

**UNITED STATES
PATENT AND TRADEMARK OFFICE**



Patent examination quality

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PATENT AND TRADEMARK OFFICE



Measuring patent quality at the USPTO

- Reviews conducted by the Office of Patent Quality Assurance
- Customer perceptions
- Examiner perceptions
- Process indicators

Statutory compliance

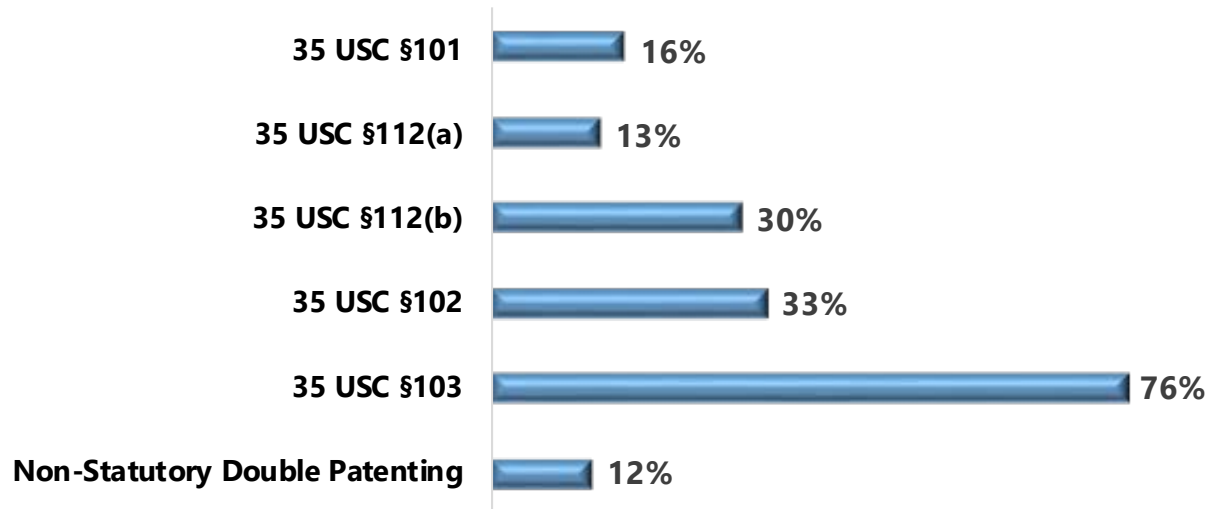
Rejections (both non-final and final) and allowances are reviewed for statutory compliance by evaluating whether the office action made the correct determinations for every pending claim based on the four patentability statutes:

- 35 U.S.C. §101;
- 35 U.S.C. §112;
- 35 U.S.C. §102; and
- 35 U.S.C. §103.

Every rejected claim in an office action is reviewed to ensure that the rejection of the claim was proper for each statute under which the claim is rejected. Rejections, at a minimum, must correctly identify the claim and relevant statute and set forth sufficient evidence to put a person skilled in the art on notice as to why the claim is unpatentable. Additionally, every claim in an office action is evaluated for rejections that should have been made under a statutory basis (“omitted rejections”).

