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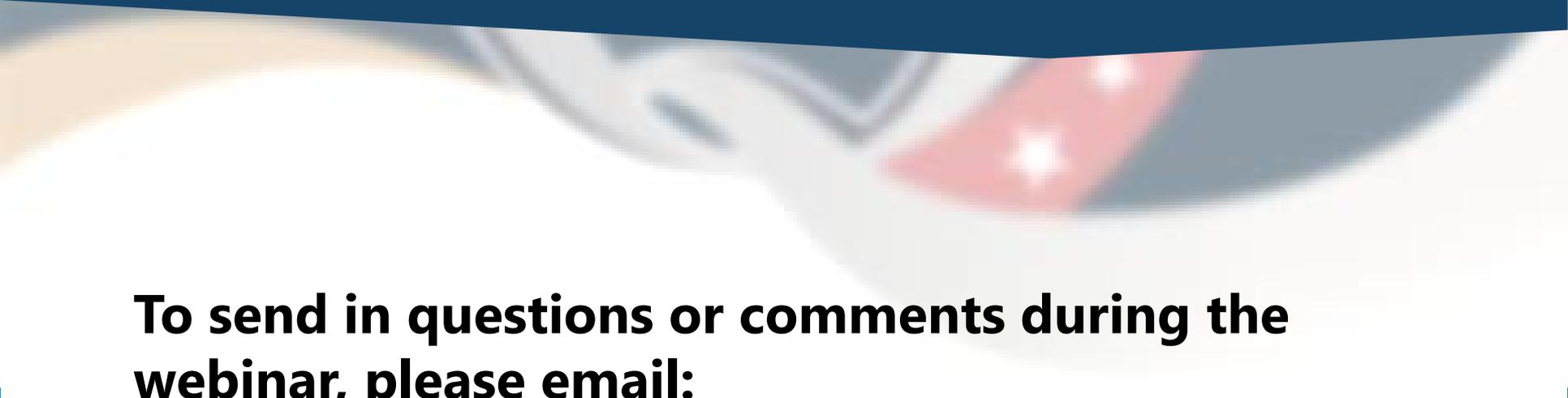
# Patent Quality Chat

## Patent Quality Metrics

June 13, 2017

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**To send in questions or comments during the  
webinar, please email:**

**[PatentQuality@uspto.gov](mailto:PatentQuality@uspto.gov)**

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## Updates

- Tune into our next [Patent Quality Chat](#) webinar on Tuesday, June 13, from noon - 1 p.m. ET, on "Patent Quality Metrics."
- See our new [Quality Metrics](#) approach categorizing into product, process and perception indicators.
- Sign up for an upcoming [Stakeholder Training on Examination Practice and Procedure](#) (STEPP) course in your area.

## EPQI programs

**You spoke; we listened.** To advance our Initiative, we created [12 EPQI programs](#) based on feedback from internal and external stakeholders. These programs fall into four areas of concentration for enhancing overall patent quality.

### (1) Search and training enhancement programs

- **Automated Pre-Examination Search Pilot** - Providing relevant prior art through an automated pre-examination search to an examiner for review before the examiner begins examination and conducts a manual search in the application
- **Scientific and Technical Information Center (STIC) Awareness Campaign** - Raising examiners' awareness of available search tools and resources to find better prior art in an application
- **Clarity of the Record Training** - Educating examiners on the latest legal developments and effective ways to convey their positions and reasons to applicants for purposes of improving the clarity of the prosecution record

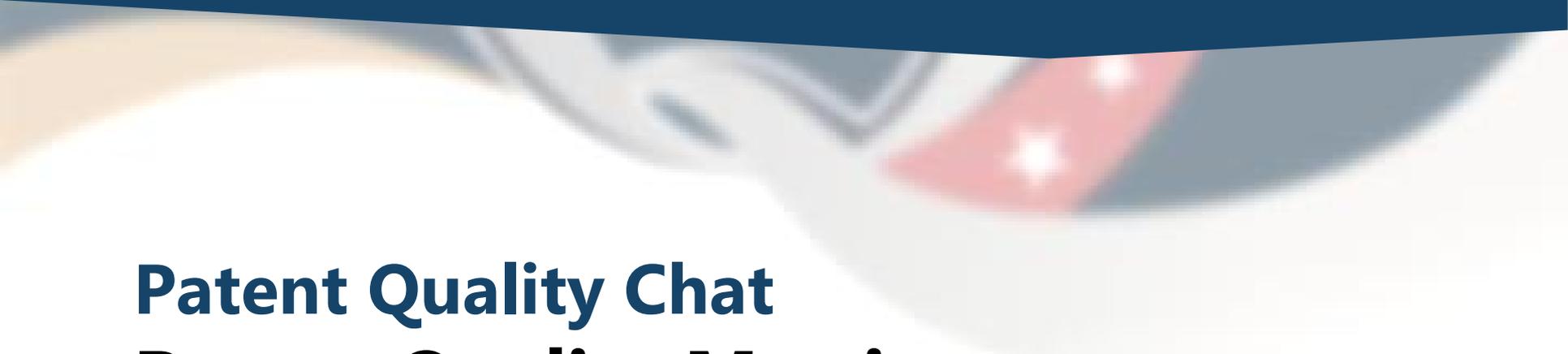
### (2) Prosecution enhancement programs

- **Clarity of the Record Pilot** - Identifying and developing best practices for examiners to enhance the clarity of the prosecution record
- **Interview Specialist** - Providing a point of contact to facilitate applicant-examiner interviews by serving as a resource on interview policy and assisting examiners and applicants with interview logistics
- **Post-Prosecution Pilot (P3)** - Combining effective features from the Pre-appeal Pilot and After-Final Consideration Pilot 2.0 programs into :



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# Patent Quality Chat

## Patent Quality Metrics

**Greg Vidovich**

Associate Commissioner for Patent Quality

**Jim Dwyer**

Director, Office of Patent Quality Assurance

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# How to Assess Patent Quality?



