

**UNITED STATES  
PATENT AND TRADEMARK OFFICE**



# Patent Public Advisory Committee Quarterly Meeting

## Patent Examination Quality

Greg Vidovich

Associate Commissioner for Patent Quality

Martin Rater

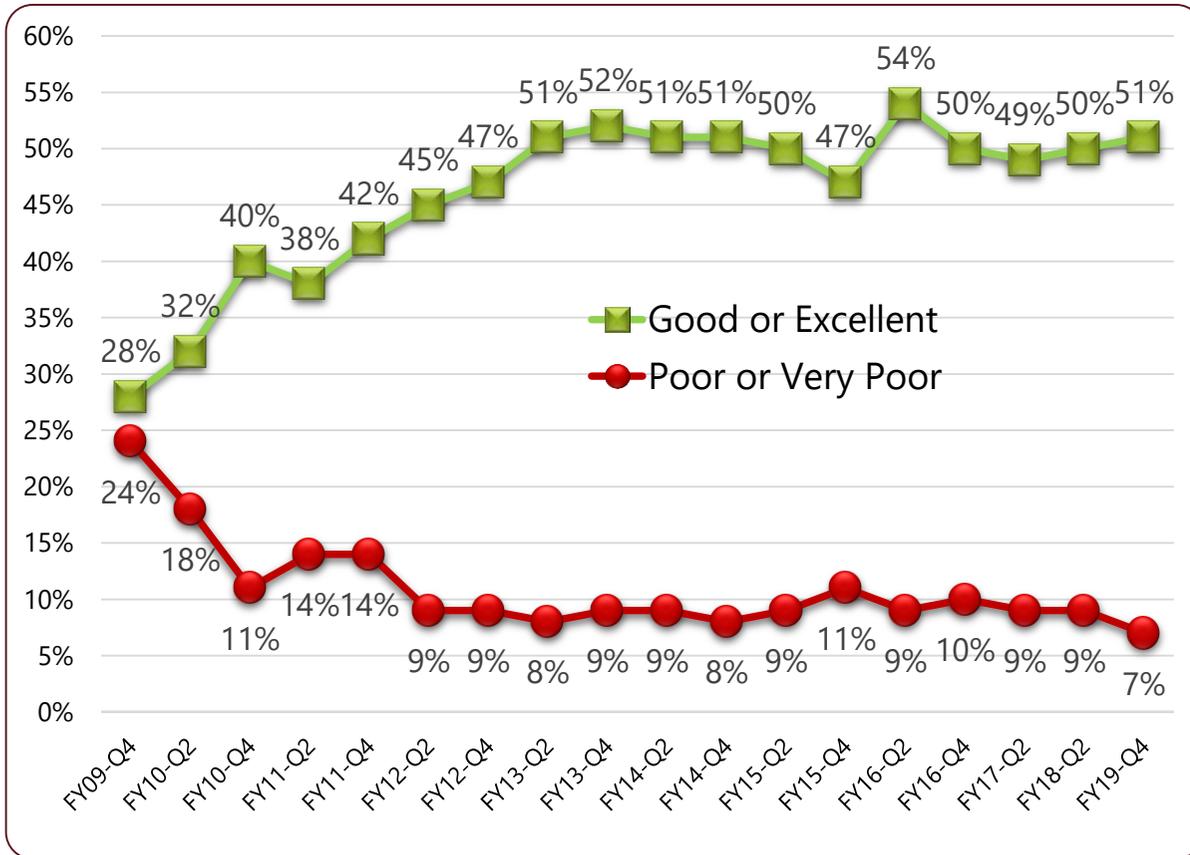
Chief Statistician, Office of Patent Quality Assurance

