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Patent Quality Forum Series

Washington DC * Milwaukee, WI

Kansas City, MO * Portland, OR * Baton Rouge, LA

November 3-16, 2016

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Update on Patent Quality Programs

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Enhanced Patent Quality Initiative

EPQI

http://www.uspto.gov/patentquality

EPQI 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**
- **Improving Clarity and Reasoning in Office Actions Training (ICR Training)**
- **Post Grant Outcomes**

Pillar 3

- **Interview Specialist**

Changes to Process/Product

Pillar 1

- **Clarity of the Record Pilot**

Pillar 3

- **Post-Prosecution Pilot (P3)**
- **Reevaluate QPIDS**
- **Design Patent Publication Quality**

Topic Submission for Case Studies

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Topic Submission - Background

- Case studies used internally on an *ad hoc* basis to study particular issues

- Federal Register Notice initiated this formal program on December 21, 2015
  - USPTO invited stakeholders to submit patent quality-related topics for study
  - Submissions were accepted through February 12, 2016

Topic Submissions and Selection

Submissions:

- Received over 135 ideas for case studies from 87 stakeholders
  - Intellectual property organizations, law firms, companies, and individuals
  - https://www.uspto.gov/patent/laws-and-regulations/comments-public/topics-submitted-quality-case-studies

Process of review and selection:

1. Assessed whether the topic was appropriate or capable of being timely assessed via a case study
2. Determined whether other programs or mechanisms within the USPTO were more appropriate
3. Grouped the remaining submissions by subject matter

Topics Selected for Case Studies

Patent Quality Topic	Projected Completion
1. Compliance of rejections with 35 U.S.C. 101 official guidance	FY17 Q1
2. Consistency of application of 35 U.S.C. 101 across Art Units/Technology Centers	FY17 Q1
3. Use of compact prosecution when making 35 U.S.C. 101 rejections	FY17 Q1
4. Correctness and clarity of motivation statements in 35 U.S.C. 103 rejections	FY17 Q1
5. Enforcement of 35 U.S.C. 112(a) written description in continuing applications	FY17 Q2
6. Consistent treatment of claims after May 2014 35 U.S.C. 112(f) training	FY17 Q3

Clarity and Correctness Data Capture: Master Review Form (MRF)

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Master Review Form - Background

- USPTO has a long history of reviewing its own work
  - Office of Patent Quality Assurance (OPQA)
  - Regular supervisor reviews
  - Other formal review programs
  - Informal feedback
- Reviews, using different formats, focused on correctness and provided feedback on clarity
- Review data was routinely analyzed separately

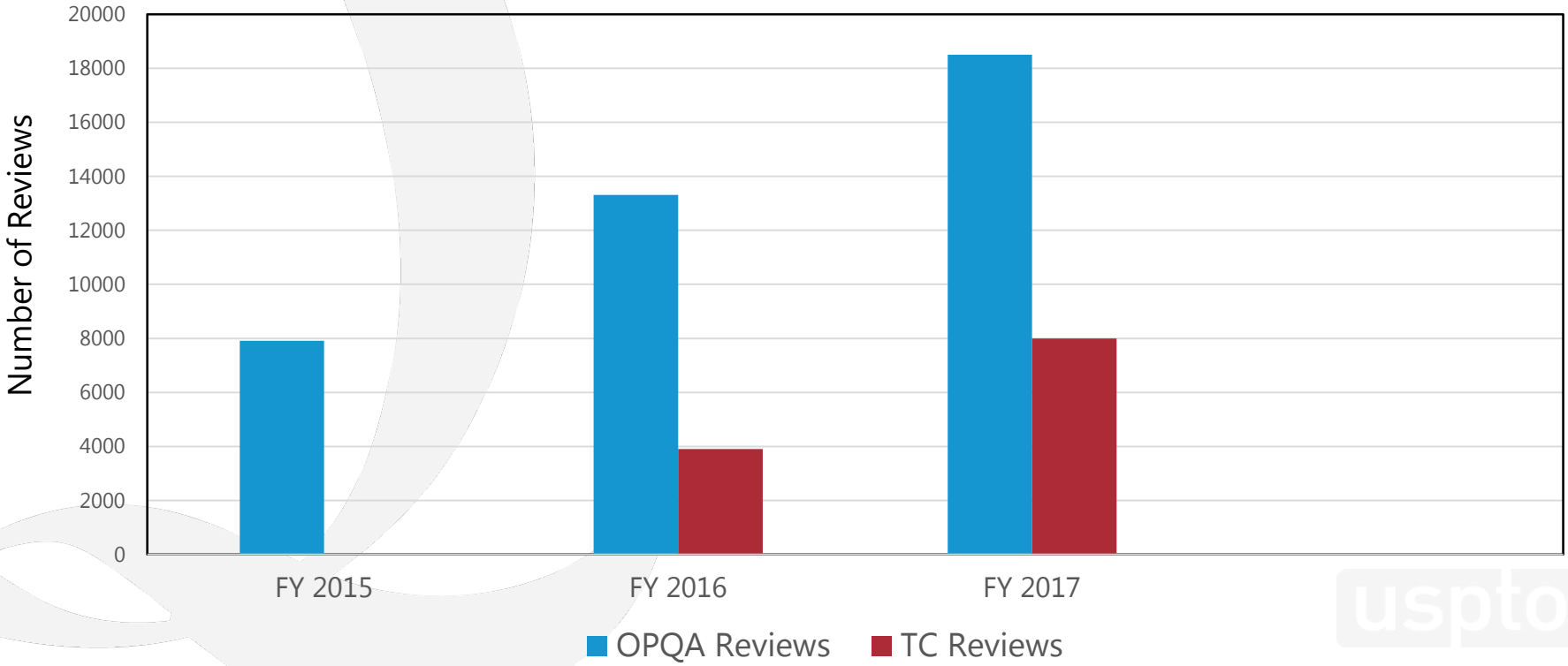
MRF Program Goals

- To create a ***single***, ***comprehensive*** tool (called the Master Review Form) that can be used by all areas of the Office to ***consistently*** review final work product
- To better collect information on the ***clarity*** *and* ***correctness*** of Office actions
- To collect review results into a ***single data warehouse*** for more ***robust analysis***

