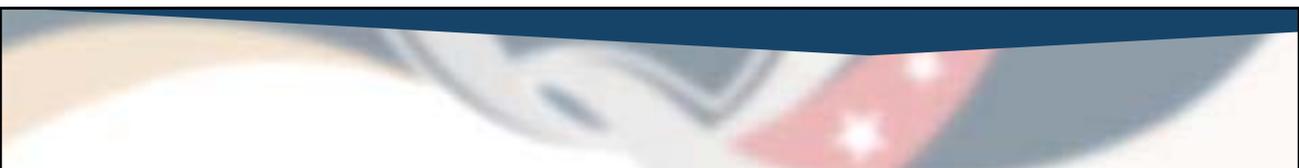


UNITED STATES
PATENT AND TRADEMARK OFFICE

A blurred, close-up image of a lens or optical component, possibly a microscope lens, with a red and white starburst effect on the right side. The image is positioned at the top of the slide, above the title.

Patent Quality Chat: Enhancing Examination Evaluation Using the Master Review Form (MRF)

Patent Quality Chat
Webinar Series 2016 (5 of 11)
May 10, 2016



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

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A screenshot of the USPTO website. The top navigation bar includes the USPTO logo, the text "UNITED STATES PATENT AND TRADEMARK OFFICE", and links for "About Us", "Careers", and "Contact Us". A search bar is also present. Below the navigation bar are tabs for "Patents", "Trademarks", and "Learning and Resources", along with a "Quick Links" dropdown menu. The main content area features a blue banner with the text "First time here? Let us help you find your bearings." and a "Get Going" button. Below the banner, there are sections for "Learn About the Process" with sub-sections for "Patents" (General Information Concerning Patents) and "Trademarks" (Trademark Basics). A red circle highlights the "Patents & Trademarks Initiatives" section, specifically the "Enhanced Patent Quality Initiative" link, which includes the text "Learn about USPTO efforts to increase patent quality." The USPTO logo is visible in the bottom right corner of the screenshot.

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Enhanced Patent Quality Initiative



High-quality patents enable certainty and clarity of rights, which fuels innovation and reduces needless litigation. To ensure we continue issuing high-quality patents well into the future, we established the **Enhanced Patent Quality Initiative (EPQI)**. We are strengthening work products, processes, services, and how we measure patent quality at all stages of the patent process.



Patent Quality Community Symposium
View the April 27, 2016 Symposium Event Recording and Presentation Slides.

Quality Spotlight: Clarity and Correctness Data Capture Master Review Form

2016 Patent Quality Chats
Next: May 10, 2016, 12 – 1 pm ET

Updates

- **Comment by May 24:** We published a [Federal Register Notice](#) requesting feedback on our proposed **patent quality metrics** for fiscal year 2017.
 - We want your feedback on our decision to replace the **Composite Quality Score**, which we used during fiscal years 2011-2015 to report our quality, with individual metrics. To comment, please review the [Federal Register Notice](#).
 - We want your feedback to improve how we review examiners' work products. We created a **Master Review Form** so all reviewers use consistent criteria when assessing both the correctness and clarity of mailed office actions. To comment on this standardized review form, please review the [Federal Register Notice](#).
- **Results update:** We received over 135 qualified topics for our [Topic Submissions for Case Study program](#).



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Patent Quality Chat: Enhancing Examination Evaluation Using the Master Review Form (MRF)

Marty Rater
Chief Statistician
Office of Patent Quality Assurance (OPQA)