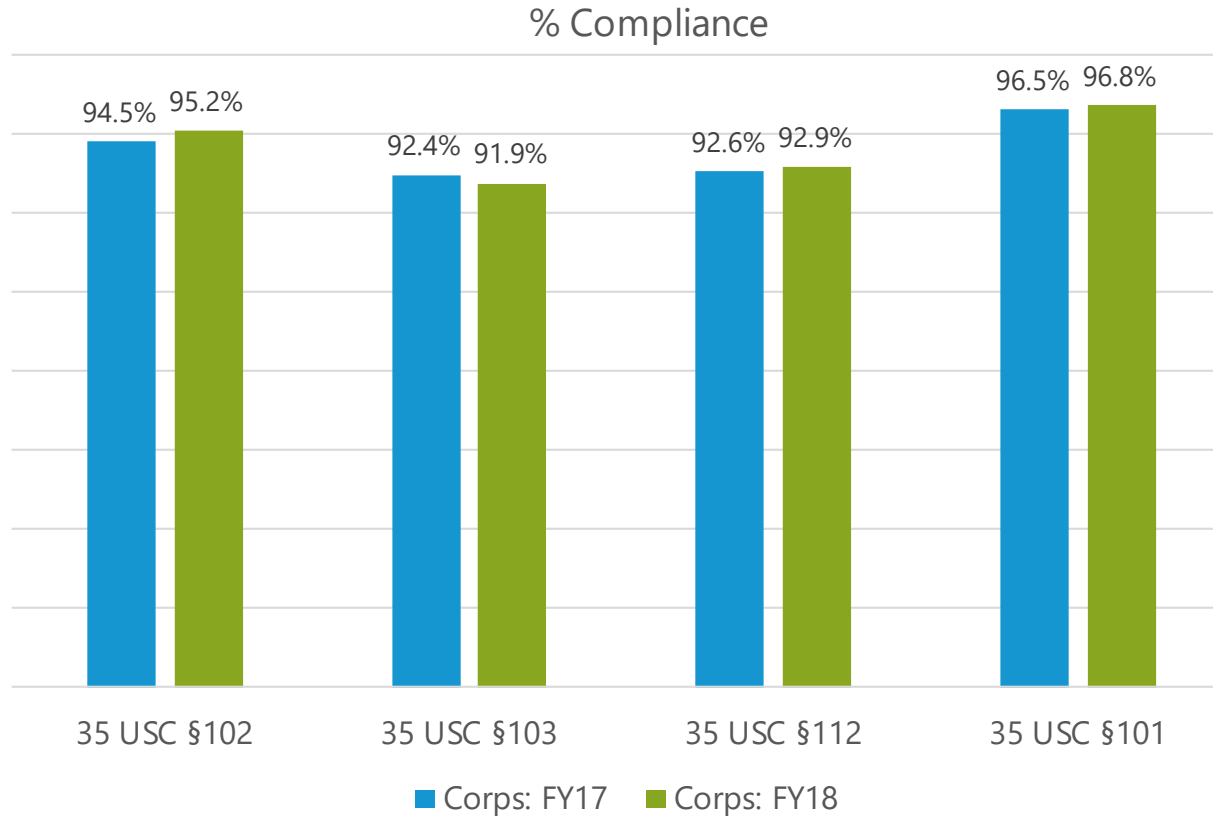
Frequency of rejections made

% non-final and final office actions with type of rejection made

