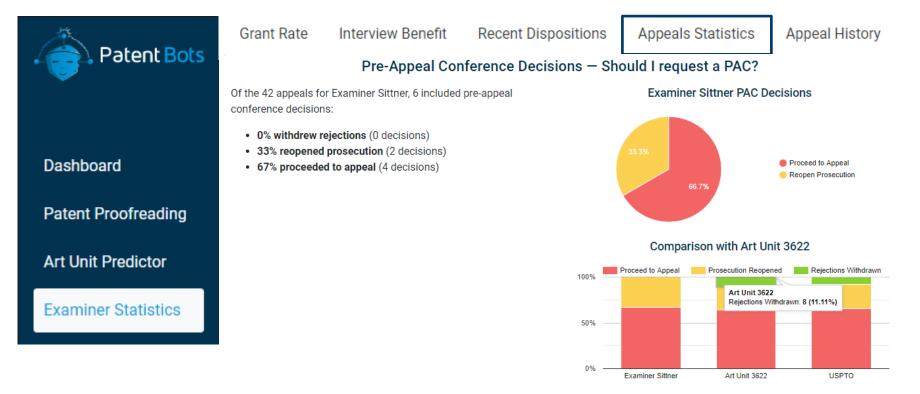
	Grant Rate	Interview Benefit	Recent Dispositions	Appeals Statistics	Appeal History					
Patent Bots		Appeal Outcomes — Should I Appeal?								
	comparison. We exc	or Examiner Sittner, 27 have ou cluded 3 appeals that ended w 2 appeals that are still pendin	ith an RCE or	Examiner Sittner Appeal	Outcomes					
Dashboard	Of the 27 appeals w <b>30% had good</b>	ith outcomes: outcomes (8 appeals) where	the examiner was	29.6% 44.4%	<ul> <li>Bad Outcomes</li> <li>Neutral Outcomes</li> <li>Good Outcomes</li> </ul>					
Patent Proofreading	claims	irmed in part or the examiner ral outcomes (7 appeals) when		25.9%						
Art Unit Predictor	reopened • 44% had bad o affirmed	outcomes (12 appeals) where	the examiner was	Comparison with Art l	Jnit 3622					
Examiner Statistics			50%							
	•		0%	Examiner Sittner Art Unit 362	2 USPT0					



Art Unit 3622

Examiner Sittner

USPTO



Patent Bots	Grant	Rate	Interview Benefit	Recent Dispositions	Appeals Statistics	Appeal History					
		History of Appealed Cases									
Dashboard	<ul><li>Yellov</li><li>Red: b</li><li>Gray:</li></ul>	<ul> <li>Green: good outcomes (PTAB reversed, PTAB affirmed in part, examiner allowed claims, or pre-appeal conference withdrew rejections)</li> <li>Yellow: neutral outcomes (examiner reopened prosecution or pre-appeal conference reopened prosecution),</li> <li>Red: bad outcomes (PTAB affirmance),</li> <li>Gray: uninformative outcomes (abandonment or filing of RCE), and</li> <li>White: appeals are still pending.</li> </ul>									
Patent Proofreading	Number	Status	History			Patent- Plex 😧					
Fatent Frooneading	15893354	Pending	Notice of Appeal » Appea	al Brief » Ex. Answer » Reply Brief »	» Ex. Reversed	View					
Art Unit Predictor	15053889	Pending	Appeal Brief » Notice of a	Appeal » Ex. Answer » Reply Brief >	» Ex. Reversed	View					
Art Unit Predictor	15036348	Patented	Appeal Brief » Notice of a	Appeal » Ex. Reasons for Allowanc	e	View					
	15192128	Patented	Notice of Appeal » Appea	al Brief » Appeal Brief » Ex. Reasor	is for Allowance	View					
Examiner Statistics	14329796	4329796 Patented Notice of Appeal » Appeal Brief » Ex. Answer » Reply Brief » Ex. Reversed									
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#### **PEDS** (USPTO Patent Examination Data System)