MRF Iteration and Implementation

- Developed **Version 1.0** and deployed in OPQA November, 2015
  - Trained reviewers for consistent usage of the extensive form
  - Obtained internal feedback
- Published Federal Register Notice with Version 1.0 and collected comments March-May, 2016
  - All comments available at https://www.uspto.gov/patent/laws-and-regulations/comments-public/comments-improving-patent-quality-measurement
- Developed **Version 2.0** and deployed in OPQA June, 2016
  - Technology Centers began using the form July, 2016

MRF Reviews are Increasing



MRF Looking Forward

- The MRF's single data warehouse facilitates:
  - Better quality metrics
    - Higher number of reviews
    - More complete reviews
  - Case studies without the need of directed, *ad hoc* reviews
  - Rapid measurement of the impact due to training, incentives, or other quality programs on our work product
  - Quality monitoring tools, such as dashboards
- Linking MRF data to Big Data

Automated Pre-Examination Search

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Automated Pre-Examination Search

Goal

- Provide a pre-examination search automatically in every application

Objectives

- Leverage modern technologies to identify prior art for the examiner ***prior to*** examination
- Optimize searching technology to keep pace with advancements in the field

Benefits

- Providing a useful prior art baseline that represents the current state of the technology in each patent application
- Improving examination quality by supplying that art to the examiners

STIC Awareness Campaign

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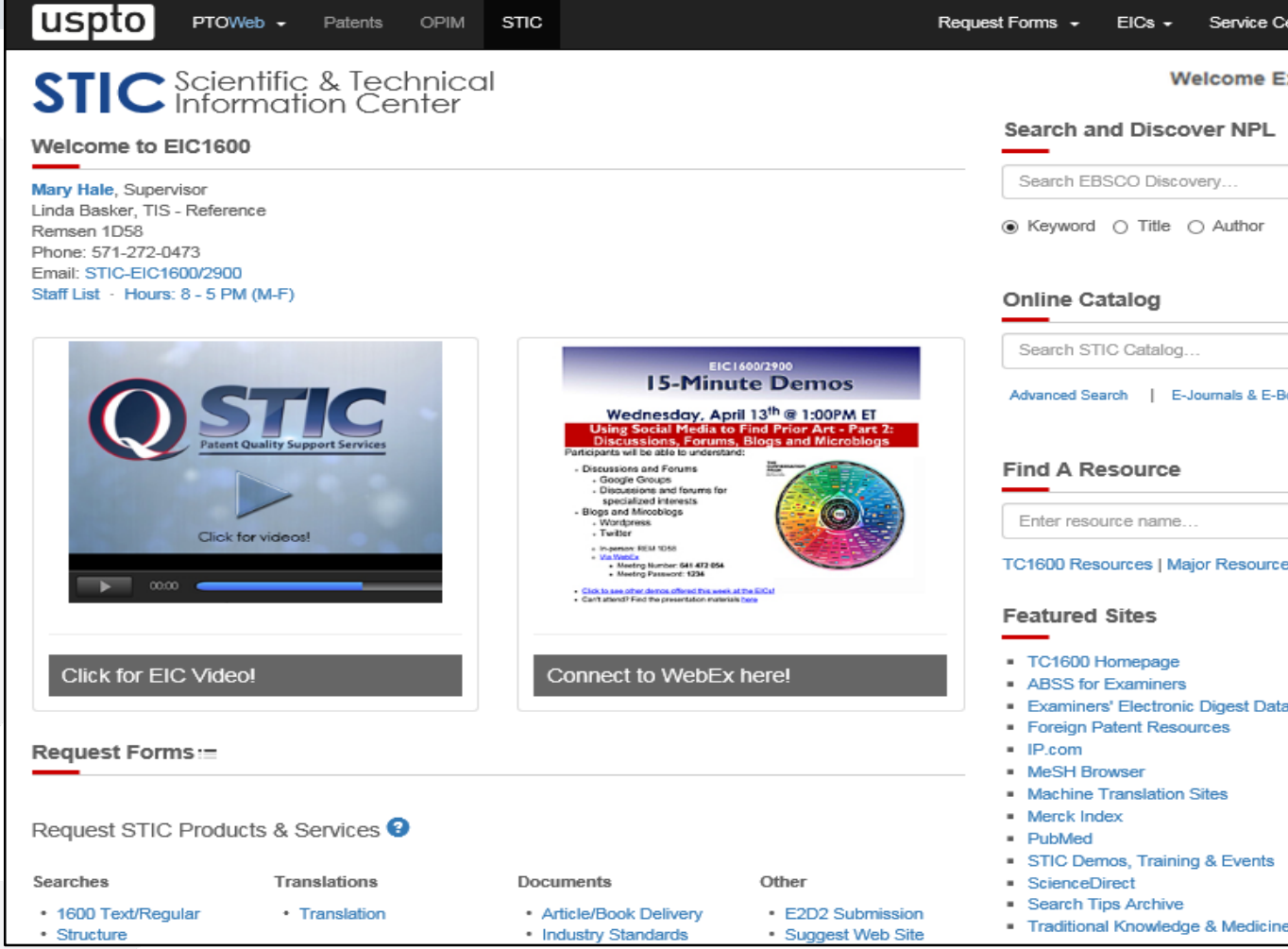
STIC Awareness

