LOGIC OF THE HEARINGS SPREADSHEET

INTRODUCTION

i. Primarily, the hearings spreadsheet is a tool to assist in the management of hearings. It is particularly useful to assess performance against temporal targets set by the Corporate Plan. Currently, the targets assessed are for a percentage of the decisions to be issued within two months and another percentage to be issued within four months from the date the hearing is ready for a decision.

ii. On a low level, the spreadsheet is used to record details of each case and can be used to track progress. On a higher level, the spreadsheet may be used to provide performance statistics for the team as a whole. The results of the spreadsheets, including *ex parte* hearings, are discussed at the monthly *Inter Partes* Hearings Team meetings.

iii. Due to the colour changes in the spreadsheet detailed below, the main sheets may alert the user at a glance to the cases that are approaching their target dates or are overdue such that appropriate action may be taken. Further, the spreadsheet is used to create an exception report, detailing such cases and is circulated to the three Divisional Directors and all hearing officers each week. This helps the Office achieve the targets.

TEMPORAL CONSIDERATIONS

iv. As the targets currently depend on the date a decision is issued, the cases contained in the spreadsheet are the ones having their decision issued in the financial year of the spreadsheet as well as outstanding cases. Thus, at the end of a financial year, any cases that have not had their decision issued are removed from that year's spreadsheet.

v. In practice, this means that a copy of the spreadsheet is saved with a new name with the numerical value of the years updated (for example Hearings April 08 – March 09). The old spreadsheet can then have the cases that have not had a decision issued removed. The new spreadsheet will need all the cases that had a decision issued in the previous year to be deleted. It is important that the old data is deleted including the formulas in case any of the formulas have been overwritten or altered. Thus, when new data is added, a new row is copied over from the F tab such that the formulas are unaltered.

vi. So that the Breakdown and Summary tabs of the spreadsheet are looking for data from the new year, cell C7 in the Breakdown tab will need the first day of the financial year entered (for example 01/04/08). The dates in the rest of the spreadsheet should then update automatically.

THE STRUCTURE OF THE SPREADSHEET

vii. To provide further explanation of the functions of the spreadsheet, the main worksheets will be discussed in turn below.

Inter Partes **and** ***Ex Parte*** **data entry sheets**

viii. Every hearing is logged in the spreadsheet in the main sheets labelled *Inter Partes* and *Ex Parte* as appropriate. For each hearing, the following data is recorded at the appropriate time as detailed elsewhere in this manual:

- Applicant's name,
- Type of hearing (e.g. Main, preliminary, supplementary etc.),
- Hearing Officer,
- Hearing Assistant,
- Hearings Clerk,

- Section Reference,
- Section of the Act,
- Case Officer
- Patent Number,
- Filing date,
- Date counterstatement received,
- Date a form 4 was filed [only for cases after 1st April 2010],
- Whether the case is a hearing (H) or a decision on the papers (P),
- The first date of a hearing,
- The last date of a hearing,
- The date the case was ready for a decision,
- The date the decision was issued,
- The date the hearing was requested or agreed,
- The date the final evidence was received,
- The date the transcript was received,
- Number of folios used for the hearing case,
- The date the decision was circulated,
- The location of the hearing,
- The date the case was received by the team for clearing,
- The date the case was cleared.

ix. Using the data entered, the spreadsheet uses formulas to calculate the following information:

- Status (explained further below),
- When the decision was issued in relation to the targets (also explained further below),
- If the case is not or is open to public inspection (NOPI/OPI)(also explained below),,
- Number of weeks from final evidence received to the hearing or the date the papers were ready for a decision,
- Number of working days between hearing request to hearing start date,

- Number of weeks from the hearing or case sent for decision on papers to the date the decision was issued,
- Number of working days from the hearing or the case being sent for a decision on the papers to the decision being issued,
- Number of working days from hearing to receipt of transcript,
- Duration of hearing in days,
- Number of months between the counterstatement being received to the issue of the decision,
- Number of months between the Form 4 being received to the issue of the decision.

x. The calculations involving the number of working days is approximate, and will not, for example, take into consideration bank holidays.

xi. Where the relevant data that a formula relies on has not been entered, the formula displays a dash (-). It is important that such formulas are not overtyped. If an error occurs, the data that has been entered for the rest of the case should be checked. Particularly, it should be ensured that all dates are in the correct format (DD/MM/YY).

xii. There are also four columns which manipulate the data above into a format for the Breakdown tab to read.

xiii. In order to create a new entry to the spreadsheet, a new row must be copied from the F Tab and pasted into the next empty row available on the main sheets. This ensures that the correct formulas are copied across.