Refine by cl	ear	Refined by: Examiner Name: SITTI	NER, MICHAEL J 🗶			
Top Filters More Filters		277 Results mat	ch the selected criteria	Expand All / Collapse All   Request Download -		
Application Number	>			Expand All / Collapse All   Request Download -		
Filing or 371(c) Date	>	Application/PCT #	Title of Invention	Status		
Application Type	>					
Examiner Name	$\sim$	> 09328672	ELECTRONIC BOOK SELECTION AND DELIVERY SYSTEM WITH TARGETED ADVERTISING	Abandoned Failure To Respond To An Office Action		
Q SITTNER, MICHAEL J						
Top Values (Up to 25) SITTNER, MICHAEL J 277		> 09734044	SYSTEM AND METHOD FOR INCENTIVIZING ONLINE SALES	Abandoned Failure To Respond To An Office Action		
Group Art Unit	>	> 10401503	METHOD AND APPARATUS FOR ELECTRONIC SUPPORT AND DELIVER OF MULTIPLE LOTTERY AND SWEEPSTAKE PROGRAMS, IN	RY Abandoned Failure To Respond To An Office Action		
Class / SubClass	>		SUBSTANTIALLY OFF-LINE ENVIRONMENTS			
First Named Applicant	>					
Earliest Publication Number	>	> 10485398	POINT-USED ELECTRONIC TRADING SYSTEM, POINT-USED ELECTRONIC TRADING METHOD, BROADCAST RECEPTION	Abandoned Failure To Respond To An Office Action		
Patent Number	>		APPARATUS, AND BROADCAST RECEPTION METHOD			

#### **PEDS** (USPTO Patent Examination Data System)

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Filing or 371(c) Date	>
Application Type	>
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Q SITTNER, MICHAE	
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Top Values (Up to 25 SITTNER, MICHAEL J 2	
Group Art Unit	>
Class / SubClass	>
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Earliest Publication N	lumber >
Patent Number	>

9328672			BOOK SELECTION	AND DELIVERY	SYSTEM WITH			Abandoned Failure To Respond To An Office Action
Application Data	Transactio History		ddress & ttorney/Agent	Continuity Data	Assignments		CMS Data	Display References
PPLICATION D	ATA							
Application	n Number:	09/32	8,672		ence Address ner Number:	437	2	
Filing or 37	1 (c) Date:	06-09	-1999		Status:	Aba	andoned	I Failure to Respond to an Office Action
Applica	tion Type:	Utility			Status Date:	11-	30-2015	i
Exami	ner Name:	SITTN	ER, MICHAEL J		Location:	ELE	CTRONI	с
Grou	p Art Unit:	3622		Lo	cation Date:	-		
Confirmation	n Number:	7125		Earliest Pu	blication No (PGPUB):	-		
Attorn	ney Docket Number:	03303	3.00026	Earliest Publi	ication Date:	7		
Class	/ Subclass:	705/0	14000	Pate	ent Number:	-		
First Named	l Inventor:		S.HENDRICKS	Issue Da	te of Patent:	-		
First Named	Applicant:	-		AIA (First	t Inventor to File):	No		
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## **PEDS** (USPTO Patent Examination Data System)

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WIPO Publicati	ion Number	>	Application/PCT #	Title of Invention	Status	
PCT Number Status		>	> 09328672	ELECTRONIC BOOK SELECTION AND DELIVERY SYSTEM WITH TARGETED ADVERTISING	Abandoned Failure 1 Office Action	To Respond To An
Q Search			09734044	SYSTEM AND METHOD FOR INCENTIVIZING ONLINE SALES	Abandoned Failure 1 Office Action	o Respond To An
Respond to an Action 194			10401503	METHOD AND APPARATUS FOR ELECTRONIC SUPPORT AND DELIVE	RY Abandoned Failure 1 Office Action	To Respond To An
Patented Case <sup>-</sup> Final Rejection				OF MULTIPLE LOTTERY AND SWEEPSTAKE PROGRAMS, IN SUBSTANTIALLY OFF-LINE ENVIRONMENTS	Office Action	
Non Final Action Mailed 13 Abandoned After Examiner's Answer or Board of Appeals Decision 12			10485398	POINT-USED ELECTRONIC TRADING SYSTEM, POINT-USED ELECTRONIC TRADING METHOD, BROADCAST RECEPTION APPARATUS, AND BROADCAST RECEPTION METHOD	Abandoned Failure 1 Office Action	lo Respond To An
Non Final Actio Abandoned A Examiner's Ansi Board of Appea	on Mailed 13 After swer or		10485398	ELECTRONIC TRADING METHOD, BROADCAST RECEPTION		Te

