

**UNITED STATES
PATENT AND TRADEMARK OFFICE**



Director's update

Tariq Hafiz

Group Director, Technology Center 3600

June 9, 2021

UNITED STATES
PATENT AND TRADEMARK OFFICE



Patents customer partnership meetings

Patents customer partnership meetings (CPM) are built upon the engagement of both internal and external stakeholders to provide enhanced communication channels. This provides a valuable opportunity for our external stakeholders to meet directly with USPTO representatives in a collaborative forum.



**BUSINESS METHODS
PARTNERSHIP MEETING**



Patents customer partnership meetings

For information concerning other CPMs that are being held here at the USPTO you can visit:

<https://www.uspto.gov/patent/cpm>



**BUSINESS METHODS
PARTNERSHIP MEETING**



Patents customer partnership meetings

- Attendees tell us the customer partnership meetings are valuable, below is some feedback from past partnership events.
 - "The one-to-one contact is important. I enjoy getting to know the supervisors, directors, and examiners. They are a great resource, and it makes it easier to work together going forward."
 - "The variety of the perspective you get at a CPM is greater than you would at any other conference because we have people from different industries in addition to the examiner's perspective on top of that."
 - "The interaction with the patent examiners and letting them know how important their job is to the work that we do and the country as a whole, in terms of the economy and company creation, is very valuable. I also like to hear from the USPTO what are the things that practitioners could do better that helps examiners do their jobs."

Welcome external speakers

Steven I. Wallach

Of Counsel, Radulescu LLP



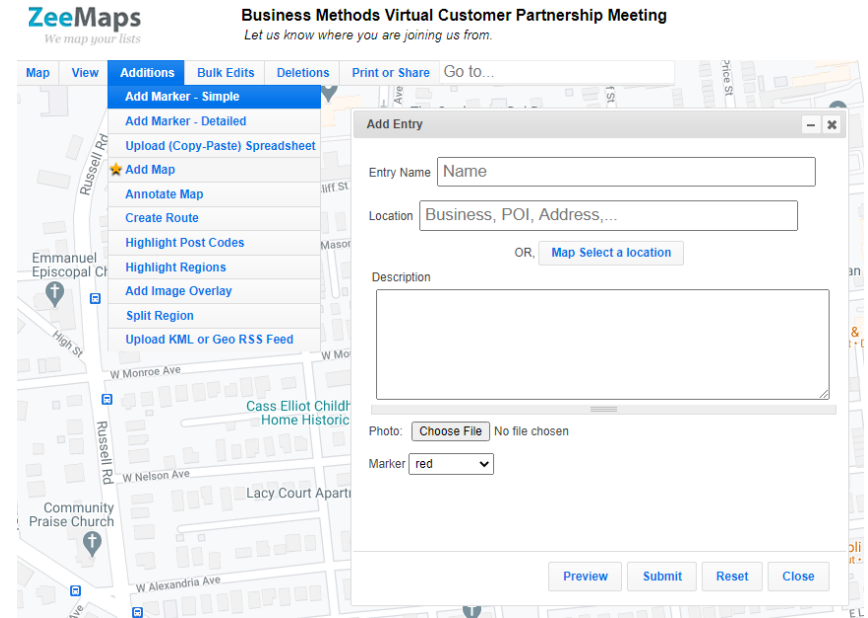
Elizabeth Chien-Hale

Partner, Appleton Luff



Where are you joining us from?

- Throughout the day we will be checking to see where our participants are joining us from.
- Let us know via the following link: <https://j.mp/3v9fNjM>
- After you open the link:
 - Click Additions → Add Marker – Simple
 - Enter your city or town.



Upcoming Business Methods Events

[Past and future Business Methods events](#)

Business Methods

Select from the following for more information on this page

[Highlights](#) [Prior partnership meetings](#) [Statistics](#) [Guidance and training materials](#) [Outreach opportunities and presentations](#) [Examiner decision making process](#) [Contact us](#)

The Business Methods Practice Area is part of Technology Center 3600 that handles Business Methods applications. In the Business Methods Practice Area, there are three workgroups. The 3620 and the 3680 workgroups examine applications pertaining to incentive programs, coupons; operations research; electronic shopping; health care; point of sale, inventory, accounting; cost/price, reservations, shipping, and transportation; and business processing. The 3690 workgroup examines applications pertaining to finance/banking/insurance.



