

USPTO Art Unit 1600 Pendency Rates



A 4 year review of patent pendency trends in Art Unit 1600 to assess potential impact of the COVID 19 pandemic on pendency

The Mintz Life Sciences team has been providing insight into the volume of [patents being issued out of Art Unit 1600](#) by quarter since the beginning of 2020. We recently took a look at a different set of Art Unit 1600 statistics and provide some insights here about **patent pendency**. The USPTO produces regular statistics and the trend lines below are produced based on data published by the USPTO for January 2017 through July 2021. We use a demarcation line at the mid-point of March 2020 for when the most significant impacts of the pandemic began to be felt with sudden increase of work and school from home.

Two primary trends stand out. First, the impact of the pandemic is uneven across different stages of prosecution, and the impact of the pandemic on First Actions was significant. There was potential for impact across all phases of prosecution, and it is commendable to see the USPTO maintaining the efficiencies they have worked so hard to put into place over recent years.

First Action Pendency is more impacted than either traditional total pendency or pendency with RCEs, with a slightly greater than 25% increase in pendency time for First Actions. From the COVID demarcation until end of July 2021, there is no significant impact on average pendency for either total pendency or pendency with RCEs.

It is interesting to note that there were simultaneous dips and subsequent increases for both traditional and RCE pendency following the COVID demarcation and we will keep an eye on those lines to see if there is a further increase over time.

We cannot state with certainty at this point the reasons for increased First Action Pendency, although in recent months there has been a reduction in examiner headcount. Another potential reason is that it has to do with an increased volume of filings. We will be looking at filing statistics prior to and following the pandemic demarcation as we move forward.