#### **Prosecution/Attorney Analytics**

Use Portfolio and Attorney Prosecution Analytics Across a Portfolio to Improve Overall Prosecution Efficiency and Identify Efficient and Economical Prosecution Strategies

#### What is it?

Prosecution/attorney analytics show statistical information concerning the number and timing of procedural steps taken by individual attorneys or attorney organizations in the prosecution of a set of cases such as all the cases owned by a particular party in a given technology space.

### **Value Proposition**

- Gain insight into the cost and effectiveness of different approaches to prosecution, and to identify best practices and eliminate waste.
- Compare prosecution analytics between different companies or law firms to gain insights into best practices
- Identify areas for cost savings by elimination of unproductive strategies or specific high cost/low value prosecution efforts
- Better understand how procedural changes can influence prosecution successes

#### **Process and Cost**

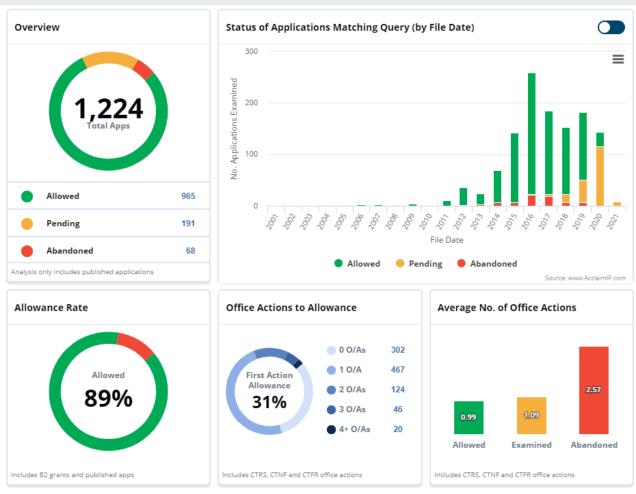
- Client identifies patents and applications they desire to include in the analytics – most typically all the patents assigned to them or on their customer number at USPTO
- Analytics team generates report and is delivered to client with attorney observations as desired.

#### Portfolio based Prosecution Analytics

### "Portfolio" referring to any subset of patents including:

- Company Wide or sliced by specific Technology/Agent
- Art Unit / Tech Center
- CPC
- Agent
- Provides quick snapshot guidance into portfolio
- Compare competitors, counsel etc.

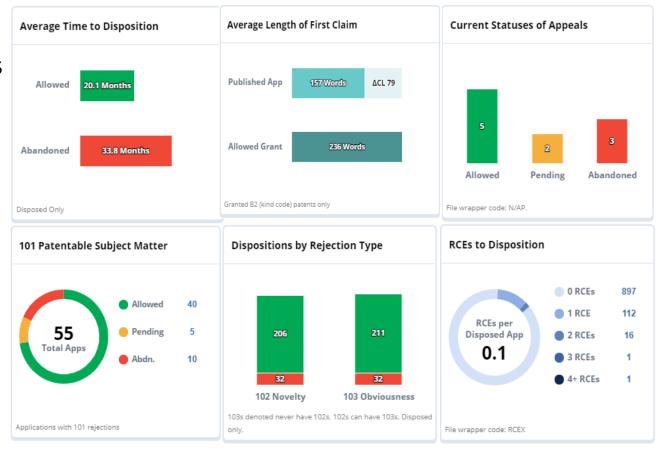
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#### Portfolio based Prosecution Analytics (Continued)