## Product Indicators

- Include metrics on the **correctness** and **clarity** of our work products.
- Are formulated using data from reviews using the **Master Review Form (MRF)**.

## Process Indicators

- Assist in tracking the efficiency and consistency of our internal processes.
- Focus on analyzing **reopening of prosecution** and **rework of Office actions** as well as improving **consistency of decisions making** (e.g. allowance rates).

## Perception Indicators

- Are formulated from solicited **internal and external survey data** to validate/verify other metrics; the data can also be used for root cause analysis.

# Data for Product Indicators

- Master Review Form (MRF) and Integrated Quality System (IQS)
- 11,000 reviews completed to date
- 18,000 targeted for FY17
- **Compliance** targets for FY17 were established based on FY16 reviews
  - Statutory Compliance reviews started midyear FY16
- MRF data is being analyzed for development of **compliance** goals and possibly **clarity** goals for FY18



# Product Indicators

- Patent examination quality requires correctness and clarity:
  - Application satisfies all requirements of Title 35 U.S.C.;
    - considering relevant case law at time of action;
  - and
  - Rejections provide sufficient evidence to support any conclusions of unpatentability



# Product Indicators and Compliance

- Determining non-compliance
  - In allowance reviews:
    - omission of a proper rejection
  - In final and non-final reviews:
    - omission of a proper rejection; or
    - incorrect rejection; or
    - lack of evidence to support rejection made



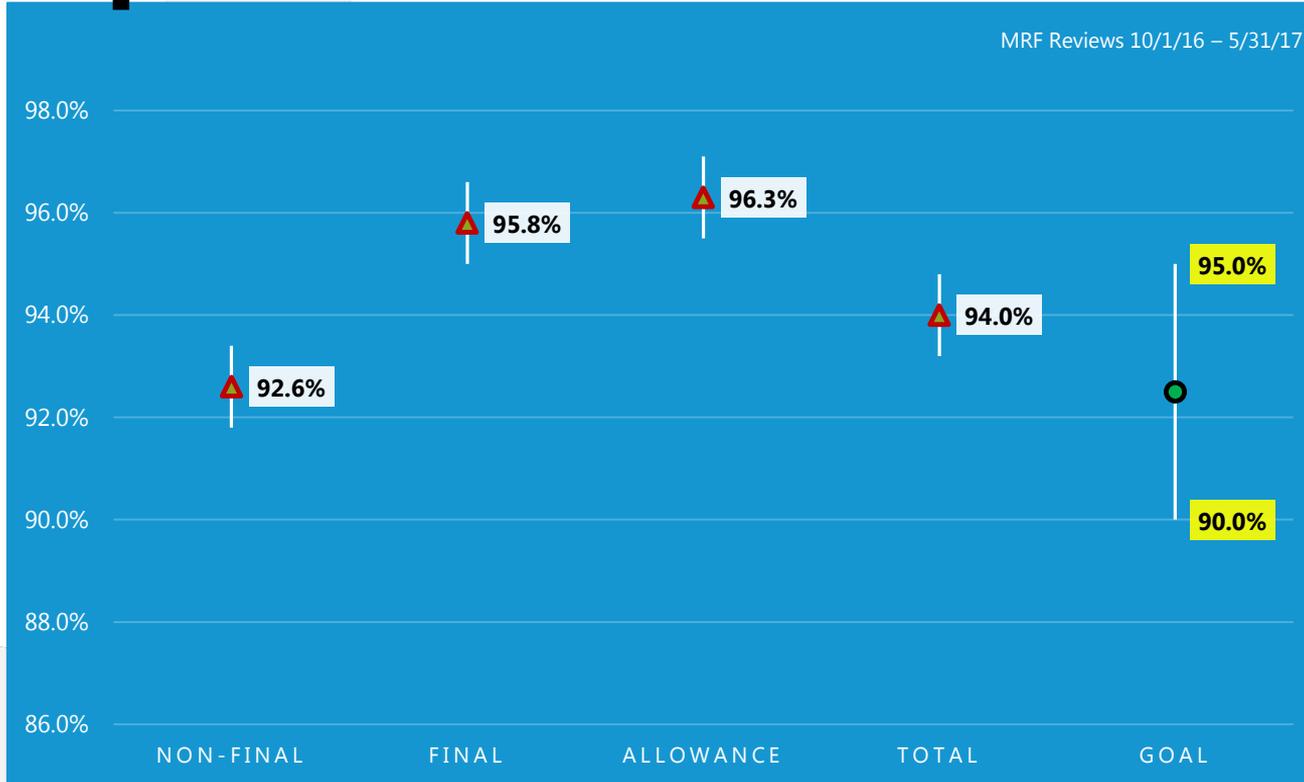
# Compliance Rate Calculation

- Denominator is all cases reviewed for a particular category (action type, TC, etc.)
  - Why?
    - All applications require examiner to analyze for compliance with all patent statutes
  - MRF data delineates between omitted and improperly made rejections