- Highlighting internal tools for patent examiners

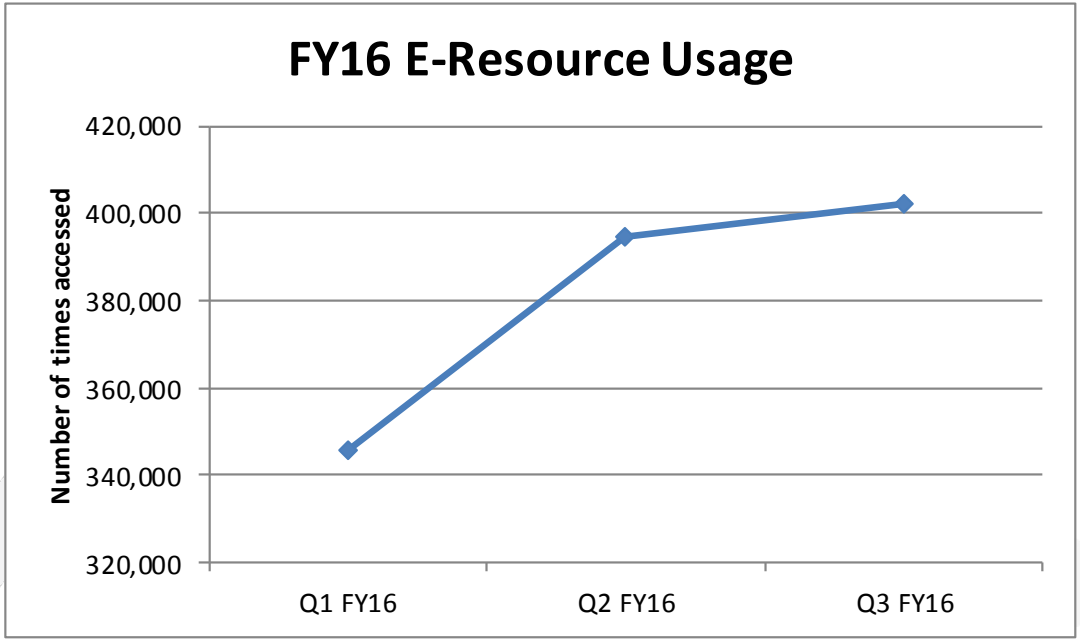


STIC Program Accomplishments

STIC added content and features to its examiner-facing webpage, which page examiners use to access electronic resources as well as request products and services

Some STIC E-Resources

- STIC demos
- Training and events
- two EIC-specific videos
- featured monthly quality resources
- an e-catalog



Q3 data includes estimated usage rates as data for all e-resources is not yet available

Clarity of the Record Training: Improving Clarity and Reasoning in Office Actions

ICR Training

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Improving Clarity and Reasoning – ICR Training Program Goals

- To identify particular areas of prosecution that would benefit from increased clarity of the record and develop training

- To enhance all training to include tips and techniques for enhancing the clarity of the record as an integral part of ongoing substantive training

ICR Training Courses

- 35 U.S.C. 112(f): Identifying Limitations that Invoke § 112(f)
- 35 U.S.C. 112(f): Making the Record Clear
- 35 U.S.C. 112(f): Broadest Reasonable Interpretation and Definiteness of § 112(f) Limitations
- 35 U.S.C. 112(f): Evaluating Limitations in Software-Related Claims for Definiteness under 35 U.S.C. 112(b)
- Broadest Reasonable Interpretation (BRI) and the Plain Meaning of Claim Terms
- Examining Functional Claim Limitations: Focus on Computer/Software-related Claims
- Examining Claims for Compliance with 35 U.S.C. 112(a): Part I Written Description
- Examining Claims for Compliance with 35 U.S.C. 112(a): Part II – Enablement
- 35 U.S.C. 112(a): Written Description Workshop
- § 112(b): Enhancing Clarity By Ensuring That Claims Are Definite Under 35 U.S.C. 112(b)
- 2014 Interim Guidance on Patent Subject Matter Eligibility
- Abstract Idea Example Workshops I & II
- Enhancing Clarity By Ensuring Clear Reasoning of Allowance Under C.F.R. 1.104(e) and MPEP 1302.14
- 35 U.S.C. 101: Subject Matter Eligibility Workshop III: Formulating a Rejection and Evaluating the Applicant's Response
- 35 U.S.C. 112(b): Interpreting Functional Language and Evaluating Claim Boundaries - Workshop
- Advanced Writing Techniques utilizing Case Law

Stakeholder Training on Examination Practice and Procedure (STEPP)

- 3-Day training on examination practice and procedure for patent practitioners
- Provide external stakeholders with a better understanding of how and why an examiner makes decisions while examining a patent application
- Aid in compact prosecution by disclosing to external stakeholders how examiners are taught to use the MPEP to interpret an applicant's disclosure

STEPP Course Schedule

Description	Date(s)	Duration	Location
3-Day Training on Examination Practice and Procedure	November 15-17, 2016	3 Days	Alexandria, VA Campus
3-Day Training on Examination Practice and Procedure	January 10-12, 2017	3 Days	Dallas, TX – Texas Regional Office
3-Day Training on Examination Practice and Procedure	March 14-16, 2017	3 Days	San Jose, CA – Sillicon Valley Regional Office
3-Day Training on Examination Practice and Procedure	May 9-11, 2017	3 Days	Denver, CO – Rocky Mountain Regional Office
3-Day Training on Examination Practice and Procedure	July 11-13, 2017	3 Days	Alexandria, VA Campus
3-Day Training on Examination Practice and Procedure	September 19-21, 2017	3 Days	Detroit, MI – Midwest Regional Office

Training Resources

All examiner training, including the above ICR Training, is publicly available

- https://www.uspto.gov/patent/laws-and-regulations/examination-policy/examination-guidance-and-training-materials

Stakeholder Training on Examination Practice and Procedure (STEPP) launched July 12th

- Training series planned at regular intervals in Alexandria and at regional offices
- https://www.uspto.gov/patent/initiatives/stakeholder-training-examination-practice-and-procedure-stepp

Design Patent Publication Quality

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Design Patent Publication Quality

Goal

- Improve the quality of images printed in design patent grants

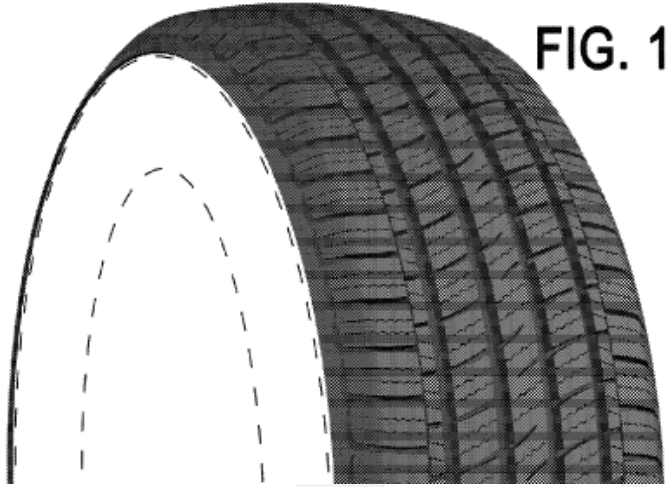
Results

- New process implemented October 4, 2016 wherein:
  - Images of design patent grants are clearer and more reflective of the electronically filed images and
  - Electronic file wrappers of design patent grants contain PDF copies of the design patent grants

