Patent Quality Chat

Latest Updates in USPTO’s Work Sharing Efforts

July 11, 2017
To send in questions or comments during the webinar, please email:

PatentQuality@uspto.gov
Patent Quality

Providing high-quality, efficient examination of patent applications is paramount to our mission at USPTO. To ensure we continue to issue high-quality patents that will fuel innovation well into the future, the Office of the Deputy Commissioner for Patent Quality, along with our partners across the Patents organization, promotes and supports the continuous improvement of patent products, processes and services through collaboration with internal and external stakeholders of the intellectual property community.

Highlights

Patent Quality Chat

Tune into our next webinar on Tuesday, July 11, from noon - 1 p.m. ET, on "Latest Updates in USPTO's Work Sharing Efforts".

Quality Metrics
See our new metrics approach, categorizing into product, process and perception indicators.

Stakeholder Training on Examination Practice and Procedure (STEPP)
Sign up for an upcoming training developed for those interested in a better understanding of the examination process at the USPTO.

Areas of Focus
Collaboration with our stakeholders has directed our focus within three areas, where we can best improve patent quality.

Email questions to PatentQuality@uspto.gov
Patent Quality Chat
Latest Updates in USPTO’s Work Sharing Efforts

Mark Powell
Deputy Commissioner for International Patent Cooperation

Daniel Hunter
Director for International Work Sharing, Planning and Implementation
Office of International Patent Cooperation (OIPC)

Email questions to PatentQuality@uspto.gov
Topics for Discussion

• Work Sharing and the IP5
• Global Dossier update
• Access to Relevant Prior Art Project update
• Collaborative Search Program Pilot

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Work Sharing and the IP5
Work Sharing

Trends Leading to Greater Work Sharing

- **BACKLOGS**: Backlogs in offices around the world began to explode in the late 1990s

- **FILINGs**: The number of applications filed in multiple offices also started to steadily increase

- **INEFFICIENCIES**: Duplication of work over common patent applications

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The IP5
Largest five IP offices in the world today (EPO, JPO, KIPO, SIPO, and USPTO)

Brief History of the IP5

- **1983**: First Meeting of the Trilateral (EPO, JPO, USPTO)
- **2003**: Establishment of Industry Trilateral
- **2007**: IP5 Meets for the first time
- **2012**: Establishment of IP5 Industry
- **2013**: All Trilateral Projects moved to IP5

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Global Dossier Initiative
Global Dossier Access

Direct access link: http://globaldossier.uspto.gov

Email questions to PatentQuality@uspto.gov
Global Dossier Services

- Latest Service
  - **WIPO Case Linkage:** provides examiners and the public with access to additional participating offices outside of the IP5

- On-going Efforts
  - **Increasing Data Coverage:** Working with IP5 Offices to increase the scope of data coverage and hours of availability
  - **User Input:** Continually engaging users for feedback, input, and comment on current and future Global Dossier services

- Future Services
  - **Document Sharing Functionality:** sharing documents between offices, such as prior art exchanges and supporting documents. Viewed as a first step towards cross-filing

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Stakeholder Input on Global Dossier

  - IdeaScale is one of the ways that OIPC will be gathering stakeholder input and feedback on Global Dossier.
    - Vote and comment on the various ideas
    - Provide additional suggestions for services and features that would improve the ability to monitor and manage related cases around the world

- Contact the Global Dossier Team
  - [GlobalDossier@USPTO.gov](mailto:GlobalDossier@USPTO.gov)

Email questions to [PatentQuality@uspto.gov](mailto:PatentQuality@uspto.gov)
Global Dossier Contacts

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Access to Relevant Prior Art
Project Background

- Leveraging electronic resources to retrieve relevant information (prior art, search reports, etc.) from applicant’s other applications.

- Automatically importing relevant information into the file wrapper at the earliest point.
  - Potentially reduce applicant’s burden under the duty of disclosure.

- Considering if patent issuance can be streamlined by eliminating unnecessary information from first page of the patent.
Anticipated Benefits

- Quality and efficiency of examination is increased

- Examiner access to relevant prior art and supplemental information in a conveniently searchable format

- Decreased applicant expense of submitting information and information disclosure statements

- Reduced burden for applicant compliance with duty to disclose information material to patentability

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Project Update

- Request for Written Comment Period Ended – October 28, 2016
- Application Case Studies – 3rd Quarter FY 17
- Examiners Focus Sessions – 3rd, 4th Quarter FY 17
- Gathering and Refining Business Requirements – Ongoing
- Developing Business Solution – 4th Quarter FY 17

Email questions to PatentQuality@uspto.gov
Prior Art Access Contacts

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Collaborative Search Program (CSP) Pilot

Email questions to PatentQuality@uspto.gov
Offices and Applicants want a faster and cheaper examination of patent applications with more certainty as to rights granted and more consistent results across offices.