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#### Metrics for Evaluating Law Firms

#### **Firm Size**

- Quantify number of original patent applications prepared and filed
- Identify average number of appeals, interviews, amendments, and RCEs
- Calculate costs
- Identify number of extensions and cost

#### Metrics for Evaluating Law Firms

#### **Firm Value**

- Client end goals and audience
- Years of attorney experience, cumulative and singular
- Attorney expertise
- Attorney versus Agent
- Average number of office actions and expected allowance rate
- Law firm allowance rate compared to examiner allowance rate
- Independent claims lost from publication to issuance
- Forward citations from competitor applications—Small number of patents with a lot of forward citations



Top Patent Firms Overview

The Patent 300 ® Dashboard provides interactivity with thousands of technologies, and over 30+ prosecution metrics for thousands of companies and law firms obtaining patents in the U.S.



USPTO Art Unit Group Description	Total Patents ▼	^
Electrical Circuits and Systems	5042	
Semiconductors/Memory	4329	
Printing/Measuring and Testing	3917	
Optics	3731	
Multiplex and VoIP	2690	
Selective Visual Display Systems	2535	
Thermal & Combustion Technology, Motive & Fluid Power Systems	2264	
Material and Article Handling	1868	
Cryptography and Security	1779	
Wells, Earth Boring/Moving/Working,	1708	~
Total	77506	

CPC Subclass Description	Total Patents ∧
G06F - Electric Digital Data Processing	7823
H01L - Semiconductor Devices; Electric Solid State Devices Not Otherwise Provided For	3973
H04L - Transmission Of Digital Information, E.G. Telegraphic Communication	3924
H04W - Wireless Communication Networks	2201
H04N - Pictorial Communication, E.G. Television	2070
A61B - Diagnosis; Surgery; Identification	1864
G06Q - Data Processing Systems Or Methods, Specially Adapted For	1633
Total	77506

Law Firm Name	Rank	Total Patents	Average OAs	Average RCEs	Pendency (in days)	Interview Success	Extension Per OA	Pre-Appeal Success	Appeal Brief Success	Board Decision A - Success
	1	1353	1.6	0.4	1126.1	44.8%	4.9%	40.0%	25.0%	58.8%
	2	1251	1.8	0.4	1147.9	43.9%	3.9%	65.0%	75.0%	100.0%
	3	1177	1.7	0.4	1078.9	47.9%	2.1%	35.7%	53.1%	54.5%
	4	<b>10</b> 79	1.4	0.2	1059.4	50.0%	2.9%	50.0%	12.5%	100.0%
	5	1 <mark>002</mark>	1.5	0.3	1200.5	50.6%	2.7%	58.3%	33.3%	66.7%
	6	924	1.7	0.4	1129.2	41.5%	4.9%	50.0%	59.1%	88.9%
	7	870	1.8	0.5	1180.1	42.3%	5.0%	42.9%	60.7%	88.9%
	8	846	1.4	0.3	1019.8	53.1%	2.2%	85.7%	73.3%	100.0%
	9	767	1.2	0.2	764.8	56.2%	0.6%	NaN	NaN	NaN
	10	733	1.8	0.5	1047.0	46.2%	4.2%	40.0%	57.9%	71.4%
	11	656	1.8	0.4	1149.2	36.9%	9.5%	50.0%	20.7%	72.7%
	12	648	1.6	0.3	980.4	40.3%	5.0%	14.3%	64.7%	83.3%
	13	638	1.7	0.5	1137.4	41.6%	6.1%	54.5%	27.3%	100.0%
	14	600	1.7	0.4	1274.9	45.4%	6.7%	35.0%	30.8%	80.0%
	15	567	1.2	0.2	911.6	38.6%	0.8%	0.0%	28.6%	60.0%
	16	483	1.7	0.4	959.8	46.6%	2.6%	53.3%	53.3%	71.4%
	17	462	1.3	0.3	974.9	28.5%	5.5%	28.6%	16.7%	80.0%
	18	434	1.4	0.2	988.5	44.8%	4.7%	0.0%	56.7%	92.3%
	19	430	1.3	0.3	877.8	32.6%	2.0%	0.0%	0.0%	0.0%
	20	425	1.7	0.4	1113.8	47.2%	4.0%	46.7%	47.1%	100.0%
	21	424	1.4	0.3	947.9	37.2%	2.8%	44.4%	50.0%	66.7%
	22	402	1.5	0.3	986.1	54.5%	3.9%	25.0%	33.3%	80.0%
	23	391	1.5	0.2	1075.3	51.0%	1.7%	75.0%	75.0%	100.0%
	24	386	1.7	0.4	1066.4	51.4%	8.4%	45.5%	20.0%	50.0%
Total	1	77506	1.7	0.4	1079.8	42.8%	5.0%	45.3%	46.4%	76.8%