Looking Ahead

- Uploading enhanced quality patent images into search systems to enhance patent search capabilities

Enhancing Design Patent Images



BEFORE

AFTER

Examination Time Analysis

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Examination Time Analysis - Roundtables

For additional information and ways to provide feedback please see our website at https://www.uspto.gov/patent/initiatives/eta-external-outreach

Clarity of the Record Pilot

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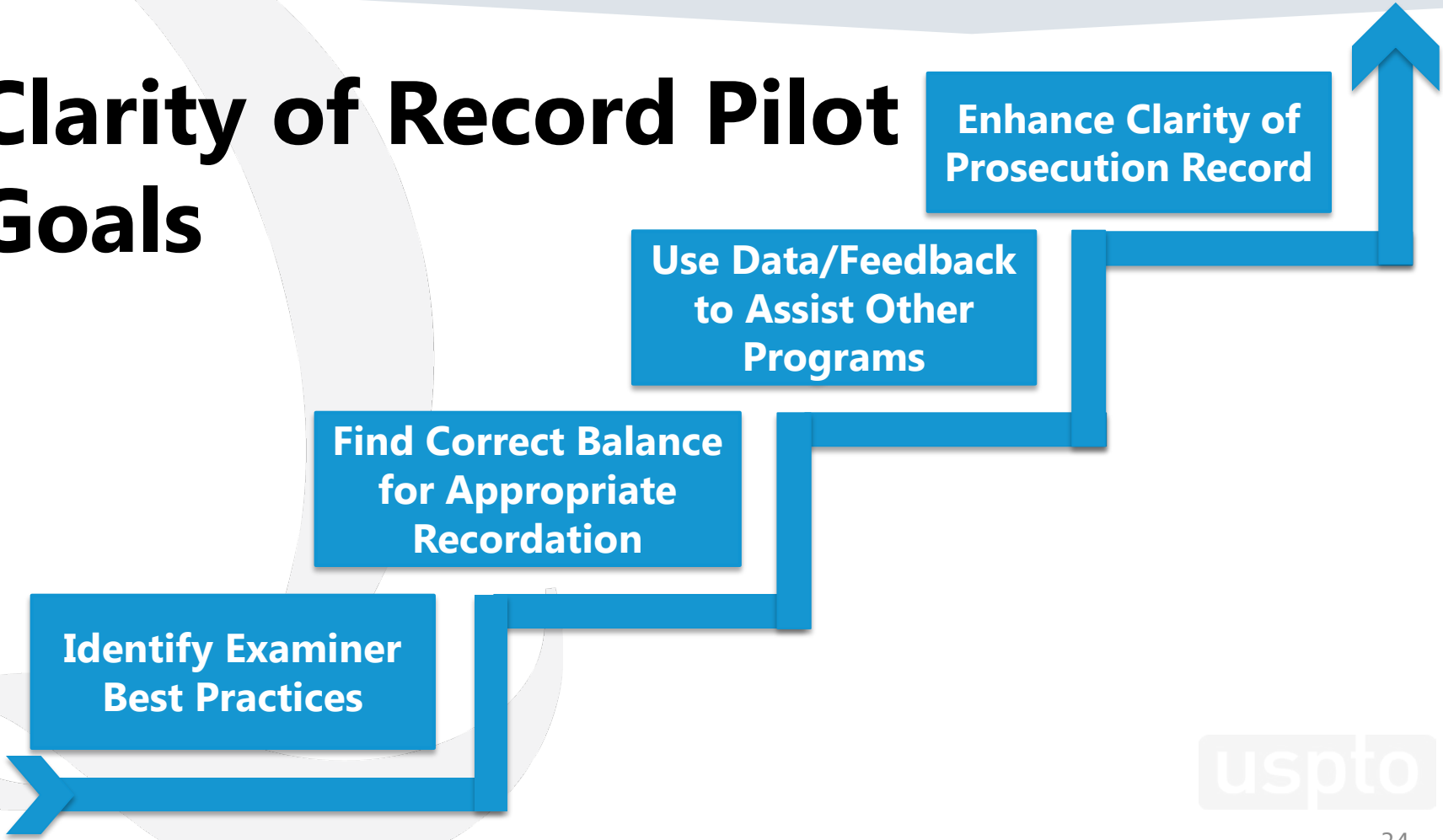
Clarity of Record Pilot - Purpose

This program is to develop **best Examiner practices** for enhancing the clarity of various aspects of the prosecution record and then to **study the impact** on the examination process of implementing these best practices.

Clarity of Record Pilot Goals



Clarity of Record Pilot - Areas of Focus

- More detailed interview summaries
- Enhanced documentation of claim interpretation

➢ **Special definitions of claim terms**	➢ **Optional language**
➢ **Functional language**	➢ **Non-functional descriptive material**
➢ **Intended use or result (preamble and body of claim)**	➢ **Computer-implemented functions that invoke 35 U.S.C. §112(f) ("specialized" or "non-specialized")**
➢ **"Means-plus-function" (35 U.S.C. §112(f))**	

- More precise reasons for allowance
- Pre-search interview - Examiner's option

Clarity of Record Pilot - Participants

- 125 Examiners participated
  - Advanced Training
  - Met regularly
  - Recorded time spent
- 45 Supervisors (SPEs) participated
  - Managed program
  - Provided reviews
  - Provided direct assistance

Clarity of Record Pilot - Evaluation

- 2,600 Office actions (reviewed and recorded)
  - Included a statistical mix of:
    - Pre-Pilot Office actions
    - Pilot Office actions
    - Control group
- Key Drivers were determined
- Best practices were gathered

Results and Recommendations – Interview Summaries

Identified Best Practices/Key Drivers:

- Adding the substance of the Examiner's position
- Providing the details of an agreement, if reached
- Including a description of the next steps that will follow the interview

Recommendations:

- Provide corps-wide training on enhancing the clarity of interview summaries that focuses on the identified best practices/key drivers
- Consider whether to require examiners to complete more comprehensive interview summaries
- Continue to evaluate Pilot cases to see whether improved interview summary clarity has a long-term impact on prosecution

Results and Recommendations – 112(f) Limitations

Identified Best Practices/Key Drivers:

- Explaining 112(f) presumptions and how the presumptions were overcome (when applicable)
- Using the appropriate form paragraphs
- Identifying in the specification the structure that performs the function

Recommendation:

- Consider whether to require examiners to use the 112(f) form paragraph

Results – 102 and 103 Rejections (Claim Interpretation)

Identified Best Practices/Key Drivers:

- Clearly addressing all limitations in 35 U.S.C. 102 rejections when claims were group together
- Explaining the treatment of intended use and non-functional descriptive material limitations in 35 U.S.C. 103 rejections

Overall Pilot Determination:

- Examiners currently doing a good job with clarity in claim interpretation

Results and Recommendations – 102 and 103 Rejections (Claim Interpretation)

Key Drivers that *Added to* and *Detracted From* Clarity:

- Providing, in 35 U.S.C. 102 rejections, an explanation for limitations that have been identified as inherent
- Providing, in 35 U.S.C. 103 rejections, annotations to pin-point where each claim limitation is met by the references

Recommendation:

- Assess how to use the identified best practice of recording claim interpretation to improve the clarity of Office actions *without* detracting from clarity

Results and Recommendations – Reasons for Allowance

Identified Best Practices/Key Drivers:

- Identify specific allowable subject matter or where found, if earlier presented, during prosecution
- Confirm applicant's persuasive arguments
- Address all independent claims

Recommendations:

- Provide training on best practices
- Require more comprehensive reasons for allowance

Results – Additional Practices

Identified Best Practice:

- Pilot Examiners shared best practices with non-Pilot Examiners

Practices that did NOT significantly impact overall clarity:

- Providing an explanation regarding the patentable weight given to a preamble
- Providing an explanation of how relative terminology in a claim is being interpreted
- Providing an explanation for how a claim limitation that was subject to a rejection under 35 U.S.C. 112(b) has been interpreted for purposes of applying a prior art rejection

Clarity of the Record - Next Steps

Surveys

- Internal surveys sent to Pilot examiners
- Data currently being collected

Quality Chat

- Gather information/thoughts on any differences seen during Pilot time period
- Share data results of Pilot
- Discuss/share best practices

Focus Sessions

- Are best practices still being used?
- Discuss amended cases resulting from Pilot

Clarity of the Record - Next Steps (cont.)

Monitor Pilot Treated Cases

- Are applicant's arguments more focused?
- Average time to disposal compared to pre-pilot cases?

Recommendations

- Discuss implementation of training and best practices in all Technology Centers
- Consider further efforts to enhance claim interpretation including key drivers that did not significantly impact clarity
- Expand Pilot to gather additional data

http://www.uspto.gov/patent/initiatives/clarity-record-pilot

Post–Prosecution Pilot (P3)

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Post-Prosecution Pilot (P3) - Goal

- Developed to impact patent practice during the period subsequent to final rejection and prior to the filing of a notice of appeal

- Adding to current programs:
  - After final Consideration Pilot (AFCP 2.0)
  - Pre-appeal Brief Conference Pilot

Post-Prosecution Pilot (P3) - Overview

- Retains popular features of the Pre-appeal Brief Conference Pilot and AFCP 2.0 programs:
  - Consideration of 5-pages of arguments
  - Consideration of non-broadening claim amendments
  - Consideration by a panel

- Adds requested features:
  - Presentation of arguments to a panel of examiners
  - Explanation of the panel's recommendation in a written decision after the panel confers

Post–Prosecution Pilot (P3) - Begins

- Federal Register Notice (81 FR 44845) began the Pilot on July 11, 2016
- Runs six (6) months or upon receipt of 1,600 compliant requests, whichever occurs first
  - 200 per Technology Center
- Formal comments about P3 will be received through November 14, 2016 at AfterFinalPractice@uspto.gov

P3 Pilot - Requirements

No fee to participate

No previously filed proper request to participate in the Pre-Appeal or AFCP 2.0 programs to the same outstanding final rejection

Once a P3 request has been accepted

- **No additional response(s) under 37 CFR 1.116 will be entered**
- **Cannot participate in Pre-Appeal or AFCP 2.0 programs**

P3 Pilot Participation

- Open to nonprovisional and international utility applications filed under 35 USC 111(a) or 35 USC 371 that are under final rejection.

The following are required for pilot entry:

A **request**, such as in **PTO/SB/444**, must be filed via EFS-Web within 2 months of the mail date of the final rejection and prior to filing notice of appeal
A **statement** that applicant is willing and available to participate in P3 conference with the panel of examiners
A **response** comprising no more than five (5) page of arguments under 37 CFR 1.116 to the outstanding final rejection, exclusive of any amendments
Optionally, a proposed non-broadening amendment to one (1) or more claim(s)

P3 Pilot – Request Compliance

- For requests considered timely and compliant, the application entered into the pilot process.
- For requests considered untimely or non-compliant (or if filed after the technology center has reached its limit):
  - The Office will treat the request as any after final response absent a P3 request.
  - No conference will be held.

