Patent Quality Chat:
Topic Submissions for Case Studies and
Post Grant Outcomes

Patent Quality Chat
Webinar Series 2016 (1 of 11)
January 12, 2016
To send in questions or comments during the webinar, please email:

PatentQualityEventParticipationBox@uspto.gov
Enhanced Patent Quality Initiative

Leading in Quality Excellence – Every Interaction Counts

Intellectual property (IP) intensive industries support at least 40 million jobs in the U.S. and contribute more than $3 trillion - or nearly 35 percent - to our gross domestic product. Our new quality initiative comes as there is increased recognition and appreciation around the world of the importance of IP.

The dedicated efforts of our employees over the last few years have significantly reduced our patent application backlog and pendency. We want to continue to build on those efforts, and recent America Invents Act (AIA) legislation passed by Congress supports doing just that.

The AIA allows us to set our fees and retain fees collected above our appropriated level. This means our financial health is more stable than in the past, giving us a unique opportunity to further expand our quality efforts throughout the entire process.

2016 Patent Quality Chats
The USPTO will present a monthly Lunchtime Patent Quality Webinar Series targeted by patent examiner on quality related topics.

Patent Quality Chat:
Topic Submissions for Case Studies and Post Grant Outcomes

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Patent Quality Chat:
Topic Submissions for Case Studies Pilot

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Brian Hanlon
Director of the Office of Patent Legal Administration (OPLA), USPTO

Part of the Enhanced Patent Quality Initiative
Seeks the assistance of our stakeholders
Federal Register Notice (December 21, 2015) initiated the program
Submissions will be accepted thru February 12, 2016

Email questions to PatentQualityEventParticipationBox@uspto.gov
Program Overview

• Invites stakeholders to submit patent quality-related topics they believe should be the subject of a case study
• Allows the USPTO to broaden the scope of topics that it considers for study by leveraging stakeholder experience
• The USPTO will perform case studies on selected topics

Email questions to PatentQualityEventParticipationBox@uspto.gov

Program Goals

Use results of study to better understand and/or improve USPTO work products and processes to enhance patent quality:
• Better understand the quality of its work products
• Identify correlations or trends
• Address quality issues when identified, such as where training is needed
• Detect opportunities for change in processes or procedures
• Formulate best practices to further enhance patent quality

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What is a Case Study?

- Review of a single target issue
- Distinct from standard Quality Assurance reviews
- Tailored to the selected issue

Submissions

- Can concern any topic affecting the USPTO’s ability to issue high-quality patents
- Should be more than a mere statement of an issue or problem
- Can explain how the results of the case study could be used to improve patent quality
Submission Format

• Title
• Proposal for Study
  • Identify potential trends or correlations
  • If possible, suggest methodology for investigation
• Explanation
  • Need
  • Impact on USPTO and patent system

✔ Do not include any application or examiner specific information
✔ Outside the scope of this study

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Example Submission

Title: “Pre-first action interviews and prosecution quality”
Proposal for Study: Do first action interviews result in a shorter time-to-issuance in applications that mature into patents?

Suggested Methodology: USPTO should study patented applications to determine any correlation between time-to-issuance and pre-first action interviews.

Explanation: Pre-first action interviews can minimize claim misinterpretation, disagreements over teachings of art, etc.
  • Resolving these issues at the outset may focus prosecution
  • This might lead to a shorter overall prosecution

Email questions to PatentQualityEventParticipationBox@uspto.gov
How to Submit Topics

• By email to: TopicSubmissionForCaseStudies@uspto.gov

• Submit by **February 12, 2016**

Further Information

• Topic Submission for Case Studies Webpage: http://www.uspto.gov/patent/initiatives/topic-submission-case-studies-pilot-program

The purpose of this program is to learn from all post grant proceedings and inform examiners of their outcomes.

- Propose three objectives to accomplish this:
  1. **Enhanced Patentability Determinations in Related Child Cases**
     - Providing examiners with prior art submitted during PTAB post grant proceedings
  2. **Targeted Examiner Training**
     - Data collected from the prior art submitted and examiner behavior will provide a feedback loop on best practices
  3. **Examining Corps Education**
     - Provide examiners a periodic review of post grant outcomes focusing on technology sectors

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Objective 1 - Enhanced Patentability Determinations in Related Child Cases

- Identify those patents being challenged at the PTAB under the AIA Trials that have pending related applications in the Patent Corps
- Provide the examiners of those pending related applications access to the prior art submitted with the IPR petition

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Objective 2 – Targeted Examiner Training

- Data collected from the prior art submitted and resulting examiner behavior will provide a feedback loop on best practices
- Educate examiners
  - Prior art search techniques
  - Sources of prior art beyond what is currently available
  - Claim interpretation

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Objective 3 – Examining Corps Education

- Leverage results of all post grant proceedings to educate examiners on the process and results
  - Provide examiners a periodic review of post grant outcomes focusing on technology sectors
  - Utilize the proceedings to give examining corps a fuller appreciation for the process

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Post Grant Outcomes Summary

- Learn from the results of post grant proceedings
- Shine a spotlight on highly relevant prior art uncovered in post grant proceedings
- Enhance patentability of determination of related child cases
- Build a bridge between PTAB and the examining corps

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Next Steps

• Pilot Launches FY16

• Send your feedback to: WorldClassPatentQuality@uspto.gov

Let’s Chat about the
Topic Submissions for Case Studies and
Post Grant Outcomes

Anthony Caputa and Brian Hanlon (Topic Submissions for Case Studies)

Jack Harvey and Steve Koziol (Post Grant Outcomes)
Thank you for joining us today!

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Next Patent Quality Chat:
Tuesday, February 9th
Check our Chat Website for the topic to be announced later this month
To send in questions or comments related to the USPTO’s Enhanced Patent Quality Initiative, please email:

WorldClassPatentQuality@uspto.gov