

UNITED STATES PATENT AND TRADEMARK OFFICE

PATENT PUBLIC ADVISORY COMMITTEE MEETING
QUARTERLY MEETING

Alexandria, Virginia
Thursday, May 6, 2021

1 PARTICIPANTS:

2 Patent Public Advisory Committee (PPAC) Members:

3 JULIE MAR-SPINOLA, Chair

4 STEVEN CALTRIDER, Vice Chair

5 SUSAN G. BRADEN

6 DAN BROWN

7 JENNIFER CAMACHO

8 BERNARD CASSIDY

9 JEREMIAH CHAN

10 TRACY G. DURKIN

11 JEFFREY SEARS

12 Union Representatives:

13 KATHLEEN DUDA

14 CATHERINE FAINT

15 VERNON AKO TOWLER

16 United States Patent and Trademark Office (USPTO):

17 KIMBERLEY ALTON, Acting Director, Office of
18 Governmental Affairs and Oversight

19 ROBERT BAHR, Deputy Commissioner

20 SCOTT BOALICK, Chief Judge, Patent and Trial
and Appeal Board

21 JACKIE BONILLA, Deputy Chief Judge, Patent Trial
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1 PARTICIPANTS (CONT'D):

2 MARY CRITHARIS, Acting Chief Policy Officer and
3 Director for International Affairs4 DREW HIRSHFELD, Performing Functions of the
5 Undersecretary of Commerce for IP and Director
6 of the USPTO

7 ROBIN EVANS, Deputy Commissioner for Patents

8 ANDREW FAILE, Deputy Commissioner for Patent
9 Operations10 JANET GONGOLA, Vice Chief Judge, Patent Trial
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12 JAY HOFFMAN, Chief Financial Officer

13 JAMIE HOLCOMBE, Chief Information Officer

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20 WAYNE STACY, Regional Director, USPTO Silicon
21 Valley Regional Officer22 DEBBIE STEPHENS, Deputy Chief Information
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4 VALENCIA MARTIN WALLACE, Deputy Commissioner
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5 Other Participants:

6 STEPHANO K. DEFINATLE

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8 ANDREW HIRSCH

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P R O C E E D I N G S

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(11:07 a.m.)

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MR. CALTRIDER: Good morning. Can everybody hear me, okay? Here we go, here we go. We had a little bit of a problem there for a moment. Apologies.

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Good morning, and welcome to PPAC. I am Steve Caltrider, Vice Chair of PPAC, and I will be facilitating today's meeting. Our Chair, Julie Mar-Spinola, has a conflict and will be in and out of today's meeting, so I will do my best to fill in. I appreciate Webex identifies the participants and, nevertheless, I'd like to start today's meeting by asking each of the PPAC members to introduce themselves. Julie, I will start with you.

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MS. MAR-SPINOLA: Good morning, everybody. Thank you, Steve, for taking the lead today. I'm looking forward to, even though I'm going in and out, I'm looking forward to a very

1 robust meeting. I'm Julie Mar-Spinola, Chair.

2 Thank you.

3 MR. CALTRIDER: Jennifer?

4 MS. CAMACHO: Good morning. Jennifer

5 Camacho. I'm with PPAC and the Chair of the

6 Innovation Expansion Subcommittee.

7 MR. CALTRIDER: Jeff?

8 MR. SEARS: Hi. I'm Jeff Sears, and I am

9 the Chair of the Pendency and Quality Subcommittee

10 of PPAC.

11 MR. CALTRIDER: Jeremiah?

12 MR. CHAN: Hello. Jeremiah Chan, PPAC.

13 I chair the Subcommittee for Artificial

14 Intelligence [AI] and Information Technology [IT].

15 It's a pleasure to be here today.

16 MR. CALTRIDER: Tracy?

17 MS. DURKIN: Good morning. I'm Tracy

18 Durkin, and I chair the Outreach and International

19 Committee.

20 MR. CALTRIDER: Judge Braden?

21 JUDGE BRADEN: Good morning. I'm Susan

22 Braden. I'm a retired federal judge, and I am

1 co-Chair of the Legislation Subcommittee.

2 MR. CALTRIDER: Dan?

3 MR. BROWN: I'm Dan Brown, and I'm the
4 co-Chair with Judge Braden of the Legislation
5 Subcommittee.

6 MR. CALTRIDER: Barney?

7 MR. CASSIDY: Hi. I'm Barney Cassidy.
8 I'm the humble and lovable Chair of the Finance
9 Subcommittee.

10 MR. CALTRIDER: It's nice to see you,
11 Barney. We've had some technical difficulties
12 earlier. Kathy?

13 MS. DUDA: Good morning. Kathy Duda, and
14 I am the POPA Representative on the PPAC.

15 MR. CALTRIDER: And Catherine?

16 MS. FAINT: Good morning. I'm Catherine
17 Faint, PPAC and Vice President of NTEU 245.

18 MR. CALTRIDER: Welcome everyone. And
19 welcome, also, to Drew and the USPTO staff joining
20 us today. There are too many of the PTO staff on
21 the line to introduce them at this point, so we'll
22 introduce you as we go through the subcommittee

1 reports.

2 Thank you everyone for joining me. In
3 February, PPAC announced its theme for the year,
4 and it was Closing the Gap. This theme is based on
5 recognition. The patent system starts with
6 invention, innovation in the form of a process, a
7 machine, manufacturer and/or composition of
8 matter, and improvements thereof that the law
9 recognizes as being worthy of a patent. The
10 invention is described and claimed in a patent
11 application. USPTO examines the patent
12 application. If the requirements and the statute
13 are met, the patent issues.

14 I want to pause for a moment on the
15 significance of that, the patent system. It's
16 really why we are here. The issuance of a patent
17 converts the intellectual contributions of the
18 inventor to a tangible right, the patent right.
19 The patent right advances the progress of science
20 and the useful arts. It may form the basis of a
21 business, or it may change the course of human
22 development in profound ways. A predictable and

1 fair patent system produces a reliable and durable
2 patent right, a right in which the inventors and
3 investors can be confident and trust the system to
4 protect their innovation by filing and thereby
5 disclosing the invention. They and other investors
6 trust the system in committing capital to bring
7 that invention to the market.

8 Closing the gap recognizes that the
9 front end of the patent system in a high-quality
10 patent application and examination sets the
11 foundation for the back end of the patent system,
12 any post-grant challenge that patent might
13 experience. But both are critical to a reliable
14 and fair patent system, and both are on the agenda
15 today. I'm not going to highlight the entire
16 agenda today, but I'll start by flagging a few
17 items.

18 The Innovation Expansion Subcommittee
19 will be reviewing the steps by USPTO to enlarge
20 the base. Only a narrow segment of the public is
21 inventing, and that segment is too focused
22 geographically in its diversity. Simply stated,

1 broadening the base of the public who are
2 inventing is essential for American
3 competitiveness. I'm looking to the report of this
4 subcommittee.

5 Patent Pendency and Quality Subcommittee
6 will provide an update on the front end of the
7 system, the steps applicants and the examiners can
8 take to improve patent quality. The PTAB [Patent
9 Trial and Appeal Board] Subcommittee will provide
10 an update on the back end of the system, steps
11 PTAB is undertaking to establish learning moves to
12 improve the predictability and fairness of the
13 patent system.

14 The Outreach Subcommittee will provide
15 an update on leadership in the United States to
16 advance the principle of a strong patent system
17 within the IP5, and particularly in relation to
18 China. The AI and the IT Subcommittee will provide
19 an update on the work to improve the patent system
20 through technology, ensuring that the systems
21 around the office are secure, resilient, and that
22 we leverage machine learning to enhance the

1 quality of classification and search. I will also
2 take this opportunity to remind the members of
3 PPAC that the August meeting will be focused on
4 the annual report and current developments. At
5 that time, we may have a decision on Arthrex, and
6 I know that PPAC and members of the public are
7 eager to discuss Section 325(d) as part of the
8 PPAC Subcommittee Report.

9 But today we'll open with comments from
10 Drew Hirshfeld, who is performing the functions
11 and duties of the Under Secretary of Commerce for
12 IP and Director of the USPTO. Drew, I turn the
13 floor over to you.

14 MR. HIRSHFELD: Thank you, Steve, and
15 good morning, everybody. I'd like to start by
16 thanking Steve, and all the PPAC members, and all
17 the USPTO personnel who pulled this event
18 together, and for all the work you do generally.
19 As for the PPAC events, we all recognize that a
20 great deal of effort goes into this meeting, and
21 there's a wonderful amount of information that's
22 shared. And I hope everyone gets a really helpful

1 look at the system. And, Steve, I really
2 appreciate your opening remarks, so thank you for
3 those.

4 Let me start with some personal
5 thank-yous that I'd like to make. I'm going to
6 start with Coke Stewart, who I think is on the
7 line. I know people know me from being
8 Commissioner for a long time, and I think Coke has
9 been in the office for many years in a variety of
10 roles; people don't know as much. But I will just
11 tell you that in the time that I have been
12 performing functions here, Coke has been my
13 Deputy, and she is just absolutely wonderful and
14 has really helped make my job easier and really
15 helped this Agency continue to move forward and be
16 as successful as we are, because I think it's been
17 a really good few months. So, thank you, Coke.

18 I also want to thank Andy Faile. Andy
19 and I go way back. Of course, Andy was gracious
20 enough to step in and be Acting Commissioner while
21 I'm in this role, and I know we're in great hands
22 with Andy there, and the deputies are doing a

1 great job. So, thank you, too, Andy.

2 And I will reiterate something that I
3 shared at the last PPAC, just about the Executive
4 Committee members, that is, the business unit
5 heads of the USPTO. And I will just tell that,
6 that as a long-time PTO person, I have watched the
7 functionality of the Executive Committee on the
8 continued trajectory upward, and we have a
9 wonderful group. I know many of them you'll hear
10 from today during the course of this session. And
11 I will just tell you as I'm temporarily performing
12 the functions of the Under Secretary, I'm very
13 fortunate to have such a wonderful group of
14 executives who are so dedicated to the Office. So
15 thank you to all of you.

16 I also do have one personnel update in
17 terms of change that I wanted to mention. Wayne
18 Stacy, who was, of course, the head of our Silicon
19 Valley Regional Office, has moved on to
20 UC-Berkeley, and we wish him the absolute best.
21 And Steve Koziol, who had been working with me and
22 is also a long-term and longtime PTO person, will

1 be acting in Wayne's role. So those of you
2 reaching out to the Silicon Valley Regional
3 Office, Steve is the person to reach out to.

4 And, finally, and certainly not last,
5 Jennifer Lo should be thanked. Jennifer does a
6 great job pulling this event together. Jennifer,
7 you have been doing this year in and year out, and
8 we're all grateful for what you do.

9 I'll transition now to a couple exciting
10 events, one in the past, one coming up in the
11 future. The one in the past is World IP Day. So,
12 just recently we had World IP Day. It was a
13 wonderful day. I just want to share a couple
14 highlights from my perspective. One was a panel
15 that I was able to do with Andrei Iancu, and
16 Michelle Lee, Dave Kappos, and Bruce Lehman. I
17 find it quite interesting that I worked for every
18 single one of them at some point or another, so I
19 highlight that as just a great group of former
20 Under Secretaries of the USPTO, our wonderful
21 advocates for the Office and IP, and really
22 enjoyed their thoughts and words on World IP Day.

1 And we also had a proclamation from President
2 Biden on World IP Day and, then, of course,
3 celebrating small and medium entities, which was
4 the theme of this World IP Day. Since when do I
5 have a presidential proclamation?

6 And in looking forward, it's my pleasure
7 to say that this coming Tuesday, we will be
8 issuing patent number 11,000,000, which is quite a
9 milestone. It's a milestone that really highlights
10 the level of innovation occurring in the United
11 States, and elsewhere. It is quite remarkable. It
12 was just about three years ago when we hit the
13 10,000,000 mark, so, excitedly, we will be hitting
14 that 11,000,000 mark this coming Tuesday.

15 I'll transition my remarks now to an
16 update of some other events at USPTO and, of
17 course, not surprisingly, I will start with an
18 update of issues related to the pandemic, and
19 obviously we get asked a great deal of questions,
20 how are things going, et cetera. So, let me start
21 with the USPTO operations. We are still in a
22 maximum telework situation, so you see me in the

1 office today but, generally, most employees are
2 working remotely still. And we have only those
3 employees coming in who really, it is mandatory
4 for their job to come in. So the vast majority of
5 PTO personnel are working at home predominantly
6 full-time.

7 Now, that is not a worry for me, quite
8 frankly. We are extremely functional and doing
9 very well; about 80% of employees prior to the
10 pandemic had the opportunity and the ability to
11 work at home. So for us this is, I won't say
12 entirely business as usual, but relatively close
13 to business as usual when you're comparing, when
14 we're comparing to other agencies. So we have been
15 highly functional. We have not lost a beat. Our
16 jobs can be done remotely, and we've been doing
17 them. And our CIO should be thanked for all of the
18 Webex and Teams meetings that we have remotely.

19 As far as when we are transitioning back
20 to a pre-pandemic state, your guess is as good as
21 mine at this point. I really don't know that.
22 We're waiting and seeing, working with the

1 administration, working with the Department of
2 Commerce, of course, watching the trajectory in
3 changes in the pandemic. And those decisions will
4 be made at a later date.

5 A couple other topics that I wanted to
6 discuss related to COVID, is on April 15, PTAB-
7 and you'll hear, I believe, more about this later
8 began a COVID fast-track appeals pilot program for
9 inventions related to the pandemic and asked, of
10 course, for ex parte appeals. And their goal is to
11 greatly expedite examination, or review, rather,
12 of those cases. I'm still talking as a
13 Commissioner, of course. And they are currently
14 averaging about two months from a grant and the
15 petition to a decision, which is quite remarkable.
16 So that is good speed by them. And we've also
17 recently announced a Patents for Humanity Program
18 related to COVID. So they have a separate category
19 for the Patents for Humanity based on COVID. And
20 I'm looking forward to seeing what innovations
21 come through that, that program. I also believe
22 you'll hear more about that later today.

1 I'll next discuss some filing
2 information. I, I always say this next to COVID
3 and the pandemic, only because people are often
4 asking what's happening to filings. So this is
5 sort of a pandemic-related issue but, of course,
6 not only a pandemic-related issue as well. And
7 filings are currently down 3.9% as compared to the
8 same time last year. Now, I want to put that in
9 context. We have been projecting that we were
10 going to be down for the year, at 3.7%. And that's
11 what I believe I mentioned and was discussed at
12 the last PPAC.

13 Since that time, we've actually seen
14 filings at a greater rate than what we modeled,
15 and in what was expected. So we're now modeling
16 for the year a 2% decrease in filings. So I know
17 we're talking decreases, but the important point
18 is here, we're going in the right trajectory.
19 We're about less decrease, and we have adjusted
20 our models to have lesser of a decrease. So the
21 last two months have actually been higher filing
22 rates than the same two months last year. So,

1 again, we're actually seeing increases in filings.

2 Now, again, we do expect to end up in a
3 negative 2 for the year, but that was down from
4 what we were projecting as about 3.7. So I think
5 that is good news, and, certainly, filings are
6 going in the right direction. We want people to be
7 filing, we want innovators to be innovating, of
8 course. Now, let me also put that into context and
9 look back at the 2008-2009 timeframe, which is, of
10 course, where is the financial crisis. We did peak
11 at a decrease in filings of 8.8%. So putting into
12 context where we are now, we are projecting for
13 this year a, the decrease of 2. Obviously, that
14 can change a little bit, either way, of course,
15 but compared to 2008 and 2009, it was an 8.8
16 decrease. So it's quite a change there.

17 As far as revenues go, which is the
18 other question people ask me, I will give you the
19 very, very high-level, in saying revenues for the
20 entire office as patents and trademarks are rather
21 healthy. Again, we're seeing filings on the patent
22 side increase, trademark filings are actually

1 very, very high. There's many reasons for that.
2 And we are seeing revenues are strong. I know Jay
3 Hoffman will share more about that.

4 Let me transition now to our Customer
5 Perception Survey, which I know we've reported out
6 frequently here, and you're going to have more
7 details of this in a few minutes. But I would just
8 like to highlight that because we've been tracking
9 the surveys for many years. For those of you that
10 don't know, it's a twice annual survey that we
11 give out to frequent users of the USPTO, its
12 frequent filers of applications, and we ask them
13 their perceptions. And I know that subsequently,
14 you're going to have somebody get into this. I
15 think Marty Rater gets into this much more deeply
16 than I will here. But the high, a high-level
17 message is that we had 19 people who have, who
18 rated our quality, their perception of our
19 quality, as Good or Outstanding, but every single
20 person who said our quality was Poor or Very Poor,
21 it's a 19:1 ratio, what we were at. Our previous
22 high for that ratio was actually 12:1.

1 And if you go back in time, it was a not
2 too distant time ago where we were about a 1:1
3 ratio of those who said Good or Excellent and
4 those who said Poor or Very Poor. It's quite
5 remarkable, and this is a testament to the great
6 work that the examiners are doing. But really, the
7 survey is showing that there's been a continued
8 trend upward of the perceptions of our quality,
9 and I think that is a very, very positive outcome
10 here at PTO. So, great job to all the examiners
11 and all the supervisors who were working with them
12 and training them.

13 The next topic-and I just have a variety
14 of topics that I wanted to highlight-you are all
15 probably aware, we received a number of letters
16 from members of Congress asking or suggesting that
17 we take some certain steps. I wanted to highlight
18 two of those. One of the letters was recommending
19 that we have a sequencing examination pilot where
20 we defer subject matter and eligibility
21 determinations with the hope that during
22 prosecution, in other words, as you're discussing

1 and prosecuting on the art issues, that they
2 render moot the subject matter eligibility issues
3 as well.

4 We are considering a pilot there and
5 will do a pilot. I don't know the contours yet of
6 that, and I say that is because we are still
7 working out the details. We want to be very
8 thoughtful about this. We want applicants to have
9 a choice so that people aren't in the pilot
10 without knowing or forced into a pilot. So, of
11 course, this will be voluntary on the part of
12 applicants. And we are working out the details.
13 But stayed tuned for that. We are looking forward
14 to highlighting and testing this premise here.
15 But again, details to come shortly.

16 Another letter was requesting that we
17 take a look at the impacts of subject matter
18 eligibility jurisprudence on innovation and
19 particularly in areas of greatest potential
20 impact. So, we are looking at that, and likely
21 you'll see in the near future a Federal Register
22 Notice asking for comments from people on the

1 impacts that they see on subject matter
2 eligibility jurisprudence.

3 And I would be remiss if I didn't switch
4 to IT and talk a little bit about IT. And there is
5 a few topics that I wanted to mention. One is, we
6 are continuing to roll out our new search tool for
7 examiners. Now, this has been a tool that has been
8 a long time in the works, quite frankly, and I'm
9 very excited about. And I know that Andy Faile,
10 who I mentioned, and our OPA [phonetic] have been
11 working, and Kathy Duda, have been working
12 together to ensure the roll-out of this. We are
13 in the midst of rolling out to examiners this new
14 tool. It will greatly help on two fronts, and much
15 more than that, but at least two fronts.

16 One of those is searching for foreign
17 references. It will expand the number greatly of
18 references that are available in full form. So
19 rather than just have an abstract, now we'll have
20 full translations of upwards of 60 million
21 additional foreign references, which is quite a
22 remarkable number. And, also, this tool helps us

1 facilitate, and it modernizes our systems and AI
2 efforts. And I know I'm not personally talking
3 about too many AI efforts in this speech, but
4 please know that remains a priority of ours, and
5 we're making wonderful progress on artificial
6 intelligence, and the roll-out of that tool will
7 be helpful. I do believe there's more discussion
8 later today on AI as well. So that is exciting on
9 the tool front.

10 And then also I wanted to mention DOCX.
11 So, we, as part of our modernization efforts, have
12 been working on transitioning to DOCX for
13 application filings. This is, this provides a more
14 stable platform, and there's many advantages. And
15 we are going to have this on the agenda today as
16 well. The reason why I'm bringing this up is I
17 wanted to highlight to all of you that there is a
18 non-DOCX fee that has been in our fee package from
19 some time ago, that is scheduled for January 1.
20 And I really look at the next many months as a
21 critical time for us moving forward with this
22 DOCX. Which, again, is important for us, for our

1 modernization efforts, and it's also important for
2 the public, as it provides a stable, more stable,
3 platform and provides a number of benefits you're
4 going to hear about.

5 But I have personally received a number
6 of inputs about DOCX, and they're, they're varied,
7 right? So, I think there's people comfortable with
8 this format, and there's some that have voiced
9 concern about the rendering of their office
10 actions into, or their filings into DOCX, having
11 concerns about that. And I want to assure
12 everybody that we are taking the steps to listen
13 to everybody, to make sure we have this worked
14 out. In the next many months, you're going to see
15 Federal Register Notices on this issue, you're
16 going to see a roundtable, at least one on this
17 issue, to make sure that we have the opportunity
18 to engage with everybody, to hear and understand
19 what any concerns are, and to make sure that we're
20 moving forward in the, in the proper ways.

21 So, I am committed to that. You'll hear
22 more about DOCX because it's part of our outreach

1 and education on this. We want everybody to really
2 learn and understand the benefits. And there's
3 training on this, as well, that you can sign up
4 for. And you'll get more about this today, but
5 you'll also hear much more about it in the months
6 to go.

7 I know you have a wonderful agenda. I'll
8 highlight two additional topics. One Steve touched
9 on, and that's our outreach and expansion of
10 innovation efforts. I know it was the first time I
11 mentioned in the last PPAC meeting as being most
12 important on my agenda, and it remains most
13 important on my agenda, and that's the National
14 Council for Expanding American Innovation. I
15 believe the more we can do here the better. So I'm
16 looking forward to continued discussions on that.
17 This is, of course, the USPTO taking a lead role
18 in creating a national strategy for expanding
19 innovation to groups that have not been as
20 representative as they should be in the past. And
21 Steve mentioned in his opening remarks as
22 broadening the base, and that's a wonderful phrase

1 as well. And that is, I think, critical, and I'm
2 very much looking forward to the continued steps
3 we're taking there. And I'm thanking Valencia and
4 her team for taking the lead effort there.

5 And my last topic before I wrap up, on
6 your agenda is Bismarck Myrick. Who I asked for to
7 be on the agenda, quite frankly. You know a number
8 of the business unit heads who are more in the
9 public than others, so I know myself, as
10 Commissioner, I'm often in the public; you know,
11 Jay Hoffman, others, are often in the public. So
12 Bismarck is one those whose name is not in the
13 public as much, but I wanted him to be on the
14 agenda because he is just a wonderful executive.
15 He has been Director of our Office of Equal
16 Opportunity and Diversity, and he's a longtime PTO
17 person.

18 I can actually remember being a new
19 supervisor and having a presentation from
20 Bismarck. And he's a superstar, and he does a lot
21 for really enhancing the culture of the USPTO, and
22 you're going to hear about some of the affinity

1 groups that we have here, which, in my opinion,
2 are unmatched anywhere I've ever seen in any other
3 organization. And that's really with the thanks to
4 Bismarck. So kudos to Bismarck for everything he's
5 doing, and I'm looking forward to him having the
6 opportunity to share his thoughts with all of you.

7 So with that, Steve, I will wrap up. I'm
8 happy to take any questions or comments if people
9 have them.

10 MR. CALTRIDER: Great. Thank you, Drew.
11 Any questions for Drew? Sorry.

12 MS. MAR-SPINOLA: Sorry. I raised my
13 hand, but, this is Julie, to Drew. Drew, can you
14 just expand a little bit on the difference between
15 the two letter requests from Congress? Both seem
16 to be related to patent eligibility. But, and
17 maybe it's what, what is the second one on
18 jurisprudence? Can you elaborate on that a little?

19 MR. HIRSHFELD: Sure. So the first one
20 that I mentioned was they asked for us to consider
21 a pilot program, the sequenced examination where
22 you defer the examination. So that, of course, be

1 the examiners and public prosecuting jointly, a
2 little bit, a little bit differently. The second
3 one is more focused on USPTO taking an effort to
4 reach out to the public and learn about the
5 impacts of subject matter eligibility laws in
6 general. That's why I used the phrase
7 jurisprudence, just to see what the impacts of
8 innovation are to them.

9 So I think one is more narrow, right?
10 So the prosecution one is narrowed to prosecution,
11 and then the other request for information is just
12 trying to get a better handle on the various
13 impacts of subject matter eligibility, laws, and
14 practices.

15 MS. MAR-SPINOLA: Great, thank you.

16 MR. HIRSHFELD: My pleasure.

17 MR. CALTRIDER: Any other questions for
18 Drew? Drew, I'll take a bit of the Chair's
19 prerogative and ask one myself.

20 MR. HIRSHFELD: Good.

21 MR. CALTRIDER: First, congratulations
22 on the survey. A 19:1 ratio of positive versus

1 constructive feedback is simply remarkable. And I
2 want to give you the opportunity to make clear,
3 because, you know, I've seen data, and we've had
4 discussions on it in the team [phonetic]-the
5 Quality Committee-that that positive feedback is
6 not because you've become a, the, you've lowered
7 the standards or lowered the rigorousness of, of
8 the exacting standards of applying the statute to
9 the patent applications during the examination.

10 I thought I'd give you an opportunity to
11 comment on what's really driving that because the
12 standards of patentability haven't changed, but
13 the perception of quality has changed, and I think
14 that's a testament to the good job the examiners
15 are doing in clarity and in explaining, you know,
16 the process as they go through examination. But
17 I'll let you answer that question.

18 MR. HIRSHFELD: You know, thank you,
19 very much. And you're absolutely accurate in that
20 we haven't changed the standards of patentability,
21 and, of course, to get better serving numbers. But
22 I'll tell you what I think is behind it, and one

1 of the great things of this survey is, I only give
2 you the high-level. But when we dive into the
3 results, we're able to use the survey to see what
4 drives peoples' thoughts about quality, and we can
5 really be responsive to that. And over the years,
6 we've seen that a clear prosecution record is one
7 of the main factors for driving people's
8 perception of quality.

