

Report Guide

Examiner Index Score:

The Examiner Index Score is a calculated statistic from a model of the reported allowance rates immediately after an interview for the Examiners at the USPTO found in LexisNexis PatentAdvisor®. This statistic is naturally normally distributed. The zero value of the statistic is set at the peak of the distribution (the average). Examiners with a zero Index Score are thus statistically no more likely to be influenced by interviews than by written advocacy. Positive values of the score identify examiners who respond better to interviews and negative values of the score identify those who respond better to written advocacy. Since 99.7% of Examiners fall between Index Score values of -3 and +3, an examiner with an Index Score of -2 or +2 or greater happens only 5% of the time. Most Examiners (68%) have Index Score values between -1 and +1 with 27% having Index Score values between -1 and -2 or +1 and +2.

Additional information regarding the calculated statistic that forms the Examiner Index Score is forthcoming in a technical paper being prepared by firm founder Adam R. Stephenson.

Allowance Rate: The allowance rate is reported by taking the total number of patented applications handled by an Examiner divided by the total number of applications handled by that Examiner. The Art Unit allowance rate is calculated similarly as the total number of patented applications assigned to the Art Unit divided by the total number of applications handled by that Art Unit.

Average Actions to Grant: This statistic is calculated as an average of the total number of Office Actions between the filing date of each application and the ultimate issuance or abandonment of that application. Because both patented cases and abandoned cases are included in this statistic, it helps it better reflect Examiner choices and behavior.

Appeal History: The appeal history statistics reflect what happened for a combination of both patented and abandoned cases, avoiding bias by looking only at patented cases. Depending on the Technology Center, a certain number of appeals terminate at the notice of appeal stage due to strategic decisions made primarily by applicants (in TC 1600 a particularly high number of appeals end after the notice of appeal stage for this reason). The percentage numbers presented at each stage represent a percentage of the total notice of appeals filed for that particular examiner. Reopening of prosecution at the pre-appeal and appeal brief stages is counted as a win for the applicant. The reply brief stage is not reported because few cases are typically resolved at this stage. Examiners who have a higher percentage of cases decided by the Board than resolved at either pre-appeal or appeal brief are more likely to send an appealed case to the Board. This is generally positive because such Examiners typically are not as open to negotiating overall whether oral or written advocacy is employed and the Board's feedback often is the key to resolving issues that prevent the applicant and Examiner from moving the case to a resolution.

IPTech Insights™

What Next?

This section of the report summarizes the actionable steps the data indicates would help resolve your case before this Examiner. These recommendations, however, need to be considered after a full assessment of how the prior art cited affects the currently pending claims. If at least one pending claim appears to be patentable over the cited art, then the case is ready to begin applying the report recommendations. Remember, regardless of how the Examiner chooses to apply the art to the claims, the Board focuses on what the claims actually state, not what the invention described in the application is.