

## Reexaminations - FY 2022



	Quarter 1 (Oct-Dec)	Quarter 2 (Jan-Mar)	Quarter 3 (Apr-Jun)	Quarter 4 (Jul-Sep)
Pending Reexaminations includes Ex Parte, Inter Partes, and Supplemental Examination Requests Processing (prior to assignment to the Examiner)	5			
Awaiting Order/Denial	47			
Between Order and First Action on the Merits	79			
Between FAOM and NIRC	321			
Between NIRC and Publication of Certificate	21			
Total	473			

## Volume of Proceedings \*

	YTD Through Quarter 1	YTD Through Quarter 2	YTD Through Quarter 3	YTD Through Quarter 4
Filings (Ex Parte, Inter Partes, and Supplemental Examination Requests granted a filing date)	94			
Ex Parte (EP)	89			
Inter Partes (IP)	NA	NA	NA	NA
Supplemental Examinations (SE)	5			
Supplemental Examinations Substantial New Question of Patentability (SNQ) Determination	13			
SE SNQ-Yes	12			
SE SNQ-No	1			
Orders Granting Reexamination	91			
EP Orders	80			
IP Orders	NA			
SE Orders under 35 USC 257	11			
Denials	10			
EP Denials	10			
IP Denials	NA			
First Action on the Merits (FAOM)	64			
EP FAOMs	52			
IP FAOMs	NA			
SE FAOMs pursuant to 35 USC 257	12			
Notices of Intent to Issue a Reexamination Certificate (NIRC)	67			
EP NIRCs	62			
IP NIRCs	1			
SE NIRCs under 35 USC 257	4			
Reexamination Certificates	91.78			
EP Certificates	59			
IP Certificates	2			
SE Certificates pursuant to 35 USC 257	30.78			

## Timing of Proceedings

	Quarter 1	Quarter 2	Quarter 3	Quarter 4
Average Months from Filing to SE Determination	1.46			
Average Months to SE SNQ-Yes	1.50			
Average Months to SE SNQ-No	NA			
Average Months from Filing to Order	1.25			
Average Months to EP Order	1.21			
Average Months to IP Order	NA			
Average Months to SE Order pursuant to 35 USC 257	1.54			
Average Months from Filing to Denial	NA			
Average Months to EP Denial	NA			
Average Months to IP Denial	NA			
Average Months from Filing to FAOM	4.39			
Average Months to EP FAOM	4.85			
Average Months to IP FAOM	NA			
Average Months to SE FAOM pursuant to 35 USC 257	2.38			
Average Months from Filing to NIRC	18.97			
Average Months to EP NIRC	18.11			
Average Months to IP NIRC	114.50			
Average Months to SE NIRC pursuant to 35 USC 257	8.40			
Average Months from Filing to Reexam Certificate	14.87			
Average Months to EP Certificate	18.30			
Average Months to IP Certificate	119.28			
Average Months to SE Certificate pursuant to 35 USC 257	1.52			

Notes:

- 1 Source: Filings from ex parte, inter partes and supplemental historical statistics.
- 2 Supplemental filings include only the SE request which received a filing date. SE NIRC only occur where SNQ-Yes was found.
- 3 Pendency, First Action, NIRC (“Notice of Intent to Issue a Reexamination Certificate”) and Certificate date from PALM.
- 4 Inter Partes reexaminations were no longer available after Sept. 16, 2012
- 5 This data is recorded by reexamination control number. Where proceedings are merged, the merged proceeding will appear as multiple instances. For this reason the certificate count will not match the number of individual reexamination certificates published in the Office Gazette.
- 6 NIRCs mailed at the end of one month will necessarily publish with a certificate the next month (or later), the average time to RX certificate may be more or less than the time to RX NIRC for any particular time period measured
- 7 Numbers may not match PAR report because this report shows actions mailed in time period and PAR shows filed requests and actions on those.
- 8 a typographical error has been corrected in the reference the statute 35 USC 257.
- 9 The last section has been updated to clarify that these numbers reference Reexamination Certificates