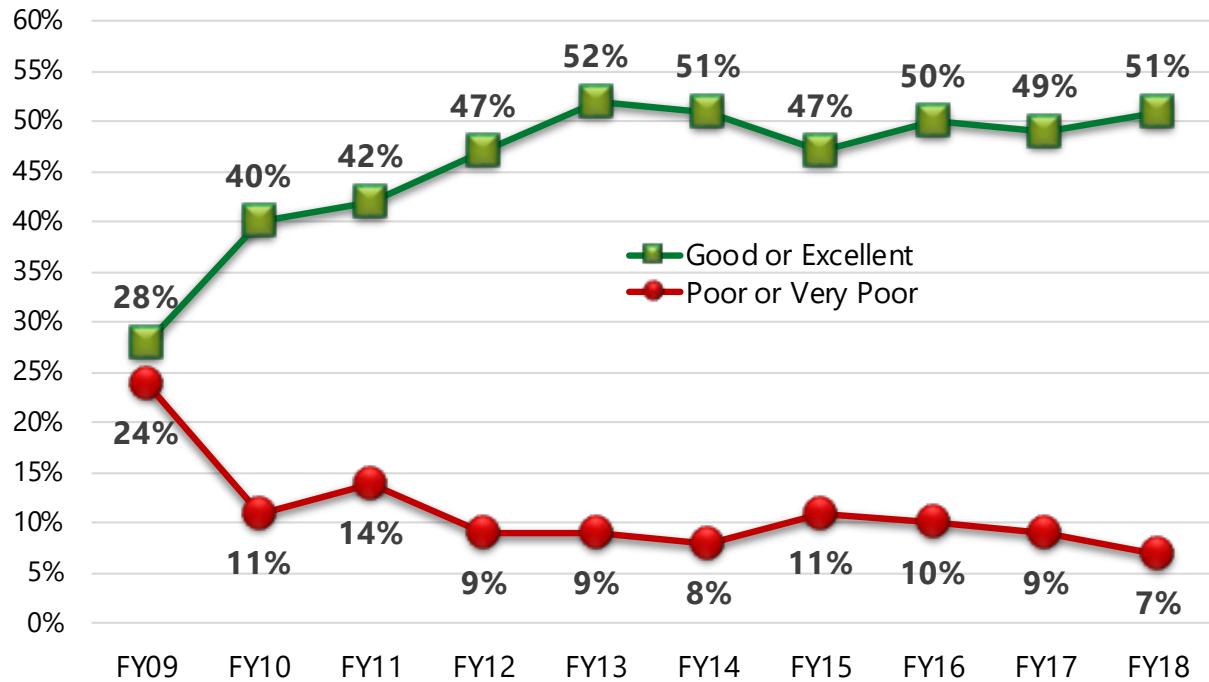


Source: OPQA random sample of 14,270 office actions

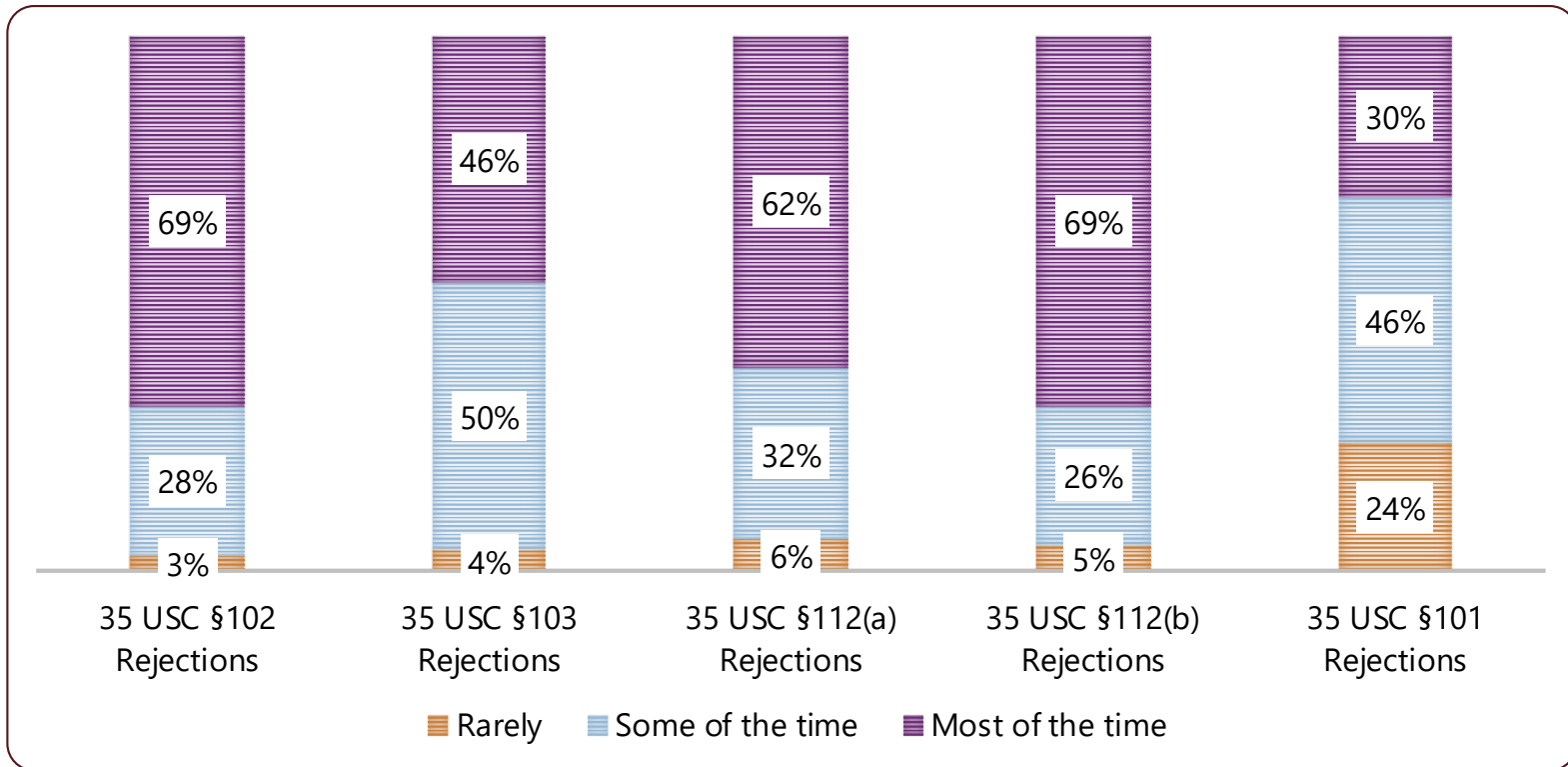