https://harrityllp.com/patent300/patent-300-dashboard/



#### Examiner & Art Unit Statistics

Visualize the prosecution efficiency metrics on issued patents for examiners and art units. Filter the data by issue year, con/div, track one, CPC classifications, or USPTO technology areas/art units.







#### SELECT EXAMINER NAME

All		$\checkmark$



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USPTO Art Unit	Total Patents ▼	Average OAs	Average RCEs	Interview Success	Interview Usage	Successful Interviews	Total Interviews	Pre-Appeal Success	Pre-Appeals Allowed	Pre-Appeals Reopened	Total Pre- Appeals	Appeal Brief Success	Board Decision - Success	Board Decision - Board Decision Examiner Affirmed Examiner Affir in-Part
2872	1093	1.4	0.3	49.7%	18.6%	169	340	94.1%	12	4	17	60.0%	100.0%	0
2852	<mark>9</mark> 36	1.0	0.1	71.7%	11.4%	86	120	33.3%	0	1	3	100.0%	NaN	0
3715	9 <mark>2</mark> 2	1.7	0.4	47.2%	23.4%	199	422	36.7%	7	4	30	25.0%	53.8%	12
3746	<mark>8</mark> 73	1.6	0.3	39.6%	17.9%	116	293	62.5%	7	3	16	38.9%	81.8%	2
3745	832	1.5	0.3	47.4%	13.3%	108	228	66.7%	1	1	3	25.0%	95.8%	1
2853	831	1.2	0.2	52.7%	9.7%	59	112	50.0%	3	1	8	60.0%	75.0%	1
2875	828	1.3	0.2	62.3%	11.4%	101	162	100.0%	5	0	5	50.0%	100.0%	0
3753	822	1.5	0.3	57.1%	13.6%	112	196	40.0%	2	2	10	16.7%	78.6%	3
3763	811	1.7	0.3	44.7%	19.5%	155	347	81.0%	7	10	21	40.0%	71.4%	4
3747	793	1.1	0.2	59.2%	13.5%	90	152	75.0%	2	1	4	58.3%	100.0%	0
3792	790	2.1	0.5	41.4%	21.3%	180	435	50.0%	4	7	22	41.2%	68.4%	6
3771	778	1.8	0.5	39.8%	20.2%	133	334	64.7%	5	6	17	54.5%	80.0%	2
3791	699	2.1	0.5	38.7%	25.0%	182	470	35.7%	3	2	14	80.4%	50.0%	4
3761	677	1.9	0.4	47.2%	18.5%	135	286	64.7%	7	4	17	34.4%	90.0%	2
2836	673	1.2	0.2	54.8%	14.2%	74	135	70.0%	2	5	10	70.0%	100.0%	0
2884	648	1.3	0.3	54.8%	10.6%	57	104	20.0%	1	0	5	73.3%	100.0%	0
2837	646	1.2	0.2	41.1%	16.7%	65	158	71.4%	2	3	7	83.3%	100.0%	0
Total	117949	1.6	0.4	43.7%	19.3%	19415	44393	46.8%	576	392	2068	46.9%	76.8%	333

Thank you for your interest.

# **Questions?**



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