Business methods subject matter areas

- Incentive programs, coupons, and advertisement
- Operations research and analysis
- E-shopping
- Healthcare
- Business processing, electronic negotiation (miscellaneous)
- Point of sale, inventory, accounting
- Cost/price, reservations, shipping, transportation
- Business cryptography and voting
- Insurance, banking, and finance

Business methods art units and SPEs

Director
Tariq Hafiz

Director
Peter Choi (Acting)

AU	Art Description	SPE	
3621	Incentive Programs, Coupons	Abhishek Vyas	
3622		Vacant	
3681		Hajime Rojas	
3682		Waseem Ashaf	
3688		Kambiz Abdi	
3623a	Operations Research	Rutao Wu	
3623b		Matthew Gart	
3624a		Patricia Munsin	
3624b		Jerry O'Connor	
3683a		Brian Epstein	
3683b		Eric Stamber	
3627		Point of Sale, Inventory, Accounting	Florian (Ryan) Zeender
3687a			Fahd Obeid
3687b	Nathan Uber		
3628a	Cost/Price, Reservations, Shipping,	Shannon Cambell	
3628b		Kevin Flynn	
3629	Business Processing, Electronic Negotiation	Lynda Jasmin	
3689		Sarah Monfeldt	

AU	Art Description	SPE
3625a	E - Shopping	Jeff Smith
3625b		Marissa Thein
3684		Jason Dunham
3626a	Health Care	Robert Morgan
3626b		Janice Mooneyham
3686a		Elaine Gort
3686b		Victoria Shumate
3685a	Business Cryptography, Voting	John Hayes
3685b		Patrick McAtee
3685c		Neha Patel
3691	Insurance, Banking and Finance	Alexander Kalinowski
3692		Calvin Hewitt
3693		Shahid Merchant
3694		Bennett Sigmond
3695		Ryan Donlon
3696		Namrata (Pinky) Boveja
3697		Christine Behncke

Title	Specialist
TCOM	Kimberly Berona
TCOM	Peter Choi
MQAS	Beth Boswell
TQAS	Jami Plucinski
TQAS	Marc Kimenez
TQAS	William Bradenburg