<u>Status</u>

xiv. The status column (C) is automatically generated by a formula. This formula uses the following data from the rest of the spreadsheet:

- Whether the case is a hearing (H) or a decision on the papers (P),

- The first date of a hearing,
- The last date of a hearing,
- The date the case was ready for a decision,
- The date the decision was issued.

xv. From this data, the status formula calculates and displays whether the case is in the following stages:

- The case is new (“Pending”)
- A date for the hearings has been set (“Date set”),
- The hearing has been held (“Hearing Held")
- The hearing is awaiting a decision on the papers ("Decn on papers”)
- or the decision has been issued (“Completed”)

<u>Decision issued</u>

xvi. Column D then comprises a formula that displays when the decision was issued in relation to the targets using the results of the status formula, the date the case was ready for a decision and the date the decision was issued. Using this data, the formula calculates whether the hearing is:

- awaiting submissions (“Submissions”)
- due, i.e. a ready for a decision date has been entered (“Due”)
- over six weeks away from the ready for a decision date (“ >6 wks”),
- past the two month target but not past the four month target (“ >2 mths”)
- past the target date (“Overdue”)
- issued within two months (“Issued <2mths”),
- issued within four months (“Issued <4mths”),
- issued late (“Issued late”).

Again, this column is colour coded using conditional formatting.

xvii. Further, all of the cells comprising data are colour coded based on the results of column D. When a case is “Due”, the row for the case will turn orange. When the case is over six weeks away from the ready for a decision date, “ >6 wks”, the row will turn pink. hen a case is past the two month target “ >2 mths” or “Overdue”, the row will turn red. When a decision has been issued late the cell in column D only will turn red.

NOPI/OPI

xviii. This column is used to indicate if a case is open to public inspection (“OPI”) or not (“NOPI”) or if the status needs to be checked (“check”).

xix. In the Inter Partes sheet the content of the cell is calculated based on the ‘section of the act’ column.

xx. In the Ex partes sheet the content of the cell is calculated from the ‘Patent number’ column

Breakdown sheet

xxi. The Breakdown tab takes its data from the *Inter Partes* and *Ex Partes* tabs. In tabular form and split by *ex parte* and *inter partes* cases, it shows the number of cases that were issued within the two month target, the four month target or were issued late by the month of their decision issued date. These figures are totalled by month. Further, the percentage issued within the two month and four month targets are also shown by month. The table then shows the mean time for the cases to issue in weeks by month. Quarterly figures are then taken from the monthly breakdown and tabled. Finally, the pending cases are split by ones falling within the two month target, the four month target and late if they were to be issued now. The totals of all these categories of cases are also shown.

Summary sheet

xxii. The Summary data takes its data from the Breakdown tab. In tabular form, it lists the total number of cases falling within the two month, four month and late categories that either have their decision issued in the financial year of the spreadsheet or that are pending. The percentage of decisions issued within the two month and four month targets are also shown along with the total mean time for the decisions to issue.

Appeals sheet

xxiii. There is one *Ex Parte* Appeals tab and one *Inter Partes* Appeals tab. These tabs simply list the applicant name, filing date of the appeal, the date the appeal was heard and whether the hearing was allowed or refused.

Rota sheet

xxiv. Similarly, there is one *Ex Parte* Rota tab and one *Inter Partes* Rota tab, used to facilitate an even load of hearings work throughout the hearings team. These sheets simply list the hearings officers and the number of hearings they have been allocated is calculated manually and recorded.