



UNITED STATES PATENT AND TRADEMARK OFFICE

Deputy Commissioner for Patents

MEMORANDUM

Date: August 31, 2010

To: Patent Examining Corps

From: *Peggy Focarino*
Peggy Focarino,
Deputy Commissioner for Patents

Subject: FY 2011 Status of the Count System Initiatives

I am pleased to announce that the Joint Count System Task Force has reached agreement that the Count System Initiatives, which includes the changes to production credits (counts), will continue for FY2011, with some changes. The two key modifications for FY2011 are:

- The examiner expectancy time adjustment will be recalculated for FY2011 using the same formula as used in FY2010 but based on individual examiners' RCE mix in FY2010 in PALM biweeks 2010-01 through 2010-24.
- The regular new case "6-month filing date window" will be replaced by an approximate "6-month inventory of regular new cases" which will provide a more consistent volume of new cases on examiners' new case dockets and be easier to administer.

A new memorandum of understanding (MOU) and new memos will be available soon detailing these changes.

During the August 2010 evaluation of the Count System initiatives, the Count System Task Force considered all of the available data. While the available data shows positive signs, some of the changes were only in place for about six months, and FY2010 end of year data is not yet available. Therefore, the Count System Task Force determined it is too soon to make more substantive changes for the beginning of FY2011.

The Count System Task Force considered a variety of options, including some that extended out beyond the FY2011 timeframe. The Count System Task Force acknowledges there are some downsides to continuing with an expectancy adjustment based on how individual examiners work on RCEs and that such an adjustment is likely not a viable long-term solution. However, it is too soon to determine the success or failure of the changes. The Count System Task Force is committed to continuing to evaluate and make revisions that are consistent with the original objectives.