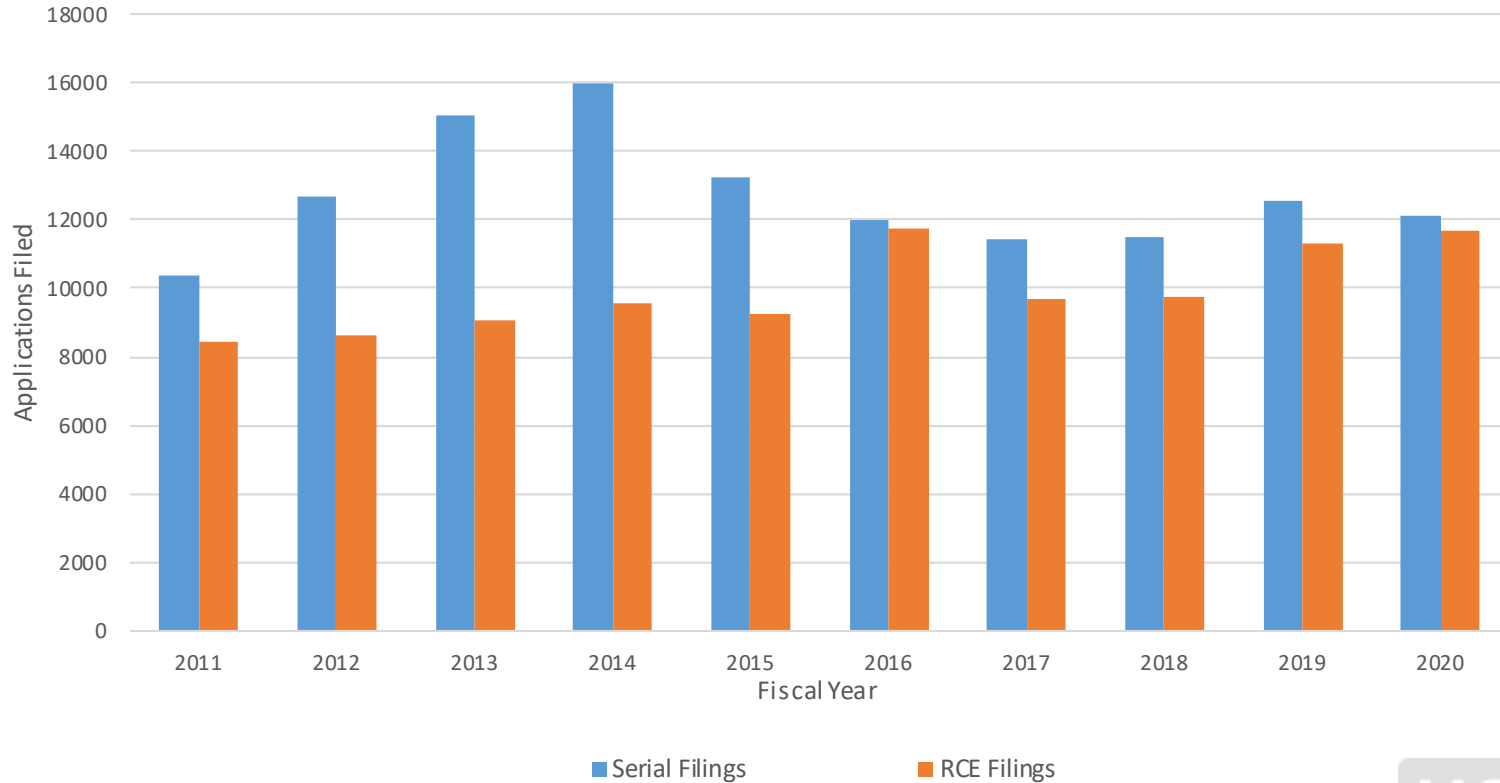


Business Methods

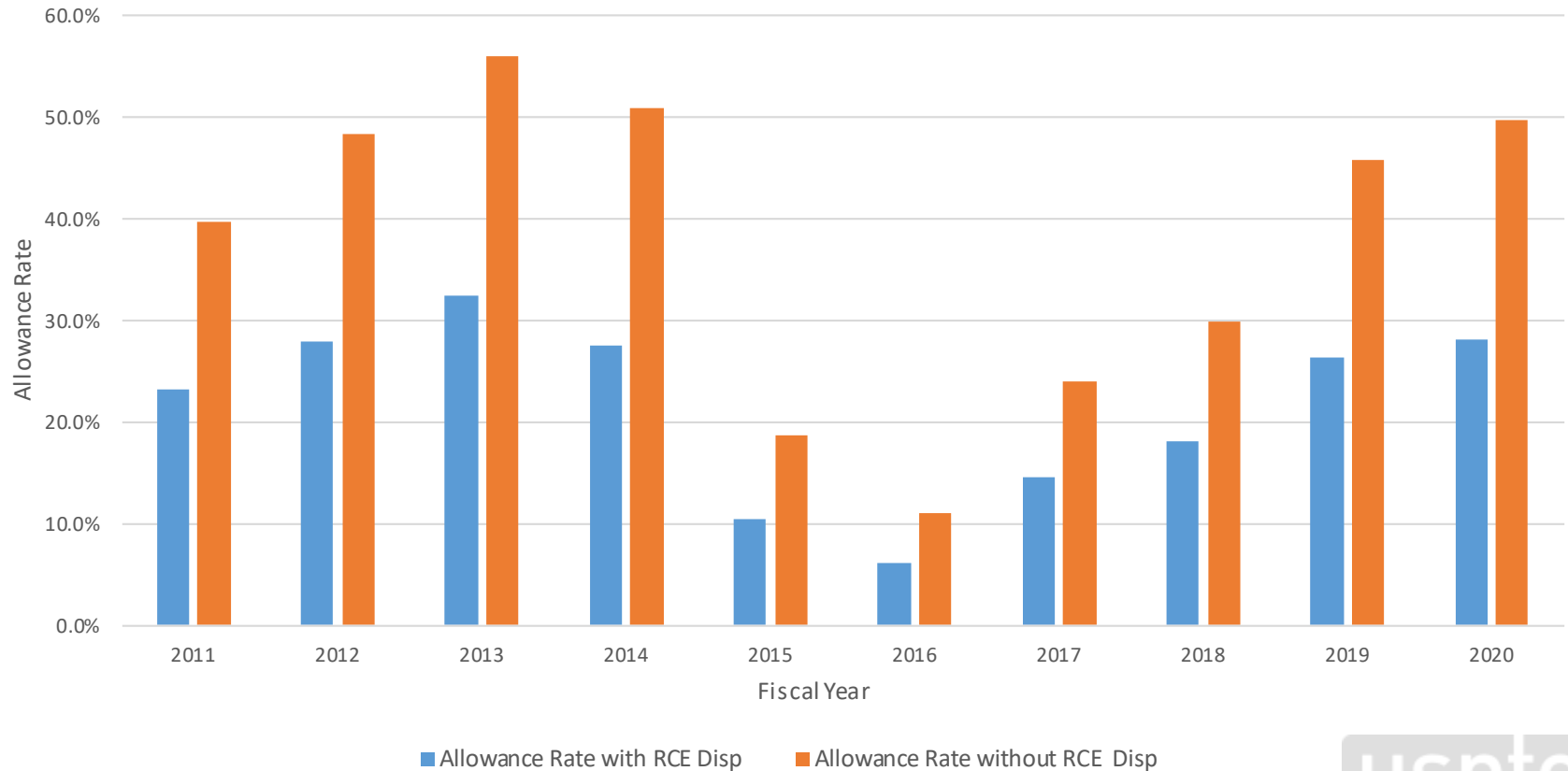
Statistics



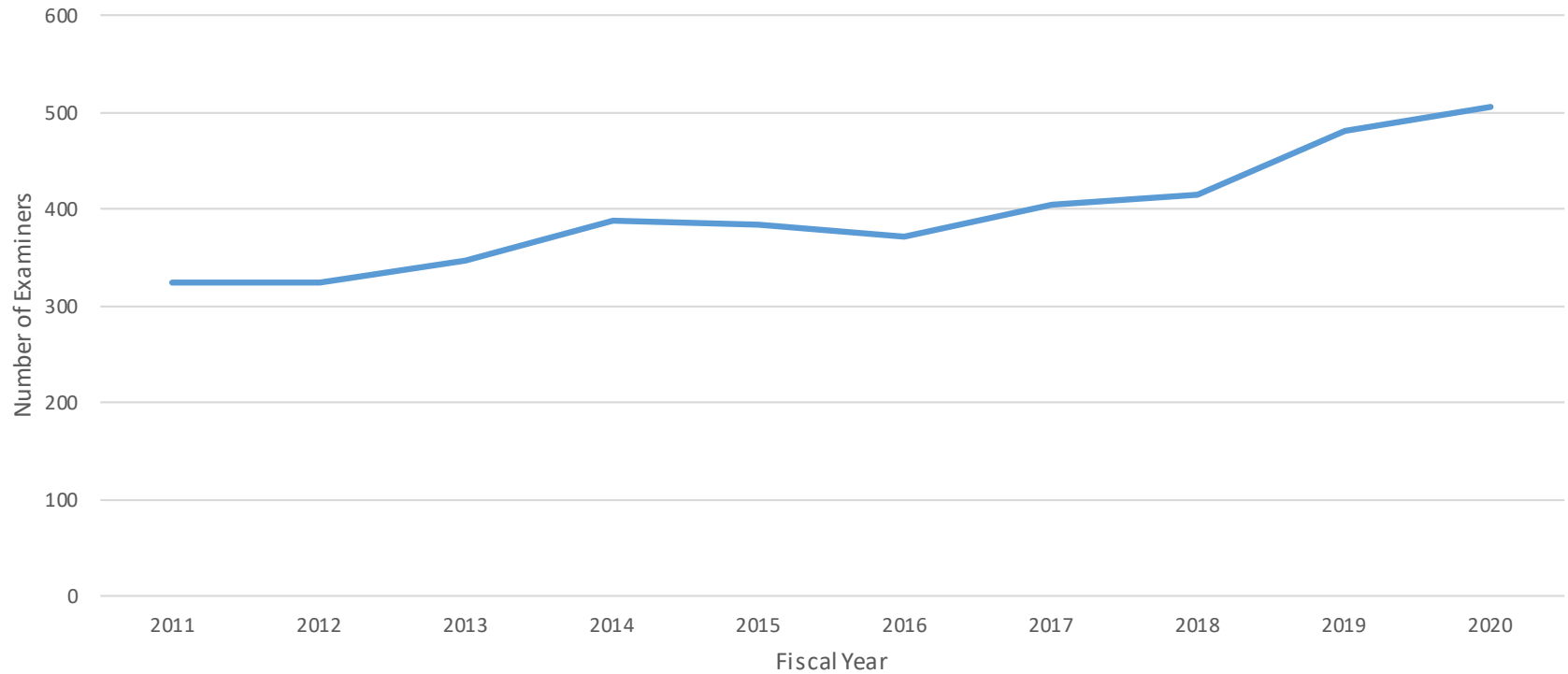
Filing trends in business methods



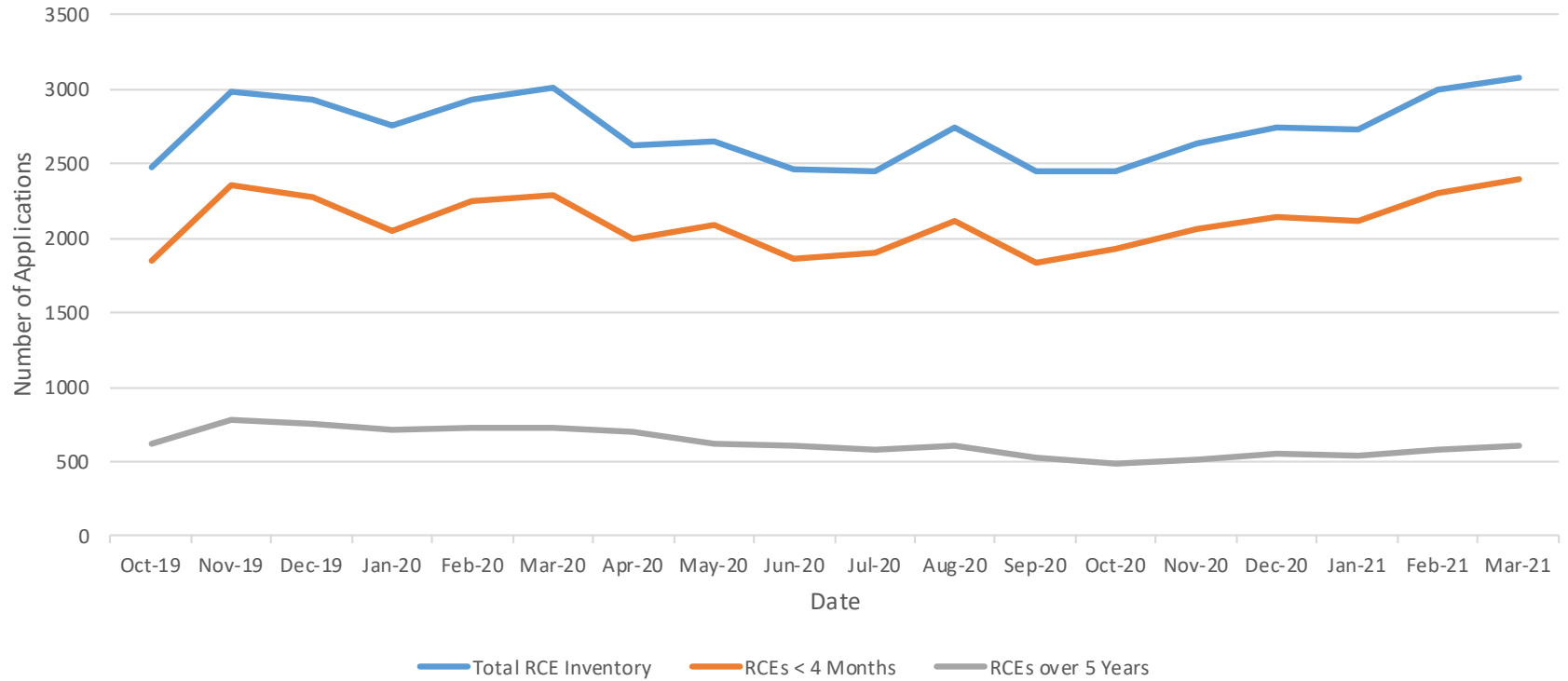
Business methods allowance rates



Business methods staff



Business methods RCE progress



Business Methods

Search guidance update



Search guidance update

- The new examiner performance appraisal plan (PAP) has indicia directed to searching and prior art, including both planning field of search and conducting search.
- These changes were developed to encourage examiners to find the most relevant references early in the examination process. A thorough and complete search at the time of the first action on the merits is the most efficient usage of examination time.