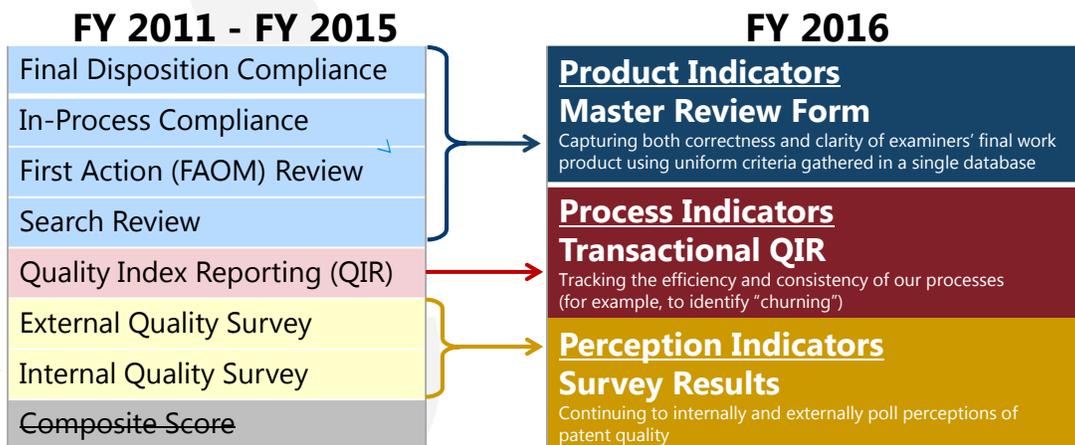
Sandie Spyrou
Supervisory Review Quality Assurance Specialist
Office of Patent Quality Assurance (OPQA)



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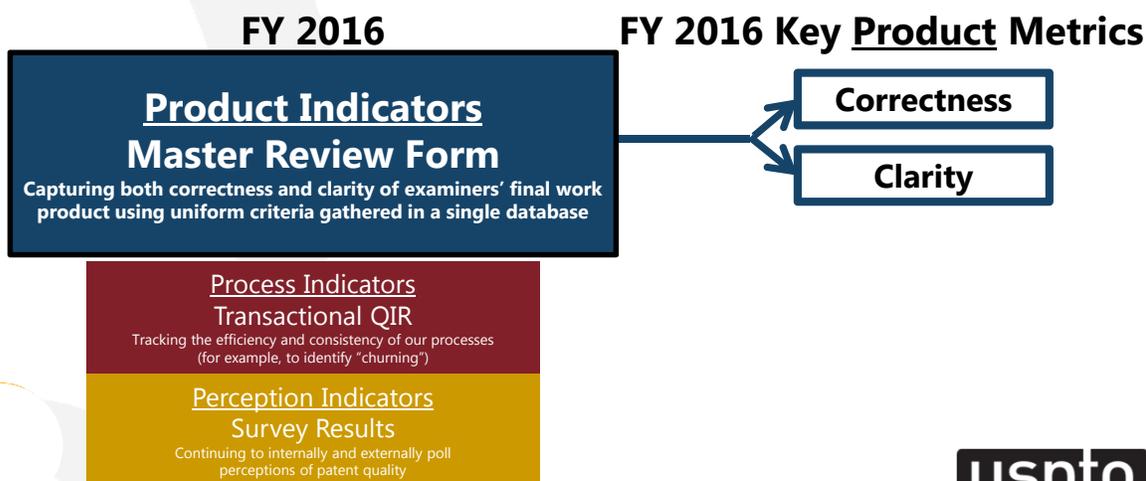
Quality Metrics Redefined



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Quality Metric Data Source: Product Indicators



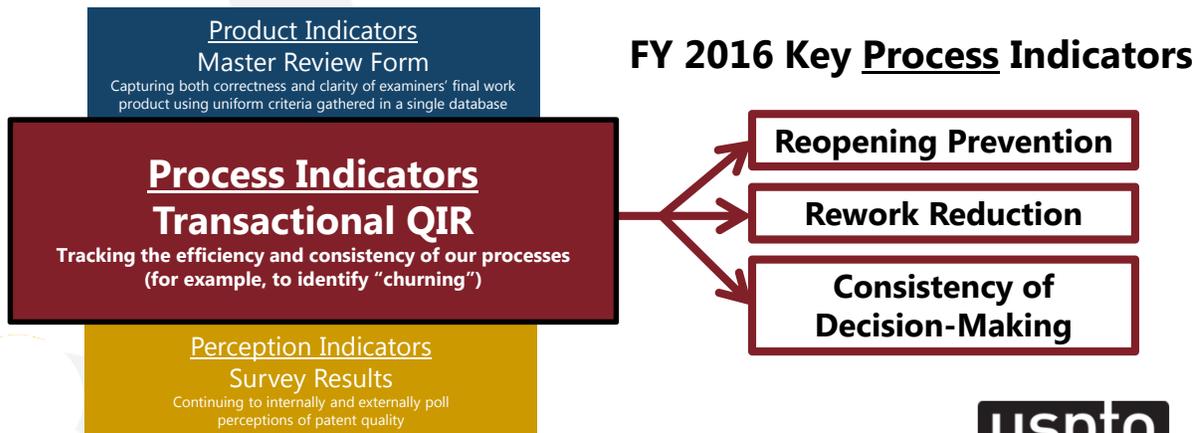
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Quality Metric Data Source: Process Indicators