November 8, 2018

UNITED STATES  
PATENT AND TRADEMARK OFFICE



# Customer Perceptions



7.3

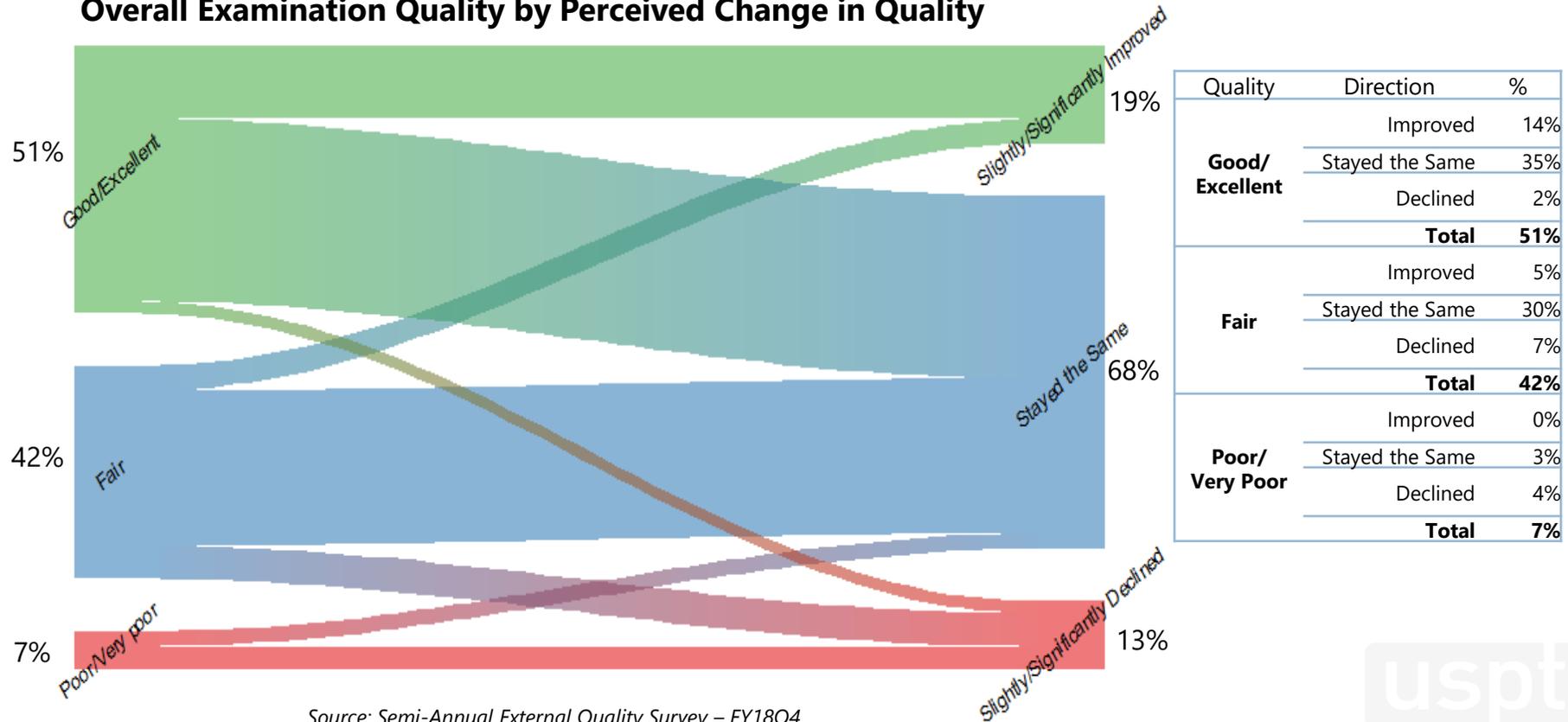
# of Customers citing quality as Good/Excellent for every customer that reported quality as Poor/Very Poor