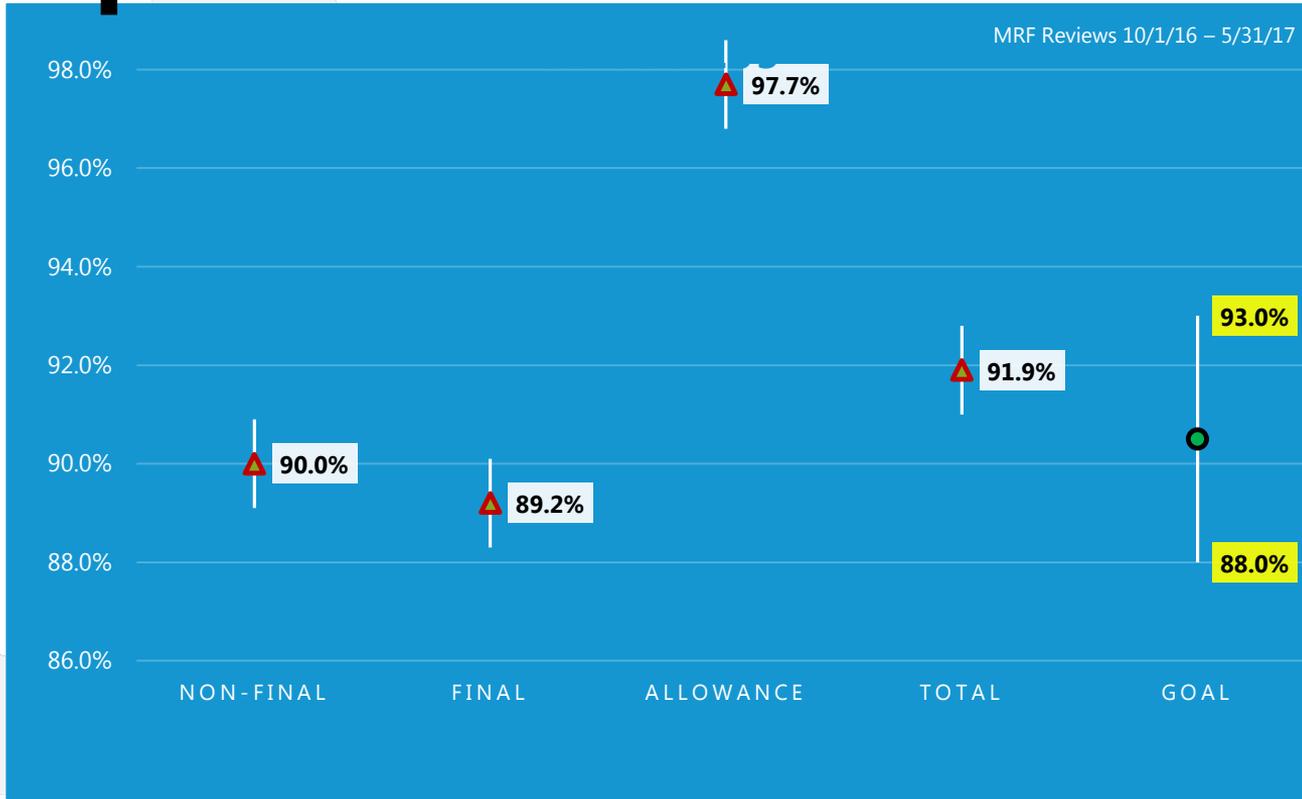
# Compliance in 35 USC §102

MRF Reviews 10/1/16 – 5/31/17



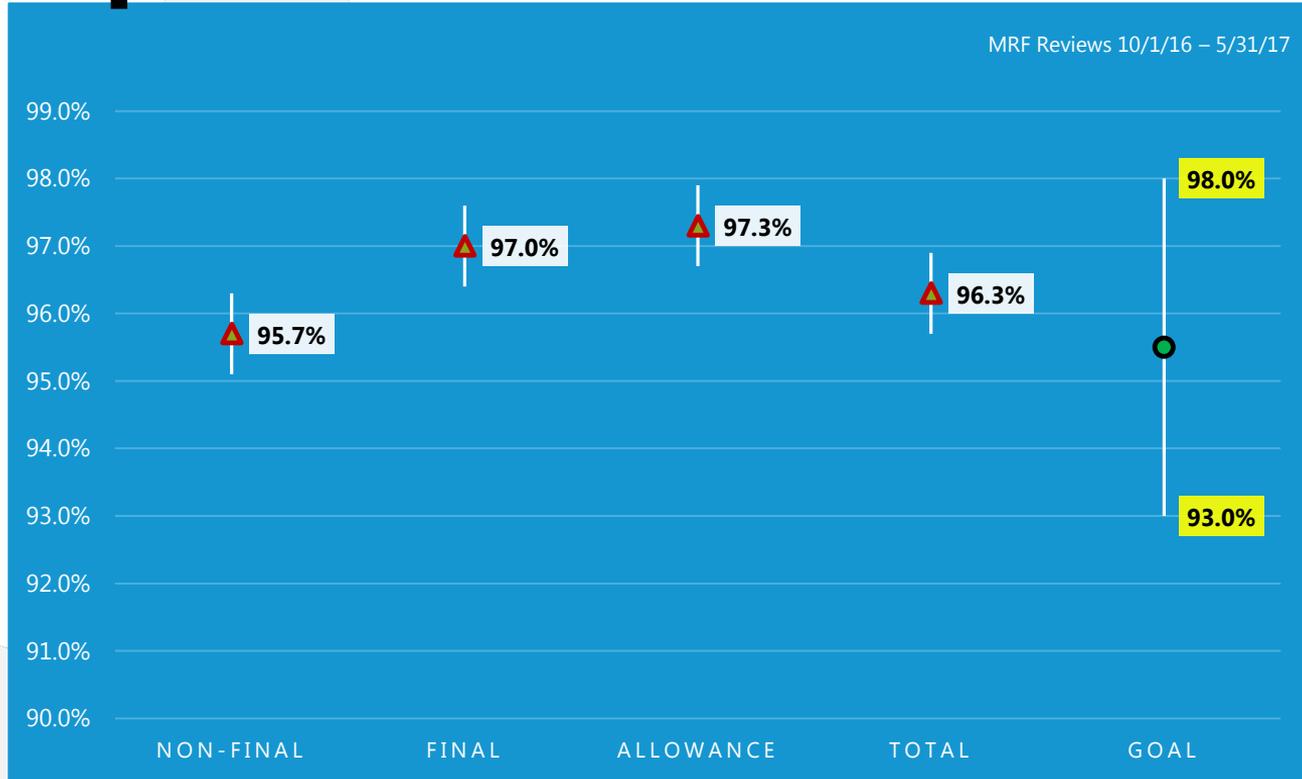
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# Compliance in 35 USC §103