FY 2016

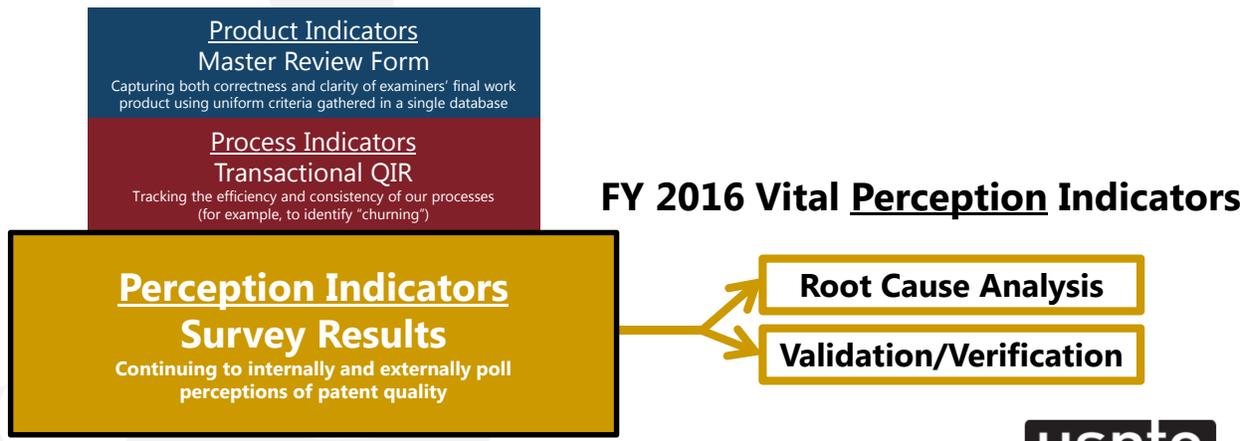


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Quality Metric Data Source: Perception Indicators

FY 2016



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Using EQS for Validating the Quality Metric

- Utilize the External Quality Survey as a snapshot of stakeholders' perceptions
- Assure alignment of the quality data underlying our metrics and our external stakeholders' perceptions
- Exploit the flexibility of the Master Review Form to capture data points that reflect patent quality



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Clarity and Correctness Data Capture (CCDC) Program

- Designed to improve the data capture system to enable all reviewers to
 - Consistently document quality review data
 - Access quality review data using the same tool



- Uses a tool called the Master Review Form or MRF



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Master Review Form: Goals

- To create a **single, comprehensive** tool that can be used by all areas of the Office to **consistently** review final work product
- To better collect information on the **clarity** and **correctness** of Office actions
- To collect review results into a **single data warehouse** for more **robust analysis**



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Master Review Form

VIEW THE Integrated Quality System (IQS)



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MRF: Overview Rejections Made

Rejections made in Office action. Check all that apply.

- 35 U.S.C. 102
- 35 U.S.C. 103
- 35 U.S.C. 112(a) – Written Description
- 35 U.S.C. 112(a) – Enablement
- 35 U.S.C. 112(b) – Vague and Indefinite Claim Language
- 35 U.S.C. 112(a)/(b) – 112(f) Related
- 35 U.S.C. 101 (Utility/Eligibility)
- Double Patenting (Statutory)
- Double Patenting (Nonstatutory obviousness-type)

**The MRF is a
“Smart Form”**

Checking these boxes will determine which sections of the form a reviewer will see.

