

# IPTech Insights™

## Report for Examiner Filip Zec

### Examiner Index Score:

The Examiner Index Score identifies examiners who respond better to interviews and those who respond better to written advocacy. Positive Examiner Index Scores identify Examiners for whom oral advocacy with interviews produces better resolution of issues. Negative scores indicate Examiners for whom written advocacy, particularly via ex parte appeals, is a better prosecution path.

Examiner Zec's Examiner Index Score is: **-0.401**

Examiner Zec's negative index score means it is more difficult to reach agreement on an issue in an interview, regardless of the issue. Prosecution is more likely to be advanced using appeals than RCEs. Written arguments presented to a combined audience of the Examiner and supervisory Examiner(s) via a pre-appeal brief or appeal brief are statistically more effective at advancing prosecution/resolving issues.

**Allowance Rate:** 65.7% in an Art Unit with a 72.6% allowance rate

**Average Actions to Grant:** 1.5

### Appeal History:

The percentages of filed appeals before Examiner Zec resolved at each stage of the appeal process below show whether filing a pre-appeal brief first or filing an appeal brief is the fastest way to advance your case (and the odds the Examiner will send the case to the Board).

Percent of appeals resolved:

At pre-appeal brief:	<b>15.2%</b>
At appeal brief:	<b>27.3%</b>
At the Board:	<b>42.4%</b>

Since Examiner Zec is more likely to allow or reopen prosecution at the appeal brief stage, leading with an appeal brief is statistically the most favorable approach. Use of the appeal brief will also allow for actual substantive feedback from this examiner if the examiner chooses to send your case to the Board for decision via an Examiner's Answer.

### What Next?

The allowance rate for Examiner Zec indicates that he allows less cases than his peers in the same Art Unit. The average actions to grant ratio of 1.5 means that in 2 out of 3 cases, a final rejection is issued. For Examiner Zec, the Examiner Index Score indicates an interview to resolve

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issues is not advised. Negotiating in writing with an appeal when at least one claim is patentable over the prior art cited is recommended instead. If you choose to negotiate using an appeal, leading with the appeal brief over the pre-appeal brief statistically provides the best route to allowance or reopening of prosecution. Since over 4 of 10 appeals filed with Examiner Zec are decided by the Patent Trial and Appeal Board, Examiner Zec is fairly likely to send a case to the Board for decision, which can allow for the issues in the case to be resolved by a three judge panel at the PTAB.