P3 Pilot - Process

The Office will contact applicant to schedule P3 conference

The applicant makes a 20 minute oral presentation to panel of examiners

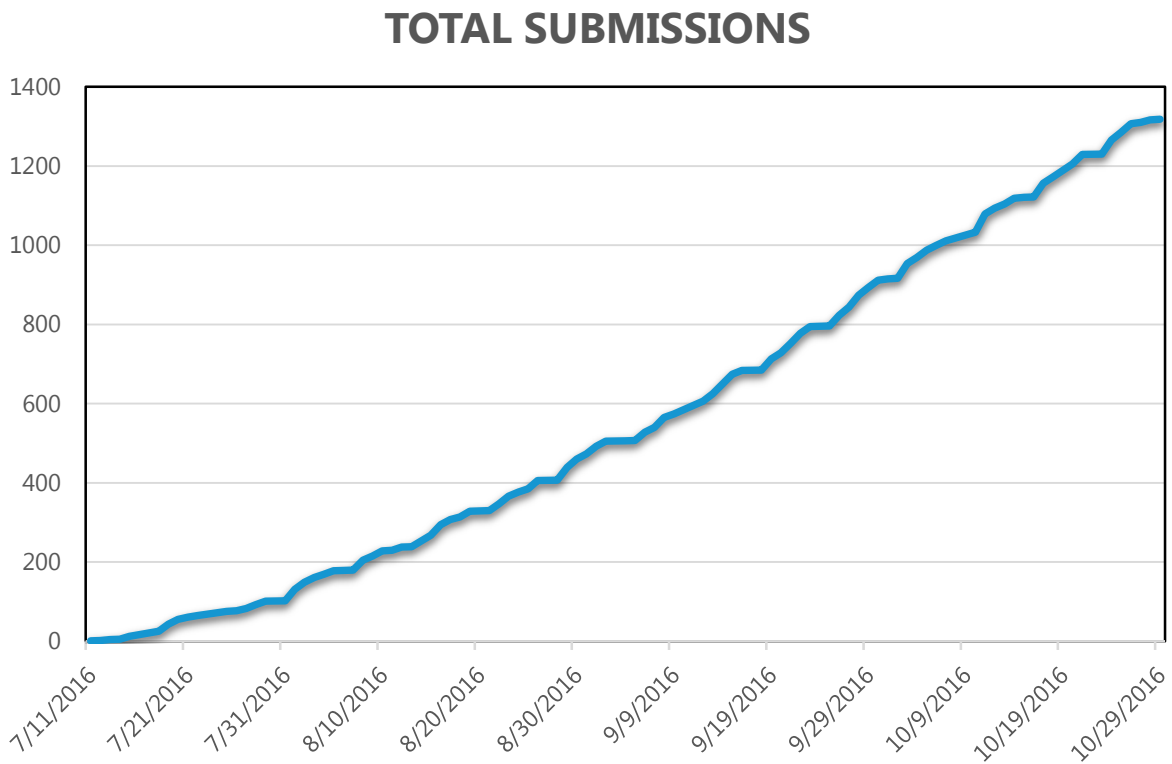
The Office will inform applicant in writing of decision

P3 Pilot - Notice of Decision (PTO-2324)

- Three possible outcomes are:
  A. Final Rejection Upheld
     A. The status of any proposed amendment(s) will be communicated
     B. The time period for taking further action will be noted
  B. Allowable Application
  C. Reopen Prosecution

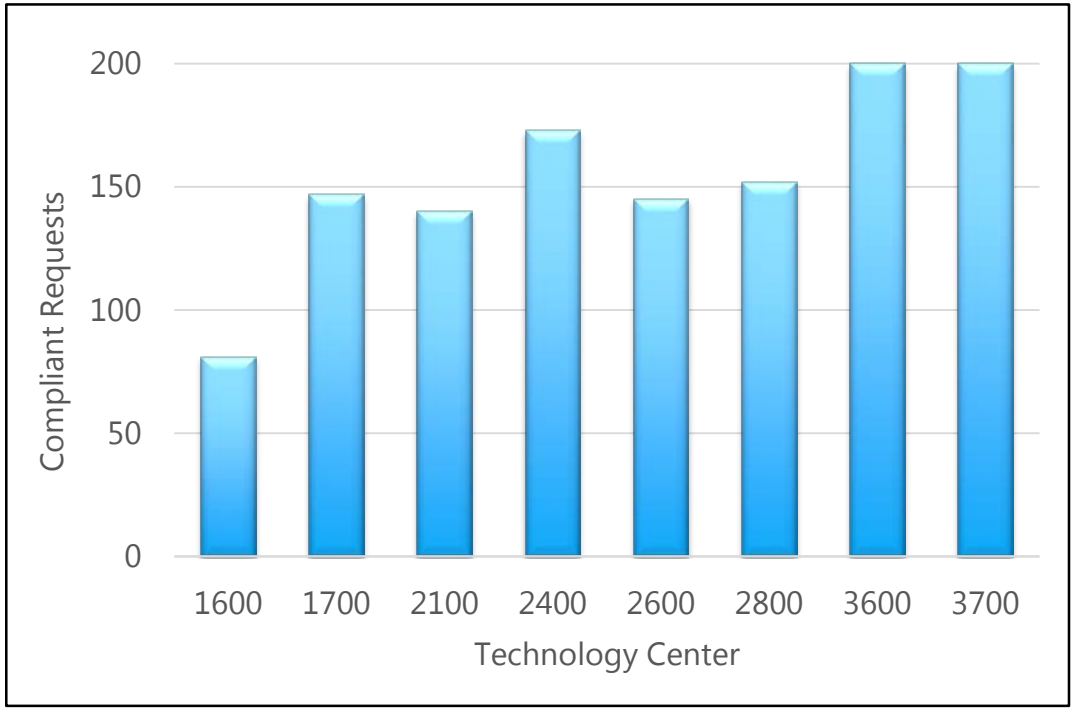
- All of the above outcomes will include:
  - An Explanation of Decision
  - A Survey

