Clarity of Record Pilot: Introduction

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The Right Time for a Greater Focus on Quality

- America Invents Act (AIA) provides a stable budget to pursue quality initiatives

- USPTO continues to reduce patent application inventory/pendency and improve IT infrastructures

- Dramatic changes to IP landscape
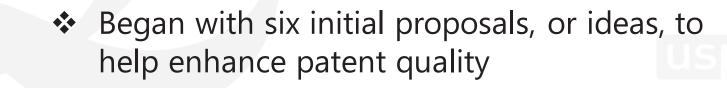
  ➢ Abusive Litigation Practices

  ➢ AIA Trials

Enhanced Patent Quality Initiative

Federal Register Notice (February, 2015) outlined the EPQI and requested comments

➢ EPQI is built around three patent quality pillars:

  o Excellence in Work Products

  o Excellence in Measuring Patent Quality

  o Excellence in Customer Service

    ❖ Began with six initial proposals, or ideas, to help enhance patent quality

Evolving Programs

Focused on three implementation areas:

Data Analysis

Pillar 1

- **Topic Submission for Case Studies**

Pillar 2

- **Clarity and Correctness Data Capture (Master Review Form or MRF)**
- **Quality Metrics**

Examiners' Resources, Tools & Training

Pillar 1

- **Automated Pre-Examination Search Pilot**
- **STIC Awareness Campaign**
- **Clarity of the Record Training**
- **Post Grant Outcomes**

Pillar 3

- **Interview Specialist**

Changes to Process/Product

Pillar 1

- **Clarity of the Record Pilot**

Pillar 3

- **Reevaluate AFCP2.0 and Pre-Appeal Conferences**
- **Reevaluate QPIDS**
- **Design Patent Publication Quality**

Link to EPQI (Internal)

Clarity of the Record Pilot

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Changes to Process/Product

Pillar 1

- **Clarity of the Record Pilot**

Pillar 3

- **Reevaluate AFCP2.0 and Pre-Appeal Conferences**

- **Reevaluate QPIDS**

- **Design Patent Publication Quality**

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This program is to develop best practices for enhancing the clarity of the prosecution record and then study the impact of implementing these best practices during examination.

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Clarity of Record Pilot - Goal

- Establish clarity of the record best practices
- Determine what resources are needed to implement these best practices
- Determine the impact of these best practices
  - Additional resources
  - Length of prosecution
  - Post-grant outcomes

Clarity of Record Pilot – General Framework

Three areas of focus for best practices:

- Claim Interpretation
- Reasons for Allowance
- Enhanced Interview Summaries

Next Steps

- Implement Clarity of the Record Best Practices highlighted in these training modules:
  - Documenting Claim Interpretation
  - Reasons for Allowance
  - Interview Summaries and Pre-Search Interview Option

- Clarity Enhancement Workshops

- Ongoing Quality Enhancement Meeting (QEM)-type Meetings
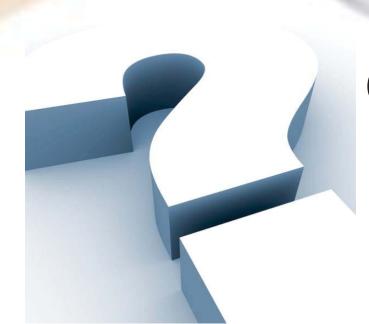
Applying the Lessons of the Pilot

Leveraging the pilot to determine "best practices":

- Measure the benefits of documenting claim interpretation, reasons for allowance, and enhanced interview summary
  - Using clarity metrics
- Determine the resources associated with the benefits
  - (additional time spent in recordation)
- Pilot examiners will share experiences
    - What worked and what didn't?
    - What feedback from applicants in responses?

- <u>The "best practices" are those good practices that most effectively use examination resources.</u>

Questions

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