Source: Semi-Annual External Quality Survey – FY18Q4



# Customer Perceptions

## Overall Examination Quality by Perceived Change in Quality

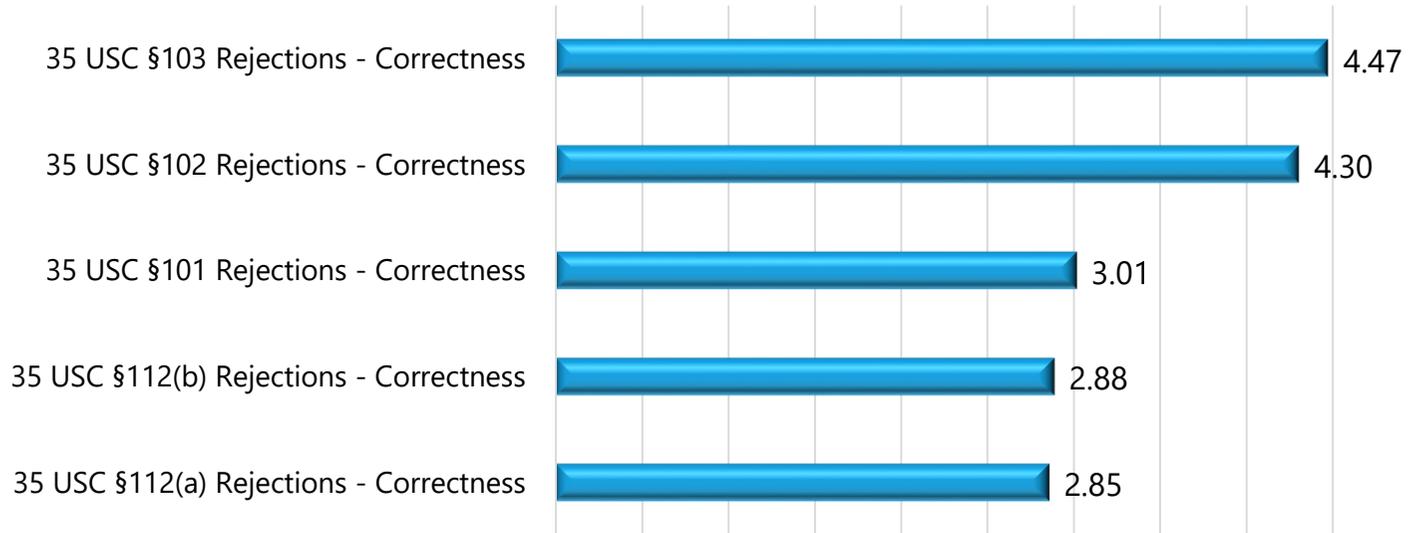


Source: Semi-Annual External Quality Survey – FY18Q4



# Key Drivers of Perceptions

## Odds Ratio of Correctness of Rejections against Overall Quality

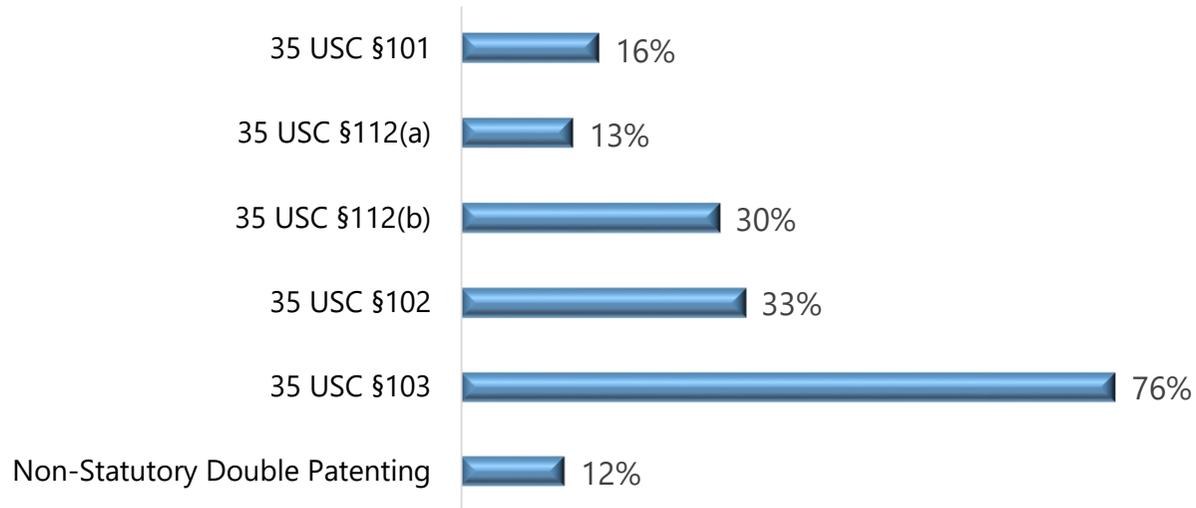


Source: Semi-Annual External Quality Survey – FY18Q4

The 103 rejections were found to have the highest odds ratio against Overall Examination Quality. That is, if a respondent rated the 103 rejections to be correct “most/all the time”, the respondent is 4.47 times more likely to rate the Overall Examination Quality as good/excellent.