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MRF: Overview Rejections Omitted

Were there any omitted rejections? Check all that apply

- 35 U.S.C. 102
- 35 U.S.C. 103
- 35 U.S.C. 112(a) – Written Description
- 35 U.S.C. 112(a) – Enablement
- 35 U.S.C. 112(b) – Vague and Indefinite Claim Language
- 35 U.S.C. 112(a)/(b) – 112(f) Related
- 35 U.S.C. 101 (Utility/Eligibility)
- Double Patenting (Statutory)
- Double Patenting (Nonstatutory obviousness-type)

Reviewers will route to the various Omitted Rejections sections only if one or more of these boxes are

**The MRF is a
“Smart Form”**

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MRF: Evaluation of Search

Search	
Correctness	
Was a classification search recorded by the examiner?	<input type="radio"/> Yes <input type="radio"/> No
Was an inventor name search recorded by the examiner?	<input type="radio"/> Yes <input type="radio"/> No
Was the examiner's text search logic recorded by the examiner?	<input type="radio"/> Yes <input type="radio"/> No
Did the reviewer conduct a search?	<input type="radio"/> Yes <input type="radio"/> No
Was prior art for the omitted rejection found using/in:	<input type="checkbox"/> Internet Search <input type="checkbox"/> IDS <input type="checkbox"/> PALM Inventor Name <input type="checkbox"/> 892 <input type="checkbox"/> Classification search <input type="checkbox"/> Text search <input type="checkbox"/> Other _____ <input type="checkbox"/> N/A

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MRF: 102 Rejection Made - Correctness

Correctness	
Claimed feature(s) are found in the prior art relied upon	<input type="radio"/> Yes <input type="radio"/> In-Part <input type="radio"/> No <input type="radio"/> N/A
Claim limitation(s) are properly matched to the prior art relied upon	<input type="radio"/> Yes <input type="radio"/> In-Part <input type="radio"/> No <input type="radio"/> N/A
Effective date of the reference applied as prior art is sufficient	<input type="radio"/> Yes <input type="radio"/> In-Part <input type="radio"/> No <input type="radio"/> N/A
Reliance on inherency is properly applied	<input type="radio"/> Yes <input type="radio"/> In-Part <input type="radio"/> No <input type="radio"/> N/A
The 102 determination was incorrect but the reference would serve as a 103.	<input type="radio"/> Yes <input type="radio"/> In-Part <input type="radio"/> No <input type="radio"/> N/A
Each claim rejected under 35 U.S.C. 102 has been properly addressed (i.e., "shotgun" rejection avoided)	<input type="radio"/> Yes <input type="radio"/> In-Part <input type="radio"/> No <input type="radio"/> N/A
Did not use incorrect form paragraph(s)	<input type="radio"/> Yes <input type="radio"/> In-Part <input type="radio"/> No <input type="radio"/> N/A
Were annotation(s) provided that reasonably pin-point where each claim limitation is met by the reference?	<input type="radio"/> Yes <input type="radio"/> In-Part <input type="radio"/> No <input type="radio"/> N/A

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MRF: 102 Rejection Made - Clarity

Clarity	
Were annotation(s) provided that reasonably pin-point where each claim limitation is met by the reference?	<input type="radio"/> Yes <input type="radio"/> In-Part <input type="radio"/> No <input type="radio"/> N/A
Were explanations provided to further clarify the basis of the rejection(s)?	<input type="radio"/> Yes <input type="radio"/> In-Part <input type="radio"/> No <input type="radio"/> N/A
Were the explanations sufficient to allow applicant to readily understand rejection(s)?	<input type="radio"/> Yes <input type="radio"/> In-Part <input type="radio"/> No <input type="radio"/> N/A
Were statements of inherency clearly explained?	<input type="radio"/> Yes <input type="radio"/> In-Part <input type="radio"/> No <input type="radio"/> N/A
OVERALL	<input type="radio"/> OK <input type="radio"/> Needs Attention <input type="radio"/> Significant Deficiency
Clarity Comments: <input type="text"/>	