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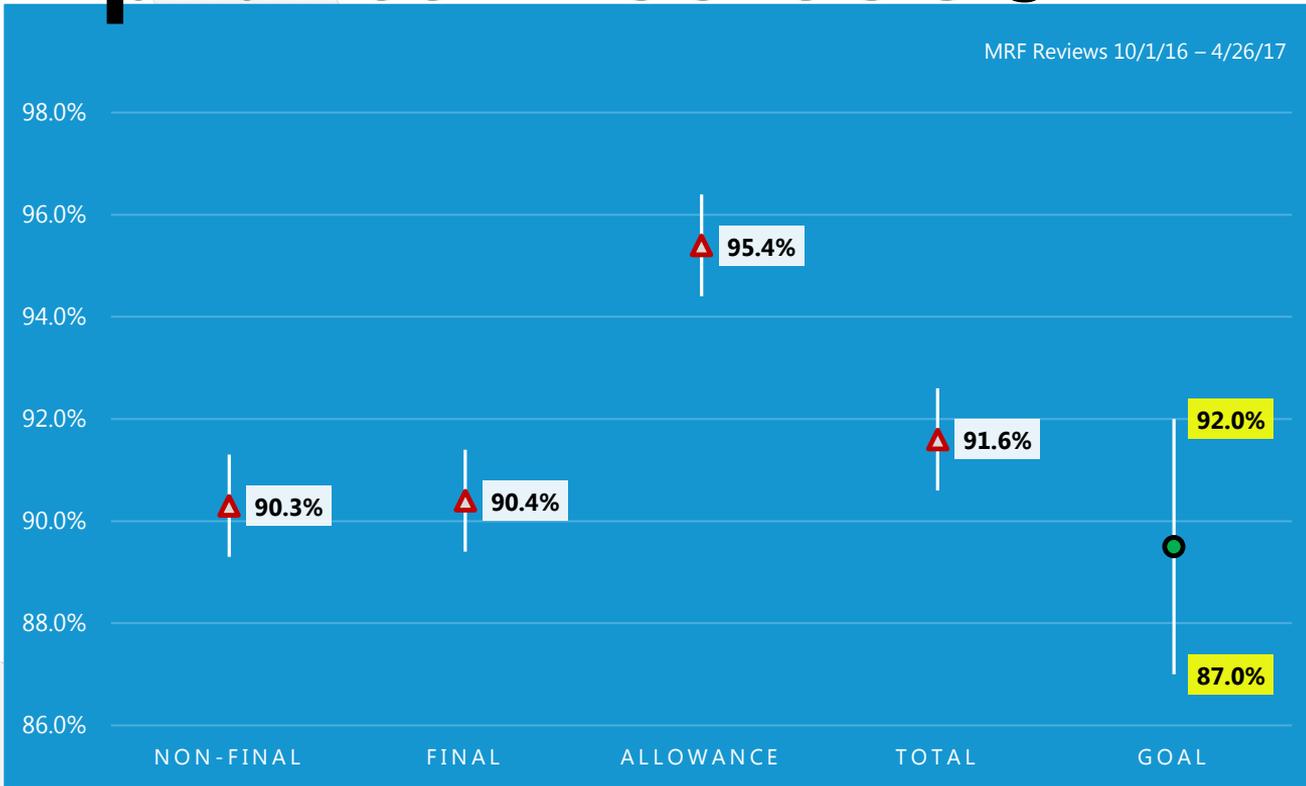
# Compliance in 35 USC §101