9 And we've been taking steps, quite
10 frankly, for years to increase the clarity of the
11 record. And what I mean by that is, is that an
12 applicant should be able to read and understand an
13 office action and know exactly what the examiner
14 was thinking. They should know why, for example,
15 if they're making a 103, they're combining those
16 references; they should know how the examiner
17 interpreted a term for it, for example. And over
18 the years, I think we've done a great job, and
19 kudos to Andy and the Deputy Commissioners for
20 pushing this initiative forward. But I believe all
21 of these efforts have really resulted in a
22 continued increase in peoples' perceptions.

1 I also think, Steve, that I'd be remiss
2 if I didn't mention we did see a jump in
3 perceptions of quality after our subject matter
4 eligibility guidance of sometime ago. Now, that
5 obviously wasn't between the 12:1 and the 19:1,
6 but we also saw that people thought that the
7 subject matter eligibility certainly helped the
8 examiners be more clear and definitive in their
9 actions, which I totally agree with.

10 So, I think there's many factors that
11 Wayne took, but those would be two that I think
12 are most critical.

13 MR. CALTRIDER: Thank you again.

14 MR. HIRSHFELD: Yeah. The bigger picture
15 point here, and I don't think, I think Marty is
16 going to get into this a little later, is that as
17 we drill into the survey, you're really able to
18 use it to see, to drive what factors we should be
19 focused on because those are the things that
20 people feel most, are most important.

21 MR. CALTRIDER: Great. Thank you. As I
22 stated in my opening comments, predictability is

1 one of the hallmarks of this good, strong patent
2 system, and clarity of the record is a major
3 element of predictability. So thank you, and
4 Steven [phonetic].

5 MR. HIRSHFELD: And even if you disagree
6 with the examiner, as long as you know what
7 they're saying, you can have that more educated
8 back-and-forth if you're on the same page, and
9 that's the key point, I think.

10 MR. CALTRIDER: Exactly, exactly. Okay.
11 Let's transition to subcommittee reports. And
12 before I do so, I'd like to remind the public who
13 are watching us today that you can send questions
14 to PPAC@USPTO.gov. But with that, I will turn the
15 floor over to Jeff Sears for the Patent Pendency
16 and Quality Report.

17 MR. SEARS: Thank you very much, Steve.
18 I'm very happy to be here today. We've had some
19 great meetings internally in the Pendency and
20 Quality Subcommittee. And one of the first
21 perspectives I'd like to share on quality is that
22 quality is really a consideration of both

1 participants in the patent process. It's a
2 consideration for the Office, but it's also a
3 consideration for the applicants.

4 Applicants have an obligation to submit
5 quality applications and quality work products.
6 The higher the quality of the applications coming
7 in, the higher the quality of the office actions
8 that come back. So today we're going to discuss
9 some steps the Office is taking to improve its
10 quality and some steps that applicants can
11 potentially consider to improve the quality of the
12 work product they are submitting to the Office.

13 Andy, I turn it over to you.

14 MR. FAILE: Okay. Thank you, Jeff. Good
15 morning, everyone. And I'm going to turn it over
16 to the person that's actually doing the work, and
17 that would be Robin Evans, leading on a number of
18 different topics that we have teed up for you
19 today. So, Robin, take it away.

20 MS. EVANS: Thanks. Thanks, Andy. I'm
21 helping, I'm helping lead this effort. So as Jeff
22 said, there are a number of things that we do and

1 we are trying to do, and there are a number of
2 things that the applicants and our stakeholders
3 can do to improve quality because, as you all
4 know, we're all in this together. So who we have
5 with us today, we have a number of presentations
6 that speak to that.

7 First, we are going to talk about how we
8 are helping the stakeholders do their part a
9 little better. And we have with us today two
10 advisors from the Office of Patent Training. We
11 have Jorge Ortiz and Nick, Nick Jensen. And
12 they're going to talk about two, a couple of the
13 programs that we provide for external
14 stakeholders, the first being STEPP and the second
15 one being vILT. I was going to go in and tell you
16 what STEPP and EXIST stood for, but I'm going to
17 let Nick, and Jorge, do that, or Jorge, and Nick
18 to do that.

19 So please welcome these two advisors,
20 and they're going to share with you where we are
21 with these two programs. So Jorge?

22 MR. ORTIZ-CRIADO: Thank you, Robin.

1 Thank you, everyone. Thank you for having me on.
2 As I probably mentioned, I am Jorge Ortiz. I am a
3 patent training advisor for the Office of Patent
4 Training. And Robin mentioned about evaluating,
5 improving quality in respect to the stakeholder,
6 and we definitely want to deliver high-quality,
7 accept only high-quality examination, but also
8 delivering intelligent (phonetic) property
9 indication (phonetic) to our external
10 stakeholders.

11 And we have two programs. If you have
12 not heard about these programs in the past, you
13 know, we have STEPP and vILT. Now, STEPP, it
14 stands for Stakeholder Training on Examination
15 Practice and Procedure. And vILT stands for
16 Virtual Instructor Led Training. And on our next
17 slide, if you can just go ahead and advance the
18 slide?

19 So we have a slide here that's for
20 comparing and contrasting the two different
21 programs that we offer, administered by the Office
22 of Patent Training. We have the STEPP Program, as

1 you may know, examining [phonetic] has, therefore
2 [phonetic] joined the Patent Office. And they go
3 over 300 hours of training while they stay at the
4 Patent Training Academy, and the fact that the
5 STEPP Program takes that curriculum, that training
6 materials that are used for the entry-level
7 curriculum, and it soon ends [phonetic] in a, in a
8 training program that is available for the
9 stakeholders. It is created for like, guiding you
10 through a series of like, different modules for a
11 few days, and we used the exact same materials
12 that are available to the examiner. So
13 effectively, we don't get copies [phonetic]; we
14 take the exact same material that we use to train
15 examiners. And we want to provide that to our
16 stakeholders.

17 So the STEPP Program is more of a
18 virtual-style format. It is, have some similar
19 capacity, have to raise the point. It would have
20 the chance to effectively, you know, put on the
21 examiner shoes, and see the material from the,
22 from the point of view of the examiner. So, but

1 training for the examiner doesn't end there.

2 The examiners, after they come out of
3 the Academy, they continue to, you know, get
4 training. And whenever there is more recent
5 training, to the examiners we would also like to
6 offer that opportunity to you to be up-to-date,
7 just like the examiners get new training. And we
8 offer that through the vILT Program.

9 So the vILT Program is more of an
10 ongoing, up-to-date training that we offer the
11 examiner that we also want to provide that to our
12 stakeholders. The benefits of the two programs
13 that we offer is, not only are we being
14 transparent, we are effectively giving them the
15 exact same training that we give to the examiners.
16 But, but we want to enhance that collaboration.
17 If we, we talk the same language, if the examiners
18 get the training, you get the same training, we
19 can collaborate better. And the goal is that we
20 have a high-quality, you know, examination of
21 those applications, once you know exactly what the
22 examiner, and how the examiner, the examiner is in

1 thinking when they are working on their cases.

2 So the idea is that we can have a better
3 communication you know, with the office personnel.
4 Both programs you, you will have the opportunity
5 to interact directly to the, with the subject
6 matter experts that deliver these presentations
7 and topics. You could ask questions directly to
8 them. You could receive answers directly from
9 those subject matter experts delivering these
10 topics.

11 And also, they used to do, you know, try
12 to do as much as possible, advise [phonetic]
13 continuing legal education when appropriate for
14 these type of [phonetic] programs. You could spend
15 between one to two hours in the vILT Program, and
16 up to you know, 17-14 hours depending on the
17 program that we are running currently with respect
18 to STEPP.

19 So, and one of the good things about
20 these projects is that they are free to attend.
21 So anyone, there is no cost associated with these
22 programs and, and we just simply would like you

1 each to join and learn about how we train
2 examiners.

3 Now, on our next slide, can we advance
4 the slide really quick? All right, so...

5 MR. SEARS: Jorge, before you move on,
6 I've got a question for you.

7 MR. ORTIZ-CRIADO: Oh, you do? Sure.

8 MR. SEARS: Yes. STEPP and vILT, are
9 those programs in-person at the Office, or are
10 they virtual?

11 MR. ORTIZ-CRIADO: All right, that's a
12 great question. All right, so, and this is, it is
13 a, it's good timing because I would like to talk
14 to you about this temper [phonetic] in both
15 programs. The vILT is just like the name stands
16 for. It's a Virtual Instructor Led Training. vILT
17 has always been virtually available, and we have
18 not done that one in person. However, the STEPP
19 Program has always been, since 2017, an in-person
20 course.

21 Now, for this year, we have just
22 launched, recently in March, the first, this

1 Agent-Attorney [phonetic] four-day course in the
2 virtual environment program. So, and that's
3 essentially what I would like to talk to right
4 now.

5 As recently as last year, the STEPP
6 Program has been designed to be delivered
7 virtually. Now, it used to be originally a
8 three-day in-person course. Now we have a
9 four-day, half-day course. We have to, you know,
10 pretty much replaced [phonetic] the program and at
11 now, what we have is the four days, you know, we
12 prep-pretty much we have like, four different
13 modules.

14 And the participant will get the chance
15 to take a sample application, just exactly how we
16 as examiners do, you know, get the training, the
17 first couple of weeks of our training. We are
18 going to guide you through it from the moment that
19 you pick up that application, you know, pretty
20 much all the way out. Discussing 101 and 112, even
21 we discuss some searching aspect, you know, of, of
22 that examining the application. All the way up to

1 the point that we run an office action.

2 So, yes, the answer is currently we have
3 both programs available virtually for the
4 stakeholders. All right, so, you want me
5 [phonetic]...

6 MR. SEARS: I've got one, one more for
7 you really quick.

8 MR. ORTIZ-CRIADO: Sure.

9 MR. SEARS: Can you give us a sense of
10 the participation level? Is it tens of
11 practitioners? Is it hundreds? Is it thousands?
12 Like, how well subscribed are these programs?

13 MR. ORTIZ-CRIADO: Well, that's a,
14 that's a pretty good question. So for the STEPP
15 Program, it is a virtual style program so, it, if
16 normally, the capacity bcc we are doing like,
17 workshops, like, a program, we have a breakout
18 room so participants would get a chance to work
19 together and collaborate with some of the other
20 agents and attorneys that are participating. It is
21 mostly maxed out at 55 per session, 55
22 participants per session. However, the vILTs, we

1 normally have a little more than that. We, we
2 normally have about 500, you know, seats available
3 for every session. Normally, we have three
4 sessions. I think Nick Jensen will be talking
5 about, a little bit more about vILT. But the vILT
6 is in the numbers of the hundreds, and, and then
7 the STEPP just as I mentioned [phonetic], is
8 slightly smaller because we just do really small
9 groups of workshop-style training.

10 Any other questions before I continue?
11 All right, so on our next slide, if you would
12 please advance? We can have cover, all right, so
13 for this year, I just mentioned that we had a new
14 setup [phonetic] of agent-attorney four-day
15 course. So for this year, we have an ongoing
16 trend, and already, we have sessions that the
17 first one that just happened in March. And we have
18 one that is going to be occurring in like, less
19 than two weeks. That will be our second virtual
20 session for STEPP.

21 Now, for you, for those who are
22 attending, you know, currently, right now, if you

1 are interested to participate in any of the
2 agent-attorney courses, we have one coming up in
3 August and one coming up in September, and
4 registration will be opening pretty soon for both.

5 And if you are interested and can
6 participate, or interested to learn more about the
7 STEPP Program-please, can we move to the next
8 slide-I want to invite you to visit our STEPP page
9 on the USPTO website. Or, if you have any
10 questions, feel free to email me, you know, at
11 STEPP@USPTO.gov. And I will be able to put you on
12 the notification list if you want to know when the
13 next STEPP session might be occurring. I'll be
14 happy to, if you email us at STEPP@USPTO.gov, to
15 put you on that list, and if, it's not that we
16 have not like, [phonetic] I all those who also
17 sign up for the patent awards [phonetic] in our
18 office, we normally, you know, send out
19 notifications.

20 So, but for more information on anything
21 that I have discussed today, I think this is
22 probably the most important slide. You know, you

1 will find information on the STEPP page of the
2 USPTO website. But with this, if there is any
3 questions, I would like to hand it off to Nicholas
4 Jensen, who is going to be talking about the vILT
5 Program.

6 MR. JENSEN: Thank you, Jorge.

7 MS. EVANS: I think Julie had a
8 question.

9 MS. MAR-SPINOLA: Sorry, yes.

10 MS. EVANS: I, I thought I saw Julie's
11 hand.

12 MR. JENSEN: Mm-hmm?

13 MS. MAR-SPINOLA: Thank you very much.
14 Thank you for this presentation. This is very
15 interesting. Can you elaborate on how this is
16 being announced to the externals? How did they
17 know about this program and its availability?

18 MR. ORTIZ-CRIADO: Good question. So on
19 the first mean [phonetic] or channel of how seeing
20 [phonetic] this knowledge, or schedule of any
21 other future courses, is our STEPP page of the
22 USPTO website. If you search STEPP and USPTO,

1 probably it's going to be the first hit that you
2 get in your results. But, but we use the Patent
3 Alert to communicate if you have signed on for
4 Patent Alerts from our office. Normally before
5 registration opens, we send a notification in one
6 word [phonetic].

7 We have also a mailing list that we have
8 collected for those who have interest in getting
9 notifications for the program. Normally, we will
10 receive those through prior registration, or just
11 an email from the STEPP@USPTO. We collect that
12 information, put it on the mailing list, and we,
13 every time that there is a STEPP session, we
14 notify them about the availability.

15 We used, have of the social media on the
16 platform, whether it is you know, Facebook,
17 Twitter, so we normally provide that. Like, and we
18 have also provided some notification about future
19 events, about when, and, and also, we tried to
20 collaborate with the different wards [phonetic]
21 the, around the country whenever the STEPP
22 Program-recently last year, and, and a couple of

1 years before-we started like, offering the STEPP
2 Program offsite, so we have used the means of
3 like, the different wards around the country, you
4 know, to help us deliver, you know, for the
5 members, of the opportunity of the STEPP Program
6 that, that might be happening in the near future.

7 So those are the few examples that we
8 have here, yes.

9 MS. MAR SPINOLA: That's great. Okay. So
10 thank you for that. I appreciate it.

11 MR. ORTIZ-CRIADO: You're welcome.

12 MR. JENSEN: On the next slide we can
13 start discussing vILT. My name is Nicholas Jensen,
14 in the Office of Patent Training, Training
15 Advisor. And I'd like to first start by thanking
16 you, if you were one of 9,000 attendees, that have
17 attended a vILT course in the last three years.
18 VILT is a widely attended course, and if you did
19 happen to miss any of those opportunities that we
20 have provided through vILT, we do have some
21 additional courses coming up this summer that
22 we'll discuss next.

1 Now, vILT, as Jorge indicated, is a
2 live, virtual, instructor-led training. This
3 training allows you to interact with the USPTO
4 subject matter experts, right? We will have the
5 subject expert presenting, and we will have a
6 panel of subject matter experts online to answer
7 your questions. Now, anyone can attend a vILT
8 course. These are open to anyone, and you can
9 invite externs, and you can invite clients.
10 Anyone who is available are welcome to attend.
11 They are free to attend, and we do seek
12 sponsorship in the State of Virginia for the
13 courses provided to vILT.

14 As you can see, the growth of vILT has
15 really accelerated these last couple of years,
16 with this year, with the two offerings that we
17 provided this year, already having well over 2,000
18 attendees.

19 Now, the next slide, we will be
20 discussing the upcoming schedule. You can see that
21 so far for this fiscal year, we provided two
22 courses, After Final Practice and Petitions

1 Practice. And you'll see that for each of those
2 courses, we do provide a plurality of sessions.
3 As Jorge indicated, this is to provide a healthy
4 ratio between our panelists, instructors, and the
5 number of attendees online. So, you have multiple
6 different days in which attendees may join.

7 Now, coming up this summer, we're going
8 to have a course schedule for August and another
9 one for September. Now, if you are interested in
10 attending these courses, I do encourage you to
11 register to be notified on our mailing list. And
12 the chat is going to be in an email address, and
13 that email is vILT@USPTO.gov, and if you can send
14 an email to that address, I'll make sure to notify
15 you as soon as registration opens. Attendance for
16 vILT is a first-come, first-served.

17 On the next slide, we'll talk about some
18 of the different courses that we've provided in
19 the past. Here, what we have is just a subset of
20 some of the prior vILT offerings. Now, vILT,
21 unlike STEPP, vILT is focusing on recent trainings
22 delivered to examiners, right? So after we train

1 the examiners, we're going to roll that training
2 out to you, and while you gain that same
3 perspective that the examiner has, right? This is
4 going to help you be more efficient in your
5 prosecution by understanding how the examiner was
6 trained.

7 And you see here we have a wide range of
8 different topics that have been provided through
9 vILT. And coming up, we're going to have a couple
10 more in August and September, in which you are
11 welcome to join. Again, if you're interested in
12 vILT, you want to email us at vILT@USPTO.gov. I'm
13 going to put that in the chat, and there's also a
14 link on the next slide in which you can learn more
15 about the vILT Program.

16 Any questions?

17 MS. EVANS: I actually don't have a
18 question for you. I have questions coming in for
19 Jorge, and that's with respect to whether you've
20 had an opportunity to measure the success of the
21 STEPP Program and on what metrics can you measure
22 the success?

1 MR. ORTIZ-CRIADO: That is a great,
2 great question. And I think I can-this, this
3 probably is like, coming from both programs, the
4 STEPP and the vILT Program. At the end of the
5 course, we not only ask the participant to submit
6 our survey, we have a survey for both programs.
7 And we ask a series of questions, and not only we
8 do that, we can, one could, you know, have a
9 feeling as to, you know, the, the, you know, the
10 success of the program.

11 We also like to get some feedback, you
12 know, from the stakeholders when they participate
13 in these programs to see if we can, we have some
14 sort of need of a tweaking, a modification, maybe
15 some other topics that there might be addressed,
16 they need to be covered on, in this program. So,
17 that's how, normally, we have done it, and that
18 they, the survey is effectively our way to, you
19 know, make some assessment of the, for the success
20 of the program currently.

21 So, does that answer your question?

22 MS. MAR-SPINOLA: I just want to be sure

1 if there is anything else they want to add. Robin?

2 MS. EVANS: Yes, and let me just add,
3 Julie, that measure is also on our balanced
4 scorecard, right? And we are currently, are at, as
5 Jorge said...

6 MS. MAR-SPINOLA: Mm-hmm.

7 MS. EVANS: That we ask who would
8 recommend this course? And currently, we are at
9 18:1, so 18 people who take the survey, 18:1 say
10 they would recommend taking, taking this course.
11 I just wanted to add that in because we do, you
12 know, [phonetic] have that measure.

13 MS. CAMACHO: Thank you, Robin. And,
14 Jorge, I did have follow-up a question from
15 another member of the public, and this is with
16 respect to a former STEPP Program attendee, who
17 said that [they] enjoyed it quite a bit and, oh,
18 was wondering whether the next program and
19 training materials, the questions that were
20 accessed during the STEPP Program, whether there's
21 a better set of questions and training materials
22 that the public or STEPP Program participants can

1 have access to?

2 MR. ORTIZ-CRIADO: Great question. So,
3 we, all the materials in, that we currently have
4 or use from the entry-level examiner, we have a, a
5 page from the USPTO website where we made
6 available the trainings that, that we use to train
7 examiners. So they are in the form of CLEs
8 [phonetic] that all participants make and have
9 access to and watch them. So, preferably, all the
10 statements you go, if you participate in the STEPP
11 Program, are being proofed [phonetic] and
12 delivered, and you can have access for those
13 materials electronically.

14 So I will be happy to put on, you know,
15 the page that we have those. Maybe I could put
16 that in the chat, where the materials, they might
17 be located for those who might be interested and,
18 to gain access to it.

19 MS. CAMACHO: Thank you, Jorge. And Dan,
20 I think you had a question? I replied and those...
21 I just didn't...

22 MR. BROWN: Yeah. And he may have

1 answered it here, but I just was going to ask
2 Nicholas, are the past trainings taped, or are
3 they available on video to be reviewed? Or do you
4 have a list of the topics that, you know, past
5 trainings covered?

6 MR. JENSEN: Very good question. So vILT
7 is a live instructor web training, and it provides
8 CLE accordingly. We provide a live instructor CLE.
9 And as a result of that format, we do not record
10 the vILT courses. The intention is to offer an
11 opportunity for interaction with USPTO subject
12 matter experts, and as a result of that format,
13 the courses are not recorded. Now, some courses do
14 have a corresponding computer-based training, and
15 you can view that training by visiting the vILT
16 Page. Prior vILT courses are generally removed
17 from the website after about a year from their
18 publication.

19 MS. MAR-SPINOLA: So this is Julie
20 Mar-Spinola. And this is a question to whoever can
21 answer it about the programs. One, and perhaps I
22 missed this, but I'd be interested in knowing how

1 popular these programs have been. And, secondly,
2 has the Patent Office considered, and clearly,
3 and, Nicholas, you mentioned something about
4 Virginia's CLE, which is kind of narrow, right?
5 Because CLE, to the extent possible, would be
6 helpful to expand that for, for other
7 jurisdictions. But also certification, if, and I
8 kind of feel, and in full disclosure, I have not
9 attended any of these, but I've made a note to try
10 to do that.

11 But it seems to me that these programs
12 can be very helpful for the practitioners and for
13 the inventors-the solo inventors-to learn more and
14 to get more insight. But perhaps if to increase
15 the participation, which I think would improve
16 the, generally improve the patent filings, is to
17 offer certification of completing the programs.
18 And, you know, that's just a thought. Has the
19 Patent Office considered that, and is it even
20 something that the Patent Office can do?

21 MR. JENSEN: Very good question there,
22 Julie. I'll just take the first question regarding

1 Virginia's CLE. We do seek sponsorship in the
2 state in which the course is being broadcast from,
3 and in terms of the vILT, that's generally the
4 State of Virginia. Luckily, many states do offer
5 reciprocity with Virginia, so attendees do have
6 the opportunity to self-certify or either use that
7 same certificate of attendance for Virginia. We do
8 provide attendees with all the needed information
9 for their self-certification with their respective
10 state.

11 MS. MAR-SPINOLA: Okay, thank you.

12 MS. EVANS: Julie, and I will add for,
13 you talked, or mentioned, about the STEPP Program,
14 and I think it was Jeff, also, that asked who was
15 our target audience? So I wanted him to jump on
16 that, if he wants. I think you're on mute then.

17 MR. ORTIZ-CRIADO: Can you hear me?

18 MS. MAR-SPINOLA: Yes. Now.

19 MR. ORTIZ-CRIADO: All right, sounds
20 good. So for the STEPP Program and, you know, the
21 target audience, so in the past, what we have done
22 is that when we deliver the training, let's say

1 now it's time now that we are having the training
2 in one of our, you know, offices when we had the
3 available opportunity of an in-person, three-day
4 course. We had applied for the CLE in the state
5 that the course was delivered. Now, last year, we
6 had some postponed events that we had effectively
7 already finished some registration, and we had
8 already applied for the CLE. But currently,
9 effectively, the same parameter, we are following
10 the exact same format that we have been doing for
11 the vILT.

12 Instead, we will be applying for CLE in
13 the State of Virginia, and then the participant
14 would be able to do the reciprocity in their own
15 state, as we currently are CLE providers for the
16 State of Virginia. So for future sessions,
17 especially for the four-day virtual environment
18 course, we are going to be following the exact
19 same format as the vILT currently is doing.

20 MS. MAR-SPINOLA: Right. And I apologize
21 if my question wasn't clear. I wasn't particularly
22 focused on CLE. But to the extent that the Patent

1 Office can consider or can even provide, like, a
2 certificate of completion for completing either
3 the STEPP or the vILT Programs.

4 I think, one, it might invite more
5 participants, if you need more participants, and
6 then, secondly, I think it's, for folks, and it
7 could be, it could incentivize folks to actually
8 go to these programs.

9 MR. ORTIZ-CRIADO: Correct.

10 MS. MAR-SPINOLA: I think it would
11 improve the quality of interactions with the
12 Patent Office, understanding the Patent Office
13 procedures, and maybe even improving the quality
14 of the applications that are being submitted.
15 That was more my...

16 MR. ORTIZ-CRIADO: That's the question?
17 All right, so...

18 MS. EVANS: I'll take it, Jorge.

19 MR. ORTIZ-CRIADO: Yes.

20 MS. EVANS: I will tell you, Julie. I'm
21 just coming over to the quality area, so I have
22 not discussed that with anyone, but I think that's

1 a great suggestion, and we will take it, will take
2 it back and think about that and figure out, as
3 you said, can we do it? If that, that is possible.
4 But I wanted to make sure that everyone
5 understood. Jorge talked about the agent and the
6 attorney offering for the STEPP Program. We also
7 have an inventor STEPP Program, and I think that
8 falls into, I don't know if it was Jennifer or
9 Jeff that talked about improving, help with the
10 innovators and improving our patents. And so that
11 is right along that mission. So I just wanted to
12 make sure, even though Jorge did mention having a
13 STEPP Program that is channeled [phonetic] to the
14 inventors and the like [phonetic].

15 MS. MAR-SPINOLA: Thanks for raising
16 that, Robin. And I look forward to hearing about
17 whether or not certification is possible. I think
18 the audience that could be most helped by these
19 programs may be inventors, and it certainly would
20 coincide with our desire, I think our mutual, our
21 universal, desire to improve diversity of our
22 membership. So, thank you.