Statutory compliance



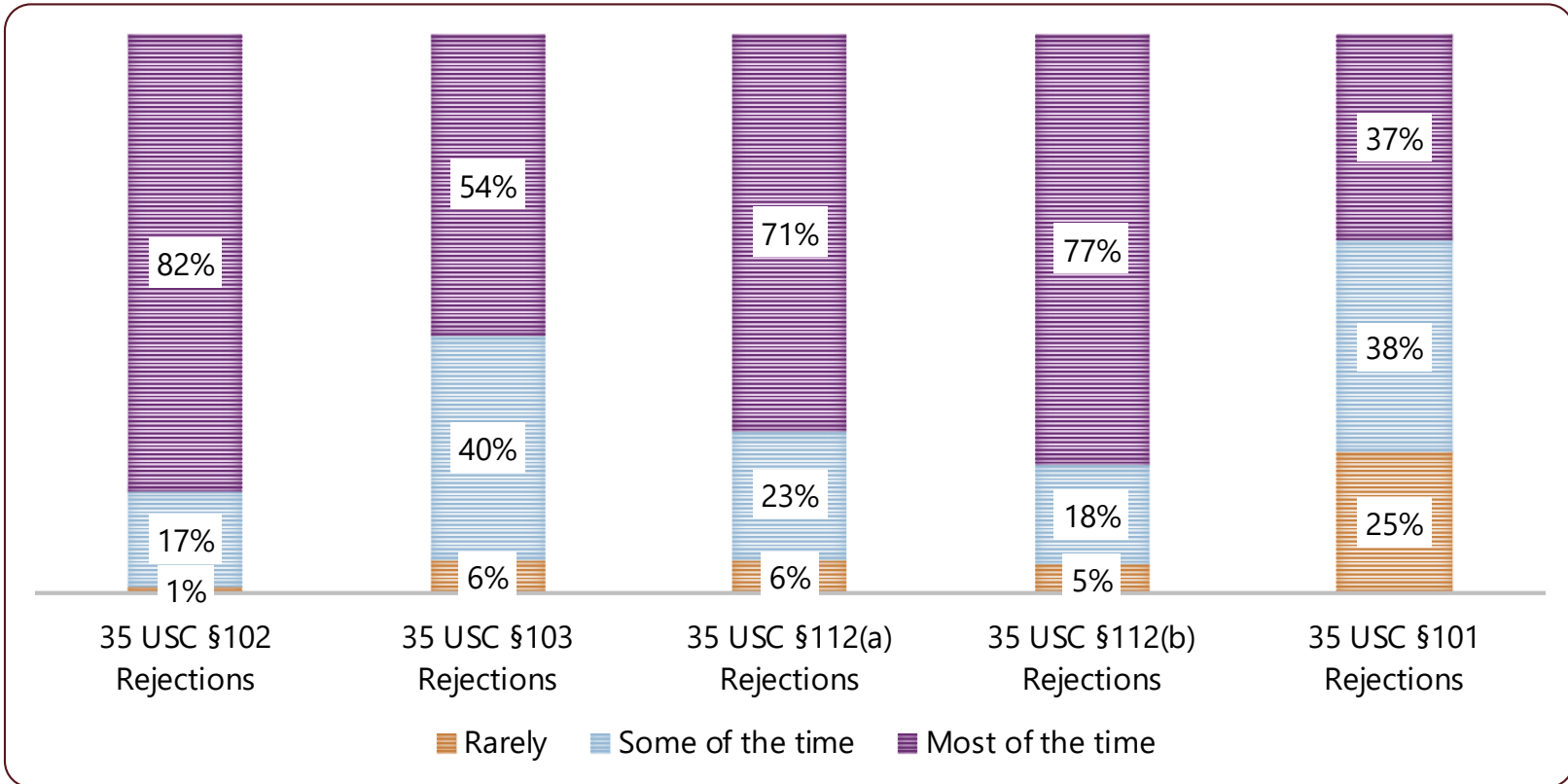
Customer perceptions of overall examination quality