# Office Action Characteristics

## % Non-Final and Final Office Actions with Type of Rejection Made

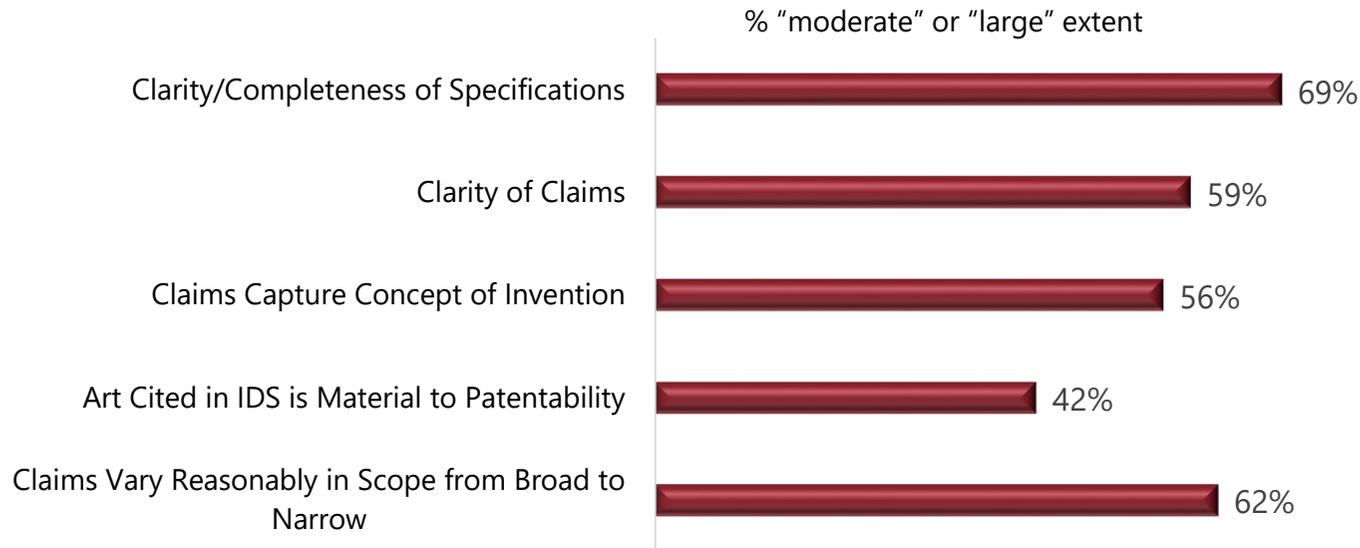


Source: OPQA Random Sample of 14,270 Office Actions

The 103 rejections were found to have the highest odds ratio against Overall Examination Quality. That is, if a respondent rated the 103 rejections to be correct "most/all the time", the respondent is 4.47 times more likely to rate the Overall Examination Quality as good/excellent.