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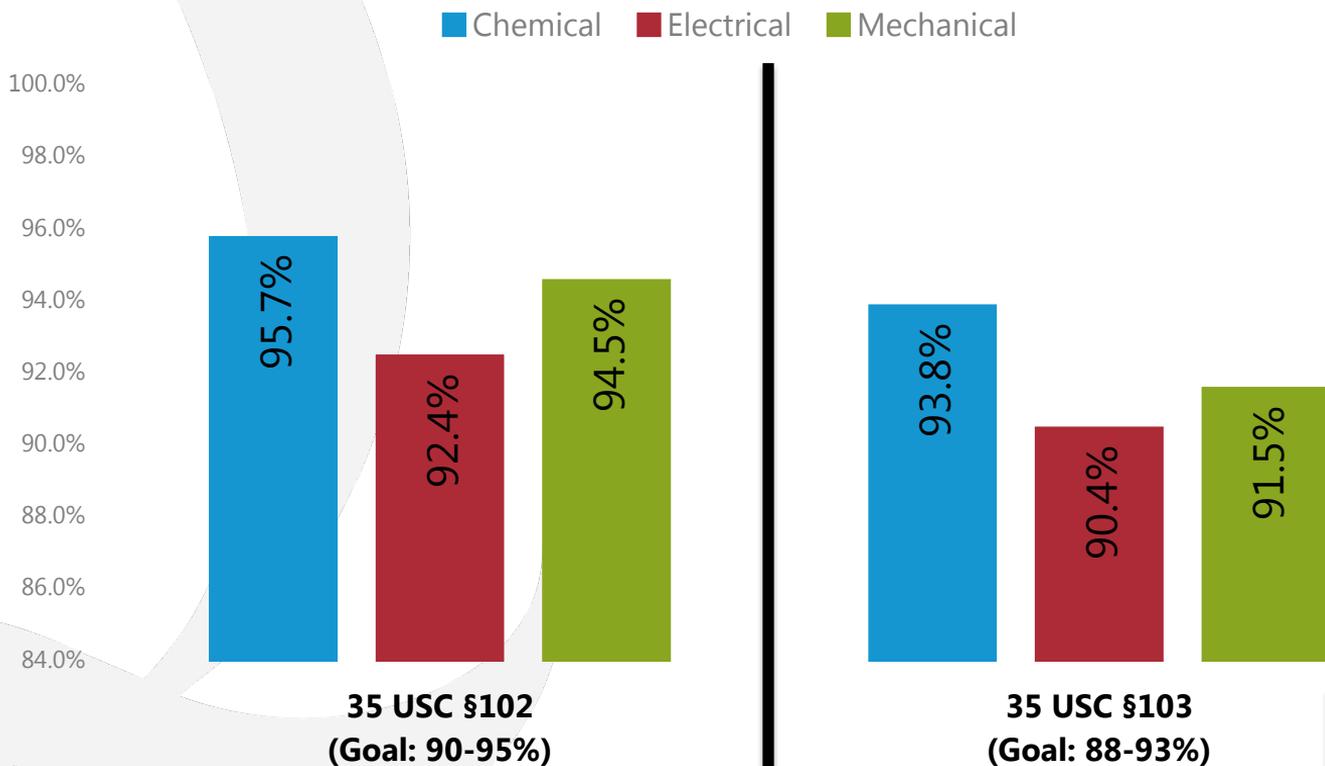
# Compliance in 35 USC §112

MRF Reviews 10/1/16 – 4/26/17



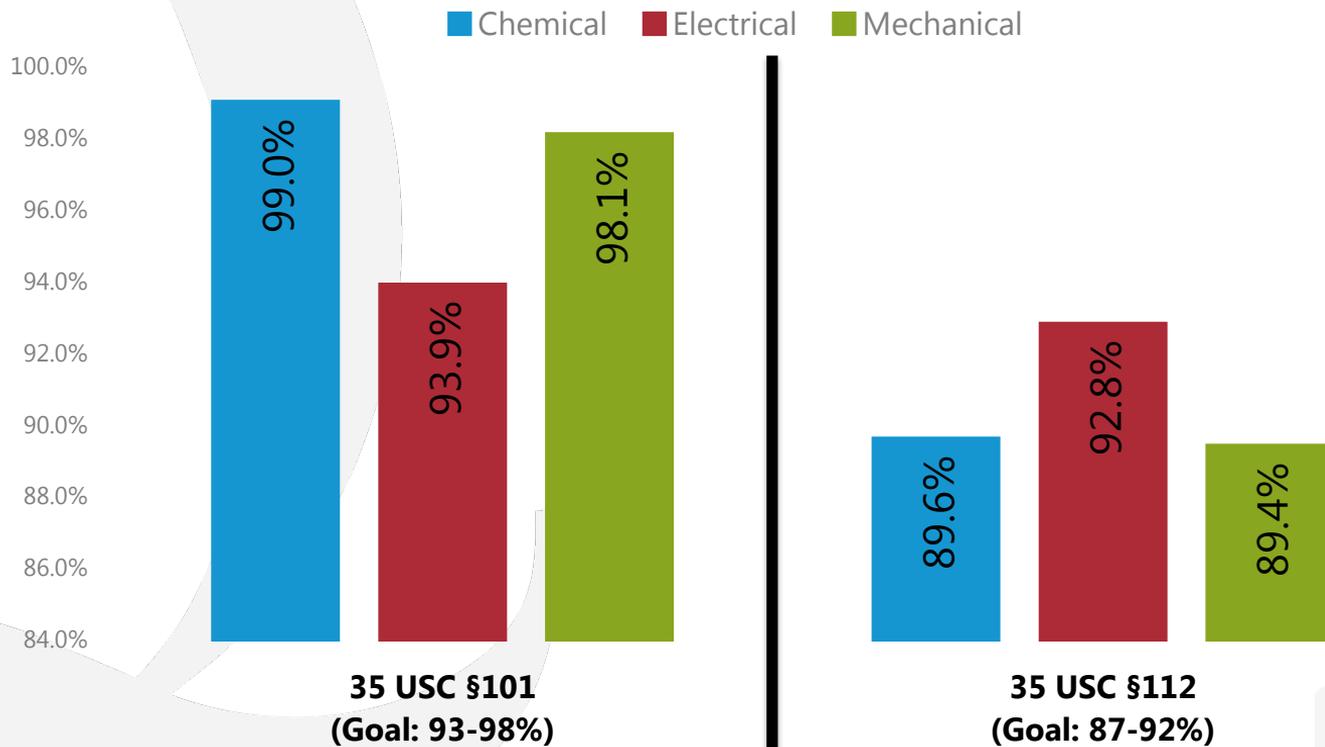
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# Prior Art Compliance by Discipline



