

**UNITED STATES
PATENT AND TRADEMARK OFFICE**



Training and Quality Improvement

- Patent Training Academy (PTA)
- Office of Patent Quality Assurance
- Technology Center Quality Analysis and Training

Types of Examiner Training (PTA)

- **New Examiner Training**
- **Legal Practice & Procedure**
- **Continuing Education Training**

Legal Practice & Procedure Training

- Examiner Refresher Training
- Master Class Program
- Patent Quality Chats for Patent Examiners
- Legal Lecture Series
- Patent Law and Evidence Legal Course

Legal Practice & Procedure Training

cont.

- Examiner training is provided for both newly hired and experienced examiners
- Training may be delivered corps-wide or to specific disciplines
- Refresher legal training is developed and delivered via various styles
 - Lecture style
 - Interactive Computer Based Training (CBT)
 - Workshops
 - Combinations thereof

Continuing Education Training

Designed to enhance a patent employee's knowledge in technical and legal topics pertaining to the examination of patent applications

Continuing Education Training cont.

- Patent Examiner Technical Training Program (PETTP)
- Site Experience Education (SEE) Program
- Updated Automation Tools Training
- Tuition Assistance Program - Non-Duty Hours Legal Studies Program
- Tuition Assistance Program - Non-Duty Hours Technical Training Program
- Stakeholder Training on Examination Practice and Procedure (STEPP)

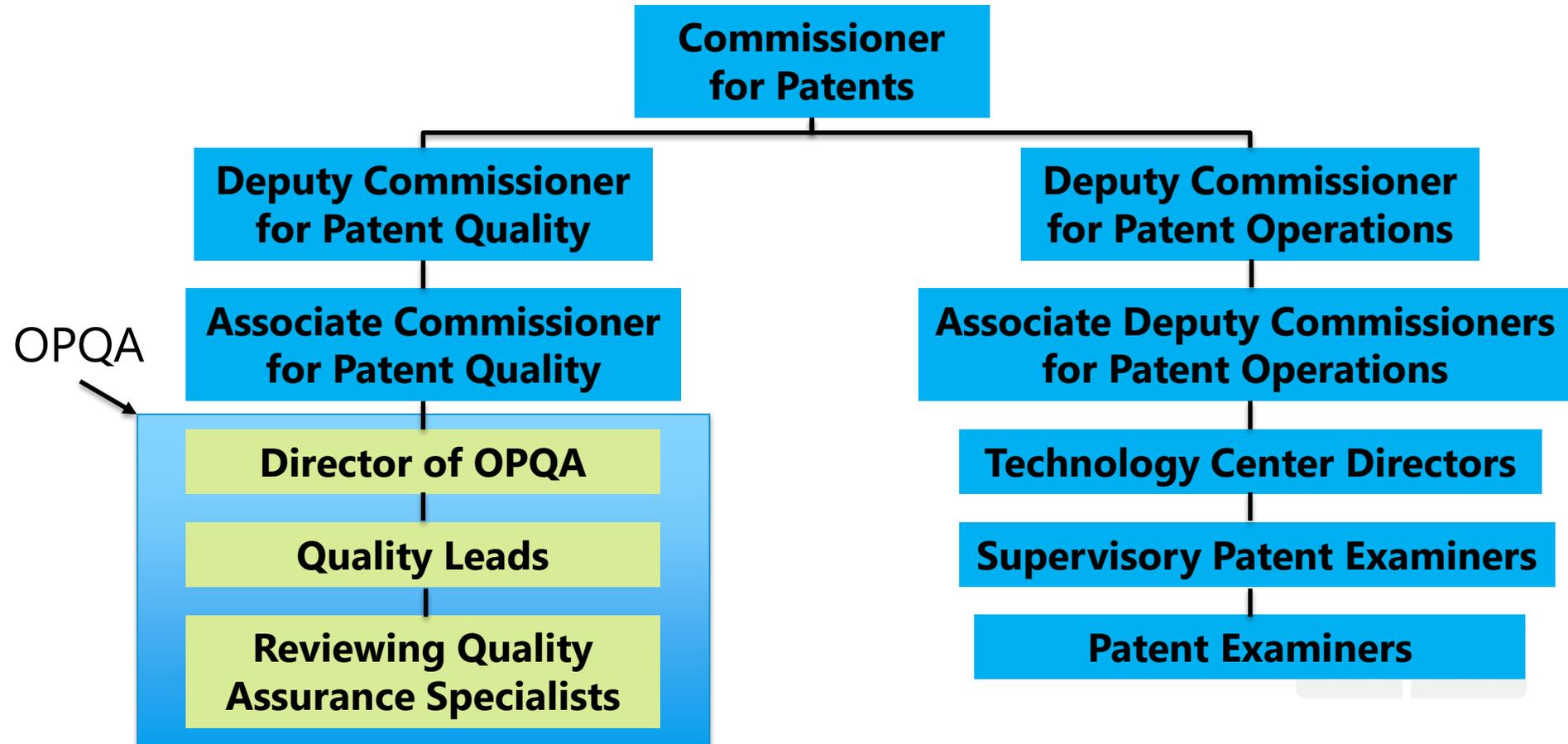
The Role of the Office of Patent Quality Assurance

June 2018

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Location of OPQA in Patents



OPQA Activities

- Conducts reviews of examiner work product
- Analyzes the results of the reviews and other quality data to report quality metrics and trends
- Assists TCs with quality improvement efforts