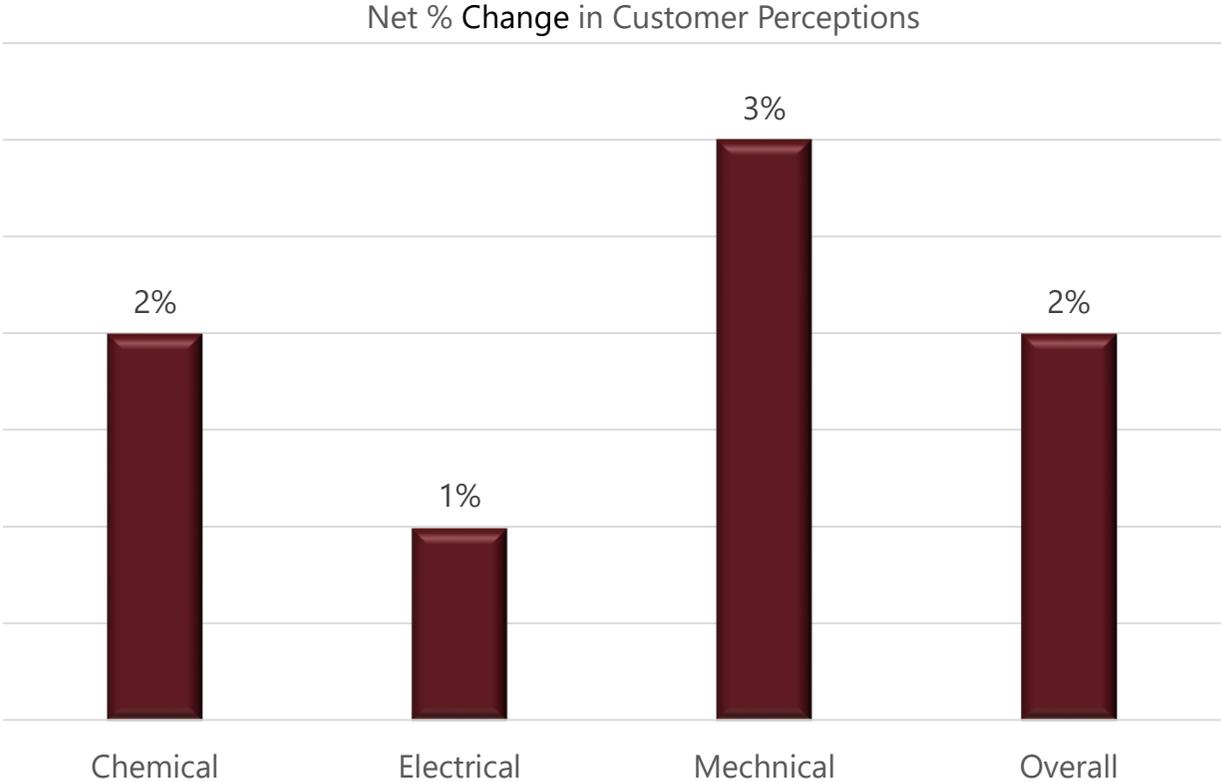
# Application Quality Perceptions

To what extent did applicants and/or their agents/attorneys facilitate high-quality patent prosecution with respect to....



Source: Semi-Annual Internal Quality Survey – FY18Q4

# Perceived Change in Quality: FY17-FY18



# OPQA Quality Reviews

## Data-Driven Opportunities for Improvement

| Top Issues Raised by OPQA            | Corrective Actions Taken          |
|--------------------------------------|-----------------------------------|
| 1. Improper 35 USC §103 Rejections   | • Corps-wide training conducted   |
| 2. Improper 35 USC §102 Rejections   | • Corps-wide training conducted   |
| 3. Omitted 35 USC §112(b) Rejections | • 112 training scheduled for FY19 |