Email questions to PatentQuality@uspto.gov
CSP 1.0 Pilots – Two Programs

– JPO/USPTO Pilot
  • Commenced August 1, 2015 – expires July 31, 2017
  • Serial initial search
    – Examiner consideration before search being provided to applicant

– KIPO/USPTO Pilot
  • Commenced September 1, 2015 – expires August 31, 2017
  • Parallel initial search
    – No examiner consideration before search being provided to applicant

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How Does CSP Achieve that Goal?

- CSP provides faster examination by
  - Expediting examination in multiple offices
  - Coordinating the timing of initial examination
    - Parallel prosecution in multiple offices
- CSP provides cheaper examination for both applicant and office by
  - Reducing the number of actions to complete examination by
    - Getting a search on common claims from examiners in different offices prior to examination – yielding a more complete prior art search before the examiner
- CSP provides more certainty by
  - Providing art from different search databases, often in different languages
- CSP provides more consistent results by
  - Providing similar actions in multiple offices using common art

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CSP Pilot Participation

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<th>Category</th>
<th>JPO</th>
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* 1 applicant filed petitions for both pilots

Email questions to PatentQuality@uspto.gov
CSP 1.0 Pilots – Timeliness to Termination

Timeliness: Petition Filed to Allowance

Number of Applications

Months from Petition to Allowance

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CSP 1.0 Pilots - Actions to Complete Prosecution

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Impacts of Work Sharing on Examination: JPO First/US Second Search

Note: Data from 24 completed JPO first search applications through July 10, 2017. JPO evaluations are in response to receiving USPTO examiner actions after they have already completed a first evaluation.
US-JPO CSP 1.0 Analysis

- 29% of USPTO examiners modified their search strategy as a result of JPO search
- 100% of USPTO examiners gave a score of at least 3 out of 5 on helpfulness of initial JPO search; 37% gave a score of 5 out of 5
- 88% of JPO examiners gave a score of at least 3 out of 5 on helpfulness of supplemental USPTO search; 42% gave a score of 5 out of 5

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CSP – JPO 1.0 Findings

- Multiple examiner search before examination very beneficial
  - Examiners indicated that other examiners search had high impact on examination

- Serial search process
  - Examiners appear to focus on national search tools
    - References cited predominately of national origin
    - Prior search did not reduce search expectation for US examiners
  - Office search order variations complicated processing functions in offices
  - Difference in action date to applicants reduced applicant’s ability to coordinate response
CSP – KIPO 1.0 Findings

- Parallel search process
  - Examiners focus on national search tools
    - References cited predominately of national origin
  - Applicants had to cite references from KIPO in response to USPTO
- Examiners not able to consider KIPO references prior to search report
  - Applicants uncertain of US examiners interpretation of KIPO art

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CSP 2.0 – Proposed Process

Collaborative Search Pilot
Next Generation

Office Conducts Search and Evaluation and Generates Search Report

Offices Exchange Results

Office Reevaluates Search Report in View of Other Office’s Search

Results Sent to Applicant

Offices Exchange Actions

Petition Granted in Both Offices

Office 1 Application

Office 2 Application

Results Sent to Applicant

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CSP Program Framework – Application Eligibility

- National utility applications that have not started search or examination in the offices in which a request is filed are eligible for examination under the CSP program.
- Applications must share a common earliest priority date and the disclosures must support the claimed subject matter as of a common date.
- Applications are not limited or advantaged by technology, country of earliest priority, assignee, or inventor.
Collaborative Search Pilot (CSP) Contacts

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Let’s Chat about
USPTO’s Work Sharing Efforts

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Next Patent Quality Chat
Using Petitions Effectively in Patent Prosecution

August 8, 2017
### Other Patent Quality-Related Events

https://www.uspto.gov/about-us/events

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<td>July 20</td>
<td><strong>Inventor Info Chat</strong> “Office of Petitions – Overview and Helpful Tips”</td>
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<tr>
<td>August 3</td>
<td><strong>Patent Public Advisory Committee (PPAC) Quarterly Meeting</strong></td>
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<td>August 11-12</td>
<td><strong>Invention-Con 2017</strong></td>
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Thank you for joining us today!

Patent Quality Chat
Webinar Series 2017
July 11, 2017