EACH SECTION HAS A COMMENTS BOX

EACH SECTION INCLUDES AN OVERALL SECTION THAT IS INDEPENDENT OF THE DETAILED QUESTIONS ABOVE

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MRF: 112(a) Written Description Made

Correctness	
Claim limitations rejected as new matter do not have support in the specification	<input type="radio"/> Yes <input type="radio"/> In-Part <input type="radio"/> No <input type="radio"/> N/A
Specification fails to describe claimed invention in sufficient detail that one skilled in the art can conclude the inventor was in possession of the claimed invention	<input type="radio"/> Yes <input type="radio"/> In-Part <input type="radio"/> No <input type="radio"/> N/A
Correct form paragraph(s) used	<input type="radio"/> Yes <input type="radio"/> In-Part <input type="radio"/> No <input type="radio"/> N/A
OVERALL	<input type="radio"/> OK <input type="radio"/> Needs Attention <input type="radio"/> Significant Deficiency
~~~~~	
Clarity	
Does the office action clearly state that the rejection is based on the lack of written description?	<input type="radio"/> Yes <input type="radio"/> In-Part <input type="radio"/> No <input type="radio"/> N/A
Was subject matter purported to be unsupported matter clearly identified and discussed?	<input type="radio"/> Yes <input type="radio"/> In-Part <input type="radio"/> No <input type="radio"/> N/A
<b>OVERALL</b>	<input type="radio"/> OK <input type="radio"/> Needs Attention <input type="radio"/> Significant Deficiency

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## MRF: Reply to Applicant

Were all grounds of rejection clearly presented in the Office action and was the examiner's position fully developed?	<input type="radio"/> Yes <input type="radio"/> In-Part <input type="radio"/> No <input type="radio"/> N/A
Were all of applicant's arguments addressed in the Office action (whether examiner's position was correct or not) including arguments with respect to art still relied upon?	<input type="radio"/> Yes <input type="radio"/> In-Part <input type="radio"/> No <input type="radio"/> N/A
If applicant's response should have been found persuasive to overcome the rejection(s), did the examiner drop all of the corresponding rejection(s) in the Office action?	<input type="radio"/> Yes <input type="radio"/> In-Part <input type="radio"/> No <input type="radio"/> N/A
Was the case as a whole allowable based on the record?	<input type="radio"/> Yes <input type="radio"/> In-Part <input type="radio"/> No <input type="radio"/> N/A
Were the affidavits/declarations evaluated sufficiently?	<input type="radio"/> Yes <input type="radio"/> In-Part <input type="radio"/> No <input type="radio"/> N/A

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## Complete Master Review Form

To view the complete MRF:

<http://www.uspto.gov/sites/default/files/documents/MRF.pdf>



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# Quality Metrics

- Federal Register Notice published on March 25, with comments due May 24
  - Requesting feedback on:
    - Decision to replace Composite Quality Score with individual metrics
    - How to objectively measure patent examination quality
    - Standardized Master Review Form



Quality Metrics website: <http://www.uspto.gov/patent/initiatives/quality-metrics>

Contact Us: [QualityMetrics2017@uspto.gov](mailto:QualityMetrics2017@uspto.gov)



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## Let's Chat about the Master Review Form (MRF)

### **Marty Rater**

Chief Statistician  
Office of Patent Quality Assurance (OPQA)

### **Sandie Spyrou**

Supervisory Review Quality Assurance Specialist  
Office of Patent Quality Assurance (OPQA)



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# Thank you for joining us today!

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Webinar Series 2016 (5 of 11)  
May 10, 2016



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**Next Patent Quality Chat:**  
**Tuesday, June 14th**  
**eCommerce Modernization (eMod): Improving  
the Electronic Patent Application Process**



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