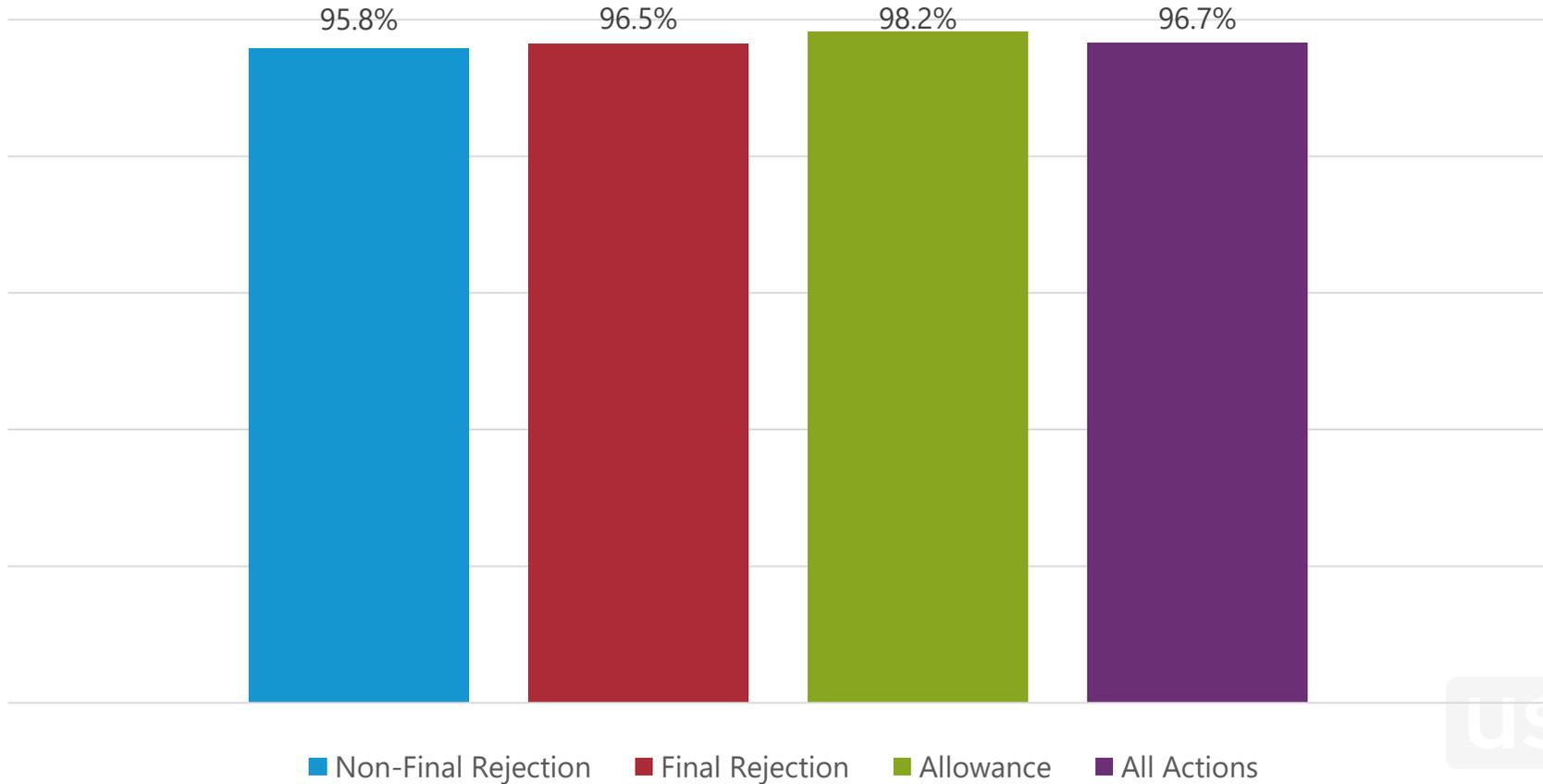
## Key Finding

### Making 35 USC §101 Eligibility Rejections

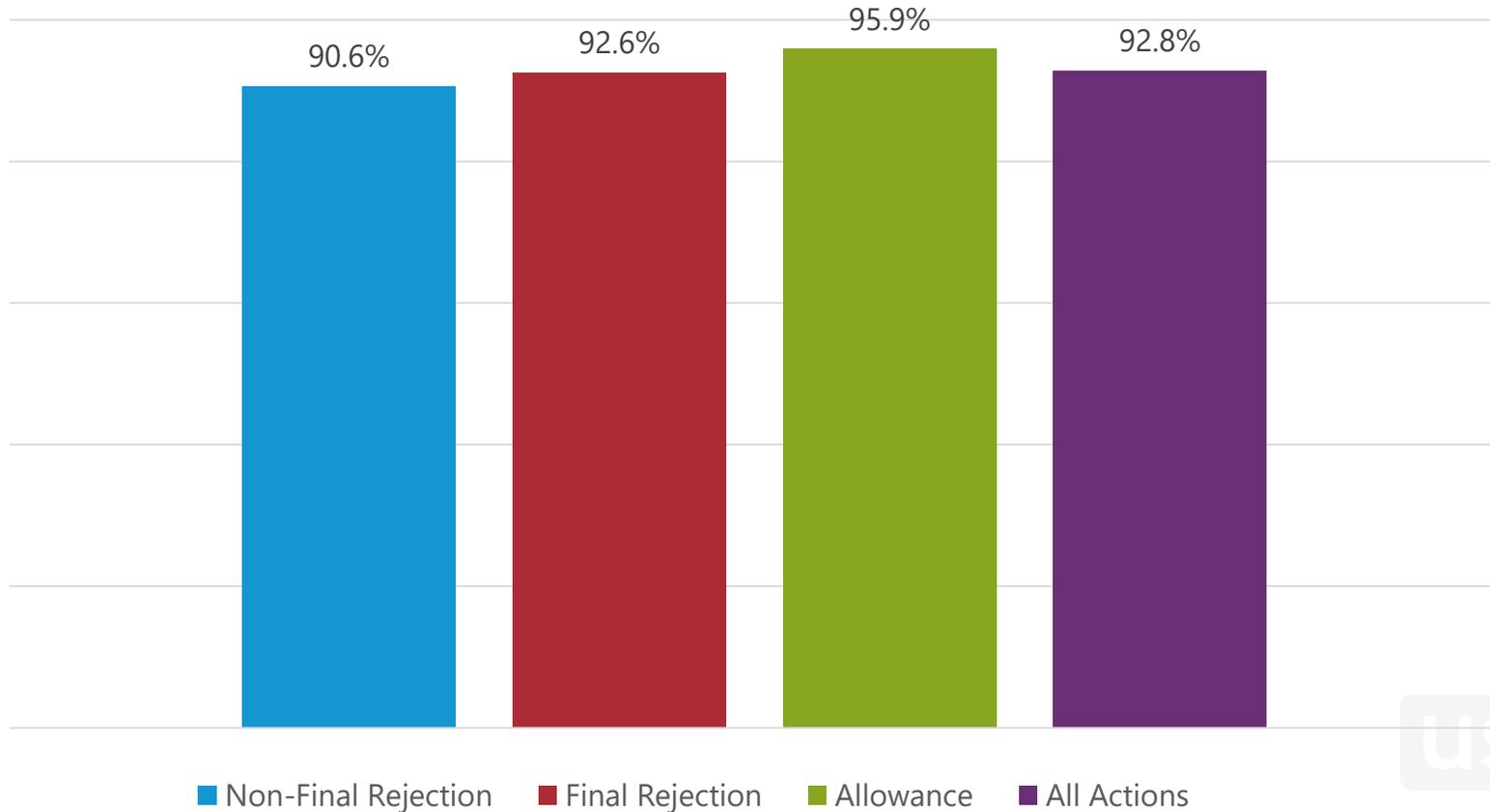
- 16% of non-final and final rejections contained a 35 USC §101 rejection
- Volume of 35 USC §101 rejections made, relative to total rejections made, has declined by nearly 25% since issuance of Berkheimer Memo in April 2018.