## Reexaminations - FY 2021

Pending Reexaminations includes Ex Parte, Inter Partes, and Supplemental Examination Requests Processing (prior to assignment to the Examiner) Awaiting Order/Denial Between Order and First Action on the Merits Between FAOM and NIRC Between NIRC and Publication of Certificate Total	Quarter 1 (Oct-Dec)	Quarter 2 (Jan-Mar)	Quarter 3 (Apr-Jun)	Quarter 4 (Jul-Sep)
Pending Reexaminations includes Ex Parte, Inter Partes, and Supplemental Examination Requests Processing (prior to assignment to the Examiner)	11	11	11	10
Awaiting Order/Denial	31	36	25	40
Between Order and First Action on the Merits	43	46	61	61
Between FAOM and NIRC	258	283	338	312
Between NIRC and Publication of Certificate	25	20	28	17
<b>Total</b>	<b>368</b>	<b>396</b>	<b>463</b>	<b>440</b>

## Volume of Proceedings \*

	YTD Through Quarter 1	YTD Through Quarter 2	YTD Through Quarter 3	YTD Through Quarter 4
Filings (Ex Parte, Inter Partes, and Supplemental Examination Requests granted a filing date)	74	147	221	310
Ex Parte (EP)	67	132	199	284
Inter Partes (IP)	NA	NA	NA	NA
Supplemental Examinations (SE)	7	15	22	26
Supplemental Examinations Substantial New Question of Patentability (SNQ) Determination	6	14	20	28
SE SNQ-Yes	6	12	16	19
SE SNQ-No	0	2	4	9
Orders Granting Reexamination	52	123	200	283
EP Orders	46	113	185	265
IP Orders	NA	NA	NA	NA
SE Orders under 35 USC 257	6	10	15	18
Denials	0	2	13	13
EP Denials	0	2	13	13
IP Denials	NA	NA	NA	NA
First Action on the Merits (FAOM)	42	97	172	256
EP FAOMs	38	89	157	238
IP FAOMs	NA	NA	NA	NA
SE FAOMs pursuant to 35 USC 257	4	8	15	18
Notices of Intent to Issue a Reexamination Certificate (NIRC)	70	117	179	226
EP NIRCs	48	90	142	186
IP NIRCs	10	12	15	17
SE NIRCs under 35 USC 257	12	15	22	23
Reexamination Certificates	73	106	163	217
EP Certificates	55	90	145	195
IP Certificates	5	13	15	17
SE Certificates pursuant to 35 USC 257	13	3	3	5

## Timing of Proceedings

	Quarter 1	Quarter 2	Quarter 3	Quarter 4
Average Months from Filing to SE Determination	1.10	0.94	0.91	1.11
Average Months to SE SNQ-Yes	1.10	0.95	0.91	1.02
Average Months to SE SNQ-No	NA	0.89	0.90	0.98
Average Months from Filing to Order	1.16	0.95	1.05	1.24
Average Months to EP Order	1.11	0.93	1.06	1.25
Average Months to IP Order	NA	NA	NA	NA
Average Months to SE Order pursuant to 35 USC 257	1.53	1.21	0.93	1.20
Average Months from Filing to Denial	NA	0.93	1.84	0.00
Average Months to EP Denial	NA	0.93	1.84	0.00
Average Months to IP Denial	NA	NA	NA	0
Average Months from Filing to FAOM	5.88	7.15	5.27	6.20
Average Months to EP FAOM	6.30	7.46	5.55	6.33
Average Months to IP FAOM	NA	NA	NA	NA
Average Months to SE FAOM pursuant to 35 USC 257	1.98	3.24	2.54	2.61
Average Months from Filing to NIRC	30.89	18.71	21.93	17.06
Average Months to EP NIRC	18.99	14.26	17.31	12.40
Average Months to IP NIRC	107.86	110.79	117.36	117.72
Average Months to SE NIRC pursuant to 35 USC 257	14.35	19.57	15.33	21.14
Average Months from Filing to Reexam Certificate	22.30	43.07	20.24	20.36
Average Months to EP Certificate	16.12	30.21	17.12	16.00
Average Months to IP Certificate	102.85	110.81	112.26	127.05
Average Months to SE Certificate pursuant to 35 USC 257	17.46	12.36	16.08	21.33