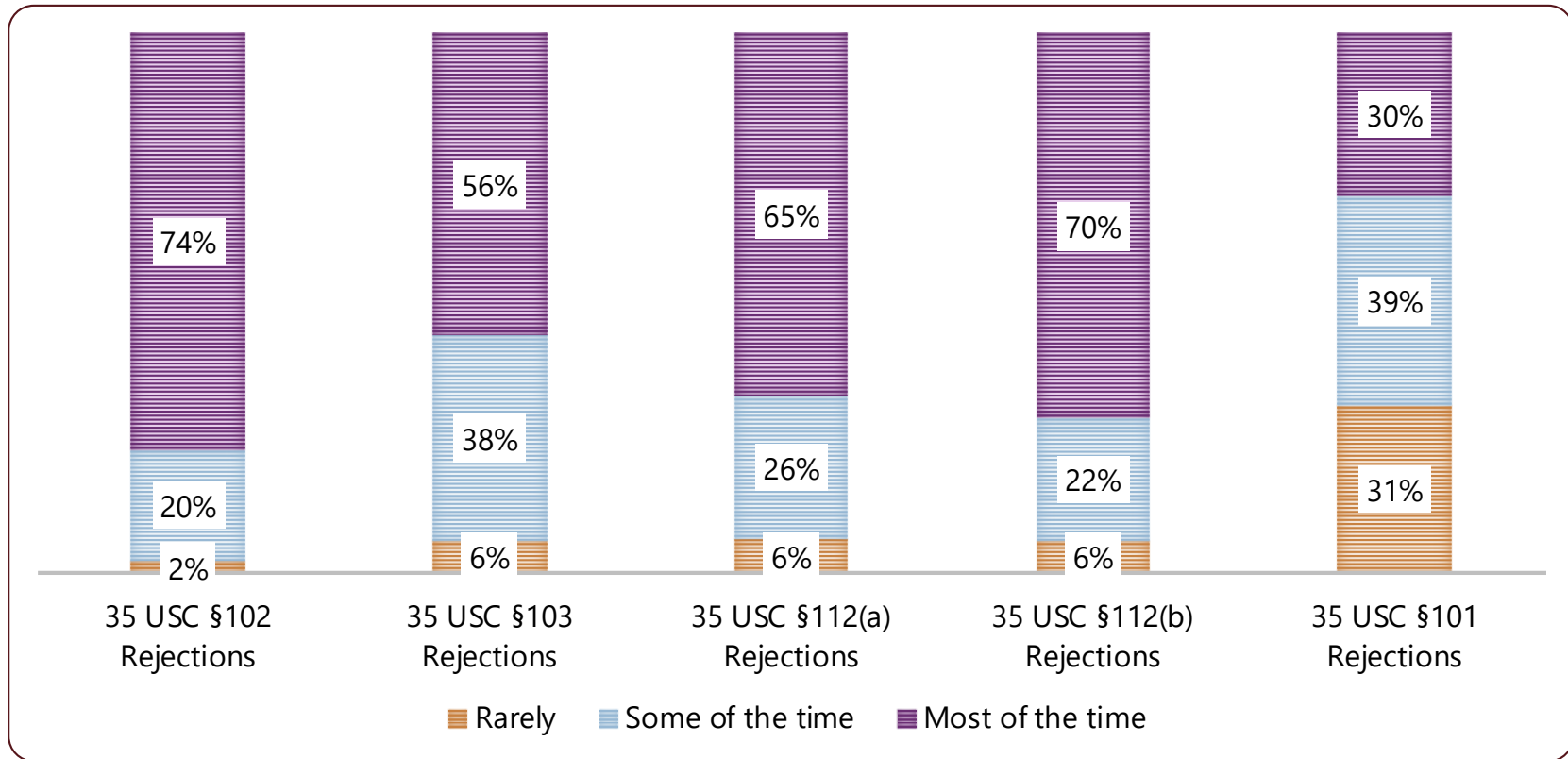
Perceptions about correctness



Perceptions about clarity



Perceptions about consistency



Key drivers of perceptions

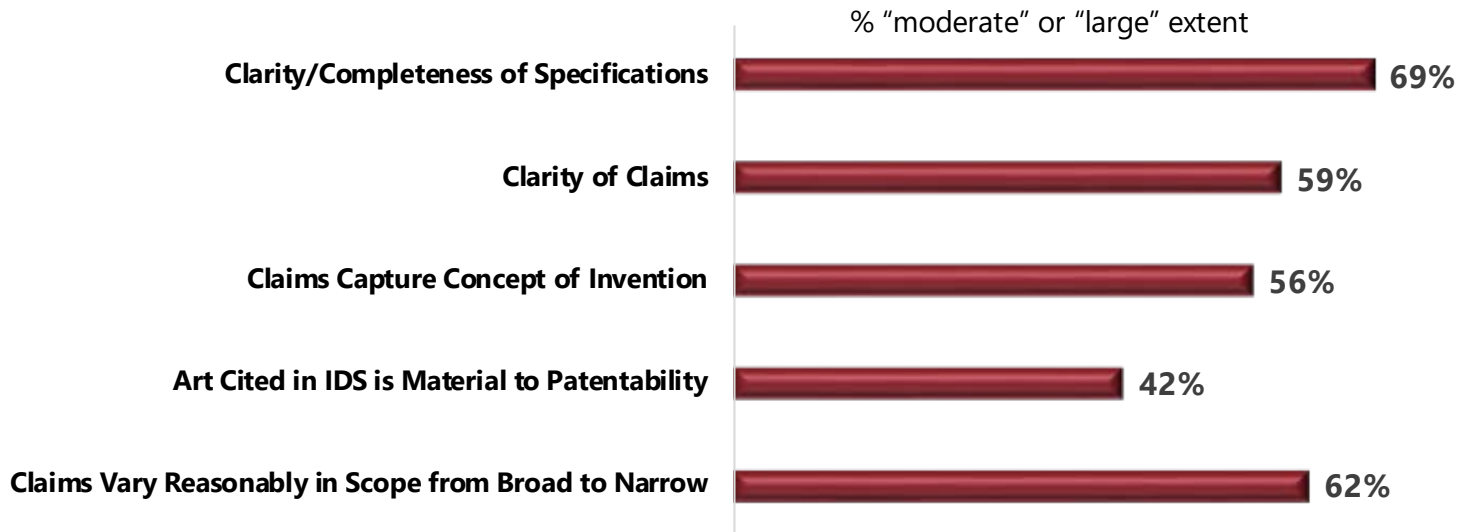
Odds ratio of correctness of rejections against overall quality



The 103 rejections were found to have the highest odds ratio against overall examination quality. That is, if a respondent rated the 103 rejections to be correct “most/all the time,” the respondent is 4.47 times more likely to rate the overall examination quality as “good/excellent.”

Application quality perceptions

To what extent did applicants and/or their agents/attorneys facilitate high-quality patent prosecution with respect to:



Corrective and preventive actions in FY18

32,390

hours of technical training provided to examiners by technology experts

15,008

hours of refresher class training provided to examiners to enhance skills in procedural and legal topics

5,288

hours of examination practice and procedure training provided to 225 external stakeholders

Most Popular Topics

- 35 U.S.C. 112(a), Written Description
- Double Patenting
- Appeal Practice
- 35 U.S.C. 112(a), Enablement
- Search Strategy

3,988

hours of Quality Chats, covering 10 topics and attended by 7,976 examiners

uspto