- The new performance evaluation plan acts as a roadmap to improved patent quality by providing examiners with exemplary practices for searching.

Planning field of search – thorough and complete

The best practices for a thorough and complete search include:

- Using the databases that are most likely to contain the most pertinent prior art.
- Identifying classification areas most likely to contain relevant prior art.
- Using as many synonyms as reasonably possible in text searches.
- Combining search queries efficiently.
- Expanding the search queries and databases as necessary.

Conducting search – reasons

- A well-conducted search increases the reliability of granted patent rights by ensuring potential prior art have been cleared of relevant prior art.
- This provides confidence to the patent holder and the public that the likelihood that undiscovered relevant prior art will later emerge is *de minimis*.
- We have to complete the search to find the most relevant references.

Search guidance update

- **Objective**

- Renewed focus on planning field of search and conducting search in accordance with the new examiner performance appraisal plan (PAP).

- **How**

- Provide reinforced guidance to examiners to ensure the three required reference sources (US patent documents, foreign patent documents, Non-Patent Literature (NPL)) are considered.
 - These reference sources should be searched at the time of first office action.
- Provide reinforced guidance to examiners to determine the best tools to use for each reference source.
- Help examiners to develop search strategies appropriate for the selected tool(s).
- Provide reinforced guidance concerning documenting the search.



Business Methods

Pendency initiatives



Pendency initiatives – oldest case

- **Objective**

- To provide supervisory oversight to the oldest pending cases in the business methods workgroups.
- To address cases that have been pending for more than 5 years.

- **How**

- Managers are reviewing the prosecution history of the oldest pending cases in their art units to resolve any outstanding issues and advance prosecution.

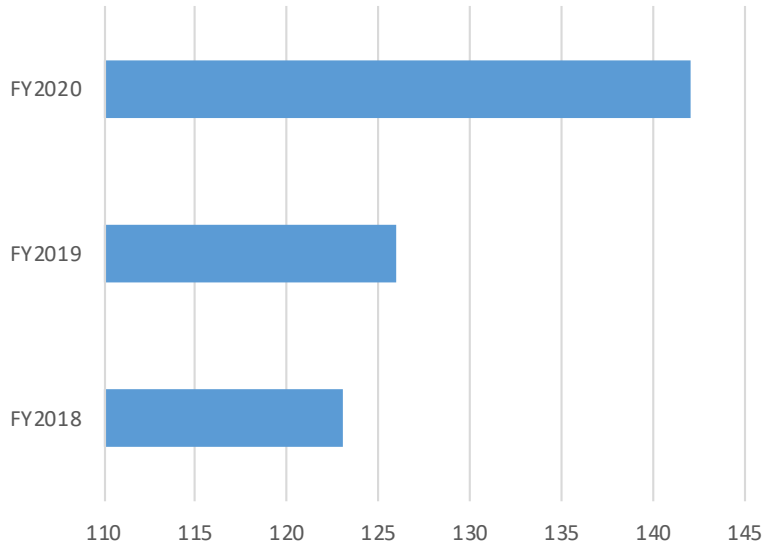
- **Results**

- This initiative resulted in a proactive approach that improved pendency and customer satisfaction.
- Examiners received the assistance, when necessary, to advance prosecution.