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# 101 and 112 Compliance by Discipline



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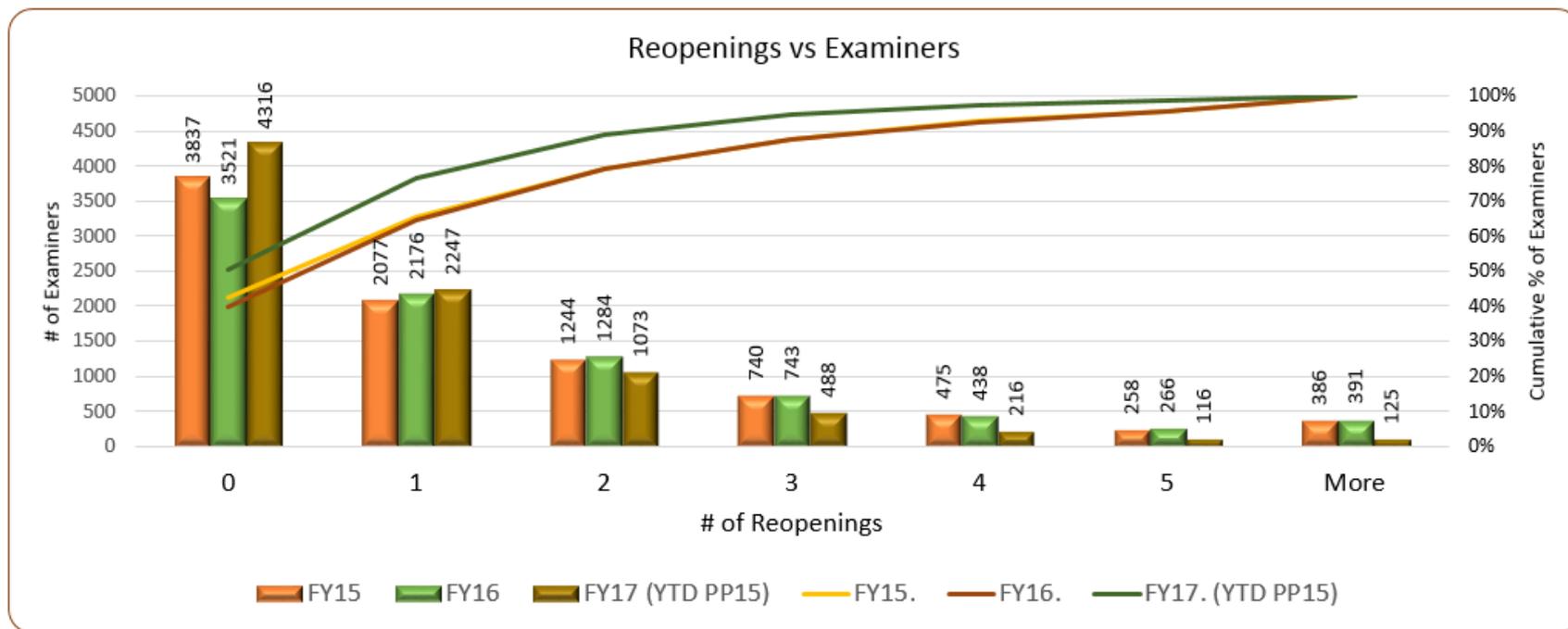
# Process Indicators

- Reopening – after prosecution is closed
- Rework – multiple (a) restriction requirements, (b) non-final rejections, or (b) final rejections during prosecution
- Consistency – varying decisions among similarly-situated examiners



