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

PatentQuality@uspto.gov
Updates
- Tune into our new **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 concertation 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 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 a

Email questions to **PatentQualityEventParticipationBox@uspto.gov**
Patent Quality Chat
Patent Quality Metrics

Greg Vidovich
Associate Commissioner for Patent Quality
Jim Dwyer
Director, Office of Patent Quality Assurance

Email questions to PatentQuality@uspto.gov
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.

Email questions to PatentQuality@uspto.gov
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

Email questions to PatentQuality@uspto.gov
Product Indicators

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

Email questions to PatentQuality@uspto.gov
Product Indicators and Compliance

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

Email questions to PatentQuality@uspto.gov
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

Email questions to PatentQuality@uspto.gov
Compliance in 35 USC §102

MRF Reviews 10/1/16 – 5/31/17

Email questions to PatentQuality@uspto.gov
Compliance in 35 USC §103

Email questions to PatentQuality@uspto.gov
Compliance in 35 USC §101

MRF Reviews 10/1/16 – 5/31/17

98.0%

97.3%

96.3%

95.7%

93.0%

Email questions to PatentQuality@uspto.gov
Compliance in 35 USC §112

MRF Reviews 10/1/16 – 4/26/17

- Non-Final: 90.3%
- Final: 90.4%
- Allowance: 91.6%
- Total: 92.0%
- Goal: 95.4%

Email questions to PatentQuality@uspto.gov
Prior Art Compliance by Discipline

35 USC §102
(Goal: 90-95%)

Chemical: 95.7%
Electrical: 92.4%
Mechanical: 94.5%

35 USC §103
(Goal: 88-93%)

Chemical: 93.8%
Electrical: 90.4%
Mechanical: 91.5%

Email questions to PatentQuality@uspto.gov
101 and 112 Compliance by Discipline

35 USC §101 (Goal: 93-98%)
- Chemical: 99.0%
- Electrical: 93.9%
- Mechanical: 98.1%

35 USC §112 (Goal: 87-92%)
- Chemical: 89.6%
- Electrical: 92.8%
- Mechanical: 89.4%

Email questions to PatentQuality@uspto.gov
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?

Reopenings vs Examiners

Email questions to PatentQuality@uspto.gov
Process Indicators: Rework

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

Email questions to PatentQuality@uspto.gov
Process Indicators: Consistency

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

Email questions to PatentQuality@uspto.gov
Alignment with Customer Perceptions

Applicant-perceived quality should track with USPTO quality data

Today: By Discipline

Perceptions vs USPTO Quality Data

- % Customers Rating Quality as Good or Excellent
- % Cases in Compliance

EOY15

- Chemical: 47%
- Electrical: 80%
- Mechanical: 95%

Current

- Chemical: 49%
- Electrical: 80%
- Mechanical: 95%

Today vs EOY15

Email questions to PatentQuality@uspto.gov
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?

Email questions to PatentQuality@uspto.gov
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

Email questions to PatentQuality@uspto.gov
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

Email questions to PatentQuality@uspto.gov
Let’s Chat about Patent Quality Metrics

Greg Vidovich
Associate Commissioner for Patent Quality

Jim Dwyer
Director, Office of Patent Quality Assurance
Next Patent Quality Chat
Latest Updates in USPTO’s Work Sharing Efforts
July 11, 2017
Thank you for joining us today!

Patent Quality Chat
Webinar Series 2017
June 13, 2017