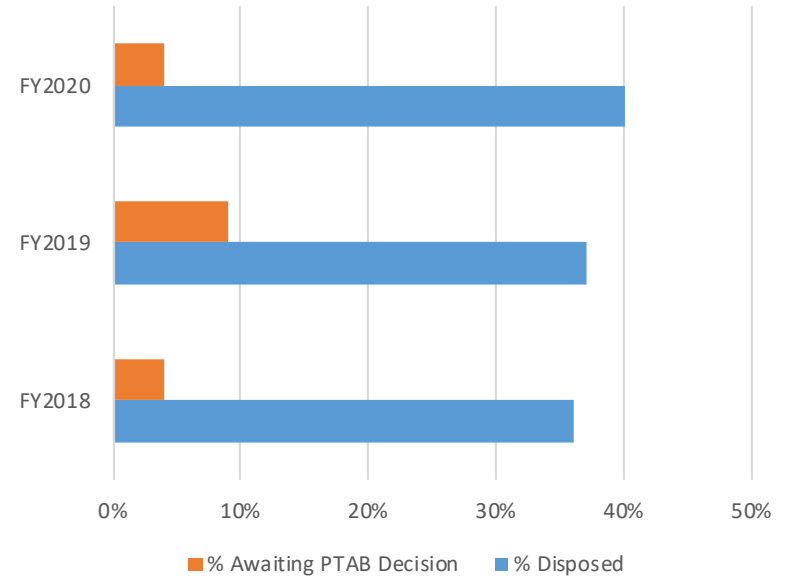


Pendency initiatives – oldest case

Number of cases reviewed



Disposal of cases reviewed



Pendency initiatives – outlier review

- **Objective**

- To reduce rework and support compact prosecution.
- To increase consistency in decision making and identify applications where the examination process is not proceeding as typically expected.

- **How**

- Reporting tools are being used to identify outlier behavior suggesting that the examination process is not proceeding as typically expected.
- Cases are being sampled to determine if there are any trends or concerns.
- Training is being developed based on the noted trends.

- **Results**

- This effort is ongoing in Fiscal Year (FY) 21.



Pendency initiatives – total pendency

- **Objective**
 - To focus on total pendency throughout the fiscal year.
- **How**
 - Take a holistic and comprehensive look at total pendency patent term adjustment (PTA) compliance.
 - Quality Assurance Specialist (QAS) and SPEs are looking into applications with longer prosecution histories.
- **Results**
 - This effort is ongoing in FY21.

Pendency initiatives – RCEs

- **Objective**
 - To lower overall RCE inventory.
- **How**
 - RCE inventory is tracked with focus on:
 - Total RCE inventory, inventory of RCEs < 4 months, RCEs pending 5 or more years.
 - SPEs are monitoring RCE inventory and receive regular reports of progress.
- **Results**
 - This effort is ongoing in FY21.

Pendency reduction tips for practitioners

Tips to help reduce pendency and expedite prosecution:

- Avoid filing overly broad claims.
- Submit a manageable number of claims.
- Reach out to the examiner in an effort to resolve issues via an interview.
- Be aware that “testing the market” by filing multiple consecutive RCEs may slow prosecution.
- Make sure claims, drawings, and specification are clear and complete.
- Provide all pertinent arguments early in prosecution.

Business Methods

Assistance and resources



Patents ombudsman program

The patents ombudsman program enhances the USPTO's ability to assist applicants or their representatives with issues that arise during patent application prosecution.

It is recommended that practitioners start with the Examiner and/or the supervisor before contacting the patents ombudsman if there is a breakdown in communication.

Contact info:

- Email: PatentsOmbudsmanProgram@uspto.gov
- Website: www.uspto.gov/patents/ombudsman-program
- Phone: 571-272-5555 or 1-855-559-8589 (toll free)



Interview specialist

Interview specialists are subject matter experts in each Technology Center (TC) on interview practice and policy. They are available to assist both applicants and examiners.

Contact info:

- Email: ExaminerInterviewPractice@uspto.gov



Inventors Assistance Center (IAC)

The IAC provides patent information and services to the public. The IAC is staffed by former supervisory patent examiners and primary examiners who answer general questions concerning patent examining policy and procedure.

Contact info:

- Phone: 571-272-1000 or 1-800-786-9199 (toll free)



Call for topics, presenters and panelist

If you are interested in participating in a future partnership meeting or have ideas for future topics please email us your contact information along with potential discussion topics.

Email: BusinessMethods@uspto.gov or fill out the speaker interest form on the Business Methods website