1 MS. EVANS: Absolutely.

2 MS. MAR-SPINOLA: If there are no other
3 questions, I will just take this one step further,
4 one step further, pun intended, right? We talked
5 about in Alexandria, virtual leave. We are also
6 looking into international steps [phonetic], and
7 so that's going to be our next exciting move.
8 We're targeting early September, but we know in
9 the state we are in a lot of things can happen and
10 a lot of things can change. So, stay tuned for
11 those updates. And I want to thank Jorge and Nick.
12 They have worked really hard, you know, revamping
13 in particular STEPP because that was an in-person
14 workshop, small-type workshop setting, and they
15 overhauled it and updated the curriculum and then
16 the pedagogy to turn it into a virtual, remote,
17 distance-learning program. And I'm excited to see
18 where that leads us. So, thank you, guys, for
19 that.

20 If there are no other questions, we can
21 move right along. And I think I am turning it over
22 to Stefanos. Am I turning it over to you,

1 Stefanos?

2 MR. KARMIS: Absolutely. Thank you.

3 MS. MAR-SPINOLA: Stef, take it away.

4 MR. KARMIS: All right. So I'm going to
5 talk about-okay, sure.

6 MR. CALTRIDER: Just a minute, I've got
7 a, I just want a brief note. I want to be a good
8 steward of our Subcommittee's time. We've got 28
9 minutes left. So, I would ask you and the next
10 presenter to figure out how best to use those so
11 you both get the meat of your presentations on the
12 floor. Thank you very much.

13 MR. KARMIS: Sure. We will make sure
14 that we finish on time.

15 Marty and I are actually both going to
16 talk about similar topics here. We're going to
17 talk about perception surveys. And if it helps
18 with timing, we can save sort of questions for
19 after both presentations are done.

20 We do have two different perception
21 surveys that we give. Drew mentioned the Customer
22 Perception Survey. That's what Marty will focus

1 on. I'm going to focus on our Examiner Perception
2 Survey. You can actually go ahead to the first
3 slide here.

4 And just a little bit of background here
5 for both of our surveys. They are done
6 semi-annually. They do coincide with one another.
7 For the internal perception survey, we administer
8 it through about 800 randomly selected patent
9 examiners, covering all different technologies and
10 grades. And what we're really trying to accomplish
11 with this survey is a sense of what we call
12 internal and external factors that impact the
13 ability to provide high-quality patent
14 examination.

15 What we're really going to focus on
16 today is the external factors that I'll explain a
17 little bit more of. But just to give you an idea
18 of some of the internal factors, what those
19 questions are directed to, they're directed to the
20 training that we give examiners, the IT tools that
21 we provide them with, the coaching and mentoring,
22 so it gives them an opportunity to give us

1 feedback on those things that we give to
2 examiners.

3 But for purposes here, we're going to
4 talk about some of those external factors and how
5 they affect application quality. So you can go
6 ahead to the next slide here. We are going to
7 begin with a slide that talks about overall
8 quality of external factors. And what you kind of
9 see here is the data table on the left, for those
10 who like to see it in the table, and a chart on
11 the right, a graph on the right if you like seeing
12 [phonetic] a graph.

13 But over time, you'll see the percentage
14 of examiners that rate the external factors as
15 good or excellent, in green, versus poor or very
16 poor in blue. And then what we like to do-Marty
17 will also talk about this-but with the external
18 survey, we sort of do a net promoter score for a
19 ratio on good or excellent, to poor or very poor.

20 Historically, for this it was always
21 thought being in that 30 to 40 net promoter score,
22 it's sort of a healthy range. You know, we would

1 strive to get above 40, but we think if things are
2 in that 30 to 40 range, things are going pretty
3 well. And that's where they stand right now. You
4 can kind of see where they've gone over time,
5 since fiscal year 11. There's a little bit of an
6 anomaly and a dip in fiscal year 17-ish, which
7 we'll sort of take as an anomaly at that point,
8 since it has since leveled back off to it, sort of
9 where it has traditionally been. But this is
10 something that we track for overall quality. And
11 in a minute, we'll get into some of the more
12 specific external factors that are driving this
13 overall. But I wanted to show a snapshot of where
14 things are over time-generally pretty, pretty
15 consistent other than a little, maybe anomaly
16 there around fiscal year 17.

17 You can go to the next slide. So I want
18 to dive into what, some of the questions that we
19 give to the examiners regarding external factors
20 and things that, obviously, impact application
21 quality. Essentially, what we give them is a
22 series of questions, and we say to what extent

1 does the applicant facilitate high-quality buys
2 [phonetic]? And then there's some, a handful of
3 categories. And they select either Large Extent,
4 Moderate Extent, or Small Extent.

5 What we wanted to do with these charts
6 over the next three slides is give you an idea of
7 what those factors are and then highlight some of
8 the changes, and I will flag some of them for you
9 as we go through them. So I'm just going to start
10 at the top here, Clarity and Completely of Spec
11 and Clarity of the Claims, the top two. You know,
12 clearly these are important to our examiners.
13 These are things that impact our ability to do a
14 high-quality search. These are things that we
15 really want to have in a patent application, is a
16 spec that our examiners understand and claims that
17 they understand. Generally, they're, you know,
18 feedback from the examiners. You know, maybe the
19 claims need a little more improvement than the
20 spec. That's what we see from them, and sort of
21 inconsistent over time.

22 For the third one, Manageable Number of

1 Claims, also not surprising for our examiners.
2 Keep in mind they are on a production system, so
3 they do prefer to obviously have a manageable
4 number of claims so that they can manage their
5 time. And so that's another factor here that we
6 asked them about.

7 And in the bottom one on this slide, it
8 talks about if the claim's being drafted to
9 capture the inventive concept. Again, and our
10 examiners want to do high-quality searches up
11 front, sort of get the most relevant prior art
12 early in prosecution. They get sort of the most
13 times to search the application, or the most
14 credit for doing that application at the beginning
15 of prosecution. So we really want them to sort of
16 find the most relevant prior art up front. And so
17 the extent that applicants can, you know, direct
18 the claims to their inventive concepts, it does
19 help with that. And this is one of the ones that
20 we have seen some improvement from the last
21 survey. You see that increase is 3%.

22 You can go to the next slide. So just,

1 again, some of the other things we ask about
2 claims, varying from broad to narrow. And two here
3 that really jump out is art cited in the IDF, and
4 clarity of translation for foreign applications.
5 These are two that sort of get on the lower score
6 from our examiners, if you will. So what they
7 really would like to see is prior art, obviously,
8 an IDF that is relevant. And when they, we get
9 more and more applications, obviously, that have
10 foreign origination, if you will, to the quality
11 of those translations that they can understand
12 what is, you know, what is being invented, what is
13 being claimed, is an area where, you know, we can
14 see some improvement from our examiners'
15 perceptions.

16 And then the last one on this slide is
17 just clarity and completeness of drawings. We did
18 have pretty good satisfaction with the drawings
19 that come in. I think I have one of data slides
20 [phonetic] and a few others.

21 Let me show the next slide here. So,
22 also, a lot of positive things come in, feedback

1 from the examiners. The top two here, Clarity of
2 Response to Office Actions and Thoroughness of
3 Response to Address Specific Issues that the
4 Examiner Set Forth in the Office Action. Our
5 examiners give a lot of positive feedback that
6 once they get into prosecution and start working
7 with the applicants, applicants are extremely
8 clear in their responses. You know that they
9 direct their responses to the things that the
10 examiners bring up, so, you know, that's great.

11 One that we, another one that we, you
12 know, we see some, maybe some area for improvement
13 is citations to the spec to provide support for
14 newly added claim limitations. And we'll talk more
15 about that on the next slide also but, well,
16 actually, don't go quite yet to that slide.

17 [Laughter] Sorry about that. You know, our
18 examiners do have the ability to keyword search
19 the patent application, so obviously if the words
20 are word-for-word, we can find out. But there are
21 times when there's a little bit of nuance to where
22 the claim is supported and times when applicants

1 can point that out, that says, hey, see this
2 paragraph in my specification? It does help our
3 examiners quickly identify what you're referring
4 to, to have that support in the application, and
5 we can focus more on the patentability
6 determinations rather than whether they're
7 supporting the specification for that.

8 And then the final two on here,
9 Preparedness to Efficiently and Effectively
10 Conduct Interviews, and the Demeanor Displayed in
11 Interviews, our examiners give a lot of feedback
12 about applicants, you know, being prepared for
13 interviews, being professional in interviews. You
14 know, it's super important to do those interviews
15 to advance prosecution, particularly early in
16 prosecution. You know, when examiners are really
17 trying to get into the search and understanding of
18 a patent application, we know that interviews are
19 a big driver of having an efficient prosecution.
20 And what we can see from here is the applicants
21 are generally prepared, and our examiners
22 appreciate that.

1 I think I have one more slide here. You
2 can go to the next slide now.

3 So one of the things we also try to do
4 is say, well, of these external factors, which
5 ones are really the key drivers of that overall
6 score that you saw at the beginning? And it's kind
7 of interesting here because what you'll see is the
8 way the surveys break down, it kind of falls on
9 some things where examiners feel like there could
10 be improvement, and there are some things where
11 examiners feel like applicants are doing really
12 well.

13 So the question that tends to be
14 correlated overall to the biggest impact on
15 overall quality is that citations to the spec for
16 newly added claim limitations. So when we do get
17 into amendment practice, you know, if there are
18 opportunities to point out where something is
19 supported in a spec, especially if you think it's
20 not sort of very explicit, you know, anything that
21 can be done there to help point that out is
22 something that examiners would like to see.

1 But then the next two are things our
2 examiners are saying that applicants are doing
3 really well, preparing those responses and
4 efficiently conducting interviews. The fact that
5 those are going, are being done so well, is part
6 of the reason why our examiners rate quality where
7 it is now in their interactions with applicants.
8 And then the clarity and completeness of the
9 specification is sort of the fourth key driver
10 there.

11 So that's sort of the end of the slides.
12 Definitely recognize that applicants have a lot
13 of, you know, constraints and considerations on
14 their end that they need to consider when they
15 file patent applications, from their own time
16 constraints and things that have with the
17 inventors that they work with. So we hope that
18 this information is something that you can keep in
19 mind when you file your patent applications and
20 you prosecute your patent applications. And talk,
21 you know, within your organizations and with your
22 inventors of things that our examiners are looking

1 for to, to ultimately, have an efficient
2 prosecution with applicants and with inventors so
3 that, you know, we can collaborate on the
4 prosecution of these patent applications.

5 And I think the next slide is just a
6 question slide. I'm happy to take questions now or
7 happy to wait until after Marty goes. We can take
8 them all at one time if it helps with time.

9 MR. SEARS: Why don't we take them all
10 at one time. So let's move on to Marty. And then,
11 let's say...

12 MR. KARMIS: All right.

13 MR. SEARS: Let's go to 12:23, and we'll
14 save seven minutes for questions.

15 MR. RATER: Perfect. I'll slide through
16 these pretty quick here, seeing how a lot of this
17 has already been discussed. So go ahead and let's
18 buzz [phonetic] to the next slide.

19 I'll let you read some of this while I'm
20 talking here, but just a little bit of background
21 on this survey, a few more details. About 3,200 of
22 our frequent filers are what we measure. We survey

1 them every six months. It's a little bit of a
2 panel-effect survey, where we have repeat
3 respondents from wave to wave so we can kind of
4 monitor change. Just to put a little context to
5 this-these individuals, when they take the survey,
6 we ask them about their experiences over the prior
7 three months. On average, these respondents have
8 received between 15 and 20 office actions. So
9 these are folks that are engaged with the Office
10 quite a bit.

11 As Drew mentioned, the results I'm going
12 to share here give testament to what the examiners
13 have done over the recent years. I will also say
14 it's a huge testament and thank-you to all the
15 people that responded to the survey, right?
16 Without responding to the survey and being clear
17 and sharing with, what some of the challenges you
18 experience as an applicant, you know, or somebody
19 facilitating prosecution, we don't know what to
20 react to and we don't know what the effects
21 [phonetic] are. So a huge thank-you for everybody
22 that's participated in the survey and everybody

1 who will participate in the future.

2 I knew I'd be on East Coast lunchtime
3 here, so I thought I'd give you all the high-level
4 bullets up front. Lowest recorded percent, very
5 poor, and poor quality since the inception of the
6 survey back in 2006. Just recently, a few years
7 ago, right, we've reduced the number of customers
8 that say quality is poor and very poor by over
9 67%, right? That's a phenomenal job to try to get
10 to those folks, get those down. We're also working
11 on improving the level of quality for those that
12 say quality is good or excellent. And that's that
13 ratio Drew mentioned, and I'll show you how we
14 compute that.

15 We've also kind of already mentioned
16 consistency of rejections. I'll show you a little
17 bit of data there where we're talking. The survey
18 addresses consistency, addresses correctness, and
19 addresses clarity of rejections in various
20 statutory categories, as well as some of the
21 interactions with examiners. And we'll talk about
22 that.

1 Finally, we've got a new datapoint we're
2 excited to show, and we'll get to that, but this
3 is, that's kind of related to what do examiners
4 think we're doing, or what does the applicant
5 think we're doing in terms of percent correctness?
6 And how are we dialing that in with some of the
7 other quality metrics we're reporting? And what
8 does that mean?

9 And then, finally, I think we're kind of
10 onto a key driver, and I think it was kind of
11 interesting that Stefanos had in his last slide,
12 and I'll confess, I had something to do with those
13 slides, right? One of those key drivers there in
14 terms of examiners were, well, how well do
15 applicants respond to my office action?
16 Similarly, we're seeing a significant impact and
17 an interesting datapoint, as well, from the other
18 side: applicants expressing some dissatisfaction
19 or the importance of you acknowledging my argument
20 I'm making. So, you know, it does, it goes both
21 ways, and I think these two surveys are really
22 starting to dial in on that.

1 So with that, let's show the data, and
2 Drew is a big fan of this next slide. You know,
3 this is the chart that we look at, which we will
4 look at in just a minute. This is what we're
5 tracking, right? What's not shown here is the
6 percent of customers that say quality is fair.
7 It's not that we're ignoring those, right? But we
8 started looking at both tails of that spectrum, of
9 do you think quality is good or excellent; do you
10 think quality is poor, or very poor; as well as
11 the group of fair.

12 And why we don't just focus on those
13 that are good or excellent and try to move those
14 up is because we've seen, based on your feedback
15 over time, is that the needs of the folks that are
16 saying quality is poor or very poor have different
17 needs and wants than the folks that say it's good
18 or excellent and you need to do this to maintain
19 that level. Similarly, that group in the fair
20 categories are going, hey, you need to do this to
21 keep me from falling down into poor or very poor.
22 Or you need to do this to keep me up into good or

1 excellent. So, it's kind of boiling into our
2 entire customer experience strategy where we're
3 trying to identify these different personas,
4 identify different needs. We know some of those
5 are different statutory needs.

6 You know, it's reality meets
7 expectations. I'll even go back to what Jorge and
8 Nicholas mentioned, right? Some of what just was
9 built in the STEPP Programs are dialing in
10 expectations, what do you expect out of the
11 office? You learn more about what we're doing.
12 Maybe we're helping dial that in, and that could
13 be impacting some of the satisfaction levels.

14 Next slide. Stefanos mentioned the Net
15 Promoters Score. We want to know what drives that.
16 We've got a pretty strong one there with that
17 ratio of 19:1 right now. He showed some odds
18 ratios, right? What drives those? I've chosen to
19 share correlations here. We do run odds ratios, we
20 do a lot of analysis, but I chose to show this one
21 because this takes all the different factors that
22 we're measuring in the survey and kind of puts

1 everything together. And what you get from this is
2 you'll see a lot of the clarity, consistency.
3 Consistency of 103, consistency of 112(b),
4 consistency of 102, clarity of 102, before we even
5 get to any of the correctness factors, right?
6 These are the things that are really driving
7 customer perceptions of quality these days.

8 It goes all the way down. Of note, you
9 see the 101 rejections down there towards the
10 bottom. It's not to say every single one of these
11 items are important. And I think that's the
12 challenge to the examiners, right? And it's the
13 challenge to, everybody probably in this meeting
14 has a different decision matrix of how they would
15 evaluate quality.

16 Just to give you a little bit of an
17 idea, those kind of down in the bottom there with
18 correlations of 0.3, if you're satisfied in that
19 area, you're probably two times more likely to say
20 quality overall is good or excellent. And this
21 thing kind of goes up. It goes a little bit
22 exponentially there, but those items at the top,

1 when we're talking about the clarity, consistency
2 of 103 rejections-and this will be a focus for the
3 remainder of this fiscal year for the office
4 is-that's about seven times more likely for a
5 customer to be satisfied overall with our quality,
6 or to give us a good or excellent rating if
7 they're satisfied with the clarity and consistency
8 of 103 rejections.

9 Pop to the next slide. This is a new
10 thing. And, again, I just mentioned 103. So now we
11 want to say this recent survey, you know, we
12 developed the survey, so it was a quick-hitter.
13 Ah, do we do this right most of the time, some of
14 the time, all of the time, rarely? What this
15 survey slide, what this slide was, for this recent
16 wave of the survey we asked customers, like we
17 normally do, do you think we're rarely correct on
18 our 103 rejections, some of the time, most of the
19 time, or all of the time?

20 Ninety-six percent of our customers are
21 reporting that it's either some of the time or
22 most of the time are correct. Well, you're all

1 aware of our OPQA [Office of Patent Quality and
2 Assurance] reviews. We measure correctness of
3 103s, we measure statutory compliance. So this is
4 where we start getting into dialing what are some
5 of our customer expectations. Is reality meeting
6 expectations? What are our other measures? And a
7 long story short here is of those customers that
8 say some of the time, what they mean by that
9 number, some of the time, is about 43% of my 103
10 rejections are correct. When they say most of the
11 time, about 75% is what they say they see.

12 So, now it kind of helps us start
13 dialing in. We can't come out and maybe expect you
14 all at this point to say, you know, and we're
15 citing a number of 83% compliance. Well, that's
16 not quite correlating with what we're hearing from
17 our customers. So, now we're trying to dial into
18 that. And I know this is a lot to take in right
19 now, but there's also interesting things as we
20 start looking at this data.

21 If you could see that little bit right
22 there under that rare column, right? There's a box

1 of whisker plots for you stats folks out there.
2 And, you know, you had to expect I was going to
3 throw some slot [phonetic] like this. You see a
4 dot up there at 100%? We get customers who say
5 hey, you rarely do 103 correct, are rarely
6 correct. And then when we ask that customer, well,
7 of your recent office actions, is how many were
8 correct? One hundred percent of them were
9 correct. So, we see those sides [phonetic] of data
10 points, right?

11 And we know that happened. And we'll see
12 comments of, well, you're pretty good overall, but
13 you're horrible on the ones I received on my
14 applications. So, again, it is a snapshot, it's a
15 perception in time.

16 Go to the next slide. And I think this
17 is the one on addressing applicant response,
18 correctness, consistency, clarity. This is the new
19 player in town in terms of the data we've seen
20 over the years, and we're starting to monitor this
21 a little bit closer. Again, we asked them, hey, do
22 you feel examiners address your response to office

1 actions? And were, would they address your
2 arguments? And we measure this also through the
3 OPQA reviews.

4 If the customer says not at all, to a
5 small extent of the time, only 16% of those
6 customers were willing to give us the nod on good
7 or excellent as overall quality. However, if we
8 can satisfy them and do it on a consistent basis,
9 and we can say, and get that customer to say, we
10 do this one item a large extent of the time, 83%
11 of those customers will say quality is good or
12 excellent. So this is a phenomenal thing that
13 we're seeing. We're seeing it from the examiners
14 asking applicants to do this, we're seeing
15 definitely the applicants asking examiners to do
16 this.

17 And then just one final slide that I
18 think I have here was another trend that we've
19 seen kind of come up, and we'll just go into maybe
20 some of the search. This is the art. And I show
21 this here, we show the art, quality of prior art,
22 perceptions of that. We've seen really, really

1 great reductions in the percent of customers that
2 will say, hey, the quality of prior art is very,
3 very poor, or it's poor. We see pretty healthy
4 numbers, they are willing to say good or
5 excellent.

6 We'll see the citing of prior art is
7 growing pretty good. We've minimized the number of
8 folks that think it's rarely done, that examiners
9 cite prior art. And I will tell you, this other
10 survey, the survey, one of the first times I've
11 seen it since, and I've been with this survey
12 since the beginning in 2006, we're starting to see
13 comments putting USPTO in the quality of their
14 searchers and the quality of what the examiners
15 are doing in the prior art arena, above maybe what
16 EPO [European Patent Office] and some of the
17 international offices are doing. And we've never
18 seen those comments before, so I think that's
19 another good point out to the examiners.

20 12:25, I'm sorry. Hopefully, I've
21 answered some questions ahead of time. Jeff?

22 MR. SEARS: Thank you very much. Why

1 don't we turn it over to Jennifer to see if there
2 are any questions from the public.

3 MS. CAMACHO: There are indeed questions
4 from the public. I have a couple of questions for
5 you, Marty, and one for Stefanos.

6 Marty, so, one of the questions is about
7 whether you can speak to representation of the
8 responses across the technology centers for the
9 quality surveys. And whether there are any other
10 trends besides what we saw on the last slide,
11 related to that distinction.

12 MR. RATER: So, again, I think it speaks
13 to, one, we do have a random sample of all our
14 frequent filers, so we're covering all
15 technologies. We do ask the applicant to indicate,
16 or the survey respondent to indicate, what
17 technology field, most of the office actions
18 received in the prior three months that they
19 received. Because these are folks dabbling in a
20 lot of technologies for the most part, right? So
21 we do use that to make sure that we don't have-
22 we're looking at how we can kind of link this to

1 maybe some different technology with, of our CPC
2 [Cooperative Patent Classification] buckets and
3 new routing and try to dial it in those fields'
4 way. And I'm sorry, I already lost the second
5 question.

6 Oh, and are we seeing any real
7 differences? We're not seeing as many differences
8 right now, which kind of tells us maybe we're
9 coming along and getting better in the consistency
10 front, right? Because again, I think that was one
11 of the primary sources of our less than ideal
12 consistency ratings before, was, hey, I'll go over
13 to this art unit and this technology and get kind
14 of [phonetic] of behavior, and I'll go over to
15 this technology and get this kind of behavior.
16 Right? That was a key pain point for customers.
17 And we're not seeing the comments related to that
18 as much anymore.

19 MS. CAMACHO: Thank you, Marty. The
20 second question relates to the different types of
21 rejections, so the 103, 102, 112, and the 101. And
22 the question is do you even normalize [phonetic]

1 for the numbers? And they make the note that, you
2 know, most office actions have, may have a, a 103,
3 but very few will have a 101. And so, of course,
4 the 101 would be a key driver of some of the data
5 here.

6 Then the second question is for all the
7 101s that are, rejections that are made, what is
8 actual clarity with respect to those rejections as
9 far as at least with the survey data?

10 MR. RATER: For like 101, in particular,
11 right? So, right, we do somewhat normalize for
12 that because we ask them, and they can say not
13 applicable. I didn't get any of these in this
14 areas. Right? 102 and 103 kind of run together.
15 We see historically a little bit, though,
16 perception to 102 are a little bit higher than
17 103, and we don't-so what we're trying to do now
18 is correlate some of that with what we're seeing
19 internally with our results. 101, the phenomenal
20 one, right? Because you're right, we start getting
21 into pockets where people see a lot and people see
22 [phonetic] don't.

1 And to be honest with you, what we're
2 seeing with a 101, primarily the dissatisfaction
3 in the 101 in the survey results are usually
4 accompanied with quite a few comments of, hey, I
5 get it, the examiners have to do this with the
6 case law. It's with the other stuff outside.
7 That's kind of recent.

8 But, yeah, right now we're just kind of
9 trying to feel, hey, how do these things rank? And
10 is it kind of ranking in the same order we see
11 with one of our OPQA review findings or the
12 reviews that all of the other offices are doing?
13 Saying is 103 the big ticket item? Is 102? Is this
14 where we're finding the most problems? And that's
15 kind of where we're looking at instead of trying
16 to quantify it, per se. It's just, are we dialed
17 in with actionable items that we can take
18 elsewhere?

19 MS. CAMACHO: Thank you, Marty. And
20 Stefanos, we have a question for you, and it's
21 about-the question is, have you given any thought
22 to pre-examination of some of those factors that

1 are critical from the examiners' perspective that
2 ultimately may delay the prosecution because the
3 application or the applicant hasn't done, hasn't
4 met those particular criteria?

5 MR. KARMIS: So are you asking about
6 exploring these in, like, in the pre-examination
7 phase of when an application comes in?

8 MS. CAMACHO: Yes.

9 MR. KARMIS: So, I don't know that we
10 spent too much time right now thinking about how
11 we could do that, you now, before it gets to the
12 examiner. Maybe there's, like, one or two things
13 in there, but I think for the most part we really
14 focused on once it gets to the examiner, not a
15 whole lot sort of in that pre-examination phase.

16 I think from, I think maybe what we're
17 really trying to accomplish from a pre-examination
18 phase is really just to heighten the awareness of
19 some of these things because, you know, the
20 ultimate pre-examination stage is with applicants
21 when they file, to a certain extent. So, you
22 know, I think for us it's really promoting it and

1 try to drive that awareness right now, than
2 anything we're doing in our pre-examination stage.

3 MS. CAMACHO: Thank you, Stefanos. I
4 think Jeremiah Chan has a question now. Jeremiah?

5 MR. CHAN: Yep. Thank you, Jennifer. So
6 that was a great update. I really appreciate it.
7 And one of the things I wanted to think about is
8 not jumping ahead too far into AI initiatives, but
9 particularly with respect to enhanced search.
10 We've been spending a lot of time, if you tuned in
11 to some of our previous public meetings, talking
12 about this concept of return on investment. How do
13 we measure the benefit, the tremendous benefit,
14 frankly, of these AI initiatives, like enhanced
15 search and auto classification?