### Notes:

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## Reexaminations - FY 2020

	Quarter 1 (Oct-Dec)	Quarter 2 (Jan-Mar)	Quarter 3 (Apr-Jun)	Quarter 4 (Jul-Sep)
Pending Reexaminations includes Ex Parte, Inter Partes, and Supplemental Examination Requests Processing (prior to assignment to the Examiner)	7	3	3	6
Awaiting Order/Denial	14	24	36	19
Between Order and First Action on the Merits	47	50	40	27
Between FAOM and NIRC	272	271	283	304
Between NIRC and Publication of Certificate	14	9	17	23
Total	354	357	379	379

## Volume of Proceedings \*

	YTD Through Quarter 1	YTD Through Quarter 2	YTD Through Quarter 3	YTD Through Quarter 4
Filings (Ex Parte, Inter Partes, and Supplemental Examination Requests granted a filing date)	61	129	190	236
Ex Parte (EP)	48	103	159	197
Inter Partes (IP)	NA	NA	NA	NA
Supplemental Examinations (SE)	13	26	31	39
Supplemental Examinations Substantial New Question of Patentability (SNQ) Determination	9	21	28	37
SE SNQ-Yes	5	11	15	20
SE SNQ-No	4	10	13	17
Orders Granting Reexamination	52	105	148	166
EP Orders	45	93	133	146
IP Orders	NA	NA	NA	NA
SE Orders under 35 USC 257	7	12	15	20
Denials	2	4	7	9
EP Denials	2	4	7	9
IP Denials	NA	NA	NA	NA
First Action on the Merits (FAOM)	41	101	154	208
EP FAOMs	38	95	139	188
IP FAOMs	NA	NA	NA	NA
SE FAOMs pursuant to 35 USC 257	3	6	15	20
Notices of Intent to Issue a Reexamination Certificate (NIRC)	49	93	137	196
EP NIRCs	41	79	116	165
IP NIRCs	5	8	10	14
SE NIRCs under 35 USC 257	3	6	11	17
Reexamination Certificates	47	104	135	180
EP Certificates	38	89	118	157
IP Certificates	7	13	13	16
SE Certificates pursuant to 35 USC 257	2	2	4	7

## Timing of Proceedings

	Quarter 1	Quarter 2	Quarter 3	Quarter 4
Average Months from Filing to SE Determination	1.12	0.99	1.34	1.37
Average Months to SE SNQ-Yes	0.97	1.16	1.66	1.46
Average Months to SE SNQ-No	1.31	0.83	0.91	1.02
Average Months from Filing to Order	0.92	1.20	1.15	1.37
Average Months to EP Order	0.79	1.13	1.11	1.18
Average Months to IP Order	NA	NA	NA	NA
Average Months to SE Order pursuant to 35 USC 257	1.79	1.85	1.70	1.89
Average Months from Filing to Denial	1.75	0.91	2.15	1.51
Average Months to EP Denial	1.75	0.91	2.15	1.51
Average Months to IP Denial	NA	NA	NA	NA
Average Months from Filing to FAOM	5.28	6.85	5.35	5.49
Average Months to EP FAOM	5.50	7.05	5.46	5.57
Average Months to IP FAOM	NA	NA	NA	NA
Average Months to SE FAOM pursuant to 35 USC 257	2.52	3.20	4.82	4.71
Average Months from Filing to NIRC	28.44	29.03	18.78	27.13
Average Months to EP NIRC	21.18	23.92	15.28	21.97
Average Months to IP NIRC	95.06	101.80	103.82	101.63
Average Months to SE NIRC pursuant to 35 USC 257	16.60	20.97	10.70	19.57
Average Months from Filing to Reexam Certificate	31.90	34.76	15.48	21.18
Average Months to EP Certificate	20.32	28.10	15.95	15.14
Average Months to IP Certificate	97.57	97.01	NA	106.53
Average Months to SE Certificate pursuant to 35 USC 257	21.95	17.90	12.05	18.21

### Notes:

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