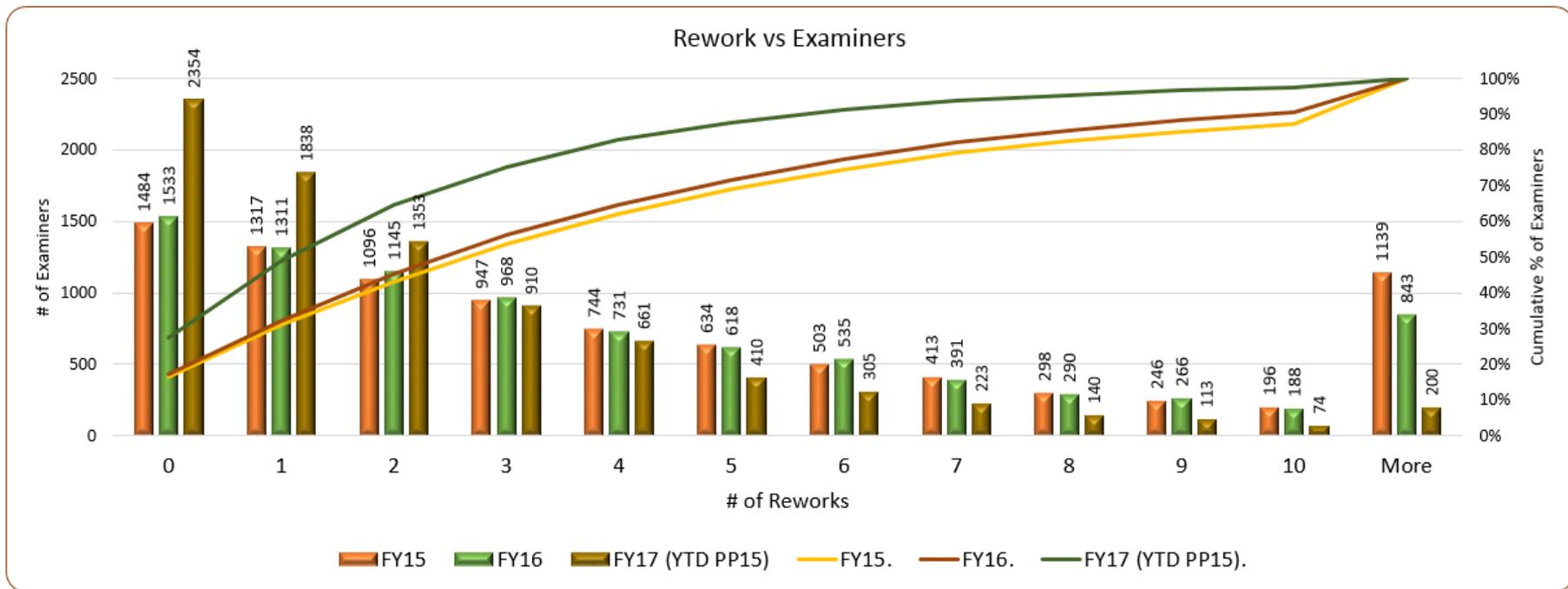
# Process Indicators: Reopening

How many times does an examiner reopen prosecution in a given period?



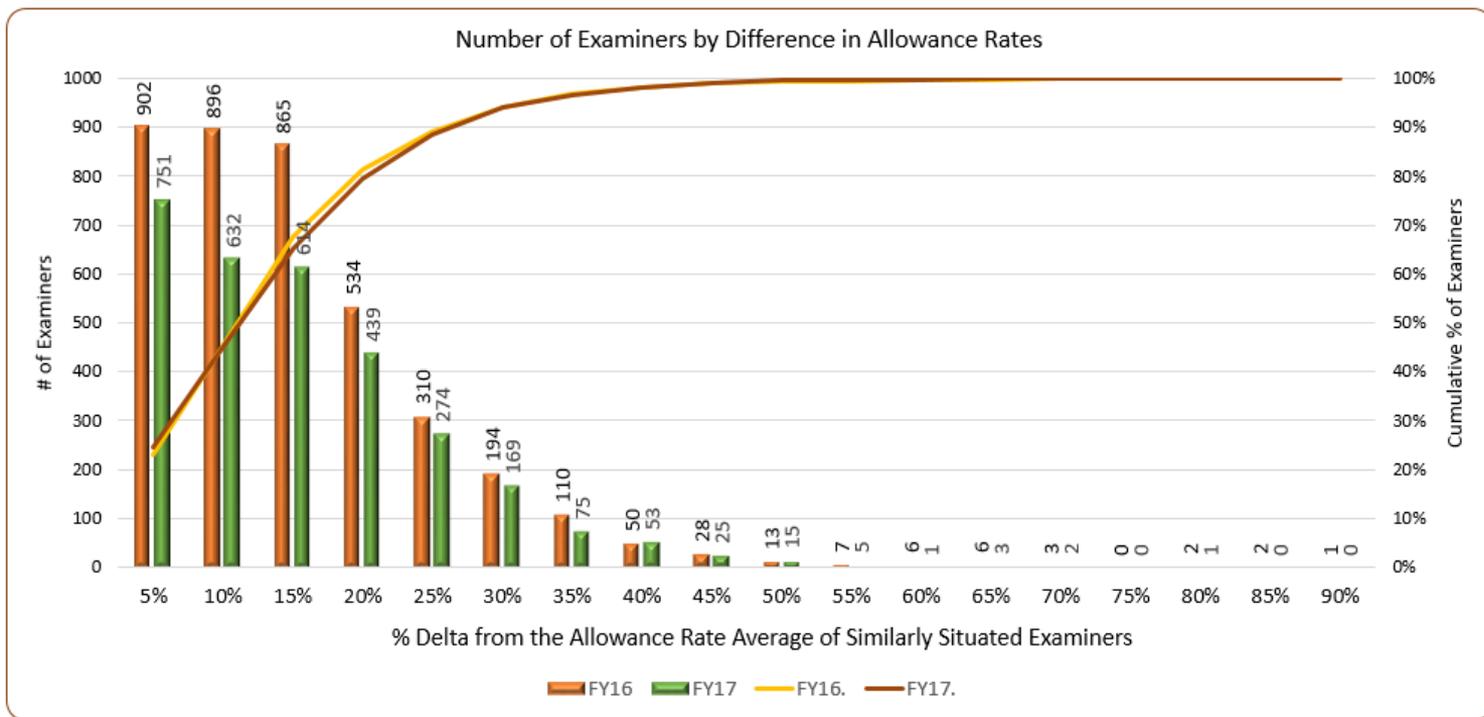
# Process Indicators: Rework

How many times does an examiner do rework in a given period?



# Process Indicators: Consistency

How much variance is there in allowance rates among similarly-situated examiners?