Some Types of OPQA Reviews

- Random Reviews
 - OPQA randomly samples about 1% of Office actions for review
 - The results are used to derive metrics down to the TC level
- Ad Hoc Reviews
 - TCs or other organizations can request reviews of specific Office actions
 - E.g., reviews used to assess a pilot program
- Case Study Reviews
 - TCs or other organizations can request an in-depth assessment of a particular issue
 - E.g., reviews to assess a particular aspect of 35 USC 101

Master Review Form (MRF)

- Used by RQAS (and SPEs) to record their findings
- Captures information about
 - Statutory compliance
 - Clarity
 - Other aspects of the action, such as the response to arguments

MRF Design

Correctness

Overall, were the 35 U.S.C. 102 rejection(s) in compliance?	<input checked="" type="radio"/> Yes	<input type="radio"/> In-Part	<input type="radio"/> No	
Claimed features are explicitly/inherently disclosed in the prior art relied upon?	<input checked="" type="radio"/> Yes	<input type="radio"/> In-Part	<input type="radio"/> No	<input type="radio"/> N/A
Examiner's reliance on inherency is correctly applied?	<input type="radio"/> Yes	<input type="radio"/> In-Part	<input type="radio"/> No	<input checked="" type="radio"/> N/A
Effective date(s) of the reference(s) applied as prior art is sufficient?	<input checked="" type="radio"/> Yes	<input type="radio"/> In-Part	<input type="radio"/> No	<input type="radio"/> N/A

Correctness Comments:

Modular designed
smart-form

20+ modules
Omitted/Made Rejections,
Search, etc.

330 question library
Correctness, clarity, best
practices

Entire MRF can be found at:

<https://www.uspto.gov/patent/initiatives/quality-metrics-1#step1>



The Statutory Compliance Standard

- For an allowed claim, the Office action must:
 - Not omit a statutorily compliant rejection
 - Clearly identify the claim
 - Set forth that the claim is allowable
- For a rejected claim, the Office action must:
 - Clearly identify the claim
 - Identify the relevant statute
 - Set forth sufficient evidence to put a person skilled in the art on notice as to why the claim is unpatentable to provide applicant with a fair opportunity to respond

Processing Random Reviews

- Based on the review, RQAS flags the action as
 - Non-compliant
 - Needs attention
 - Pass through
- The Quality Lead checks findings of non-compliance before returning the case to the TC
- The TC can rebut a finding of non-compliance
- If the QL maintains the finding, the TC can appeal the case to the OPQA Director and ultimately to the Deputy Commissioner for Patent Quality

TC Reviews vs. OPQA Reviews

	TC Reviews	OPQA Reviews
Standard	Performance Appraisal Plan (PAP) (depends on GS Level)	Statutory Compliance
Timing	Actions may be reviewed <ul style="list-style-type: none">- <u>before mailing</u> (e.g., junior examiner actions and appeal conferences) or- <u>after mailing</u> (e.g., quarterly PAP reviews and sig program)	All reviews conducted after mailing

Quality Metrics

- **Product Indicators**

- Capturing both correctness and clarity of examiners' final work product using the MRF

- **Process Indicators**

- Tracking the efficiency and consistency of our processes (for example, to identify "churning" from re-work)

- **Perception Indicators**

- Surveys to internally and externally poll perceptions of patent quality

Quality Metrics – FY18 Targets

Statue	FY18 Statutory Compliance Targets*
35 U.S.C. § 101	>97%
35 U.S.C. § 112	>93%
35 U.S.C. § 102	>95%
35 U.S.C. § 103	>93%

*Confidence level +/-1.5%

Assisting TCs with Quality Improvement Efforts

- Sig Panels
- Appeal Conferences
- Delivering Training
- Mentoring
- Other

TC 2800 Process for Continuous Quality Improvement

- Agency Level Training vs. TC Level Training
- Identify Areas of Need – Data Driven
- Assess Strengths and Weaknesses (root causes)
 - Case reviews
 - Discussions with Supervisors, Trainers and Reviewers

Continuous Quality Improvement

- **Develop Appropriate Training**
 - Determine Format of Delivery
- **Deliver Training**
- **Assess Effectiveness of Training**
 - Determine Measures and SMART Goals
 - Revise Materials and Delivery Methods as Appropriate (after action review)

Data Gathering

- **Efficiency Report (Pendency)**
 - Transactional Quality Index Report (QIR)
 - Historical
 - Timeliness Reports (SPE Dashboard)
 - Current
- **Big Data**
- **OPQA Statistical Data**

Data Gathering

- **Substantive Reviews**
 - Supervisory Reviews
 - OPQA Reviews
 - Conferences
 - Signatory Review
 - Appeal
 - Pilot Program

TC 2800 Assessing Training Needs

- **Assess Training Needs**
 - Identify types of errors or weaknesses
 - Identify root causes
- **Prioritize TC Training Goals**
 - Consider Office Strategic Goals, Executive Goals
- **Identify Team to Develop and Deliver Training**

TC 2800 Develop Training

- **Look to Previously Developed Training Resources**
 - Use previously developed training materials
 - Modify previous materials if necessary
 - Approval required
 - Develop new materials
 - Approval required

Training Delivery Formats

- Large or Small Lectures
- Small Group Lectures with Q&A
- One on One (or very small group)
- Workshops
- Peer Trainings
- Computer Based Trainings
- Email/Chat Q&A
- Combinations of the above
- Duration of trainings (once/few/regularly)

Assess Effectiveness of Training

- **Identify a Measure and a SMART Goal**
 - Measures may be OPQA statistics, QIR statistics, case reviews before and after, quizzes/questionnaires
 - Goals may include qualitative and quantitative measures

Assess Effectiveness of Training

- **After Action Reviews**
 - What went well, what worked?
 - What aspects were less effective or failed?
 - What will be kept or changed in the next training iteration?