

**REPORT ON THE STATUS OF PATENT APPLICATIONS BEFORE  
THE U.S. PATENT AND TRADEMARK OFFICE<sup>1</sup>**

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This article deals with the status and processing of applications filed in the U.S. Patent and Trademark Office. The following table indicates the number of applications filed, issued and awaiting Examiner action from the years 2000 through 2006.

<b>Applications in The U.S. Patent and Trademark Office</b>			
<b>Year</b>	<b>Utility Applications Filed</b>	<b>Utility Applications Issued</b>	<b>Applications Awaiting Examiner Action</b>
2000	291,653	164,486	308,056
2001	324,211	169,571	355,779
2002	331,580	160,839	433,691
2003	331,729	171,493	471,382
2004	353,319	169,296	528,685
2005	381,797	151,077	611,114
2006	415,551	162,509	701,147

As can be seen in the foregoing table, the number of utility applications filed from 2000 to 2006 has increased by more than 40% from 291,653 in the year 2000 to 415,551 in the year 2006. However, during the same time period, the number of applications issued as patents has remained basically unchanged. Furthermore, with the apparent decline in the allowance rate, the percentage of all pending cases which are continuations has risen from approximately 15% to over 22% during the same time period. This has resulted in a substantial increase (over 200%) in the number of cases which are awaiting some form of Examiner action.

With the increase in filings there has been a corresponding increase in the time between filing an application and the issuance of the first office action by an Examiner. The average pendency is currently over 22 months. This pendency figure varies according to technology with computer software having an average pendency of over 33 months and methods of doing business having an average pendency of over 52 months.

With the backlog of cases mounting, the U.S. Patent and Trademark Office has set a goal of hiring 1,000 new Examiners each year for the past few years resulting in an increase of utility patent Examiners from 3,538 in 2002 to 4,779 in 2006. The U.S. Patent and Trademark Office has also set a goal of hiring 1,200 Examiners each year for the next five years.

However, as admitted by the Commissioner of Patents, the U. S. Patent and Trademark Office may not be able to "hire" its way out of its present dilemma. Therefore, the U.S. Patent and Trademark Office has proposed rule changes to shift the workload from the Examiner to the Applicant. These rule changes were discussed in our May and April newsletters and will be discussed further in upcoming newsletters.

<sup>1</sup> This article is not intended to convey our legal advice. We disclaim any liability for any errors.