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# Perception Indicators

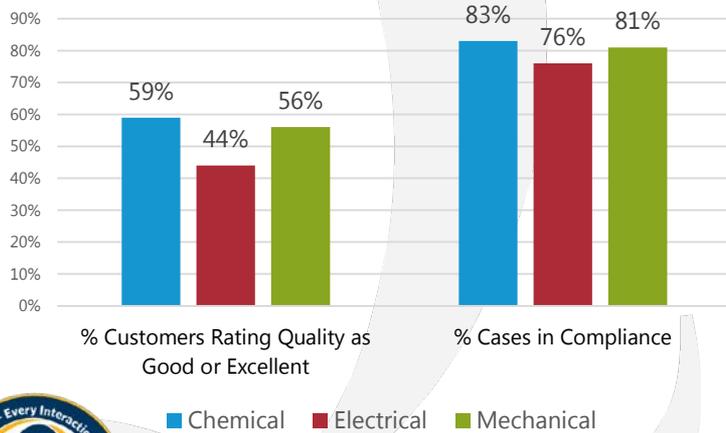
- Surveys to solicit examiner and external customer perceptions on a semi-annual basis :
  - Internally send to 750 randomly selected patent examiners
  - Externally send to 3,000 of our frequent-filing customers
- Data from these surveys are the basis for analysis



# Alignment with Customer Perceptions

Applicant-perceived quality should track with USPTO quality data

### Perceptions vs USPTO Quality Data



Today: By Discipline

### Perceptions vs USPTO Quality Data



Today vs EOY15

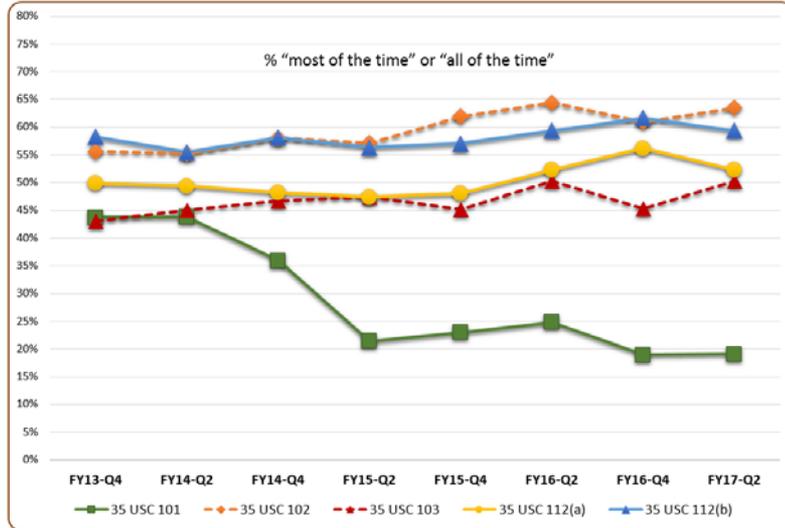


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# Historical Alignment with Perceptions

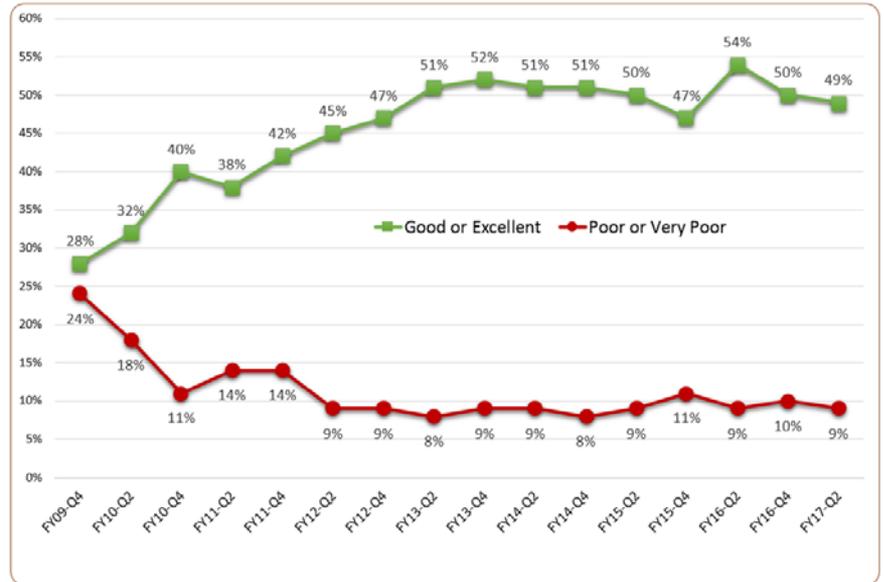
## Technically, Legally, and Logically Sound Rejections by Statute

How are customers' perceptions on technically, legally, and logically sound rejections trending since 2013?



## Historical Perspective on Overall Patent Examination Quality

How are customers' perceptions on overall patent examination quality trending since 2009?



# Current Quality Metrics Activities

- Reporting
  - Internal dashboard
  - *Coming soon...* published statistics on USPTO.gov
- Exploratory analysis
  - Investigate any links between clarity and correctness (e.g. if action is clear, it is 3X more likely to be correct)
  - Investigate any links between process indicators and compliance
- Supporting corps-wide studies and evaluations
  - Examination Time Analysis, Clarity Pilot, etc.
- Supporting TC-specific quality initiatives
  - Action plans and own exploratory analysis



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# Applicants Role in Quality Examination

- Drafting clear claims
- Keeping applications patently distinct
- Clear responses to Office actions
- Preparedness for interviews
- Application readiness
- Send us your feedback to [QualityMetrics@uspto.gov](mailto:QualityMetrics@uspto.gov)



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# Let's Chat about Patent Quality Metrics

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Director, Office of Patent Quality Assurance

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# **Next Patent Quality Chat**

## **Latest Updates in USPTO's Work Sharing Efforts**

July 11, 2017

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# Thank you for joining us today!

Patent Quality Chat  
Webinar Series 2017  
June 13, 2017

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