P3 Pilot - Submissions to Date



As of October 31, 2016

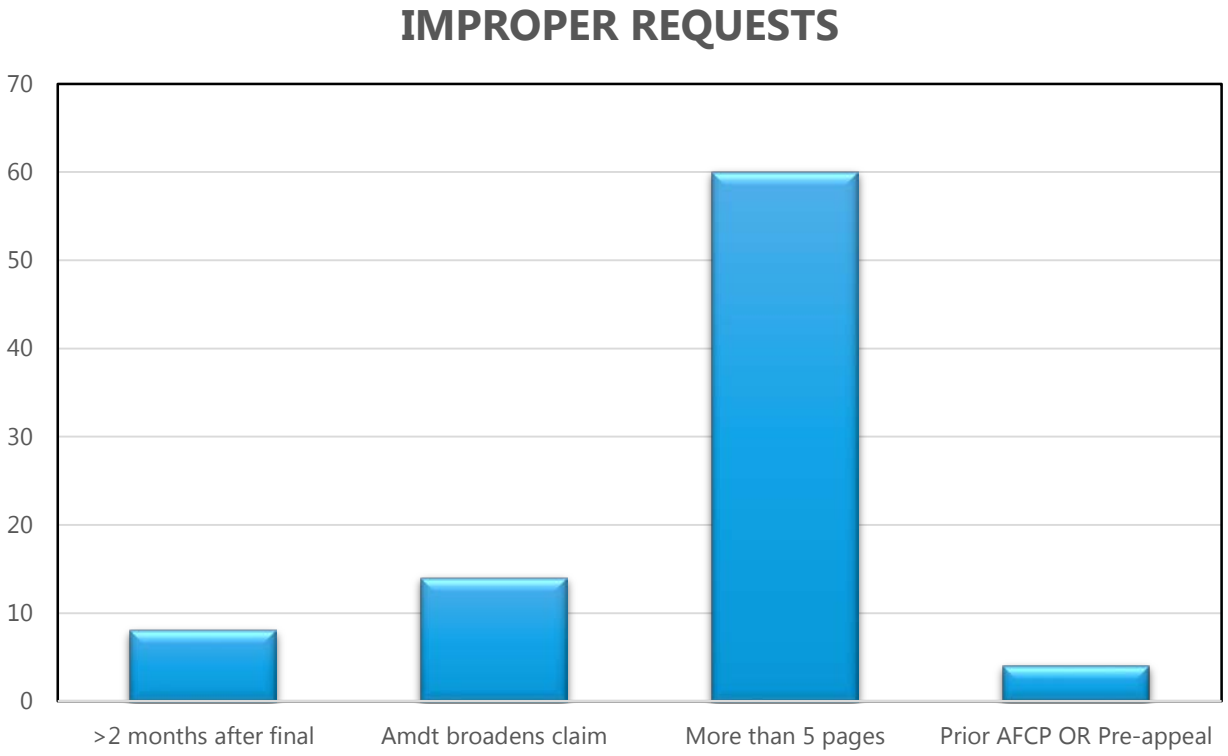
P3 Pilot - Submissions by Technology



As of October 31, 2016

Numbers updated often at https://www.uspto.gov/patent/initiatives/post-prosecution-pilot

P3 Pilot - Improper Requests



As of October 31, 2016

P3 Pilot - Next Steps

Metrics for Consideration

- Internal and external survey results
- Formal comments from FR Notice
- Stakeholder feedback about the program from other sources

Program Decision

- Continue the program, with modifications

More Information on P3

- Visit our website: http://www.uspto.gov/patent/initiatives/post-prosecution-pilot
  - Program details and forms
  - Examiner training materials
  - Counter
  - FAQs
- Contact us by email: PostProsecutionPilot@uspto.gov

Post Grant Outcomes

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Post Grant Outcomes Goal

This program is to develop a process for providing post grant outcomes from various sources to the examiner of record and the examiners of related applications.

- Sources include:
  - the Federal Circuit,
  - District Courts,
  - Patent Trial and Appeal Board (PTAB), and
  - Central Reexamination Unit (CRU).

Post Grant Outcomes - Objectives

- **Purpose:** To learn from all post grant proceedings and inform examiners of their outcomes.

1. Enhanced Patentability Determinations in Related Child Cases
• Providing examiners with full access to trial proceedings submitted during PTAB post AIA Trials
2. Targeted Examiner Training
• Data collected from the prior art submitted and examiner behavior will provide a feedback loop on best practices
3. Examining Corps Education
• Provide examiners a periodic review of post grant outcomes focusing on technology sectors

Post Grant Outcomes - Objective 1

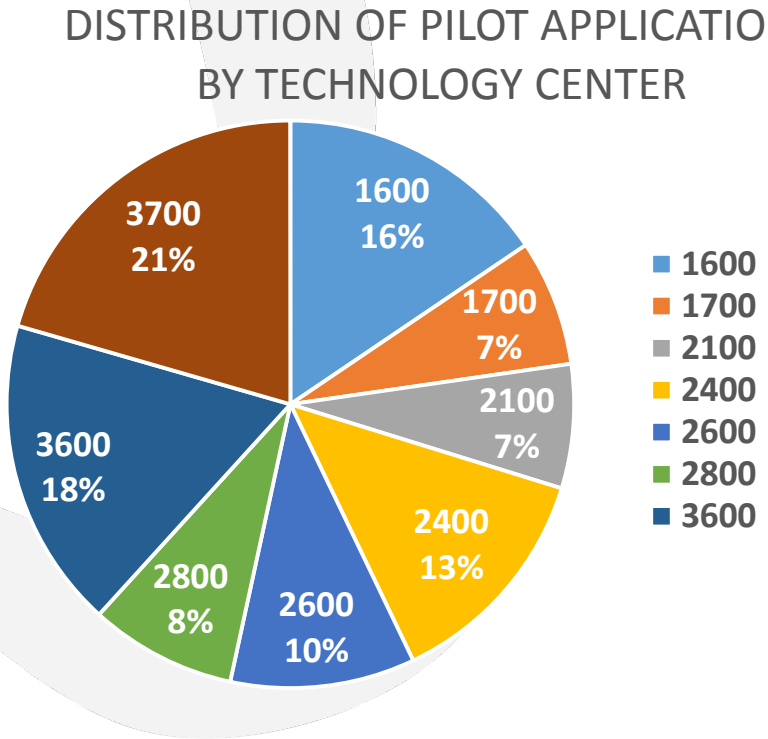
Enhanced Patentability Determinations in Related Child Cases

- Identify those patents being challenged at the PTAB under the AIA Trials that have pending related applications in the Patent Corps
- Provide the examiners of those pending related applications full access to the AIA trial proceedings of the parent case

Post Grant Outcomes Pilot

- Post Grant Outcomes Pilot: April-August, 2016
- Pilot participants included:
  - All examiners with a pending application *related* to an AIA trial
- Pilot participants:
  - Notified when they had an application
  - Provided full access to the trial proceedings
  - Surveyed to identify best practices to be shared corps-wide