16 It seems to me that you've got some
17 extensive survey results that really look at
18 peoples' perception of the quality of prior art
19 being cited. We have never talked specifically
20 about anything those survey results to the
21 benefits of enhanced search, and it may be
22 happening; we just haven't talked about it. But to

1 the extent we haven't made that connection, I
2 would encourage this group to talk to folks like
3 Matt Such and others to make sure that we really
4 look at the timing of rolling out these enhanced
5 search initiatives and looking at survey results
6 before and after to really look at the benefits
7 that I think this will deliver to the examiners.

8 MR. RATER: That's a great point,
9 Jeremiah, and I will say that I've been working
10 with Matt on some of the ROI, as we're talking
11 about this, right? We think these might be
12 long-term outcome measures, right? You do it
13 enough before I might say that your quality of art
14 is done, great. So now we've got to look and find
15 those interim measures, right? Exactly. And how
16 can we define what might be better? And, again,
17 using the customer comments and feedback to think
18 what are you looking for, and is this tool helping
19 us provide that?

20 So, absolutely critical, I think, to,
21 just to answer that entire journey from that
22 search to what we get out of it, what the

1 examiners get out of it, and how that might impact
2 prosecution. And hopefully, then we start seeing
3 it resonate with some of the perceptions of
4 quality were, are there. So great point.

5 MR. CHAN: Great.

6 MR. RATER: And absolutely, we look
7 forward to working with you on that.

8 MR. CHAN: Thanks, Marty.

9 MR. SEARS: Okay, well, I see we are at
10 12:32. Being a good steward of time, I will say
11 thank you very much to the Office, for a really
12 great presentation on quality from the Office
13 perspective and from the applicants' perspective.
14 And I will turn the floor back to our Vice Chair,
15 Steve Caltrider. Steve, over to you.

16 MR. CALTRIDER: Thank you, Jeff. And
17 thank you, too. An outstanding presentation. I
18 agree completely. Quality is a difficult thing to
19 get your arms around, and I think the Office's
20 efforts to measure and collect data and try to be
21 as objective as possible is terrific. And
22 certainly, the customers' perspective or the

1 applicant's perspective, as well as the other
2 indicia of quality that the Office measures, is
3 very, very important to hold us accountable.

4 So let's pivot now to innovation
5 expansion, and I will turn the floor over to
6 Jennifer Camacho.

7 MS. CAMACHO: Thank you, Steve. I'm sure
8 that everybody has heard "innovation expansion"
9 several times this morning already, and I think
10 that speaks to the importance and the weight that
11 the Office puts on this very critical initiative.
12 And we'll hear today from Valencia Martin Wallace,
13 and she'll give us some of the highlights from the
14 innovation track [phonetic].

15 Before we do, though, I thought I'd take
16 a moment just to follow up on a comment that I
17 made at our last meeting, and that was with
18 respect to the spirit of collaboration that this
19 initiative has really ignited and benefited from
20 and continues. We talked a little bit about the
21 pandemic and what that, impact that had on the
22 timelines here, and we were able to make up a lot

1 of time. And I have to say that the Office has
2 done a fantastic job. It hasn't dropped a beat,
3 and we're really moving along this year.

4 And we've done a number of different
5 things that are related to this, this effort. And
6 one of the most important aspects of that is that
7 the Office continues to have inter-departmental
8 collaborations that are really, really meaningful
9 and have had tremendous impact.

10 One of the things that I'd like to
11 highlight, that's coming up, is that part of that
12 collaboration or collaborative effort, is a
13 meeting that's coming up, and that's with respect
14 to exploring the [inaudible] of Asian American and
15 Native Hawaiian and Pacific Islander inventors.
16 And so that is something that is coming up at the
17 end of next week, May 14, and I really encourage
18 everyone to attend that. I think that that's a
19 terrific effort by the, by not only the innovation
20 expansion initiative, but it's in collaboration
21 with Office of Innovation Outreach, which has done
22 a tremendous number of different things already

1 this year. They did, in February, Black History
2 Month, and highlighted the number of different
3 inventors and folks in the community who are
4 businesspeople who benefit from some of that
5 tremendous innovation.

6 And in March they did a Women's
7 Symposium. It's a Women's Entrepreneurship
8 Symposium Kickoff, which I was a part of. Which I
9 really am, was very honored to participate in.
10 And I experienced afterwards the firsthand, the
11 impact that that can have on people. I hadn't
12 fully appreciated that until after I had done some
13 work on that panel. And I'm sure everybody else
14 received a number of responses from people on
15 LinkedIn and various other avenues, just
16 indicating that they had appreciated some of the
17 information that they found from the entire
18 symposium, all of the different panels. Valencia
19 was on it, as well.

20 You know, it is important to be out
21 there and to be visible and to, to work with other
22 groups in the Office in order to, to really get

1 our message out. And get people involved, and
2 understand that there is, there are ways for
3 everybody to become part of this very important
4 initiative. And so there are coming up, for
5 example, later in the year, it's something on the
6 veteran inventors, and another Invention-Con,
7 which is a fun event that happens later in the
8 year. And, again, that's a collaboration with a,
9 not only the Office of Innovation Outreach, but
10 also the Office of Equal Employment Opportunity
11 and Diversity, which Bismarck-you'll hear from him
12 later this afternoon.

13 So I did want to highlight that the
14 upcoming meeting and conference, that Julie
15 Mar-Spinola, our very own Chair, will be
16 moderating, and I think it's going to be
17 fantastic. And again, I think it's terrific to get
18 out there and learn about, you know, all the
19 different pockets of innovation that we really
20 have across this country. It's really terrific.

21 And with that, I will hand it over to
22 Valencia to do some of the highlights of some of

1 the innovation and expansion chats [phonetic] that
2 have already been underway.

3 MS. MARTIN WALLACE: Thank you,
4 Jennifer. Good afternoon now, to everyone. It's
5 good to see everyone here. And what Jennifer said
6 is exactly right, you know. It's a collaboration
7 of our community that is really pushing forward
8 this mission that we have and this movement that
9 we have here, to be a more inclusive, more
10 equitable environment to move the individuals of
11 our country, as well as this country, forward.

12 And I've been overwhelmed with the
13 number of events that I have seen that have pushed
14 forward this mission in so many ways, in stepping
15 forward and saying yes, it is time, and we are
16 going to make a change, and we are going to make a
17 difference.

18 So just a thank you to everyone on this
19 committee for your dedication to this because it's
20 been all of you, as well, shouting from the
21 rooftops about what needs to be done, but actively
22 doing it as well. And a big thank you to the

1 public. I will go very high-level into some of the
2 comments we received when we put out our RFC
3 [Request for Comments], but thank you to all of
4 them for saying that this is important, and it's
5 for all of us, not just the USPTO, not just the IP
6 attorneys. It's for all of us to make a
7 difference. So, I'll just go very quickly.

8 High-level, give everyone an update on
9 the strategy. Yes, we are still working feverishly
10 to develop the national strategy. We still are
11 expecting that this summer. It will be published.
12 We have for the moment completed the working group
13 meetings that we were having every three weeks to
14 pull together all of the input, the different best
15 practices, and ideas. And my team, my strategy
16 team here at the PTO, are feverishly working to
17 collect all of the information, pull the ideas
18 together, the reasoning. And, hopefully, we will
19 be able to publish that sooner rather than later.

20 Also, I just want to say while I have a
21 minute, a big thank you to that strategy team, who
22 has been working on this for quite some time, very

1 dedicated, spending a great deal of time. And this
2 is their second full-time job that they're working
3 on. But we have representatives from Office of
4 General, I'm sorry, Government Affairs, the Office
5 of the Chief Economist, we have members of the
6 Office of Patents, in my division as well as in
7 the Office of Outreach and, and Stakeholder
8 Outreach, and Stakeholder Engagement. We also have
9 members of the Office of the Chief Communications
10 Officer's Office of Education, and we also have
11 representatives from the regional offices that
12 have been working together to pull together what
13 so far, I see has been, is an amazing effort and
14 feat.

15 So that's where we are with the
16 strategy. As Jennifer mentioned, we have been
17 putting on innovation chats because there's never
18 a moment, we can't take a moment to just sit back
19 and do nothing but focus on the strategy and
20 pulling it together. We have to keep speaking on
21 this to everyone who wants to hear about it and
22 educating on it. So we've had these innovation

1 chats.

2 And if we can pull up the second slide?

3 So far, we had two chats this year, the first
4 being, and I mentioned it before, "Expanding
5 American Innovation: Why is it important?" We had
6 the former USPTO director, Andrei Iancu, with the
7 WIPO [World Intellectual Property Organization]
8 Deputy Director General for Patents and
9 Technology, Lisa Jorgenson, who both spoke very,
10 very passionately. And I have to say I was just
11 overwhelmed with not only the business reasons
12 that they articulated but their personal reasons
13 why this is important to our nation and to the
14 citizens of our nation.

15 The second chat we had was in
16 April-April 1st-and the topic was "Creating
17 Innovators," and that focused on what would be the
18 first chapter of our strategy. And what do we
19 need? How do we need it? And how to we pull
20 everyone together to do their part in creating
21 inventors and innovators from the age of 4 and 5
22 years old all the way through the life of

1 are planning chats on the other chapters of the
2 strategy as well. So "Practicing Innovation,"
3 "Realizing Innovation," as well as "Measuring."
4 We will be putting on chats, plus a few others.
5 So if there are topics that you feel we should
6 address as part of our innovation chats, please
7 send them to us. You can send it through our
8 expanding American Innovation mailbox, or you can
9 just put it on an email to me. So we'd love to
10 hear whatever subjects, topics you think we should
11 address.

12 And thank you very much, Tricia Bianco,
13 who is an executive secretary for NCEAI, who sent
14 me an IM saying send it to NCEAI@USPTO.gov. Thank
15 you very much, Tricia.

16 So we can go on. Next, I wanted to, at a
17 very high-level, talk about some of the ideas that
18 have come from the Request for Comments. And you
19 can see what we have here is Word Cloud. It really
20 gives you a good idea of what was coming out. We
21 received about 119 sets of comments, and there
22 were 17 questions, so quite a few comments that

1 came in that our team has been going through,
2 considering. I am very happy to say, as a whole,
3 it, now, the comments that are coming in, the
4 ideas are validating the concept paper that we put
5 together about where the story should go
6 [phonetic]. What we're hearing from groups that
7 we've already met with, including the working
8 groups, the counsel-it was just validating that we
9 are going in the right direction. So I can just
10 speak, like I said, on a high-level about some of
11 the ideas that came out.

12 I'll say upfront, we didn't get a lot of
13 specific programs. While we did get some programs
14 that were given to us, it was really more of the
15 idea of the direction that we should be going in.
16 But for the "Creating Innovators," you can see
17 there the biggest things were education,
18 innovation, students' programs. We had ideas like
19 offering access to opportunities for students of
20 all ages and backgrounds to learn innovation,
21 generating funds or redirecting funds that are
22 earmarked for other projects, and putting them

1 into education in the United States, as well as
2 the creation of IP development programs
3 specifically for teachers.

4 We also received a number of comments
5 about multiple respondents' support for the idea
6 of targeting and collaborating with other entities
7 of the IP community to address this, which goes to
8 the thing that we've said all along, is this is
9 not a USPTO problem, it's not an industry problem,
10 it's an entire IP community and innovation
11 community problem, and it needs to be addressed
12 that way.

13 We also received comments in this
14 particular chapter on curriculum changes and
15 partnering with curriculum developers to
16 incorporate innovation and entrepreneurship into
17 lessons. And this is a thing that we've been
18 hearing a lot, of having interdisciplinary
19 programs, not only in universities but in
20 community colleges and in high schools as well.
21 Too, as we are developing our students to
22 integrate STEM programs with innovation, they

1 should be learning the entire holistic view of
2 being an inventor or being an innovator from very
3 young ages.

4 And we've had ideas of creating an
5 open-source curriculum for distribution to states
6 for adoption, so, the developmental program should
7 be open sourced for everyone to pick up and use as
8 well as ideas of common suggestions to, there is a
9 common suggestion to increase the availability of
10 STEM education, not only for students but for
11 teachers as well, which is a theme that we have
12 heard a great deal of. Of, it's not only the
13 students, but it's educating our teachers at every
14 level-elementary, high school, college level-about
15 innovation so that they can then impart that to
16 their students, teach their students, as well as
17 bring their students along in the process of
18 creating.

19 Okay, so if we could go to the next
20 slide, which is our Word Cloud on practicing
21 innovation. And you can see a lot of the same
22 themes-programs, patents, STEM, diversity,

1 addressing the barriers. And, more specifically,
2 while we probably received more comments on the
3 "Creating Innovators" side, we did receive
4 comments, and the general theme of those were,
5 first, addressing unconscious bias, including not
6 only as part of our underserved groups-our
7 minority groups as well as gender, but also people
8 with disabilities-but to bring training awareness
9 to unconscious bias that is affecting this
10 inclusion of these bright minds as well.

11 There was a vast support for programs
12 that increase the understanding and education of
13 the patent system as a whole, and with the
14 submission process for patents. We've received
15 comments on the creation of organizations to
16 mentor and network with novice inventors and
17 innovators in local areas as well as on a higher
18 level, USPTO being more of a lead in making sure
19 that those networks exist and that we are, we're
20 supporting them. We had themes of creating
21 programs to assist organizations with the
22 recruitment and retention of a diverse workforce

1 as well as working towards, in practical aspects,
2 identifying the importance within STEM, STEM of
3 creation, as well.

4 And if we can go to the last? Thank you.
5 You can also see we have the same theme, and the
6 question is about realizing innovation as
7 well-inventors' programs, commercialization,
8 organization, innovations, and a big USPTO there
9 as well. We received a lot of comments about the
10 USPTO being a leader in a lot of the bringing this
11 together for realizing. One of the things has been
12 identified is, well, one of the themes was
13 identifying programs for individuals where they
14 can turn to for advice on the commercialization
15 and the financial side of creating, and a better
16 utilization of tech transfer offices and ideas on
17 unconscious bias, awareness, and training in the
18 tech transfer offices, which I found to be a very
19 intriguing idea of how to make sure that all those
20 biases leave when the tech transfers are filtering
21 in, deciding which ideas to further develop.

22 We also received a great deal of

1 comments about relaxing requirements to file for a
2 patent and creating incentives for underserved
3 member inventors, as well as the investment in
4 innovation. We also had under, realizing a lot of
5 comments about providing suggestions regarding
6 modification to the operational aspects of the
7 USPTO that make the patent process easier for
8 independent inventors. And while the USPTO does
9 have quite a few programs for novice inventors and
10 for pro se and small businesses, that is certainly
11 an area where we should be looking closer at it,
12 at how do we now expand on that? But that was one
13 of the ideas.

14 And the last and the realizing piece was
15 creating a collaborative initiative between SBA
16 [the Small Business Administration] and the USPTO,
17 to create a fund for marginalized creators where
18 they could apply for development resources. So
19 that's where I think the biggest numbers of the
20 comments went in, and as I have mentioned, not as
21 much pointing to specific programs that are
22 currently successful but looking really at what

1 was felt to be on a high-level, the best practices
2 in order to get there.

3 So as I said, this really validated the
4 direction we're going in. We are doing a great
5 deal of research, and have done a great deal of
6 research, about specific programs as well, that
7 have been successful in these arenas.

8 The last thing I'll mention from the
9 comments were we had a great deal of comments, and
10 I think Jeremiah-I know I am-will be happy to hear
11 about the sharing of data. We heard it from the
12 public: Share your demographic data. Let us know
13 what is successful for you. Where are your gaps
14 [phonetic]? Share it with each organization to
15 help each other in moving forward. So as I said,
16 everything that we've been hearing validated
17 through this process, we will, at the time that
18 the strategy comes out, we'll have a summary of
19 the comments that have come in as well, and were
20 considered. But right now, that's right where we
21 are with the RFC, and we do have some objectives.

22 And I'm going to do a time check now

1 because I start running off at the mouth with this
2 stuff, and I need somebody to tell me how much
3 time I have so I don't go over. Do we have a few
4 more minutes, or should I wrap it now?

5 MS. CAMACHO: It looks like we have six
6 more minutes.

7 MS. MARTIN WALLACE: Okay, six more
8 minutes is enough. I will run through it really
9 quickly, as I wanted to share what the Strategy
10 Team and the Working Group started doing with the
11 comments and to development the project. We have
12 put together a list of objectives for each chapter
13 based on our input. And for the "Creating
14 Innovators," the objectives are to develop
15 inventor-innovator mindset and skills for
16 inventor-innovator identity among large segments
17 of the population; to increase intellectual
18 property understanding; building education
19 capacity to deliver trans-disciplinary innovation,
20 which I mentioned was something that we had a huge
21 theme of from comments; equip educators and
22 necessary relatable and successful contents,

1 tools, and resources, and community support;
2 reframing innovation in the educational
3 environment; and increasing exposure to
4 innovation, problem-solving, and IP. So those are
5 the objectives of what the chapter on "Creating
6 Innovators" will do in the strategy.

7 Under "Practicing Innovation," the
8 objectives are increasing rates of patenting to
9 more closely match prevalence of STEM employee
10 demographic groups, broaden rates of patenting
11 beyond tech-hard corridors, increasing recruitment
12 and retention of diverse employees, cultivate
13 workplace environments that foster inclusion and
14 opportunity as key components of development
15 innovation solutions, increasing top-down
16 demonstration of inclusion principles, increasing
17 access to information and resources about patent
18 process, and increasing the prevalence of
19 mentoring and networking programs.

20 And the objectives that we have filtered
21 down to for "Realizing Innovation" as part of the
22 strategy will be increasing preparedness to share

1 proprietary inventions, broadening knowledge and
2 awareness of the path to commercialization,
3 increasing preparedness to share proprietary
4 inventions and innovative ideas with others,
5 improving access and engagement with mentors and
6 commercialization partners, facilitating
7 entrepreneurial financing and resource
8 acquisition, and establishing metrics and then
9 tracking progress.

10 So yes, it will be a pretty thick
11 document. We have a lot that we are taking on. And
12 I'll just share with everything, or remind
13 everyone as well that, you know, while a lot is
14 being looked at for this strategy, it is still the
15 first step. After the strategy is published, we
16 will do a huge promotional campaign, awareness,
17 and education on the strategy and how to use it so
18 that it's not just a book on a shelf. It's a
19 document that's going to make a change.

20 So with that, I will, hopefully I stayed
21 within my six minutes. Thank you, all. And if you
22 have any questions, we don't have time now, but

1 please just send them to me.

2 MS. CAMACHO: Thank you, Valencia. That
3 was terrific. I think we have time for a couple of
4 questions if anybody has got questions. And I will
5 take a moment just to give the folks the website
6 address so that they can register for that panel
7 discussion. And that is "Explore the Breakthroughs
8 of Asian American and Native Hawaiian and Pacific
9 Islander and Islander Inventors," and that's on
10 May 14. And you can find that on the USPTO website
11 at USPTO.gov/about-us/events, and you'll find that
12 event and a number of different, terrific programs
13 coming up. So I will really do encourage everybody
14 to visit that website.

15 MR. CALTRIDER: Jennifer, I have a
16 question if that's okay?

17 MS. CAMACHO: Yes, please.

18 MR. CALTRIDER: Thank you, Valencia, for
19 the outstanding presentation. And, you know, one
20 of the things I think has provided a great deal of
21 energy to this effort is the role of the Council
22 and the leaders across the country that have

1 volunteered their time and their effort to the
2 private sector and the public sector to devote to
3 this important project. And I was wondering if you
4 can comment briefly on how do you envision the
5 Council being leveraged in a role, the Council
6 going forward, once we have this, you know, the
7 output and the book in place? What do you see as
8 the role, the business leadership in the Council?

9 MS. MARTIN WALLACE: That's a great
10 question, Steve. Thank you very much. They have
11 been pivotal, the Council, at this point, in
12 giving us the representatives. The Working Group,
13 it's really pulling this strategy together, but
14 even more so, actively participating as we're
15 reaching out.

16 As I mentioned, you know, the chats
17 we've already had have included members from the
18 Council. I am expecting that they will keep
19 including members from our Council. Everything
20 we've asked for, they've always said "Yes, we'll
21 do it." So being a part of the events that we're
22 putting on, they've all shared that they want to

1 partner further with us and with others in this
2 movement, not only as part of the Council but
3 whatever way they can. And I'm going to take them
4 up on that in the events that we have. As I
5 mentioned, we will have an entire promotional
6 campaign of the strategy, and we will be reaching
7 out to Council members as we go into their
8 regions, to partner with them on events and their
9 teams as well, to educate on the strategy and to
10 bring awareness to the strategy.

11 We will have a meeting, the annual
12 meeting with our Council. We are also expecting to
13 have a publication event when the strategy does
14 publish that, we would have our Council members
15 attend as well. So while we purposely brought
16 together a very high-profile group of members, we
17 do realize that, you know, they have a lot going
18 on for themselves, running amazing, huge
19 organizations, that they not always themselves be
20 there, but they will be represented through their
21 organization.

22 And we've had so much support from the

1 Council so far, and I can't thank them enough for
2 them, the programs that they put on themselves,
3 and some have put on programs through their own
4 organizations, for expanding innovation, and
5 developed programs for expanding innovation. So
6 all of this we will also be highlighting as
7 resources as part of the strategy as well.

8 I don't know. I probably kind of went
9 all around your question. Did I, did I answer it?

10 MR. CALTRIDER: You did. Thank you.

11 MS. MARTIN WALLACE: Okay.

12 MS. CAMACHO: And I think that's it for
13 us.

14 MR. CALTRIDER: Great. Thank you, again,
15 for a terrific presentation. I believe this takes
16 us to our break time, so we'll take a break from
17 now, and let's try to reconvene at 1:10. Thanks,
18 everyone.

19 (Break)

20 (Back on the record)

21 MR. CALTRIDER: Are we ready to restart?
22 I am seeing a few head nods and thumbs ups. I will

1 say I missed live meetings because our breaks were
2 a little longer. You could dash to the cafeteria
3 and grab some lunch. So these virtual meetings are
4 a bit tough on Eastern time with regard to
5 grabbing a bite to eat with a 10-minute lunch.

6 So with that, I will turn the floor over
7 to Jeremiah for a report from the Subcommittee on
8 Artificial Intelligence and Information
9 Technology.

10 MR. CHAN: Thanks, Steve, and good
11 morning and good afternoon to everyone online.
12 Thanks for joining today.

13 The PTO's significant investment in
14 information technology and artificial
15 intelligence. If you've been turning in to some of
16 our previous meetings and looking at our
17 resources, I think we can all recognize it has
18 profound benefits to the efficiency of the Office
19 to evaluate patents, in the course of prosecution
20 and at the PTAB. But more importantly, the
21 investment in technology directly contributes to
22 the quality and durability of patents that come

1 out of the Office, which I think is something that
2 many of us are very focused on. This is why the AI
3 and IT initiatives are so important and why I
4 think the Office has appropriately prioritized it.

5 Today we're going to spend our time
6 talking about three main topics. The first is a
7 status update on the AI initiatives, CPC
8 auto-classification, and enhanced search. We're
9 going to do a little bit of a look back and
10 address some of the important milestones that the
11 team has achieved in the last quarter or so, and
12 then also look ahead, at the roadmap, for the
13 exciting new goals the team has set for itself.

14 We will talk about the DOCX issue.
15 That's the word processing file format that Drew
16 mentioned at the start in his opening remarks. And
17 then we'll talk about a Patent Center demo as
18 well, that I think is available.

19 So we'll cover those main topics, and
20 then I think we'll have plenty of time to address
21 some questions as well. And so, with that, why
22 don't I turn it over to Debbie Stephens, the

1 Deputy Chief Information Officer.

2 MS. STEPHENS: Hey, thanks, Jeremiah.
3 Good afternoon, everyone. I'm subbing in for
4 Jamie. He does send his regards, as he is on
5 travel. He just wanted to remind everyone that his
6 three most important initiative priorities: of
7 course cybersecurity, resiliency for the Agency,
8 as well as Cloud and migration. So good afternoon,
9 and I'll turn it back over to Jeremiah and the
10 team for the demo.

11 MR. CHAN: Great. Thank you, Debbie. So
12 I'm not sure, it looks like the order is AI
13 initiatives first, so why don't we start with
14 that? And then I think we've got the demo third.
15 So with that, I'll turn it over to Matt Such, and
16 you can give us an update on the AI initiatives.

17 MR. SUCH: Certainly. Thank you,
18 Jeremiah, and good afternoon to everyone, or good
19 morning, depending on the time zone that you're
20 in. As Jeremiah mentioned we'll be covering
21 updates in a look back/look forward for our AI
22 initiatives around auto-classification and patent

1 search. So we can move to the next slide, please.

2 So we have shown variations of this
3 slide before. But I wanted to bring it back up
4 just to point out a few things that will be
5 helpful for contextualizing our conversation
6 today. The first is that for our
7 auto-classification efforts, we really have two
8 main focuses here, and there is a little bit of a
9 dependency between them because of the way the
10 classification works.

11 When an application is filed with the
12 USPTO, we have classifications placed on that
13 document based on the disclosure of the document.
14 And then those are the CPC allocations that you
15 see in the left-hand column on the blue chart.

16 And after that is done, that information
17 is helpful because it feeds into the next step,
18 which is identification of symbols that are
19 associated with the scope of the claim or claim
20 subject matter. So we call those affectionately
21 "C-Stars" [phonetic], and what's done here is we
22 look at the scope of the claims relative to the

1 entirety of the disclosure and identify the
2 symbols that meet that scope for the claims. And
3 so that's an important piece because we use that
4 for internal operations here, such as routing of
5 applications to examiners.

6 So I'll be talking a little bit about
7 both of these components, and I'll start with the
8 C-Stars. If we can move to the next slide, please?

9 So back in December, and we briefly
10 reviewed this at the previous PPAC meeting, we
11 implemented the usage of our auto-classification
12 system for a portion of our applications on
13 C-Stars, and that started around the beginning of
14 December. What we've been doing then is monitoring
15 the quality of the data that we're getting in and
16 comparing that against our control.

