

**UNITED STATES
PATENT AND TRADEMARK OFFICE**

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Patent Public Advisory Committee Quarterly Meeting

Enhanced Patent Quality Initiative Update

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Topics for Discussion

- Background of the Enhanced Patent Quality Initiative (EPQI)
- Evolving EPQI Programs



Federal Register Notice

- Federal Register Notice (February, 2015) outlined the EPQI and requested comments
 - EPQI is built around three patent quality pillars:
 - Excellence in Work Products
 - Excellence in Measuring Patent Quality
 - Excellence in Customer Service
 - ❖ Began with six initial proposals, or ideas, to help enhance patent quality



Comment Sources

- Federal Register Notice
- Patent Quality Summit
- Examiner Forums/Feedback
- World Class Patent Quality Mailbox
- Roadshows/Roundtables
- Quality Chat Webinars



Evolving Programs

Focused on three implementation areas:



Data Analysis

Pillar 1

- **Topic Submission for Case Studies**

Pillar 2

- **Clarity and Correctness Data Capture (Master Review Form or MRF)**
- **Quality Metrics**

Examiners' Resources, Tools & Training

Pillar 1

- **Automated Pre-Examination Search Pilot**
- **STIC Awareness Campaign**
- **Clarity of the Record Training**
- **Post Grant Outcomes**

Pillar 3

- **Interview Specialist**

Changes to Process/Product

Pillar 1

- **Clarity of the Record Pilot**

Pillar 3

- **Reevaluate AFCP2.0 and Pre-Appeal Conferences**
- **Reevaluate QPIDS**
- **Design Patent Publication Quality**

Topic Submission for Case Studies

Data Analysis

Pillar 1

- **Topic Submission for Case Studies**

Pillar 2

- **Clarity and Correctness Data Capture (Master Review Form or MRF)**
- **Quality Metrics**

This program is a way for applicants to suggest some general examination topics for case studies to the Office of Patent Quality Assurance (OPQA). Case studies of proposed topics could include analysis of rejections, MPEP guidance, Office policy, etc. Any suggestion that includes a specific application number or examiner data will not be considered. Results of the case studies will be used to enhance work product quality.



Clarity and Correctness Data Capture

Data Analysis

Pillar 1

- **Topic Submission for Case Studies**

Pillar 2

- **Clarity and Correctness Data Capture (Master Review Form or MRF)**
- **Quality Metrics**

This program is highlighted by a single form (Master Review Form) to be used to collect data from various reviews done by OPQA and supervisors in Patents Operations. Moreover, this review form will capture not only correctness of rejections but also clarity indicators.



Master Review Form - Goals

- To create a ***single, comprehensive*** form that can be used by all areas of the Office when reviewing work
- To collect information on the ***clarity and correctness*** of Office actions
- To establish an Office-wide review standard for more ***consistency in the measurement*** of quality



Master Review Form – Design

- The MRF will allow reviewers to record information on:
 - Search
 - Omitted Rejections
 - Rejections Made (both correctness and clarity)
 - Reply to Applicant
 - Final Rejection
 - Reply to After-Final Response
 - Other Quality Related Items (such as allowable subject matter and restrictions)



Quality Metrics

Data Analysis

Pillar 1

- **Topic Submission for Case Studies**

Pillar 2

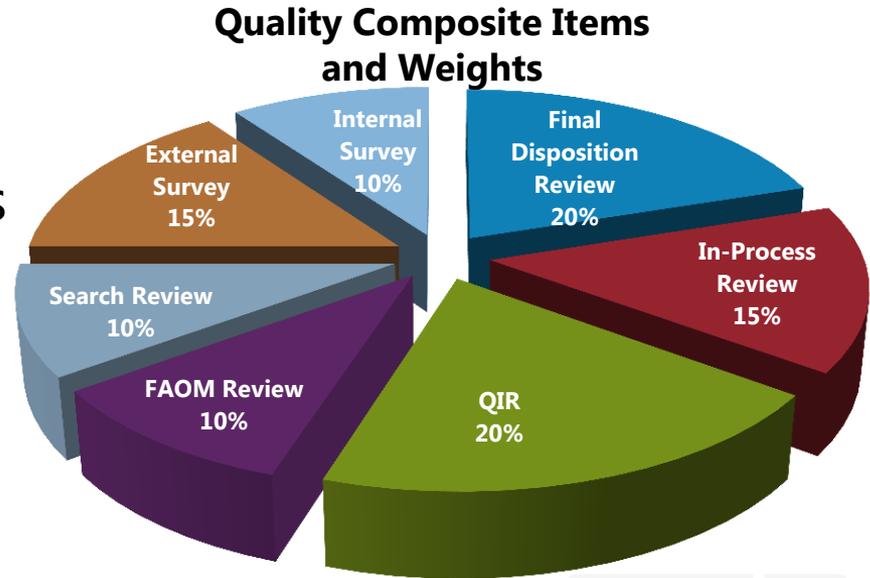
- **Clarity and Correctness Data Capture (Master Review Form or MRF)**
- **Quality Metrics**

This program focuses on developing world-class, patent quality metrics using existing data, such as Quality Index Report (QIR) data, and new data, such as MRF data. The metrics must be understandable and more representative of the quality indicators valued by our stakeholders.