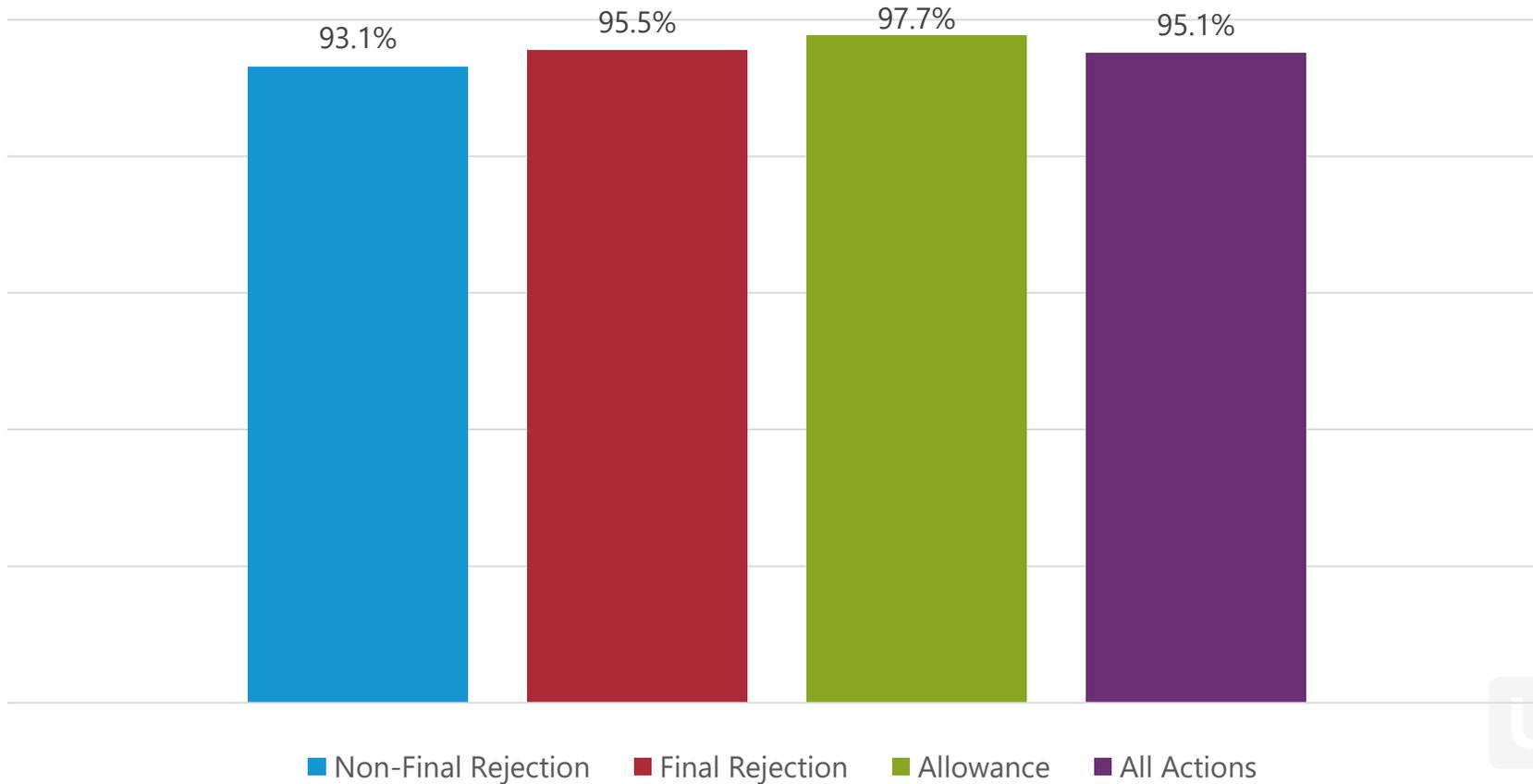
# Compliance: 35 USC §101



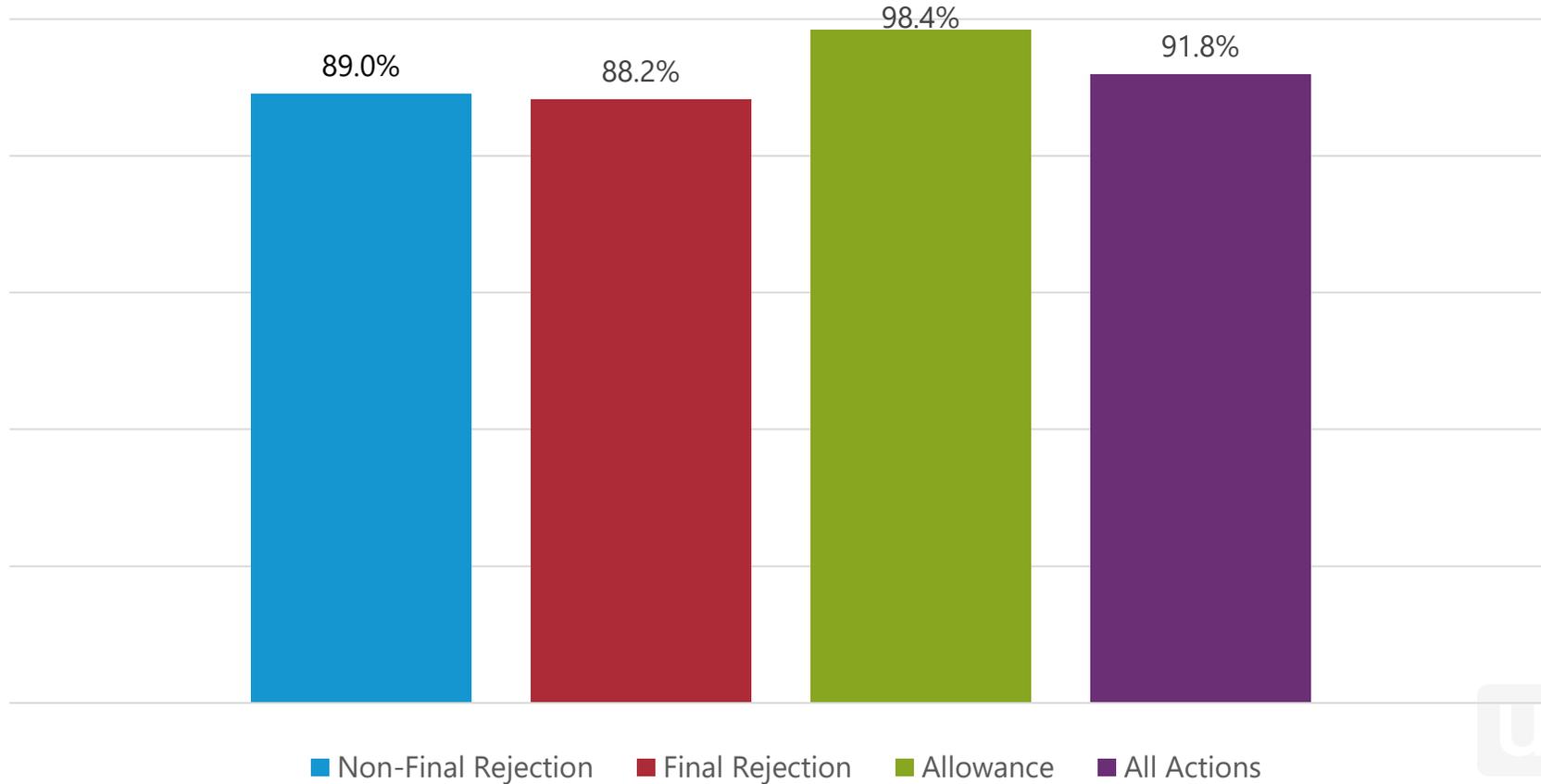
# Compliance: 35 USC §112



# Compliance: 35 USC §102



# Compliance: 35 USC §103



# Preventive/Corrective Actions

**32,390**

hours of technical training provided to examiners by technology experts

**15,008**

hours of refresher class training provided to examiners to enhance skills in procedural and legal topics

- 35 U.S.C. 112(a), Written Description
- Double Patenting
- Appeal Practice
- 35 U.S.C. 112(a), Enablement
- Search Strategy

Most Popular Topics

**5,288**

hours of examination practice and procedure training provided to 225 external stakeholders

**3,988**

hours of Quality Chats, covering 10 topics and attended by 7,976 examiners

# Questions and Comments

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# Questions and Comments

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