17 And we do that in two ways. One is
18 through our quality assurance process that we
19 leverage here at the USPTO. And the second is what
20 we call a classification challenge process, and
21 I'll explain the differences there as they relate
22 to the data that I'm about to discuss.

1 So, the quality assurance process is
2 something that happens very early in the workflow
3 after we receive classifications on a patent
4 document. We take a sampling of those-it's 250
5 applications a month-and we look at both the
6 classifications, allocations, as well as the
7 C-Stars and do a check on the completeness and
8 correctness.

9 From there, we then will docket the
10 application to examiners, and that can be, that
11 can depend on, that can be anywhere from six
12 months to over a year, depending on the
13 technology. But once the examiner gets the
14 application, they have the opportunity to look at
15 the classifications that are on that case, and
16 they are, can, they can submit what we call our
17 classification challenge to have a review of that
18 classification done, and updates made, if
19 necessary.

20 So given that we just started pulling
21 the data out of our auto-classification system
22 into our live applications for, since December,

1 the data that we have access to, in terms of how
2 things are going, is largely represented by our
3 quality assurance data. And that's what is shown
4 in the chart.

5 And what we see here is, you know,
6 statistically different, of no statistical
7 difference for our auto-classification system
8 relative to our control. And so there's two, there
9 is two columns here. One is agreement with the CPC
10 allocations and the C-Stars. And this is where
11 I'll get into that discussion around the
12 dependency that I talked about on the last slide.

13 So we see a 1.7% differential there, but
14 again that is within our statistical family
15 [phonetic], so there's no statistical difference.
16 And that number represents looking at the C-Stars,
17 assuming that the CPC, our classifications, are
18 correct. So, if there is a, if there's an issue in
19 the underlying CPC data, that will be translated
20 through into this metric that we see here for all
21 the C-Stars.

22 So in order to account for that, we look

1 at another version of this data on the right,
2 which basically looks at the subset of symbols
3 where the underlying CPC actually is found by our
4 QA process [phonetic] to be correct. And then any
5 differentials we see would be due to a decision
6 that would made by the auto-classification system
7 itself.

8 And while the data we have shows a
9 slight uptick there, it is within our statistical
10 measurement, and so, again, no statistical
11 difference. But this is very encouraging early
12 data for us about how well the auto-classification
13 system is working for this use case.

14 I would note that it is limited to 250
15 applications a month, and so we want to get more
16 data quickly. And in order to do that, we're
17 actually doing a little bit of piloting, that's
18 ongoing now through the end of July, and that's to
19 accelerate our data capture on the classification
20 challenge process. So we have cut the line, so to
21 speak, with some applications, and which are being
22 docketed, and we will be pulling in data based on

1 what happens during that process.

2 As I mentioned before, it can take
3 anywhere from six months to over a year before,
4 or, before that process would normally play out,
5 so us cutting the line, so to speak here, gives us
6 a window into this, into this data much sooner.
7 We will be getting that information back in the
8 summer.

9 Turning now to the full classification
10 models-right now, we have a system that
11 essentially produces kind of a ranked list of CPC
12 symbols for patent applications. And we are in the
13 process of translating that information into a
14 subset of symbols that would be actually assigned
15 to patent documents. And there is a variety of
16 different considerations that we are building into
17 the system in order to be able to do that, with
18 good quality and good effectiveness.

19 And once we've got, once we've made,
20 take those steps, we'll be doing some analysis,
21 and provided that the system is working as we
22 expect, then we'll be continuing forward and doing

1 some piloting to generate some additional data
2 that can help us determine the path forward for
3 the, this portion of our auto-classification
4 system.

5 So if we can turn to the next slide, I
6 will change gears to the AI system for search. So
7 the past couple of months and the look forward
8 here has been very exciting. Over the last few
9 PPAC sessions, we have been discussing some of the
10 very promising results that we've been getting out
11 of our AI search prototype. And we are taking
12 steps now to move into what I would refer to as
13 operationalization, which is promoting the useful
14 AI capabilities that have been identified through
15 prototyping and analysis and assessment, up into
16 our production scale PED to e-search [phonetic]
17 system, which is available to examiners in the
18 corps as their main search system.

19 We have had some very exciting news here
20 of late, and that is that we have a new MOU, or
21 Memorandum of Understanding, with our Union to
22 move forward with the PED [phonetic] search tool,

1 and that is going to be activity, that's going to
2 be ongoing over the course of the next 14, 16
3 months or so [phonetic] as we transition the
4 examiners to this new system. So that's very
5 exciting for us.

6 And one of components that we're moving
7 from our prototype system into the, into our PED
8 [phonetic] search system that the AI-related
9 component is called "More Like This" [phonetic].
10 We, it's rebranding, so to speak, what we have
11 discussed in the past of AI retrieval for an
12 expand. And that's an ability that we are
13 providing to the examiners where they can use that
14 to find documents that are similar to any
15 particular document that they would like to expand
16 a search upon.

17 As we continue to move forward, that's
18 going to be, that capability will be made
19 available over the coming months to examiners that
20 have access to PED search, and we will be
21 continuing to identify further AI capabilities
22 that are under prototype now that may be mature

1 enough to promote into the full PED search.

2 Obviously, as we do that, a very
3 important component of this is value
4 determinations, so we are testing approaches for
5 being able to capture a variety of metrics that
6 further advance our understanding about the
7 usefulness and promise of these AI capabilities
8 that are in the prototype so that we can
9 prioritize and bring forward the best tools
10 possible to help the vendors search and help them
11 to be more efficient and more effective with their
12 search activities through these, through these
13 features.

14 So this is the concept that I have
15 today. I would like to open it up for any
16 questions that we have.

17 MR. BROWN: So, then, I have a question.
18 I'm very, this is very exciting for me, a scenario
19 that I'm very interested in. Would this be made
20 available to the public every week, or?

21 MR. SUCH: So that is something that we
22 are looking at and considering. I think one of the

1 things we want to make sure of is that, and this
2 is an important part of the prototype to promote
3 into our search system as well, is that, you know,
4 we are validating the usefulness of these models,
5 these AI models, and validating the most effective
6 ways to deploy them, in order to ensure that we're
7 providing ourselves the best quality information
8 to assist with search. And I think as we go
9 forward and we learn more and more about that,
10 we'll get more and more clarity about our decision
11 to be able to, you know, to move forward with some
12 sort of availability for, for this, for the
13 public.

14 Certainly, certainly in the, I think the
15 pipeline now is, there's a dependency here because
16 these AI models are only accessible throughout PED
17 search system. We are looking at having the PED
18 search system, a version of that, become available
19 to the public. And that would be a component that
20 would need to happen first, before we could come
21 to a full decision about what's appropriate for,
22 and right, so to speak, for providing it to the

1 public as an option as well.

2 MR. BROWN: Thank you. Does this come
3 out of a commercial database, or the, a
4 proprietary database from the USPTO?

5 MR. SUCH: The models are built off of
6 patent documents. It is proprietary in the sense
7 that we, part of the system that we discussed
8 before, we actually use data that we collect to
9 help us to make refinements and improvements to
10 our models so that they work best with the systems
11 and the query language that we deploy here in the
12 USPTO through the PED search tool. So yes, in a
13 sense they are. They are kind of specially built
14 for the USPTO. This is the system that we use here
15 internally.

16 MR. BROWN: So, one last question. Are
17 you ever contemplating being able to search, like,
18 the Public PAIR or, you know, the file histories?

19 MR. SUCH: Right now, so if I understand
20 your question, you're talking about office actions
21 and the like?

22 MR. BROWN: Sure.

1 MR. SUCH: Yeah. Well...

2 MR. BROWN: More [inaudible] the office
3 actions, right?

4 MR. SUCH: Yes, yes, I understand. Okay.
5 So our search system has databases that contain
6 prior art. So that's the foreign documents, the
7 U.S. documents. We don't have a database in our
8 search system as of now that includes the Public
9 PAIR database. So right at the moment, the AI
10 models do not have access to that information
11 directly. I will say that some of the information,
12 the data that is used to train the AI models, does
13 include, you know, the linkages between documents
14 through citations that show up on patent documents
15 themselves. But there is not currently a way for
16 us to use our search system to have the AI search
17 back into a type of database. But it is a very
18 interesting idea, yes.

19 MR. BROWN: Thank you.

20 MR. SUCH: Thank you.

21 MR. CALTRIDER: Great. Thanks, Dan. I
22 appreciate the question. It looks like we have,

1 we've got a few questions from the public, and
2 I'll hand it over to Jennifer, who is kind of
3 receiving those questions.

4 MS. CAMACHO: Thank you, Steve. So one
5 of the questions relates to whether you can
6 quantify the reclassification accuracy once the
7 examiner submits a classification challenge. So,
8 for example, is the examiner more accurate than
9 the AI? Can you tell whether there's, have you
10 done a sample taken of the cases already in the
11 examination with a classification and seen whether
12 the AI changes it? That sort of thing.

13 MR. SUCH: Okay. So I'll answer that
14 question because it's kind of touching on two
15 different things, so I will answer with kind of
16 two responses.

17 So the first is that the information
18 that we collect through our quality assurance
19 process and through the challenge concept is very
20 valuable data that we use to help ensure that we
21 can train models to make them better over time.
22 And so that information is something that we rely

1 upon. And you mentioned reclassification. We make
2 changes to the PED [phonetic] feeds about four
3 times a year, and as we do that, we incorporate
4 those changes into the model as well, so that the
5 AI system is staying current with the latest
6 version of the feed [phonetic].

7 The second question had to do with, you
8 know, are the examiners, I think you said better
9 at understanding [phonetic] everything through
10 that challenge process [phonetic]. So the
11 challenge process is a, has a couple of steps in
12 it. So we have an examiner step where they can
13 submit a change based on what they're seeing in
14 the application. And then we have our supervisors
15 and classification experts, you know, go through
16 and align those changes and sort of validate
17 those. So there's a couple of steps there in order
18 for us to execute that process all the way
19 through. And again, as I mentioned, that data is
20 very valuable to us. That's information that we
21 want to pull into, pull into the system.

22 It's as I showed in the slides. We don't

1 have the challenge process data yet. It's still
2 too nascent in the process, based on when we
3 started.

4 So that's something that will be
5 emerging over the coming months as we get through
6 our pilot. And, obviously, as we go forward and
7 the applications that have been auto-classified
8 for those C-Stars start to become, start to get
9 placed on examiner dockets, we'll obviously have
10 the opportunity the, to collect data in terms of
11 that, of their performance at that point, too.

12 MS. CAMACHO: Thank you. And there are a
13 couple of similar questions related to whether you
14 have comparison data with the CPC codes through an
15 AI assignment, with the EPO, for example, and in
16 others in the USPTO code. So are you able to
17 compare AI science CPCs with, for example, how
18 they're being assigned in the EPO or the U.S.,
19 other cases?

20 MR. SUCH: So the CPC system uses the
21 patent family model, and what that means is
22 documents that are filed in different countries

1 are, that are, or have the same priorities, more
2 or less, will coalesce together in their patent
3 family. And they will bring along with them the
4 classifications that they, that are allocated to
5 those documents. And so all that information is
6 useful for doing the training of the AI models.
7 And we absolutely can take that information and
8 use it to compare with, you know, codes that are
9 on the patent family model. And that's actually
10 one of the really important ways that we, you
11 know, do validation of the models to go forward.

12 And now we have these kind of ranked
13 lists that are produced through the models, and
14 we're making this transition to actually select
15 the appropriate symbols to actually place on a
16 document. And there's things like classification
17 rules, and the like, that are built into that, and
18 so in order to be able to translate that
19 information, to make that change from, you know, a
20 ranked list into actual allegations on a document,
21 we're looking at the best ways to do that. And
22 once we have that, then, obviously, we'll be

1 looking very carefully at how the AI, it settles
2 on its final classification relative to what we
3 would expect to see on any particular document.

4 MS. CAMACHO: Thank you. Last
5 question-have we licensed in any particular search
6 platform for the "More Like This" capability?

7 MR. SUCH: So, yes. So yes and no. As I
8 mentioned before, we have a system that, account
9 that actually is kind of specially built for our
10 search system. And the way that that works is
11 actually a, not to get super technical, but it's
12 actually a nested set of models. So we actually
13 license kind of the core models that are built off
14 of public data from Google. And from there, then
15 we build a model around that that allows us to
16 interact with that and to do the tuning that we
17 need to do in order to, in order for the overall
18 system to work with our search tools.

19 MS. CAMACHO: Thank you.

20 MR. CHAN: Great. Thanks, Jennifer. I'll
21 just must make a couple comments before we move on
22 to the next topic. First of all, thanks, Matt.

1 Great presentation, terrific updates. I think it's
2 exciting for all of us to hear these. I would say
3 the first thing is I think it's great to see the
4 transparency. Meaning sharing the performance data
5 that you showed in the slide. I think it's just
6 really great to allow people to see kind of the
7 work in progress, and just the very promising
8 results that we're seeing.

9 I think the second is, and we've seen a
10 little bit of this in some of the questions we
11 received. There is, there's a bit of skepticism, I
12 think, from some folks who are not sure about
13 these AI models in their performance. And I think
14 one thing that they should all take away is that
15 these are being built in very close collaboration
16 with the examiners and the USPTO. So it's not like
17 the AI models are coming in and just kind taking
18 over a lot of these functions that humans have
19 performed. It's in very close collaboration. The
20 models are only as good as the humans can train
21 it, and that's what Matt and the team are doing,
22 and that has been, that has been terrific.

1 And then the last thing that I would say
2 that kind of goes to the question, Jennifer, that
3 you said around, you know, licensing in and just
4 generally leveraging the expertise that's out
5 there. There's a tremendous amount of consultation
6 and collaboration that I think that USPTO has done
7 with external experts, including, you know,
8 learning from the technology, not recreating the
9 wheel, leveraging those external experts. And then
10 also internally, I'm not sure a lot of folks are
11 aware that the USPTO has also hired some of the
12 leading experts from the industry.

13 One such expert is Jerry Ma, who is the
14 Director of Emerging Technologies at the USPTO.
15 He has now been with the Office for about a year.
16 And just to call out, on May 20, he is actually
17 doing a virtual presentation on AI innovation, and
18 a lot of the work that he's been doing, working
19 closely with Matt and the team, on exactly what
20 Matt has been talking about. So, I would encourage
21 you all to tune in. Again, that's May 20, and
22 that's Jerry Ma speaking about the great AI

1 innovations going on at the office. So thank you
2 for all that. Really appreciated it, Matt.

3 Why don't we move over to...--

4 MR. SUCH: Sure.

5 MR. CHAN: Yep, absolutely. Why don't we
6 move over to the DOCX issue, and I believe
7 Kimberly Williams is going to, is going to take
8 that one.

9 MR. SEIDEL: Actually, Jeremiah, I'll
10 jump in. This is Rick Seidel.

11 MR. CHAN: Okay.

12 MR. SEIDEL: Just kind of wanted to set
13 the stage with the time we have left. I know it's
14 not as exciting as AI, but we're very excited to
15 talk about DOCX in the time we have remaining.
16 Drew mentioned it earlier. I think, as everyone on
17 the call and the listeners know, we're
18 transitioning to DOCX. And we can't underscore
19 enough that this transition will go into effect
20 January 1, 2022. So over the next several months,
21 we really want to get word out. We need our
22 stakeholders to take advantage of the DOCX filing.

1 Don't wait until January.

2 And if you think about it, we were on
3 the same kind of change almost 15 years ago, for
4 those old-timers that were around back then. We
5 were transitioning from paper to, believe it or
6 not, EFS-Web. We had about a 2% intake rate back
7 then. Through outreach, feedback, and
8 collaborative communication, we saw that number
9 grow significantly by year's end. So we would love
10 to increase the number of DOCX the same way,
11 sooner rather than later, and instead of waiting
12 until January 1. And I'm really confident we'll
13 get there the same way we did over 15 years ago.

14 So today is kind of a launch. We have
15 planned for listening sessions over the summer.
16 We've got ongoing training sessions several times
17 a month, providing a test mode for applicants to,
18 you know, to get the look and feel, familiarize
19 themselves with the system without actually having
20 to, you now, officially file, right? Dummy data if
21 you will. We really want to hear your feedback and
22 work toward increasing the usage. So, again, take

1 advantage of the DOCX sooner rather than waiting
2 until January 1. I think that's the overarching
3 message.

4 So with that, Lisa Tran. She's a
5 Management Program Analyst in the Office of Patent
6 Information Management. She'll cover some
7 high-level benefits, and then once she's finished,
8 Kimberly Williams will close out with the DOCX
9 demo.

10 Lisa, please take it away. Thank you
11 very much.

12 MS. TRAN: Great. Thanks so much, Rick.
13 So DOCX is just a structured text filing format,
14 and some of the benefits, if we could get to the
15 slide with the benefits? There we go. So some of
16 the benefits include, first and foremost, it is
17 secure. There's automatic metadata detection that
18 our system does. We scrub it, get rid of it for
19 you. So if you accidentally leave information in
20 there, such as author, company, last modified by,
21 comments, or bookmarks, we go ahead and get rid of
22 that for you, so like, it's not accidentally saved

1 on the backend.

2 One of the key benefits that you get
3 with DOCX filing that we don't get with PDF is
4 that with DOCX filing, it generates a feedback
5 document at pre-submission to show you exactly
6 where those warnings and errors are as the filing
7 is uploaded. That information is presented to you
8 in real time. That gives you an opportunity to go
9 through your document, fix any issues that you
10 find, and then be able to upload the corrected
11 document to save you a lot of headaches in the
12 future with the formalities reviewed as a part of
13 your application processing.

14 DOCX also enhances the quality of
15 examination and initial processing time with its
16 content-based validations, pre-submission. We pick
17 up information such as abstract word count and
18 proper multiple claim dependency, independent and
19 dependent claim count, duplicate or missing claim
20 number detection, and specification paragraph
21 number and detection.

22 Also, a copy of both the generated PDF

1 that our system picks up on and the DOCX document
2 are available for download before and after you
3 complete your submission to the Agency. That way,
4 you don't have to save that information on your
5 own computer or your own hard drive. That
6 information is all available in one place for you.

7 If we could go to the next slide? Okay,
8 perfect. In addition, DOCX, by filing in DOCX
9 format, specifically within Patent Center, we're
10 able to detect and split specification claims and
11 abstracts found with any single file. So you can
12 submit a multi-section document within Patent
13 Center, and we'll be able to break that up for
14 you. Please note that it is different in EFS-Web.
15 In EFS-Web, you have to break that up prior to
16 submission, and whenever Kimberly does the demo,
17 she'll go into a little bit more detail about the
18 differences of filing in EFS-Web versus Patent
19 Center.

20 By filing DOCX, we also have automated
21 DOC code assignments. This saves on the initial
22 processing time and also helps to ensure that the

1 correct DOC code is assigned to your files to make
2 sure that it goes to the right place on the backup
3 within our Agency. The requirement to convert DOCX
4 into PDF for the applicant is eliminated. DOCX is
5 a safe and stable format for creating, authoring,
6 and processing IP documents. You can write DOCX
7 files through a variety of different programs,
8 including Microsoft Word 2007 or higher, Google
9 Docs, Office Online [phonetic], LibreOffice, and
10 Pages for MAC.

11 And lastly, by filing in DOCX format,
12 you're eliminating the non-embedded font error,
13 which is the most common error in uploading a PDF.
14 There's additional fonts that are now available
15 with DOCX format, and you can see the full list
16 online at the USPTO DOCX webpage, and we are
17 currently adding more all the time. And with that,
18 we'll move onto the next slide.

19 So today's demo for how to file DOCX is
20 going to be in Patent Center. Patent Center is our
21 NextGen system, and it will eventually replace our
22 legacy patent application systems, EFS-Web, Public

1 PAIR, and Private PAIR, for filing and managing
2 patent applications. While EFS-Web, Public PAIR,
3 and Private PAIR are still available in addition
4 to Patent Center, eventually it will be replaced
5 and phased out.

6 So Patent Center features a single
7 interface. It's all in one place, and it's
8 intuitive for filing and managing your patent
9 applications. There's also a single search bar for
10 retrieving your application. Patent Center also
11 features some recent technology, so all those
12 sponsorships that you've created in EFS-Web and
13 PAIR have rolled over to Patent Center. There's
14 also updated infrastructure, which allows for more
15 efficient USPTO system integration. And, most
16 importantly, by having recent technology built
17 into Patent Center, that enables us to provide you
18 increased functionality and overall system
19 usefulness over time.

20 And, lastly, the authentication to
21 Patent Center is the same one that you use to get
22 into EFS-Web and Private PAIR using your USPTO.gov

1 account. There is world-base access, just similar
2 to either form of [phonetic] Private PAIR. So you
3 have the petitioner role, support staff role,
4 independent inventor role, and guest role.

5 And with that, I'm going to go ahead and
6 pass it over to Kimberly to show you how to file
7 DOCX through Patent Center.

8 MS. WILLIAMS: Okay, thank you, Lisa. I
9 don't think I have the ability to share my screen
10 yet.

11 MS. CAMACHO: Can I ask a quick question
12 while we are working on that? And in...

13 Okay, it's there now. Okay. Everyone can
14 see my screen?

15 MR. CHAN: Yes.

16 MS. WILLIAMS: Okay. Hi. As Lisa
17 mentioned, my name is Kimberly Williams, and I
18 will be giving you a demo of Patent Center. Where
19 my screen is now is our Patent Center Information
20 Page, and you can get there by, this is our
21 USPTO.gov website. Over on the right, you see Find
22 It Fast, and under Patents, you have the ability

1 to go to either our sign-in page, or you can get
2 to this information page.

3 So Patent Center is your one-stop shop
4 for filing and retrieving and managing your
5 applications, all in one single interface.

6 And if you already have access to
7 EFS-Web and PAIR, there's no additional steps for
8 you. You can use Patent Center right away. And if
9 you are a practitioner and you sponsor several
10 support staff, they no longer have to sign out and
11 switch over to you, and then sign out and switch
12 over to another practitioner. They can see all of
13 their support in one, in one tool. So with that,
14 we're going to use training mode to demo filing a
15 docket today.

16 This is the sign-in page, and at the
17 very bottom you see the Patent Center Training
18 Mode. This is unique to Patent Center, and it is
19 not going away. It is a simulator, so you may
20 upload your documents and see what kind of results
21 you may get if you actually filed a patent
22 application. One of the important things to note

1 about training mode is your data is not saved,
2 your data is not entered into our system, and it
3 is not associated with your customer number. So it
4 is truly a simulator.

5 So with that, I'll switch to the
6 training mode. All of the things I just pointed
7 out pop up, and I enter training mode. And you'll
8 know you're in training mode because there is a
9 bar across the top to let you know that you are.
10 If you were signed in and tried to use training
11 mode, a pop-up would alert you to sign out in
12 order to use training mode, and you can quit at
13 any time on the top right.

14 So we're going to file a new submission.
15 We will file a utility nonprovisional. It alerts
16 me that I am a guest user, which is correct. We
17 have three ways that you can upload your
18 application data sheet information. One is using
19 our web online form, one is uploading our AIA/14
20 form with all of your application data. But in
21 this demonstration, we're going to manually enter
22 the data, which you must do when you use training

1 mode. So we'll just use dummy data in order to
2 submit this application. So I'm just submitting
3 the required information in these spots, and as
4 you can see, it doesn't have to be anything in
5 particular because nothing gets sent out.

6 So I select, and I am here at my upload
7 screen. Now, one of the important differences is
8 when you file a PDF, which you may still do in
9 Patent Center. However, if you filed a
10 multi-section submission, meaning your
11 specification, your claims, your abstract, your
12 drawings were all together, you would have to
13 break out each page and say page 1 to 5 is my
14 specification.

15 However, when you file in DOCX, this is
16 automatically done for you, and not only is it
17 automatically done for you, but it's done for you
18 in real time. And you have a drag-and-drop feature
19 here-you don't have that in EFS-Web-so I'm going
20 to drag-and-drop, or you may select the button to
21 select your document. And this is not canned data.
22 This is real time, validated data that just

1 occurred when I drag-and-drop that document.

2 As you can see at the bottom, it
3 detected my section, specification, claims,
4 abstract, and drawings. And here are a list of
5 warnings that we've deliberately put in this
6 document to show you the validation feature. One
7 of the things about the warnings, you may either
8 file with the warnings, it will not prevent you
9 from submitting, but you are at least made aware.
10 You may also have the ability to remove that
11 document, make any corrections that you would
12 like, and then re-upload that document.

13 Here is a feedback document, which is
14 unique to DOCX. You do not get a feedback document
15 when you file in PDF. So if you wanted to know
16 where are all of these issues located in my
17 document, you would select this feedback document,
18 and here at the top, you get a complete summary.
19 Here you're, and it's in one independent claim.
20 There are three dependent claims, and then these
21 are all of your warnings.

22 Now, that's the summary, but here is

1 each occurrence. So there's a duplicate paragraph
2 numbering, so it lets you know that, and the
3 specific location. And our claims section, you see
4 our independent claim has been identified. Also,
5 claim 2 depends from itself, which is not correct.
6 You are warned that that has occurred. Claim 4
7 does not end in a period, and you are warned that
8 that has occurred and exactly where it has
9 occurred. And here is the abstract, and the
10 abstract is over 150 words. So not only does it
11 let you know that, but it lets you know the
12 location where the 151st word occurred. So now
13 that you're pretty clear on where your warnings
14 are located, you have the ability to make that
15 correction.

16 So once I'm satisfied, I select
17 continue, and I manually input the number of pages
18 of my specification, the number of claims, the
19 number of independent claims. And based on my
20 entity status, the fees, the appropriate fees are
21 generated, and only those fees that are pertinent
22 to my application.