Quality Composite

- In 2011, USPTO implemented a Quality Composite in an attempt to consolidate the wide variety of quality metrics and generate a single index that could be used to quickly assess progress towards Office goals through 2015.



Quality Metrics - Goals

- Update the transactional (quality of process) components of the QIR metric based on stakeholder feedback
- Establish clarity metrics while maintaining correctness metrics (quality of work product)
- Eliminate the weighted combination of the quality metrics to enhance understandability



Automated Pre-Examination Search Pilot

Examiners' Resources, Tools & Training

Pillar 1

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- **Interview Specialist**

This program is to make a pre-examination search available automatically in every application.



STIC Awareness Campaign

Examiners' Resources, Tools & Training

Pillar 1

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Pillar 3

- **Interview Specialist**

This program is to inform examiners about the tools and resources for searching prior art that are currently available in the Scientific and Technical Information Center (STIC).



Clarity of the Record Training

Examiners' Resources, Tools & Training

Pillar 1

- **Automated Pre-Examination Search Pilot**
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- **Clarity of the Record Training**
- **Post Grant Outcomes**

Pillar 3

- **Interview Specialist**

This program is to develop and provide training modules for examiners on effective ways to improve all aspects of the clarity of the prosecution record.



Post Grant Outcomes

Examiners' Resources, Tools & Training

Pillar 1

- **Automated Pre-Examination Search Pilot**
- **STIC Awareness Campaign**
- **Clarity of the Record Training**
- **Post Grant Outcomes**

Pillar 3

- **Interview Specialist**

This program is to develop a process for providing post-grant outcomes from sources, such as the Federal Circuit, District Courts, Patent Trial and Appeal Board (PTAB), and Central Reexamination Unit (CRU), to the examiner of record and the examiners of related applications.



Interview Specialist

Examiners' Resources, Tools & Training

Pillar 1

- **Automated Pre-Examination Search Pilot**
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- **Post Grant Outcomes**

Pillar 3

- **Interview Specialist**

This program is to provide an on-campus point of contact for interview issues who will act as a resource on interview policy, assist remote examiners in interviews when an on-campus presence is required, and provide technical assistance to examiners and applicants.



Clarity of the Record Pilot

Changes to Process/Product

Pillar 1

- **Clarity of the Record Pilot**

Pillar 3

- **Reevaluate AFCP2.0 and Pre-Appeal Conferences**
- **Reevaluate QPIDS**
- **Design Patent Publication Quality**

This program is to develop best practices for enhancing the clarity of all aspects of the prosecution record and then study the impact of implementing these best practices during examination.



Clarity of Record Comments

- Examiners and Applicants, together, can build a complete and clear record of claim construction through prosecution
- Applicants recognize that patent examination is not an exact science
- Clearly articulated rejections are critical



Clarity of Record Pilot - Goal

- Establish clarity of the record best practices
- Determine what resources are needed to implement these best practices
- Determine the impact of these best practices
 - Additional resources
 - Length of prosecution
 - Post-grant outcomes



Clarity of Record Pilot – General Framework

- Provide certain examiners with additional training and mentoring on using a set of best practices for clarity of the record
 - Claim Construction – Element Interpretation
 - Enhanced Interview Summaries
 - Detailed Reasons for Allowance for All Indications of Allowability



Reevaluate AFCP2.0, Pre-appeal Conferences and QPIDS

Changes to Process/Product

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These programs will determine the feasibility of modifying the After Final Consideration Pilot (AFCP) 2.0, the Pre-Appeal Conference and the Quick Path Information Disclosure Statement (QPIDS) programs to make them more efficient.

Design Patent Publication Quality

Changes to Process/Product

Pillar 1

- **Clarity of the Record Pilot**

Pillar 3

- **Reevaluate AFCP2.0 and Pre-Appeal Conferences**
- **Reevaluate QPIDS**
- **Design Patent Publication Quality**

This program is to investigate the feasibility of improving the image quality of published design patents.



Questions and Comments

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