

USPTO Satellite Offices - Coming Soon To a Time Zone Near You

In Dec. 2010, the United States Patent and Trademark Office (USPTO) announced that its first-ever satellite office would be opening in Detroit, Michigan. The announcement included a public acknowledgement by the USPTO that it was having difficulty finding a sufficient quantity of qualified candidates willing to relocate to Washington, DC for patent examiner positions.

Less than 12 months later, in Sept. 2011, the Leahy-Smith America Invents Act (“AIA”) was signed into law. Section 23 of the AIA required the USPTO director to establish three or more satellite offices in addition to the previously announced Detroit location within three years, where these satellite offices would employ patent examiners, not trademark examining attorneys. Under the AIA, the express purpose of the satellite offices is stated as the following:

- increasing outreach activities to better connect patent filers and innovators with the USPTO;
- enhancing patent examiner retention;
- improving recruitment of patent examiners;
- decreasing the number of patent applications waiting for examination; and
- improving the quality of patent examination.

The AIA required that selection of the satellite offices be based on a comprehensive analysis of criteria including geographical diversity, regional economic impact, ability to recruit and retain employees, and the ability to engage the intellectual property community.

Now that three years has passed, the USPTO has made significant progress towards its goal of opening four satellite offices. In July 2012, the Detroit office opened and the USPTO announced that the three remaining satellite locations would be Denver, Dallas, and Silicon Valley. The Denver office opened in July 2014, and the Silicon Valley and Dallas offices are scheduled to open in the spring and fall of 2015, respectively. Once all of the satellite offices are open, there will be a USPTO office in each time zone within the U.S.

In addition to employing examiners at each satellite office, the USPTO will also employ administrative patent judges (APJs) to handle Patent Trial and Appeal Board (PTAB) appeals and AIA trials. The USPTO seeks to employ 100 examiners and 20 APJs at each satellite office. Currently, the Detroit office, having been the first to open, employs 100 examiners and eight APJs, while the Denver office employs eight APJs. Although the Silicon Valley office has not yet officially launched, a handful of APJs have been operating out of temporary accommodations in California for over a year. In its 2014 report to Congress, the USPTO indicated that nearly 20% of its post-AIA APJ hires are assigned to a satellite office.

To further the stated AIA goal of increasing outreach activities, the USPTO will provide a number of resources at each satellite office, including public search terminals connected to the USPTO’s internal search tools, conference rooms for examiner interviews, and PTAB hearing rooms with videoconferencing capabilities. Various outreach events will also be conducted. In Detroit, for example, Saturday seminars are hosted to provide workshops during which independent inventors, entrepreneurs, and small businesses discuss the patenting process and available USPTO and local resources.

The satellite office expansions complement the USPTO’s expanding telework program under which USPTO employees can work from home. Approximately 3,600 patent examiners of patent examiners employed by the USPTO currently telework, this number representing 42% of the overall patent examiner workforce. In order to work remotely through the USPTO’s telework program, an examiner is required to have worked two years at the USPTO’s Alexandria office. The satellite offices will provide a path to teleworking for individuals interested in working as patent examiners but unwilling to relocate to Washington, D.C.

Since the satellite offices are new and relatively small, it is difficult to gauge the impact that they have had on USPTO patent examining backlogs. Nevertheless, the satellite offices represent a good step toward backlog reductions. Since 2009, the peak backlog of over 700,000 applications has been reduced to approximately 620,000. Also, the backlog of Requests for Continued Examinations (RCEs) has been reduced from 96,000 in 2012 to nearly 62,000 presently. In its Sept. 2014 report to Congress, the USPTO states that it is on target to meet its patent application pendency goals of 10 months to first action and 20 months of total patent application pendency by 2019. In the same report, the USPTO expressly stated that “[t]he role of the satellite offices is to contribute to these improvements and support the successful initiatives that are making the patent system more efficient.”

The USPTO currently employs 8,472 patent examiners. Even with 100 examiners at each satellite office, the satellite examiners will represent less than 5% of the total examiner workforce. While this is a relatively small subset of examiners, it is clear that the satellite offices are an important part of a larger, long-term strategic effort by the USPTO to reduce patent examination backlogs. Thus, while the impact of the satellite offices may not be substantial to date, the satellite offices certainly represent important strides toward expanding the examiner and APJ workforce.

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