1 If I had selected that I needed to file
2 a petition, petition fees would show. If I filed
3 excess pages of specification or claims, that
4 would show. If I made any kind of error that I
5 wanted to correct, with the numbering I can go
6 back, I can edit information and make that
7 correction. Then I'm satisfied with that, and I'm
8 going to continue.

9 Now, this is your review and submit
10 page. And your review and submit page shows all of
11 your application data, it shows the document that
12 you uploaded, all of the warnings, and I'm going
13 to put this information in. It does not send
14 anything to you, so this is still, again, just
15 dummy data that's going in. And you don't have to
16 be afraid to submit in training mode because
17 nothing is filed. You will get a dummy application
18 number, which is a series of nines, but this is
19 what your submission receipt would look like. And
20 one of the important features on your submission
21 receipt is the secure hash, which means your data
22 is encrypted. It is not altered at all by our

1 staff, so what you submit is what we're going to
2 review.

3 And once you have submitted that
4 application and you desire to go and review it,
5 now here is, since we were in training mode, that
6 did not submit to our downstream system. So I have
7 one for, you're here on, that we would search. So
8 you submitted your application, and now you want
9 to take a look. This is all the information from
10 your application data sheet.

11 Now, down at your documents and
12 transactions, this is an important part. This is
13 your PAIR feature that you're used to, and now
14 this is an all-in-one user interface. So this is
15 your review page. So the app doc [phonetic] text
16 at the very top, that is the multi-section DOCX
17 that you submitted. And it has been broken out
18 into abstract, drawings, your specification, and
19 your claims.

20 And at that point, you may do a quick
21 download of either the DOCX, the PDF, or the XML.
22 And the XML data shows you that your metadata from

1 the document is scrubbed. So that means your
2 authoring information, your-any kind of sensitive
3 information, your comments, your bookmarks-those
4 things have been scrubbed. So only the substantive
5 information is present in your application to go
6 in our systems to, for examination.

7 So, again, DOCX is a safe, stable way to
8 create and to author and process your documents.
9 Your data is scrubbed. And one of the things, I
10 pointed out a few things about EFS-Web versus
11 DOCX, but if you file DOCX in EFS-Web, you do not
12 have the multi-section ability. You have to upload
13 each section separately. Also, you have utility
14 nonprovisional that you can file in EFS-Web,
15 however, in DOCX format. However, in Patent Center
16 in DOCX format, you can file provisional,
17 nonprovisional, national stage applications, and
18 also, you notice the drag-and-drop feature instead
19 of the upload and validate features.

20 So there are a lot of perks to filing in
21 DOCX. And also, I wanted to point out one of the
22 more important things, too, is if you get these

1 validations up front, this may reduce the number
2 of non-compliant notices that you get, which means
3 that you can move forward through our systems and
4 get to the Technology Center so that your
5 application can be examined.

6 So thank you for your time and
7 attention. And I will use what time we have left,
8 or the seconds we have left, to answer any
9 questions that you may have.

10 MR. SEIDEL: Okay, Great.

11 MR. CHAN: Thank you, Kimberly. That was
12 terrific. I think we-go ahead, Rick.

13 MR. SEIDEL: I'm sorry, Jeremiah. Can I
14 just underscore one of the points that Kimberly
15 made at the end? I think Lisa and Kimberly did a
16 great job in flying through this. It's very dense.
17 But if anything else, please take advantage of
18 DOCX. And the one feature Kimberly was alluding to
19 was the notices of missing parts in complete
20 applications. We send about 100,000 of those out
21 per year from our Office of Patent Application
22 Processing. So if you think about that, think

1 about the inefficiencies there, the turn, the
2 impact on pendency. There's a lot of benefits for
3 users and the Office alike to try and reduce that.

4 So, again, thank you both. Thank you,
5 Jeremiah, for the time today, and I'll turn it
6 back over to you.

7 MR. CHAN: Thanks, Rick. That's a great
8 flag. I think there's tremendous benefit there.
9 So we do have a few questions from the public that
10 Jennifer will address. But let me ask a quick one
11 before we move to those, Kimberly.

12 So you showed a number of kind of
13 automated flags for errors when the application is
14 submitted. Is there an automated flag for problems
15 with antecedent basis?

16 MS. WILLIAMS: That actually is a tool
17 that's coming soon. It's not up and running yet,
18 but we have seen a little demo of 112(f), 112(b).
19 So it's, but, currently, it's not on.

20 MR. CHAN: Okay. Jennifer, do you want
21 to take the public questions?

22 MS. CAMACHO: Sure. And there are a

1 couple that are fairly similar. So one is asking
2 about how do we make sure that the text of the
3 DOCX is not changed in any way? And then another
4 one asks about, you know, when we, in the Patent
5 Center when the DOCX is converted to PDF, does the
6 original DOCX control if there's a discrepancy?

7 MR. SUCH: So I can jump in and start
8 with the last one first. Right now, as the
9 C-setting rule [phonetic] was, DOCX is submitted,
10 and then it's converted to PDF. Currently, the PDF
11 is the controlling document; that conversion is
12 the controlling document. But, again, based on
13 feedback and input from stakeholders, that's
14 something we're looking at very seriously and
15 seriously considering changing to the as-filed
16 DOCX will be the official record. Now I'll pass it
17 back to Kimberly for the first question.

18 MS. WILLIAMS: I missed the first
19 question. Again, what was the first question?

20 MS. CAMACHO: The first question was how
21 do you control for errors in the DOCX, basically?
22 How do you make sure that the text of the DOCX is

1 not changed in any way? And I'll ask the second
2 question. The other question is, is the hash
3 [phonetic] that is calculated for the DOCX file,
4 for the DOCX file created before the metadata is
5 stripped, or afterwards? Those are the two last
6 questions.

7 MS. WILLIAMS: Okay. The first thing-you
8 pretty much addressed how you know it hasn't been
9 tampered with, and that is the secure hash. I
10 believe it is for the, after the metadata has been
11 scrubbed, but Rich Hernandez is on the line to
12 confirm that.

13 Yes, it's after scrubbing. So after,
14 after that, that metadata has been scrubbed, then
15 the secure hash is created.

16 MS. CAMACHO: Thank you, Kimberly...

17 MS. WILLIAMS: And I just wanted to be
18 clear that the metadata that is scrubbed is only
19 the things that you don't want to be seen, not the
20 substance of your application.

21 MS. CAMACHO: Thank you.

22 MR. CALTRIDER: All right, any other...

1 MR. CHAN: Any other questions?

2 SPEAKER: So Kimberly, I have a
3 question, or actually two. Can this be used for
4 provisional applications?

5 MS. WILLIAMS: If you're asking if you
6 can file DOCX submissions for provisional?

7 SPEAKER: Yes.

8 MS. WILLIAMS: That is correct, yes. We
9 are receiving those at this time.

10 SPEAKER: And then on your summary
11 field, I didn't see any field for submission of
12 prior art. Is there going to be a field for, you
13 know, applicants' prior art submissions?

14 MS. WILLIAMS: Yes. You may upload your
15 IDF form, and you may also upload your references
16 in PDF form. So you have the ability to file, to
17 upload PDFs and in DOCX format.

18 SPEAKER: Okay, thank you. Very
19 interesting.

20 MR. CHAN: Great. Okay. Thank you. Thank
21 you to all the presenters. Steve, Jennifer, I
22 think we're at time. So, with that, I'm going to

1 turn it over so we can stay on track.

2 MR. CALTRIDER: Very good. Thank you.
3 Terrific presentation, and I'll indulge just a
4 little bit more time. And, Jeremiah, can you share
5 where people can find more information on this? I
6 know that Drew made reference, and I think, I
7 don't, I don't remember if it was Rick or if it
8 was Debbie, made reference to some outreach that's
9 going to occur. Where can they find more
10 information, people can find more information on
11 the outreach?

12 MR. CHAN: I'd say a couple things. One
13 is it looks like Jennifer did share the link to
14 the upcoming presentation on May 20th from Jerry
15 Ma on AI innovations. So I'd encourage you to tune
16 in for that. And then the other thing that we
17 didn't mention today but we have mentioned in
18 previous meetings, Steve, is the USPTO's devoted
19 site to all the AI and IT initiatives going on.
20 It's really kind of loaded with tremendous
21 resources, presentations, white papers, other
22 information. I'd encourage the public to go there

1 as well, and you can learn quite a bit about all
2 the details on this great stuff that was presented
3 today.

4 MR. CALTRIDER: Great. Thank you, thank
5 you. Let's shift now to Outreach, our
6 International Committee, and Tracy Durkin.

7 MS. DURKIN: Great. Thanks, Steve. So we
8 are now going to leave the domestic world of
9 patents, and we're going to look externally to
10 what's happening outside the U.S. and the
11 activities the USPTO has been involved in.

12 And for that, because we're already,
13 already not quite on schedule and we haven't
14 started yet, I'm going to just go ahead and turn
15 it over Dave Gerck, who I think is going to lead
16 the discussion, and then we can see if we have any
17 questions. Dave, are you here? [Pause]

18 MS. CAMACHO: It looks like he's having
19 some technical trouble.

20 MS. DURKIN: Thanks, Jennifer.

21 MS. CAMACHO: Sure. They are trying to
22 move him to Presenter, or something.

1 MR. CALTRIDER: Yes, thank you.

2 MR. GERK: Can you hear me, Tracy?

3 MS. DURKIN: I can.

4 MR. GERK: Ah, very good. Apologies,
5 everyone. There's an attendee and presenter, and I
6 was in the wrong bucket, so no one could hear me.
7 So hopefully, I can reward everyone by being
8 upgraded here to the presenter and speaking area.
9 So thank you for that intro, Tracy, and for time
10 purposes, I'll just jump right in. So if we could
11 have the next slide please, that would be, that
12 would be great.

13 So today, three, three major items, just
14 trying to address in the outreach and
15 international portion. The special 301 report from
16 USTR [United States Trade Representative] will be
17 the first item we touch base on. The 2021 version
18 just came out. And then there's been some
19 developments in China. CNIPA [China National
20 Intellectual Property Administration] has issued
21 some measures for standardizing patent application
22 conduct, so I'll give you a little update on that

1 item. And then, lastly, just a quick update on our
2 Patents for Humanity Program and where that's at,
3 and basically an introduction of a new category
4 that's there. So next slide, please.

5 So as mentioned, the special 301 report,
6 this is a, an annual review, and it's a
7 congressionally-mandated review of the global
8 state of intellectual property rights, protection,
9 and enforcement. It's conducted by USTR but in
10 consultation with a variety of USG [U.S.
11 government] partners, including USPTO and OPIA
12 [Office of Policy and International Affairs]. It
13 is utilized to encourage and maintain enabling
14 environments for innovation across the globe and
15 primarily also to allow and make sure that U.S.
16 stakeholders, when they look to pursue protection
17 for their IP rights, not just patents, but across
18 the board, that there's an environment that
19 fosters that protection.

20 The U.S. uses this review and the
21 resulting report which just came out as a focus
22 for our engagement on these issues. Certainly,

1 USTR does, and I can speak from experience that
2 OPIA, a lot of our engagement globally, a lot of
3 these issues that come up, this is a point to look
4 to, of some of the focuses for our engagement over
5 the year as we look to advance IP areas and IP
6 interests. Patents, but across the board.

7 Just to give you a little detail, and
8 I'll stay on the slide for a moment and just talk
9 here, the report came out on April 30. It's a
10 rather lengthy report, but it's really informative
11 about what the IP environment is across the globe.
12 The first section talks about developments in IP
13 protection enforcement and related market access.
14 Generally, there's a second section that dives
15 into certain countries of focus and gives you an
16 update on those regions.

17 And then the annexes have, you know, the
18 statutory basis for this report. But importantly,
19 in the last annex, it also talks about U.S.
20 Government-sponsored technical assistance and
21 capacity building highlights over the last year.
22 OPIA, among others, as well as other USG partners,

1 a lot of our work is highlighted there, but what's
2 important for you all to note is that these are
3 areas where we're working with other governments
4 to try and improve the IP environment.

5 So you can see some of the work we've
6 done over the past year, but then also can
7 anticipate maybe where we might be going based
8 upon some of the contents of the report.

9 As far as specific content and trends to
10 note, I'll just take a brief, brief moment, maybe
11 highlight a few things that were noted in the
12 report as far as trends. A couple of big, sort of
13 buckets where some of the focus and some of the
14 area of attention and hope for potential
15 improvement abroad might be. There was a noted
16 existed of forced [phonetic] technology transfer
17 and preferences for indigenous IP across some of
18 the countries that came up in this report.

19 And what that really relates to is a
20 number of countries were noted as requiring a
21 pressing [phonetic] technology transfer for U.S.
22 Companies in order to, for example, as a condition

1 for obtaining investment or regulatory approvals
2 in that particular jurisdiction, or as a mechanism
3 for allowing a particular company to do business
4 in the market.

5 Another example was where there was
6 requirements of excessive confidential business
7 information or regulatory approval-type
8 information, or another example might be where
9 there's ineffective, or a failure to protect this
10 information. So those are a couple of examples
11 under, under that bullet that was seen in these
12 jurisdictions, and certainly over the year
13 [phonetic], we could expect to try and take some
14 discussions and help address some of these issues.

15 Another area, of course, pharmaceuticals
16 and medical device innovation as well as guarding
17 access concerns come up. One area is pricing, and
18 while that's not technically a pure patent issue,
19 there's certainly a tie in the patent space, and
20 certain areas had a lack of transparent and
21 predictable pricing requirements for medical
22 devices and pharmaceuticals. So that was noted in

1 some jurisdictions.

2 Also, certain jurisdictions seem to have
3 limits on patentability in the biotech space,
4 particularly based on inventions based on living
5 matter or natural substances that differ from the
6 standards seen generally across the globe. So,
7 obviously, that's another area that we continue to
8 work to try and kind of bring along with a, the
9 global view on those areas.

10 And then, one area that seems to come up
11 in a number of jurisdictions is inadequate
12 protection against unfair commercial use for
13 unauthorized disclosure of test data, or other
14 data that's generated, trying to obtain marketing
15 approval in sectors that require that sort of
16 information.

17 And then the last couple trends I think
18 to note is in a couple jurisdictions, there was a
19 feeling that the integrity of patents was an area
20 that could be improved. There's some either low
21 quality or bad faith seen filings. Additionally,
22 some jurisdictions had high customs duties on

1 IP-intensive product lines. That's, that has
2 created a bad environment, obviously, for foreign
3 entities to seek to pursue.

4 So, from the 301 report, obviously it's
5 a very dense, lengthy document, and there's a lot
6 covered. That gives you some of the highlights.
7 Obviously, it goes into a lot more detail. It's on
8 the USTR website. But, again, I stress that this
9 is one important resource that used to help guide
10 some of our engagement over the year and also to
11 address some of the global issues in IP,
12 particularly patents, and as noted, in a number of
13 different sectors.

14 Next slide, please. The next issue, as I
15 mentioned, has to do with CNIPA recently, the
16 Chinese Patent Office issued some measures for
17 standardizing patent application conduct. I
18 mentioned previously, talk of ensuring the patent
19 registry and filed patents are of appropriate
20 quality. It's believed that some of these
21 provisions are aimed to perhaps address some
22 issues like that and try and help ensure that, the

1 quality of the registry.

2 So in that regard, there's a number of
3 provisions that were put out for comment by CNIPA
4 on February 10. They're dense here and listed them
5 out. I won't go, you know, one-by-one in detail on
6 them, but I'll just highlight some of the flavor
7 and certainly can lead you to take a further look.
8 And, obviously, we're always interested if there's
9 views from practitioners and experiences as
10 whether these may be things that may help improve
11 clients' feeling on these provisions.

12 But to give some examples and some
13 feelings, essentially, they talk about what, what
14 is considered abnormal behavior in patent practice
15 or IA, abnormal filing. So these are a list of
16 examples or criteria that might be used in CNIPA
17 cases. For example, they're proposing that
18 multiple applications on the same inventive
19 creation content would be an example of potential
20 abnormal filing. Fabricated, falsified, or altered
21 inventive creative contents, test data, or
22 technical effects. So obviously, if there's

1 falsified information, I think we can all
2 recognize that might be an area of question.

3 Applications where there's statements
4 that are inconsistent with the inventor's
5 research, multiple applications generated randomly
6 using a computer program or technology, is one
7 particular interesting one that was included in
8 there, of note. Additionally, there were a number
9 of them that talked about efforts to deliberately
10 evade examination or patentability examination.
11 I'm not exactly sure what that's specifically in
12 reference to, but seemingly trying to game the
13 system is the takeaway in those regards.

14 Obviously, inducing, abetting, assisting, or
15 conspiring with another, by a patent agency,
16 attorney, or other institution, to defraud the
17 system and things like that, is covered in here.

18 And then there's a, the last one is a
19 catch-all, if you will, sort of anything that
20 violates the principles of honesty and credibility
21 and disrupts the normal order of patent work. So,
22 obviously, there's a number of examples put out

1 here that CNIPA is hoping to seemingly steer, you
2 know, applicants to make sure their filings are of
3 good quality and appropriate, and help address
4 this seemingly on the front end and giving them
5 some ability to deal with these issues.

6 So that is the patent filings topic
7 there with regard to these new measures. And,
8 again, we would be interested, of course, if any
9 stakeholders, members of the Committee, have views
10 of some of these provisions. I think it might be
11 helpful. The USG, as far as I understand, did
12 submit comments. The deadline was February 26,
13 but, obviously, this is a conversation that keeps
14 on going. This was seen as an update to a similar
15 thing they had in 2017, trying to address over the
16 last few years these issues.

17 Next slide, please, and I think you can
18 actually go two more. And then this is the last
19 item I did want to flag. Obviously, we do have our
20 Patents for Humanity Program, and we did launch a
21 new category for Patents for Humanity in relation
22 to the COVID-19 pandemic, and that was

1 highlighting, there's a new category, and, in
2 addition to the existing categories. The existing
3 categories were in the areas of medicine,
4 nutrition, sanitation, household energy, and
5 living standards. And now you add COVID-19. So
6 this is yet another opportunity to recognize the
7 great contributions that patents and patented
8 technologies can have to the, you know, global
9 human system. And so just flagging that, that is
10 another category that has arisen here this year.

11 And with the Patents for Humanity
12 Program Improvement Act passed by Congress last
13 year, award winners are now able to transfer their
14 acceleration certificates, which previously they
15 had to use on their own. There wasn't the ability
16 to transfer that on. Now, you can transfer that
17 on. Obviously, that then becomes something of
18 value to the, that they can do with as they wish
19 or pass on to somebody else. So as the program is
20 expanding, it's been a popular program, so
21 hopefully this will continue that path and
22 trajectory.

1 Next slide, please. I think that, that
2 wraps up the presentation. But I, of course, would
3 be interested in questions or comments, or if
4 others from the Subcommittee had comments to make?

5 MS. DURKIN: Thanks, Dave. While
6 Jennifer is checking to see if there's questions
7 from the public, I have a couple questions I'll
8 just start with.

9 MR. GERK: Sure.

10 MS. DURKIN: And I'm going to go in
11 reverse order. But on the Patents for Humanity,
12 can you just remind us, how are winners selected?
13 In the slide it said the winners, so is there some
14 competition there?

15 MR. GERK: Yeah. There's a full process
16 that applicants go through. There's a submission,
17 there's a review process for the contribution,
18 there's a full evaluation, and then, you know, a
19 panel of USG folks. We would look through these
20 things and make a decision. So it's not just a,
21 you know, it's an involved process, I will say. A
22 lot of time is spent in going through, and we're

1 always impressed when we go through and see the
2 great contributions. So to some degree, we also,
3 it helps us highlight some of the great work and
4 some, some great stories in there relating to
5 patents and innovation.

6 But that is how the process works. There
7 is a selection, and a vote, and all those sorts of
8 things.

9 MS. DURKIN: And does that, does that
10 just happen once a year or more regularly?

11 MR. GERK: It's been traditionally, you
12 know, I don't think there's any statutory or hard,
13 you know, fix to it, but it's been about an
14 every-other-year kind of gait to it. But there's
15 announcements. There's a whole page dedicated to
16 it on our website, so I would certainly encourage
17 those to find the details and the timing of this
18 next sequence, to turn to that page.

19 MS. DURKIN: Thanks. I had a question
20 about the China filings, but let me wait and see
21 if anyone else has anything they want to elaborate
22 on.

1 MS. CAMACHO: There is one question from
2 the public, but it's fairly general. Why don't you
3 ask your question first, on the Chinese patent
4 filings. Then we can ask the general question.

5 MS. DURKIN: Okay, great. Dave, I don't
6 know if you're going to answer this, but I think
7 the whole announcement by China just sort of begs
8 the question of why are they looking at this? And
9 are they looking at domestic filings? Or filings
10 that are coming from outside of China?

11 MR. GERK: Yeah, that's a good question,
12 Tracy. Obviously, I'm not sure we have, are in a
13 position to gauge exactly what their specific
14 intents are. When, I'm not aware of this being
15 limited to a foreign or domestic. I think it's
16 applicable across the board, is my understanding,
17 and I can certainly go back and reconfirm with
18 those of us following this more closely, and also
19 with our attaché in China, if there's any further
20 details available. But I think it's just a more
21 holistic-any application, I think regardless of
22 where it's coming from. That is the focus, as

1 they, I think, just look to the future to improve.
2 [Laughter].

3 MS. DURKIN: A very detailed list for
4 something as abstract as that, but I guess we'll
5 just leave it at that. And then I have one last
6 question on the 301 report. But is there anything
7 else anyone wants to bring up? Okay. Yeah. So on
8 the 301 report, I know traditionally there's been
9 a big focus on counterfeiting. And while we don't
10 traditionally think about counterfeiting in terms
11 of patents, I think you know, Dave, as well as
12 anyone that, you know, design patents are becoming
13 a big tool for counterfeiting.

14 And I just wondered if there's been any
15 focus on things like more robust customs
16 registrations, you know, outside of the U.S. for
17 design patents, for example. I know they're
18 looking at it here in the U.S., and other
19 countries have it. Is there any, any focus on that
20 in the 301 report this year? I haven't digested it
21 completely.

22 MR. GERK: [Laughter]. I know there's a

1 number of counterfeit issues brought up. I will
2 admit, in preparation between when the report came
3 out and today, I really only focused on the
4 patent-related ones. And fair enough, that for
5 design purposes, you're right, I should have also,
6 maybe, I guess, thought about the counterfeiting
7 angle, but I just-offhand there's nothing that I
8 can specifically note.

9 I do know, as you said, counterfeiting
10 is an important issue that comes up year-to-year,
11 and as I was reviewing, there's a number of items
12 discussing counterfeiting in various contexts.
13 But I can't say I sat and, like you said, digested
14 it to make sure I could give you something I'd
15 feel comfortable in right now. So I'll have to get
16 back to you on that one.

17 MS. DURKIN: Sure. We'll both have to
18 read it.

19 MR. GERK: Sure, sure. Definitely.

20 MS. DURKIN: Does anyone have anything
21 else they want to add, or we could give a few
22 minutes back to the next group.

1 MS. CAMACHO: Well, there, there was a
2 question from the public. But it's fairly general
3 in nature if I think I understand. The question
4 relates to this meeting and whether you guys are
5 familiar with any events like this that the other
6 organizations or international organizations that
7 we collaborate with hold, and whether there might
8 be any opportunities for proceedings, sort of
9 virtual events that house not only our Office but
10 some of our collaborators and some of the
11 international patent offices.

12 MR. GERK: That is an immensely broad
13 question, but I still think an excellent one. I
14 can give you-you know, you're catching me a bit
15 off-guard, and maybe this is something we can even
16 share after giving more thought to the question
17 with the Committee, to maybe pass back out to the
18 public or figure out the best way to do it. But
19 I'll highlight quickly, with the time I have.

20 I do know, for example, WIPO [World
21 Intellectual Property Organization] is one
22 international organization, of course, that we

1 work with regularly. And with the various subject
2 matter committees, whether it be Standing
3 Committee and Patents, whether it be Trademarks
4 and GIs and Designs. Oftentimes, as part of the
5 committee meetings, there's an information session
6 and, informational session. And I'll have to
7 reconfirm the availability for that. That may be
8 only for observers of the actual meetings, but I
9 actually think it's more likely it's available
10 more publicly.

11 That said, I do know they do also have,
12 WIPO does a lot of public programs on various
13 topics and geared to both broad topics but also
14 specific types of IP and specific issues in IP.
15 So I think WIPO is one great source to do those
16 sorts of things. There's quite a few others, and I
17 know I can come up with them, but that's the first
18 one that came to mind, as I know that they have
19 quite a robust program, and they're always
20 interested in engaging with the public. So I think
21 that would be a great resource and can, we can
22 help usher some other areas and thoughts on that.

1 MS. CAMACHO: Thank you, David.

2 MR. GERK: Sure.

3 MS. MARTIN WALLACE: Well, I can add
4 just a little bit to what Dave said. He's
5 absolutely right, and there are some offices such
6 as EPO, which will, not saying an advisory board
7 but, you know, they've done some events, and
8 they've actually done events here in the United
9 States for their own stakeholders, as well as in
10 other offices, such as JPO [Japan Patent Office].
11 They have GIPA [Global Intellectual Property
12 Academy], which is equivalent to the IPLA
13 [International Patent Legal Administration], that
14 puts on events as well to help get comments,
15 feedback from their stakeholders.

16 So I agree with Dave. We can, you know,
17 look into it, and get some, get a list together
18 for everyone and maybe some events that will be
19 happening soon. We can get that back to you.

20 MS. DURKIN: Thank you, Valencia. I was
21 just going to say before we close it out, I wanted
22 to see if you had anything else to add. So thank

1 you for jumping in. And if there's anything else
2 you want to pull down from your end, please do.

3 MS. MARTIN WALLACE: Oh, I think they
4 did a good job in both of our areas this time, so
5 I think that's about it. But as always, if there's
6 anything that we can do to help or any questions
7 we might have after this, please feel free to
8 contact either of us.

