

Unluck of the Draw: An Empirical Study of Examiner Allowance Rates

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Many random factors are attributed to acquiring a US patent. However, one of the most important random factors is the examiner who will review the application. In this study we analyze every patent issued in the past decade (over 1.5 million patents) arranged by technology center (e.g. biotech or computer), examiner type (primary or secondary) and duration of prosecution (application date to issue date). “Luck of the draw” may play a larger role in patent allowances than previously recognized.