9 MS. DURKIN: Great. Thank you both.

10 MR. GERK: Thank you, Valencia.

11 MS. DURKIN: Steve, we'll turn it back
12 to you.

13 MR. CALTRIDER: Great. Thank you, Tracy,
14 and thank you, Dave, for a very interesting
15 presentation.

16 Next up is the Patent Trial and Appeal
17 Board [PTAB], and I'm the Subcommittee Chair, so I
18 will make a few introductory comments and turn it
19 over to Scott and his team.

20 Certainly, the PTAB has been very
21 actively working on closing the gap, and that is
22 creating learning loops between the PTAB and the

1 Examination Division so that we learn from the
2 experience. And so if there is art being cited in
3 PTAB that wasn't before the examiner, then why did
4 we miss the art during examination? And so that's
5 one of the feedback loops going back into the
6 search and the, forming a, you know, the AI search
7 capability.

8 Same with training between the PTAB and
9 the Examination Division, and vice versa. Those
10 are important issues to try to close that gap so
11 that we have a little more predictable and more
12 reliable patent system overall, as patents
13 transition from the front end of the system to the
14 back end of the system, as I mentioned earlier.

15 So with that very brief introduction,
16 I'll turn it over to Scott. He has some very
17 interesting presentations and updates on a number
18 of the issues, initiatives within the PTAB.

19 Scott, I think you might be on mute.

20 JUDGE BOALICK: Oh, the old, the secret
21 double-mute was the culprit today. So while you
22 missed my glowing thanks for, and praise for your

1 introductory remarks, but we have a couple of
2 folks here, you can see on the slide, you're going
3 to hear from today, in addition to Deputy Chief
4 Judge Jackie Bonilla and myself. We're going to
5 hear on a couple of items. If we could go to the
6 next slide, I'll give you an overview of what
7 we're going to talk about. Vice Chief Judge Janet
8 Gongola is going to talk about the brand new,
9 fast-track appeal pilot that we have for
10 COVID-19-related inventions.

11 Then we're going to hear from
12 Administrative Patent Judge Eric Jeschke on some
13 outreach programs, and Judge Mike Cygan on a
14 one-year study for ex parte appeals.

15 But before we get there, just one sort
16 of preview item, you know, forthcoming to whet
17 your appetite for August, we have been looking
18 into a number of things. One of the things that
19 we're planning to present in August is the results
20 of some ongoing case studies we have related to an
21 area known as what, the section 325(d), where art
22 or arguments were previously before the Office and

1 then again considered in an AIA [America Invents
2 Act] trial and look at some of the outcomes there,
3 presented with former case studies. So you have
4 that to look forward to in August.

5 But the first item we have today, and
6 I'll turn the floor over to Vice Chief Judge Janet
7 Gongola, is the brand new fast-track pilot
8 program.

9 JUDGE GONGOLA: Thank you very much.
10 Next slide, please. Okay. Well, we are very
11 pleased to bring forth, as of April 15, a new
12 fast-track pilot program that's tailored to
13 COVID-19 applications. This fast-track program is
14 under the umbrella of our existing fast-track
15 program. It runs on the same backbone. However, it
16 has a few features that are different, so that's
17 what I'd like to highlight for you today.

18 First of all, this fast-track program is
19 free. An appellant who wishes to join the
20 fast-track simply has to file a petition. There is
21 no charge, and in the petition, the appellant
22 needs to indicate that the application meets the

1 definition for a COVID-19-related application.
2 That definition is the same one that Patents
3 applies in getting fast-track examinations in
4 COVID-19-related applications.

5 The invention has to be related to a
6 product or a process that is undergoing FDA review
7 to treat COVID-19. Once the petition is
8 received-and we are turning petitions around very
9 quickly, on average within two days-the appeal
10 will be placed in the fast-track program, which
11 means it advances to the top of this docket for
12 decision.

13 Unlike the regular program, our
14 fast-track for COVID is not restricted to a
15 certain number of petitions on a per quarter
16 basis. Instead, we are accepting for all time
17 [phonetic] a total of 500 applications into the
18 pilot. And as far as receiving a decision under
19 the pilot for an appeal, our average turnaround
20 time currently stands around two months. Our goal
21 is six months. So, presently, we are moving even
22 faster than our goal to issue a merits-based

1 decision.

2 I will now turn things over to move into
3 our outreach efforts. And I'll pass the microphone
4 to Judge Eric Jeschke.

5 JUDGE JESCHKE: Thank you. I'm Eric
6 Jeschke. If we could have the next slide, please?

7 I'm Eric Jeschke from the Patent Trial
8 and Appeal Board, and I'll be discussing two
9 different outreach initiatives by the PTO, and
10 PTAB specifically, to independent inventors and
11 new practitioners. The first, which you can see
12 summarized on the left side of the slide here, is
13 a new set of tools for ex parte appeals. The
14 overall purpose of the tools is to provide
15 generalized guidance to a, independent inventors
16 and new practitioners in drafting briefs and ex
17 parte appeals.

18 And this is done with two different
19 documents. The first, which is shown in blue on
20 the slide, is a Microsoft Word template that
21 essentially acts as the starting point for the
22 appeal brief. The template has separate section

1 headings for the common sections in an appeal
2 brief, such as real party of interest, summary of
3 claim, subject matter, et cetera. And then after
4 downloading, the template can be saved locally and
5 treated like any other file on the user's
6 computer.

7 The second document, which is shown in
8 green on the screen, is a separate PDF instruction
9 document. It will have the same section headings
10 as the Word template. Each section of the PDF
11 instruction document will, for example, provide
12 some background on the section's purpose, will
13 identify some important issues to consider
14 addressing in that section. It will discuss
15 whether the section is required for independent
16 inventors and may include some cites to sections
17 of the MPEP [Manual of Patent Examining Procedure]
18 that may be relevant. And it also sometimes will
19 include an example of what the section may look
20 like in the final version of the brief. With that
21 information, the PDF instruction document can
22 provide jargon-free guidance to help users draft

1 each section of the Word template.

2 So as far as the expected usage, given
3 the common section headings in both of the
4 documents, they are intended to be used together
5 with both of the documents open at the same time
6 on the user's screen or, screens. They'll
7 basically go down through each of the sections and
8 in the end have an appeal brief that is ready for
9 filing. As far as the current status of these
10 tools, they're available now for download from the
11 PTAB website. If you go to the PTAB website and
12 then New to PTAB, there's a link for preparing an
13 ex parte appeal brief.

14 Right now, we'll turn to the second of
15 our two outreach programs by PTAB, to the
16 independent inventors, and that is our Inventor
17 Hour webinar series. This series will be similar
18 to the current Boardside Chat webinars, which are
19 generally an hour long and open to questions from
20 the public. The purpose of the new series is to
21 offer information about PTAB and the various
22 proceedings that take place, with the information

1 being geared mostly toward non-attorneys, such as
2 independent inventors.

3 The first Inventor Hour will be held a
4 week from today on Thursday, May the 13, at noon,
5 and will generally be held on a quarterly basis
6 thereafter. For the first Inventor Hour next week,
7 we will present a lot more detail on the ex parte
8 appeal brief template tools that we discussed a
9 moment ago. We'll also be discussing each section
10 of the two documents in detail and also explain a
11 bit more about how to download the two documents
12 that we introduce today.

13 And that's all for me. Thank you.

14 MR. CALTRIDER: All right. Thanks. We
15 have Judge Cygan to fill us in on the one-year
16 appeal study that we did, so I'll turn it over to
17 him.

18 JUDGE CYGAN: Thank you. I want to talk
19 a little bit about the timing for appeals, for ex
20 parte appeals. And as Janet mentioned earlier, the
21 Board has had a fast-track pilot appeals program,
22 and it's been going for about three quarters now.

1 It's a one-year pilot program.

2 And so far, we've had some excellent
3 results, and the timing of that, where a decision
4 on a fast-track case is rendered just over two
5 months from the time the petition for fast-track
6 is filed. And also taking into account the fact
7 that PTAB's time to decision, from the time the
8 case is docketed to Board, has been steadily
9 decreasing, and it's reportedly [phonetic] about

10 Months now. So with those two sort of
11 shortened timeframes in mind, for the Board to
12 render a decision on a case, we wanted to step
13 back a little bit and take a look at the course of
14 the entire appeal.

15 And today, I want to talk a little bit
16 about what an appellant can typically expect for
17 the time for an appeal to be resolved, not just
18 from when the appeal is docketed at the Board but
19 from when a file rejection or second or subsequent
20 rejection on an application is issued. From that
21 time up until the time the Board issues a decision
22 on a case, what's the typical amount of time? And

1 how fast can that appeal go if appellant takes one
2 or two strategies that I'll talk about today?

3 Now, we call this the one-year appeal
4 because I think at the end, we, we're very curious
5 to see if it's realistic for an appellant to be
6 able to get a decision on an appeal within one
7 year from the time a file rejection is issued. And
8 I, our hope today, by setting forth these typical
9 and these accelerated timeframes for an appellant
10 to receive a decision, it felt like it made a
11 better planned expectation on whether to appeal
12 and, if they're going to appeal, how long they can
13 expect that appeal to take.

14 So if you look in the left column in
15 blue, we have a list of the main documents that
16 are filed or issued during an appeal. So an appeal
17 with, start with a final [phonetic] rejection or
18 second or subsequent rejection of a claim. After
19 the file rejection is issued, appellant will file
20 a notice of appeal to kick off the appeal. After
21 that, the appellant files their appeal brief. In
22 response to that, the examiner issues the

1 examiner's answer. After the examiner's answer
2 issues, the appellant may or may not decide to
3 file a reply brief. That's an optional paper.
4 After the reply brief is issued or the time to
5 file a reply brief expires, then jurisdiction
6 transfers over to PTAB, and then PTAB will issue a
7 decision.

8 In the orange column just to the right,
9 we show the typical amount of time that's consumed
10 for each of these phases of the briefing. So,
11 typically, an appellant will take four months to
12 file a notice of appeal and then take three months
13 to file an appeal brief. These are much shorter
14 than the maximum amount of time that an appellant
15 is permitted to take, with a maximum of time being
16 six months to file the notice of appeal and seven
17 months to file the appeal brief.

18 After the Office receives the appeal
19 brief, the examiner's answer is typically turned
20 around within two-and-a-half months of receipt of
21 the appeal brief. The examiner's answer is, in 95%
22 of cases, is turned around within four months of

1 the time the appeal brief was received. So an
2 appellant can typically expect to receive an
3 examiner's answer in two-and-a-half months, and in
4 95% of the appeals, it will be issued within four
5 months of that.

6 And the four months is also notable
7 because every day longer than four months that the
8 Office takes to issue an examiner's answer, one
9 day of patent term adjustment will accrue on any
10 patent that issues from that case. And the typical
11 amount of time for a reply brief to be filed is
12 two months, and that, I think, takes into account
13 the fact that many appellants will not file the
14 reply brief, and that entire two-month window will
15 take place before jurisdiction is transferred to
16 the Board.

17 As I mentioned earlier, once the appeal
18 is docketed at the Board, the Board is sort of
19 closing in on a 12-month time for a decision. It's
20 a little bit over 12 months right now, but it's
21 been steadily decreasing in recent time. If you
22 add all those time periods up, the typical amount

1 of time that's being taken for an appeal right
2 now, from the issuance of a final rejection to the
3 issuance of a decision by the Board, is about 23
4 months. And there are two strategies an appellant
5 can use to reduce that time in cases where they
6 really want to push the envelope and have that
7 appeal decided faster.

8 The first is by taking advantage of the
9 fact that appellant has three of those time
10 periods entirely under their control. So if the
11 appellant decides, based on particularities of the
12 case they have in front of them, how long they
13 need to take to file each of the briefing
14 documents. So, we've given some examples of an
15 appellant, just by slowing down those briefing
16 times, can reach 18 months from file to decision,
17 and that would be by reducing the amount of time
18 to file the notice of appeal from four months,
19 from four to one month.

20 Another example would be reducing the
21 amount of time for an appeal brief, to file the
22 appeal brief, from three months to one-and-a-half

1 moths, and to file that reply brief in one month.
2 And if you add on the typical time to decision
3 that the Board is approaching, of 12 months,
4 that's how an appellant could expect to receive a
5 decision in 18 months.

6 Now, what if an appellant wants to go
7 even faster? An appellant has a case in front of
8 them that they would really like a decision on
9 within 12 months of the file rejection. Well,
10 appellant would not file those documents faster,
11 but appellant would take advantage of the PTAB's
12 fast-track appellant appeal program. And here
13 we've shown a decision being rendered in the
14 projected time of six months from the case is
15 transferred with forced [phonetic] jurisdiction.

16 But as Janet mentioned earlier, right
17 now we've received, we've noticed that the typical
18 amount of time that the Board takes in deciding
19 that, those fast-track cases is much less. It's
20 about two months. So even if the Board takes its
21 projected time of six months, an appellant would
22 expect a decision within 12 months of the time the

1 file rejection is issued, and if current trends
2 hold and the Board keeps issuing decisions about
3 two months from the time the PTAB's fast-track
4 petition is filed, but that would be even less.
5 That would be an expected file to decision time of
6 about eight months.

7 So one of the main take-home lessons
8 here is that the appellant can look at the amount
9 of time that the Office is consuming and then add
10 on whatever time, amount of time that they project
11 for that particular case. So for a non-fast-track
12 case, they would expect the Office to issue the
13 examiner's answer in two-and-a-half months, expect
14 the decision in about 12 months. Therefore, about
15 14-and-a-half months for the EPO, plus whatever
16 briefing time that they need for that case.

17 And, certainly, in most cases they
18 don't, an appellant doesn't need to accelerate to
19 this extent. Appellant, for example, may want to
20 take advantage of the PPO [phonetic] Pilot
21 Conference Program, which would certainly take a
22 little bit of extra time in filing the appeal

1 brief after getting the results of that.

2 But I think, again, in summary, by
3 looking at the typical amount of time that an
4 appeal takes right now, for the entire phase, and
5 I look at couple of these strategies an appellant
6 can take, appellant can make a much, much more
7 informed decision about the appeal process. Thank
8 you.

9 MR. CALTRIDER: And we just have one
10 other bonus feature here. Since I, we did want to
11 give a quick update on our LEAP [Legal Experience
12 and Advancement Program] Program, and for that,
13 I'll turn it over to Vice Chief Judge Gongola
14 again.

15 JUDGE GONGOLA: Thank you. And I'm
16 always very excited to talk about the LEAP
17 Program. LEAP stands for "Legal Experience and
18 Advancement Program." It is a means by which we
19 want to foster the next generation of patent
20 practitioners by offering them stand-up in-hearing
21 room opportunities to present arguments, as well
22 as training to guide and promote their oral

1 advocacy skills.

2 Now, to be eligible for LEAP, a newer
3 practitioner has two requirements to meet, fewer
4 [phonetic], fewer arguments, may it be for any
5 federal tribunal, that would include PTAB, and
6 seven or fewer years from Bar admittance, which
7 includes the Patent Bar or license share
8 [phonetic]. Now, in exchange for giving a LEAP
9 practitioner the opportunity to argue in front of
10 the Board, the party will receive on most
11 instances 15 extra minutes of argument time. The
12 party can allot that argument time however it
13 chooses, provided that the LEAP practitioner is
14 given the chance to present on a substantive
15 issue.

16 To apply to the LEAP Program, we've made
17 it very easy. We have a form on our LEAP website,
18 USPTO.gov/LEAP. The form asks for some demographic
19 information, name, address, and then the
20 certification that the two eligibility
21 requirements are met. One thing is we ask that you
22 submit the form for a specific proceeding, not

1 general. And we also ask that you submit the form
2 in that specific proceeding after your hearing
3 date is set. That way, we won't mistake the form
4 or lose the form, and we can grant it
5 approximately the time of your argument.

6 So far, we have had the pleasure of
7 hearing LEAP practitioners argue in 46 cases.
8 Two-thirds of those were AIA trials, and the
9 balance were ex parte appeals. In that 46
10 requests, there were 34 different clients
11 represented. We have held on the training front
12 thus far, a variety of sessions, from basic oral
13 advocacy skills, to preparing for an oral
14 argument, to three mock argument practicums—two
15 for trial and one for appeal. And we have also
16 included a session for those who watched our most
17 recent ex parte appeal practicum, "a perfect
18 argument."

19 So we took the same argument that the
20 LEAPers presented and featured an experienced
21 practitioner making the same presentation so that
22 the LEAPers could gauge and compare what an

1 experienced practitioner did, how they organized
2 and handled the issues, in comparison to their own
3 argument.

4 On May 18, we will be celebrating the
5 one-year anniversary of our LEAP Program, and we
6 are hosting an event featuring Chief Judge Barbara
7 Lynn of the Northern District of Texas, along with
8 several practitioners, to talk about their
9 experiences with the LEAP Program. This is open.
10 We'd love for all of you to attend, and we'd love
11 to see more LEAP practitioners arguing cases for
12 both appeals and trial as we move forward.

13 JUDGE BOALICK: Thank you, Janet. It
14 looks like we may have a few questions in the Q&A
15 box, but I don't know, Steve, if there's any other
16 questions anybody had for us. But we have a couple
17 on some of the material that was presented here,
18 it looks like. Steve, I think we might be on mute.

19 MR. CALTRIDER: Apologies for that. The
20 double-mute bug again.

21 We do have a few questions. I'll turn it
22 over briefly to Judge Braden and to Jennifer

1 Camacho to ask those questions. Judge Braden?

2 JUDGE BRADEN: Hi. I don't have a
3 question, but I have shout-out for Eric Jeschke.
4 He was one of my first interns some 17 or so years
5 ago, and he taught me everybody I knew about
6 patent law. But also to Janet-she preceded me as
7 the President of the Giles S. Rich Inn of Court.
8 And boy, the Patent Office has a lot of challenge.
9 Thank you.

10 MR. CALTRIDER: Thank you. Jennifer, if
11 you can field the questions from the public, take
12 the questions from the public?

13 MS. CAMACHO: Sure. The first question
14 is whether the PTO has made any decisions about
15 renewing the fast-track appeals pilot program,
16 which is apparently set to expire in July?

17 JUDGE BOALICK: So we are certainly
18 currently evaluating that, you're right. The
19 one-year time does expire in July. And we're
20 currently, you know, evaluating it. And I can't
21 say that we've arrived at a final decision, but,
22 but we have had quite a few people getting to take

1 advantage of it. It's where, you know, we're going
2 to take a look at that, and, you know, I think
3 it's been pretty successful overall. So I don't
4 see at the moment, you know, what, that we
5 necessarily terminate it, but of course we'll,
6 we'll make a decision and let everybody know when,
7 you know, if it's been extended or not. But great
8 question.

9 MS. CAMACHO: Thank you, Scott. So we
10 have a second question that relates to appeals.
11 And it's a suggestion and then their question. If
12 appellant does not plan to file a reply brief, it
13 would be nice if there was a way for appellant to
14 waive the reply brief period. To allow a
15 jurisdiction to pass to the Board immediately to
16 potentially save two months. Is there anything
17 like this under consideration to speed the
18 appeals?

19 JUDGE BOALICK: So I am going to be
20 having Judge Cygan address this one since he was,
21 you know, the one who looked into our, sort of
22 one-year appeal.

1 JUDGE CYGAN: Thanks. I don't think
2 we've considered that yet, but I would want to
3 note that that time period is also the time period
4 for paying the appeal-forwarding fee. So you'd
5 also have to keep that in mind if you wanted to
6 go, have sort of a waive time period to make sure
7 that you didn't [phonetic] want to file off the,
8 the appeal-forwarding fee. But it is something we
9 can look into.

10 MS. CAMACHO: Thank you.

11 MR. CALTRIDER: Great. Thank you, Scott
12 and team for an outstanding discussion and
13 presentation. Let's move on. We are next going to
14 shift to a legislative update, and Judge Braden
15 and Dan, if you could make any introductory
16 comments.

17 JUDGE BRADEN: Well, I think what we'd
18 like to do is turn over quickly to Kimberly. But I
19 would say one thing. With the large number of
20 initiatives on the Hill in this area, we're
21 probably going to need some more staff here at the
22 PTO. But if-Kimberly, are you there someplace?

1 Steve, I don't see where she is.

2 MR. CALTRIDER: Okay.

3 JUDGE BRADEN: Oh, I see a proposal up,
4 but I don't see either Kim or Tammy [phonetic].
5 Do you see them?

6 MR. CALTRIDER: I do not. Jennifer Lo,
7 is this another time when we need to promote
8 someone to presenter? Kim is not on. I don't see
9 her.

10 JUDGE BRADEN: I believe Kim is trying
11 to get on now.

12 MR. CALTRIDER: I mean, Kim is dialed
13 on, dialed in. I see her.

14 JUDGE BRADEN: She might be on mute.

15 MS. CAMACHO: I think you're muted, Kim.

16 MS. ALTON: Okay. Can you hear me now?

17 JUDGE BRADEN: Yes.

18 MR. CALTRIDER: We can hear you now.

19 Fantastic.

20 MS. ALTON: Okay.

21 JUDGE BRADEN: I was about ready to take
22 over your job.

1 MS. ALTON: Oh boy, I am here.

2 Apologies.

3 JUDGE BRADEN: All right.

4 MS. ALTON: I was using my cellphone.

5 But good afternoon, everyone. I'll jump right in
6 and get started on some, share some of the things
7 that we are working on within the Office of
8 Government Affairs [OGA]. So we can please move to
9 the next slide? Great.

10 Just last week, the Civic Judiciary
11 Committee marked up and approved the Idea Act, and
12 this is a bill-I know you've probably heard me
13 talk about this before-it was introduced in 2019.
14 It was just reintroduced this past March. And this
15 is the bill that would require the PTO to collect
16 demographic information-so that's gender, race,
17 veteran status-of our patent applicants. So the
18 Agency would be required to request this
19 information, but the applicants would voluntarily
20 give this information, so it would not be a
21 requirement for them to share that information but
22 a requirement for the PTO to request it. It was

1 approved by a vote of 15 to 17 last week, so the
2 next step is the bill will advance to the entire
3 Senate for a vote, and then on to the House of
4 Representatives. So we will continue to track that
5 bill and to provide updates. Next slide, please?

6 Another item that we are watching
7 closely-and it has some momentum in Congress right
8 now-is a bill entitled the Endless Frontier Act.
9 This is a bill that is really being championed by
10 Senator Chuck Schumer and by Senator Todd Young.
11 And the two of them are working together. It has
12 bipartisan support. There were hearings held last
13 month in the Senate Commerce Committee, and this
14 bill is really looking at how to invest, how to
15 sort of retool the different federal agencies that
16 have science and technology as part of its
17 mission, so really ahead in terms of the types of
18 investments that are needed in terms of R&D,
19 innovation, manufacturing. And one of the
20 components of the bill that we are really focused
21 on within OGA is a section that would require the
22 Commerce Department to establish regional

1 technology hubs across the country. So the bill
2 would authorize \$10 billion over five years to
3 create these hubs.

4 And the thinking is that these hubs will
5 really sort of position different communities to
6 be really sort of global centers for research,
7 development, workforce training, and
8 entrepreneurship. And so we certainly think that
9 that function aligns very closely with the work
10 that we're doing at the PTO, and so it's our plan
11 to work closely with Commerce as this bill
12 continues to move through Congress. At some point,
13 we will see if it is enacted and becomes law. So
14 we will certainly be tracking that.

15 And then you'll see the next bullet is
16 drug pricing. And, again, this is an issue that we
17 continue to watch very closely. Back in 2019, we
18 saw a lot of bills that were introduced in
19 Congress related to how to lower drug prices and
20 how to increase competition with generics and
21 brand pharmaceuticals, brand-name drugs. And so we
22 provided a lot of technical assistance working

1 with the subject matter experts at the PTO within
2 our policy shop. And so we are continuing to do
3 that.

4 There have been hearings, actually this
5 week and last week. The House Judiciary Committee,
6 they have an Antitrust Subcommittee that just
7 looked at this issue last week. They had a
8 hearing, looked at different bills, trying to
9 address anticompetitive practices that may lead to
10 higher drug prices. So we are certainly monitoring
11 that. The House Energy and Commerce Committee also
12 held a hearing this week focused on this issue.

13 So, again, the PTO, our role is to
14 really help the staff sort of understand the role
15 that patents play and provide technical
16 assistance, and really serve as a resource to
17 these congressional offices.

18 Next slide, please? And I just want to
19 flag for you all, my colleagues at Main Commerce
20 and the Legislative Affairs shop are really busy.
21 They are very focused now on some of the
22 confirmation hearings that have been scheduled for

1 high-level officials within the Department. Mr.
2 Don Graves has been nominated to be the Deputy
3 Secretary of Commerce. The full Senate is expected
4 to vote on his nomination. The thinking is that
5 may, that vote may happen next week. And then, of
6 course, Ms. Leslie Kiernan to serve as General
7 Counsel at the Commerce Department. Her nomination
8 is also working its way through the Senate. So we
9 continue to watch and provide assistance to my
10 counterparts at Main Commerce.

11 Next slide, please? A couple of final
12 things I wanted to share. Just last month, the
13 Senate Judiciary Committee held a hearing on
14 inclusivity and diversity within the patent
15 system, and it was really sort of a continuation
16 of a hearing that was held back in 2019 on a
17 similar issue. The hearing-we were really
18 pleased-the hearing did really highlight the work
19 of the National Council for Expanding American
20 Innovation. In fact, one of the witnesses, Marlene
21 Yang, is a member of the National Council for
22 Expanding American Innovation. And I know that

1 Angela Grayson from AIPLA [American Intellectual
2 Property Law Association] was also a witness at
3 this Senate Judiciary Committee hearing, and we
4 have worked closely with AIPLA and with Ms.
5 Grayson.

6 So we were really pleased that this
7 hearing was able to really highlight and showcase
8 the work that Valencia and her team have been
9 doing as it relates to expanding innovation.

10 And, again, quickly, letters from
11 Senators-I think Drew touched on this and is
12 opening just the correspondence that we have
13 received over the past couple of months from
14 Senators related to subject matter eligibility. I
15 knew Drew talked about the study that's being
16 undertaken now, sequence examination. There's a
17 pilot, that they are working through some of the
18 details. And then a letter that we received
19 related to the Patent Bar and expanding
20 eligibility for the Patent Bar. So that's
21 something that we're certainly focused on. And I
22 think we've received positive feedback from the

1 Senators in terms of our response and Drew's plans
2 to really move forward and be responsive to the
3 requests that we have received from these members.
4 Next slide, please?

5 All right, well, that wraps it up from
6 Government Affairs. I'm happy to answer any
7 questions. Please feel free to send them my way.

8 MS. MAR-SPINOLA: Kimberly, this is
9 Julie Mar-Spinola. Can you hear me all right?

10 MS. ALTON: Yes.

11 MS. MAR-SPINOLA: How are you?

12 MS. ALTON: Well.

13 MS. MAR-SPINOLA: Thank you, you too.

14 MS. ALTON: Thanks.

15 MS. MAR-SPINOLA: To the very last point
16 that you made on the, with the letters, the one,
17 the letter regarding accessibility to the Patent
18 Bar. Was it specific to or was it limited to
19 gender, closing the gap on gender, which is what I
20 read on the presentation? Or was it just opening
21 it up to different technical degrees or, you know,
22 soft degrees?

1 MS. ALTON: The way that we responded to
2 the letter is expanding the eligibility. So in
3 terms of the types of degrees and who, if you have
4 a certain degree, either an undergraduate degree
5 or a graduate degree, taking the steps so that if
6 you possess this degree, you are eligible to sit
7 for the Bar. So it wasn't so much that the steps
8 that we are doing are related to any sort of
9 gender gap but more so expanding who is eligible
10 and the types of degrees that are eligible to sit
11 for the Bar.

12 MS. MAR-SPINOLA: Okay. But the letter,
13 the request letter was specific to gender?

14 MS. ALTON: It touched on gender, but it
15 also touched sort of more broadly on can you
16 please consider opening it up so that other, and a
17 more expansive list of, degrees are eligible? And
18 as a result of that sort of expansion, the
19 thinking of the Senators is that you'll see more
20 gender diversity when you open up the number of
21 degrees and the types of degrees that are able to
22 sit for the Bar.

1 MS. MAR-SPINOLA: Okay, I see, all
2 right. Thanks for that clarification.

3 MS. ALTON: Absolutely. No problem.

4 MS. MAR-SPINOLA: Thanks.

5 MR. CALTRIDER: Any other questions?

6 [No response]

7 MR. CALTRIDER: Very good. Thank you,
8 thank you. Let's move on to Finance and Budget.
9 Barney, are you with us? I know we've had some
10 tech difficulties today.

11 MR. CASSIDY: Can you hear me?

12 MR. CALTRIDER: Yes. Great.

13 MR. CASSIDY: Great. So I'm going to
14 introduce Jay Hoffman, the Chief Financial
15 Officer, who, together with his team, has done
16 some terrific work. A part of it is the routine
17 work of reporting to this Committee and to the
18 public on the financial status of the Patent
19 Office, which is obviously important, and we'll go
20 through in some detail. But I also think that in
21 addition to that important information, there is
22 urgent information about unavailable funds that

1 have been paid by applicants and patent holders
2 that are basically entombed in the U.S. Treasury
3 and not usable by the Patent Office.

4 And those have been researched
5 thoroughly by Jay and his team, and we're going to
6 talk about those. And I think this is an urgent
7 matter for the Committee and for the public to
8 understand. So with that, I'll turn it over to
9 Jay.

10 MR. HOFFMAN: Great. Thank you, Barney.
11 So we're going to turn it over to Brendan Hourigan
12 in just a moment. But just a couple of
13 introductory remarks before we go through our
14 slides to give the public and the members in the
15 PPAC a bit of an overview.

16 First, I can tell you that the revenue
17 uncertainty that we experienced last year due to
18 the economic impact from the pandemic seems to
19 have abated. I can report that the demand for
20 USPTO services, which is measured in fee payment,
21 is currently in line with revenue forecast for the
22 year and, in fact, is actually, it's showing a

1 slight upward trend. Spending is largely in line
2 with budgeted levels, and the patent operating
3 reserve is above the designated minimum levels,
4 which are defined as one month of expenses. So
5 overall, the financial position of the USPTO is
6 positive and stable.

7 With that, I'd like to have Brendan
8 Hourigan walk through some of the detailed
9 information that supports these conclusions. So,
10 Brendan, if you're on, could you walk through the
11 slides, please?

12 MR. HOURIGAN: Yes, absolutely. If we,
13 could we move to the next slide, please? All
14 right. So, we're going to cover the FY '21
15 Financial Position and Status of Business, and
16 then the next steps related to our budgets for '22
17 and fiscal year '23 formulations to move forward.
18 Next slide?

19 At our last meeting, we shared our
20 financial outlook based on the most assumptions we
21 have. We constantly review our estimates, so our
22 financial outlook today is a bit different. One

1 of the main changes to our outlook is that
2 Congress approved our reprogramming request to
3 transfer the funds deposited into the Patent and
4 Trademark Fee Reserve Fund, into our [inaudible]
5 expense account. So the \$232 million in revenue
6 that we collected last fiscal year, that was above
7 our appropriated authority. We are now authorized
8 to spend those funds.

9 If you look at the last line of the
10 table, you will see what the approved funding does
11 to the end-of-year operating reserve. We are
12 currently on a path to be above our minimum
13 operating reserve level, which is at \$300 million,
14 and we expect to end the year at \$326.8 million in
15 reserves.

16 We also just completed a midyear review
17 of our agency spending, where we take a deeper
18 dive looking at the spending requirements for the
19 remainder of the year, identify surpluses where we
20 reallocate and reprioritize funding. The results
21 of that assessment is reflected in our total
22 projected end-of-year spending model [phonetic].

1 While we plan to spend more than we collect this
2 year, with our Patent and Trademark Fee Reserve
3 Funding, and the existing operating reserve, we'll
4 be in good position.

5 Our estimated patent collections is
6 \$3.098 billion [phonetic]. Through March 31, 2021,
7 total revenue collections are 2.2% or \$30.8
8 million above the year-to-date claim.
9 Year-to-date maintenance fee collections are 4.5%,
10 or \$23.5 million above planned level. Next slide,
11 please?

12 This chart looked at our revenue change,
13 comparing FY '21 to FY '20. The green line is the
14 10-day moving average as a percent of change, and
15 the yellow line is the 40-day moving average as a
16 percent of change. You will see that earlier this
17 year, our revenue collections were a little slower
18 after the accelerated payments that we saw on
19 October 1. So, recently, we began seeing an
20 increase in our collections as well.

21 Next slide, please? The graph here takes
22 a look at how projected annual, how Patents'

1 annualized revenue and our end-of-year projections
2 are coming along. The annualized estimate is based
3 on a 25-day daily average. This looks at how fees
4 would be paid for the year if they came in at the
5 same rate as the last 25 days. The y-axis is in
6 dollars. The blue line is the annualized revenue.
7 Pink is the end-of-year projection. The spike seen
8 around December 21 is due to a greater than normal
9 maintenance fee and patent filing collections.
10 There are spikes seen toward the end of February
11 and March that are also attributed to both
12 maintenance fees payments.

13 Next slide, please? So related to our
14 next steps for the budget, we are working to
15 finalize the FY '22 budget request. The submission
16 to Congress is tentatively set for later in May.
17 We have kicked off our '23 budget formulation
18 process, and the process includes re-baselining FY
19 '22 requirements and revenue estimates. We will
20 also evaluate aggregate revenue and aggregate
21 costs for decisions related to initiating a new
22 fee-setting effort. Slide?

1 And that wraps up our finance update.

2 Back to you, Jay.

3 MR. HOFFMAN: Okay, thank you very much,
4 Brendan. Are there any questions for Brendan
5 before I address Barney's introductory comments?

6 [No response]

7 MR. HOFFMAN: Well, okay. I'm just going
8 to speak to the unavailable fees [phonetic] to the
9 group this morning, so I'll, I'll be brief on
10 that. So just as a reminder in terms of what the
11 issue is--so between 1992 and 2011, before the
12 America Invents Act, I think we're actually going
13 to try to put up a slide so that you can see this
14 here. The Agency collected approximately \$1.17
15 billion more than the Congress ultimately
16 appropriated to the Agency to spend.

17 Now, what's interesting about these
18 amounts, for those of you who are not familiar
19 with the issue, is they were not swept up. They
20 were not used for other purposes. The amounts
21 remain in the USPTO's account at the Treasury
22 Department. We have verified that they are there,

1 and each year, in fact, the balances are audited
2 by an independent auditor.

3 The amounts are in three categories.
4 Here's the slide. And hopefully, y'all can see it.
5 The first are fee surcharges that the Congress
6 imposed through legislation. The second had to do
7 with amounts that were sequestered in 2013 as part
8 of the Budget Control Act process. And what's
9 interesting, I think, about the sequestered
10 amounts was that that law was really intended to
11 sequester taxpayer dollars, not, not fee dollars.
12 And at least one agency was successful in making
13 the case to get those fees returned to them. So
14 there is precedent for that.

15 And then the last, the last category is
16 the \$790 million in essentially fees that were
17 collected above the appropriated amount. So the
18 history of that is laid out here on this slide.
19 What the subcommittee has requested of the USPTO
20 is to begin putting together options for what the
21 Agency would do with those funds if they were made
22 available to the Agency. We've had very

1 preliminary conversations on that, that are
2 continuing, actually, in the next couple of weeks.
3 But I can give you a little bit of a highlight
4 there.

5 In a nutshell, we're really thinking
6 about using the fees in three, three broad
7 categories if they were made available to the
8 Agency at some point in the future. First, I think
9 there's a lot more that the Agency can do to
10 expand our information and education campaign to
11 support the innovation economy. I think the PTO
12 has a lot of great services that we offer to
13 innovators. The trick is being able, for the
14 innovators to find our services and use those
15 services, so we'd like to, we'd like to augment
16 that.

17 The second thing we'd like to do is we'd
18 like to improve the operations of the Agency. Now,
19 you've heard today in previous presentations about
20 the prospect for things like artificial
21 intelligence, moving to the Cloud, making it a
22 similar [phonetic] resilient agency. And we'd like

1 to make that investment sooner rather than later,
2 to boost the efficiency of PTO.

3 And then lastly, these balances would
4 certainly strengthen the financial position of the
5 Agency. It would add to our operating reserves,
6 would get us to our longtime goal of moving to
7 optimal. And think ultimately, depending on what
8 the long-range forecasts look like, it probably
9 enables you to slow down and/or walk fees in, fee
10 increases in for an extended period of time. We
11 would-I guess what I'm trying to say is it
12 wouldn't need a fee increase for potentially an
13 extended period of time, depending on, depending
14 on what the financial projections look like.

15 So that's sort of an overview of work
16 that's ongoing right now at the PTO. I had
17 promised you to report back on that, and I wanted
18 to be responsive, Barney, to the question that you
19 had asked at the outset. So I'll stop there and
20 see if there's questions or if you want to,
21 Barney, weigh in on anything I've said?

22 MR. CASSIDY: Well, I think this is an

1 important topic the, our Committee should take up,
2 and we're planning on having a separate meeting at
3 some point to do that. But I would like to hear if
4 there's any questions or comments from the public
5 or from other members of the PPAC at this time.

6 MS. MAR-SPINOLA: Barney, this is Julie
7 Mar-Spinola, and I would like to ask the question
8 about, you know, there are new initiatives. I came
9 in when Janet had, had talked about the Idea Act,
10 where the Patent Office is being asked to provide
11 or to collect more data on diversity, and et
12 cetera. And so the question is, when the Patent
13 Office is asked to do these additional surveys or
14 change a sequence of applications or whatever, are
15 we looking at what the cost would be to the Patent
16 Office to do that, so as to help identify some of
17 these tasks or initiatives or programs that we can
18 pinpoint how these funds would be used?

19 MR. CASSIDY: I think that the simple
20 answer is yes. I mean, as you know from other
21 briefings that we've had, we have a very
22 sophisticated, activity-based information system,

1 where we're looking at costs and with the patent
2 and trademark side at a very granular level. And
3 so anytime these new proposals come up, if we
4 think that they're going to have a material impact
5 on our costs, it's something that we track, and we
6 try to appropriately allocate as is required.

7 So you're really hitting on an important
8 point. As we try to expand the breadth of services
9 that the Agency may offer to support the
10 entrepreneurial community, the money has got to
11 come from somewhere. [Laughter]. It's either going
12 to come from the aggregate fees that we're
13 currently collecting or, you know, potentially
14 could come from other sources, one, you know, one
15 example being these previously collected fees.

16 MS. MAR-SPINOLA: Okay. And one other
17 question, and you might not be able to answer
18 this, but let me pose it to plant, I guess, some
19 seeds into maybe future topics. But assuming that
20 in the pharma space [phonetic], and on
21 particularly COVID, where there's a movement to
22 have COVID-related patents waived, do you

1 anticipate that that will have a large impact on
2 the Agency's revenues?

3 MR. CASSIDY: Well, I haven't done any
4 analysis on that, so I'll take that as a planting
5 of the seed question.

6 MS. MAR-SPINOLA: Yes.

7 MR. CASSIDY: Just sort of knowing how
8 our technology breakout is in terms of where we're
9 receiving patent applications, you know, it's not
10 insignificant, but it's not the largest
11 contributor. So I will just answer it that way for
12 now.

13 MS. MAR-SPINOLA: Okay. Thanks, Jay.

14 MR. HOFFMAN: Thank you.

15 MR. CASSIDY: So I think this is a topic
16 that we're going to have to pursue. We have a new
17 administration. There's a number of new
18 legislative initiatives out there. I believe we
19 will need to get the cooperation of the Congress
20 to have these fees taken from the Treasury and put
21 into the hands of the Patent Office. So stay
22 tuned. There's more to come.

1 Unless there's questions from the
2 public, Jennifer, maybe we can wrap this up.

3 MS. CAMACHO: No questions from the
4 public. Thank you.

5 MR. CASSIDY: Okay, Steve, back to you.

6 MR. CALTRIDER: Great. Thank you, Jay.
7 Thank you, Barney. And congratulations. His
8 organization has been, the financial house of the
9 PTO is in order. And given where we were, I think
10 even in our last meeting with revenue projections,
11 that's just kind of a remarkable thing to say. So,
12 it pleased, I'm pleased to see filings are up, so
13 their fees are where they, where we hoped they
14 would be, but it was just a hope at the time, in
15 February when we were doing some of that planning.
16 So thank you.

17 Let's turn now to Bismarck. And,
18 Bismarck, I'm really looking forward to your
19 presentation. Drew gave you some accolades earlier
20 today, so it's a, you have a high bar to meet, but
21 you know, I am confident you will meet it.

22 Bismarck, are you on mute?

1 MR. MYRICK: Hello. Can you hear me?

2 MR. CALTRIDER: Yes, we can hear you.

3 MR. MYRICK: Thank you very much for
4 that introduction. My name is Bismarck Myrick, and
5 I work in a small office is that part of the USPTO
6 called the Office of Equal Employment Opportunity
7 and Diversity. While most of my efforts are
8 focused internally at USPTO employees, Drew has
9 asked me-Commissioner, the Acting Director of the
10 Office-has asked me to lead the Agency's response
11 to Executive Order 13985. It's entitled Advancing
12 Racial Equity and Support for Underserved
13 Communities Through the Federal Government.

14 The next slide, please. This executive
15 order has two major components. The first
16 component is that it requires that each agency of
17 the Government conduct an equity assessment. This
18 equity assessment is a self-assessment. And the
19 second part of the executive order is to develop
20 plans to address any identified barriers to equity
21 in the services provided by agencies.

22 To assist us, the administration has

1 provided an extensive questionnaire to help us to
2 identify areas where equity could be improved.
3 And in carrying out this task under the executive
4 order, we have a prestigious group of agency
5 leaders who are forming, who have formed our
6 steering committee. The steering committee then is
7 assisting each business unit within the USPTO in
8 conducting an audit. We have a very ambitious
9 timeframe, with some preliminary information due
10 to the Department of Commerce by June 15.

11 Next slide, please. Just to give you an
12 idea about where we are, we have established our
13 steering committee. Each business unit has a team
14 working on self-assessments. Those assessments are
15 underway right now, and, again, you see our
16 timeframe is June 15. Obviously, when we identify
17 ways to improve equity, we will definitely provide
18 updates to the PPAC. One of the, you heard
19 throughout the day today many efforts that are
20 already underway, designed to improve equity and
21 access to USPTO services, things like the pro bono
22 program, the law school clinic, training

1 assistance that we provide, the work of our
2 regional offices, and then, of course, the work of
3 the National Council for Expanding American
4 Innovation. While those important efforts continue
5 to proceed, we will also look and see if there are
6 additional ways for us to improve access to PTO
7 services.

8 And to the next slide, please. I wanted
9 to shift gears because that concludes, really, the
10 update on USPTO's efforts to comply with Executive
11 Order 13985.

12 I wanted to shift gears and talk a
13 little bit about a special program that's also
14 within my portfolio. My office is responsible for
15 nurturing and overseeing internal employee
16 organizations within the USPTO. About 15 years
17 ago, we started with three employee organizations,
18 Blacks in Government, Lambda PTO, and the Asian
19 Pacific American Network.

20 This group of affinity groups has
21 expanded dramatically. Today, we have 19 voluntary
22 employee organizations. They are helping us with

1 the recruitment, retention, career advancement of
2 our employees. They are also helping us get
3 information about intellectual property protection
4 out to their respective communities, and they're
5 doing this on a volunteer basis.

6 Our veteran's organization, which is one
7 of our larger employee organizations, is helping
8 to inform how we recruit and then transfer the
9 benefits of our veterans who are employees of the
10 PTO. Our very large Asian Pacific American
11 Network, it's not just helping us to put on
12 programming, sharing important cultural
13 information with the employees of PTO, but they
14 are also doing work to help put on career
15 advancement programs for our employees.

16 So, I wanted to share this with the PPAC
17 because I think that these groups are doing a lot
18 to hold our organization together during these
19 unprecedented times. They have pivoted from
20 largely in-person events to holding virtual events
21 where they're engaging our workforce, and that
22 engagement I think is critically important to our

1 efforts to retain a diverse workforce, retain and
2 advance a diverse workforce.

3 That concludes the information that I
4 planned to share with PPAC today. I'm available
5 now to answer or try to respond to any questions.

6 MR. CASSIDY: Bismarck, I think I'll
7 start with the first one, if you don't mind, and
8 then it goes back to the executive order. In
9 context of the executive order, what's intended by
10 equity? When you're looking and doing that
11 assessment, what are you looking for in terms of
12 equity?

13 MR. MYRICK: Well, you know, equity is a
14 newer concept for an organization like ours.
15 Previously, we've been focused on areas of
16 equality, and by equality we wanted to make sure
17 that everyone gets exactly the same thing. But
18 those of us who were providing services in the
19 Federal Government also recognize that the needs
20 of our stakeholders are diverse. We have
21 sophisticated users, for example, of our systems,
22 and then we have novice pro se users of our

1 services. So being able to meet our stakeholders
2 where they are is what that push towards equity is
3 about.

4 MR. CASSIDY: Great. Thank you. Other
5 questions from PPAC, or, Jennifer, have we
6 received any questions from the public?

7 MS. CAMACHO: We haven't any questions
8 from the public, but I did want to thank Bismarck.
9 I thought that was terrific. I enjoy hearing
10 everything about what you're doing, and that is a,
11 an amazing collection of affinity groups. I just,
12 I couldn't be more happy about that. Thank you,
13 Bismarck.

14 MR. MYRICK: Thank you for those words.

15 MR. CASSIDY: Other questions? Go ahead.

16 MS. MAR-SPINOLA: This is Julie. I just
17 wanted to echo what Jennifer just said. Bismarck,
18 I think your team and your division and your
19 leadership has been on the quiet side. And so
20 we're glad to feature you in PPAC. It's very
21 timely, what you're doing. We probably expect you
22 to be a lot busier coming up, with all these

1 awareness and, you know, the things that need to
2 be done. So, you know, I think that PPAC, speaking
3 for PPAC, we applaud your efforts, and please,
4 please, reach out to any of us and let us know how
5 we can assist.

6 MR. MYRICK: Thank you very much.

7 MR. CASSIDY: Thank you, Julie.

8 MR. MYRICK: And I'd also like to thank
9 my partner, Valencia Martin Wallace, who is so
10 important to these efforts at ensuring equity with
11 her leadership of the National Council for
12 Expanding American Innovation.

13 MR. CASSIDY: Thank you, Bismarck, and
14 thank you for adding that because I think
15 leveraging affinity groups as part of the agenda
16 for expanding innovation is really a clever idea.
17 I don't know that I thought of that immediately,
18 but I think that's one good way to have a very
19 natural outreach program. Now, thank you.

20 Any other questions?

21 MS. MARTIN WALLACE: Yes, just one
22 minute [phonetic]. I don't have a question, but I

1 want to reiterate something I said to the
2 executives yesterday. And I think you said it, you
3 know, with the quiet strength in Bismarck's team.
4 They do so much that we just don't know. But I, I
5 mentioned when he first came on, there was less
6 than a handful of affinity groups, and then in his
7 short tenure as the Director of EEOD, he, he's
8 made it about three dozen. That's pretty powerful,
9 and it's an active group that's strengthening and
10 improving our Agency. It, it says a lot.

11 MR. CASSIDY: Thank you, Valencia, and
12 thank you, Bismarck.

13 MR. MYRICK: Thank you.

14 MR. CALTRIDER: Okay. Well, we will
15 transition for closing. I don't have very many
16 closing remarks. I have just one, and it's really
17 just a reminder that the program that Jennifer
18 mentioned during her remarks, it's in conjunction
19 with the National Inventors Hall of Fame Event on
20 May 14, at 11 a.m. Our own Julie Mar-Spinola is
21 hosting and moderating the panel discussion. I
22 would encourage everyone that's interested to

1 please join that program. It should be
2 outstanding.

3 Julie, I don't know if there's any more
4 you want to say on that, but I also, since you
5 were able to join us here at the end, I will turn
6 the floor over to you for any closing remarks as
7 well.

8 MS. MAR-SPINOLA: I wasn't prepared for
9 that, Steve. I guess that's payback. But thank
10 you, everyone, for this meeting. I apologize that
11 I was not able to attend the full meeting, but let
12 me give kudos to Steve and to Jennifer Camacho for
13 running, running the show smoothly and seamlessly
14 and effectively.

15 I would like to encourage everyone, as
16 many as possible, and I'm not sure there's any
17 limit, as to who can attend the panel for the AAPI
18 [Asian American and Pacific Islander] inventors.
19 We have three inductees, and there are two panels,
20 three inductees in the first one, inductees to the
21 National Inventors Hall of Fame, very impressive
22 folks. And then also the second panel would be a

1 different generation, the younger generation of
2 innovators who are doing some great things related
3 to COVID-19 innovations.

4 It's not only about innovation. This
5 panel gives us the opportunity to see the faces of
6 Asian Americans, Pacific Islanders, who are, you
7 know, all so quiet and heads down, but they're
8 giants in the innovation. And they typically
9 haven't chosen to be very vocal about it.

10 But this is our opportunity to celebrate
11 not only their successes, but as you all have
12 heard me over at least a year or two, with respect
13 to patents I like to use the word "durable." Well,
14 this panel will feature very durable innovators
15 who have gone through a lot of life challenges but
16 are able to rise to the occasion. So please
17 register and listen to what they have to say, how
18 they conquered all, if you will.

19 And then listen to the young generation
20 on the second panel, where they're doing a lot of
21 things differently, like funding from Kickstarter,
22 to get going. Five years ago, I'm not sure that

1 that could have succeeded, or maybe 10 years ago.
2 So I am pushing it, not because I'm the moderator,
3 but because of the panelists. Thank you.

4 MR. CALTRIDER: Great. Thank you, Julie.

5 MS. MAR-SPINOLA: One other thing, one
6 other thing, I'm sorry, and that will be for our
7 next meeting, which will be our last meeting for
8 the year. Like last year, I'd like for us to focus
9 on the annual report, and looking at this year,
10 going backwards, and also maybe having a brief
11 discussion about what to expect the following year
12 under Steve's leadership.

13 MR. CALTRIDER: Great. Thank you, Julie.

14 I want to thank everyone for their engagement
15 today. I thought the presentations were
16 outstanding, concise, very on-point. I appreciate
17 it's a long meeting, and I think everybody was
18 engaged, and I appreciate everybody's
19 participation. We will close this without further
20 comment unless there's some new business by
21 anybody on PPAC?

22 I don't hear anybody or see anybody's

1 hand up, so thank you very much, and I look
2 forward to seeing everyone, everyone in August.

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4 (Whereupon, at 3:36 p.m., the
5 PROCEEDINGS were adjourned.)

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1 CERTIFICATE OF NOTARY PUBLIC

2 COMMONWEALTH OF VIRGINIA

3 I, Debra Derr, notary public in and for
4 the Commonwealth of Virginia, do hereby certify
5 that the forgoing PROCEEDING was duly recorded and
6 thereafter reduced to print under my direction;
7 that the witnesses were sworn to tell the truth
8 under penalty of perjury; that said transcript is a
9 true record of the testimony given by witnesses;
10 that I am neither counsel for, related to, nor
11 employed by any of the parties to the action in
12 which this proceeding was called; and, furthermore,
13 that I am not a relative or employee of any
14 attorney or counsel employed by the parties hereto,
15 nor financially or otherwise interested in the
16 outcome of this action.

17

18 (Signature and Seal on File)

19 Notary Public, in and for the Commonwealth of
20 Virginia

21

22