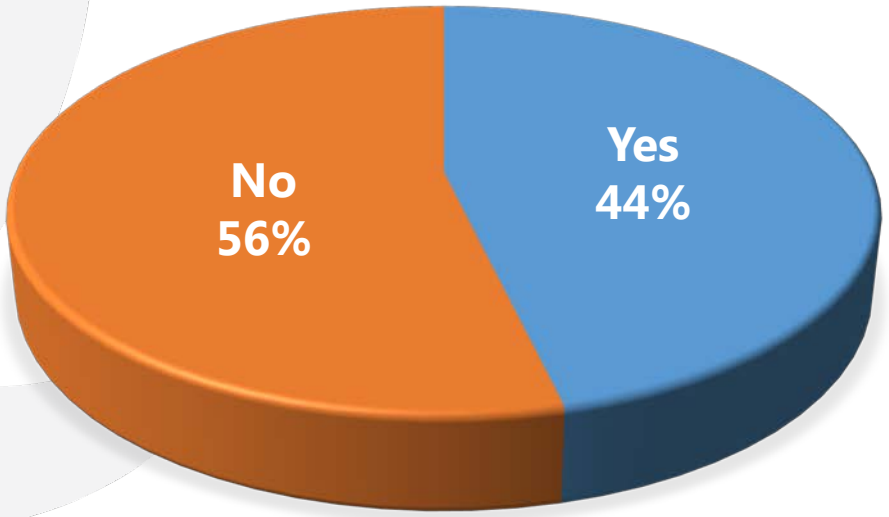
Post Grant Outcomes Pilot – Statistics by Technology



Technology Center	Number of Pilot Applications
1600	121
1700	56
2100	55
2400	102
2600	82
2800	65
3600	138
3700	160
Grand Total	779

Post Grant Outcomes Pilot – General Statistics

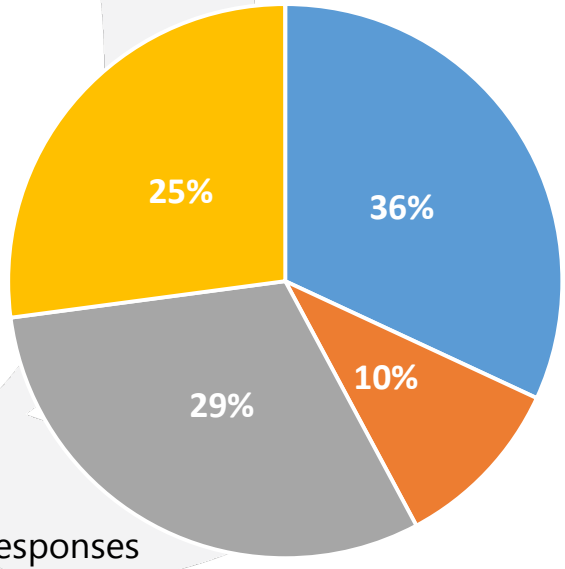
In the Office Action of the child case, did the examiner refer to any of the references cited in the AIA trial petition of the parent case?



Based on 323 Survey Responses

Post Grant Outcomes Pilot – General Statistics (cont.)

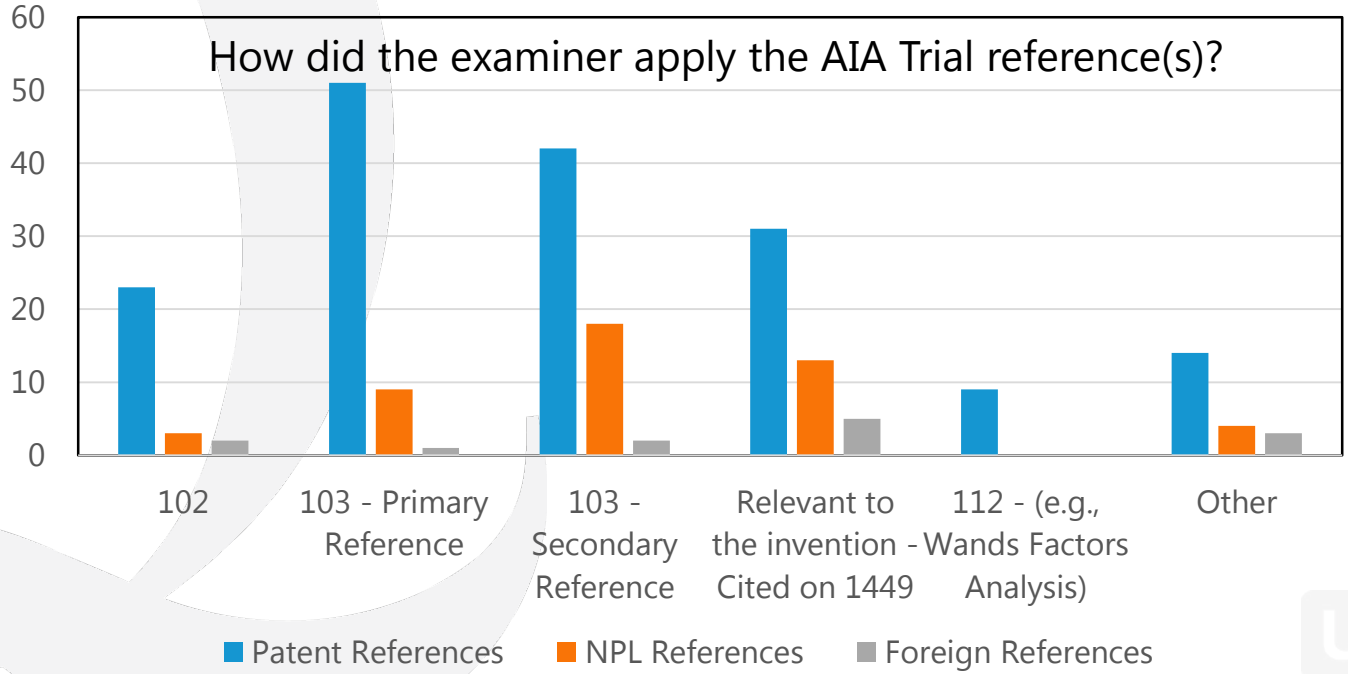
If the examiner did not use any references cited in the AIA Trial Petition, why?



- The claims in my pilot case were substantially different from the parent case.
- I disagreed with the petitioner's analysis of the prior art and/or claims.
- I was able to find better art on my own.
- Other (please specify below)

Based on 171 Survey Responses

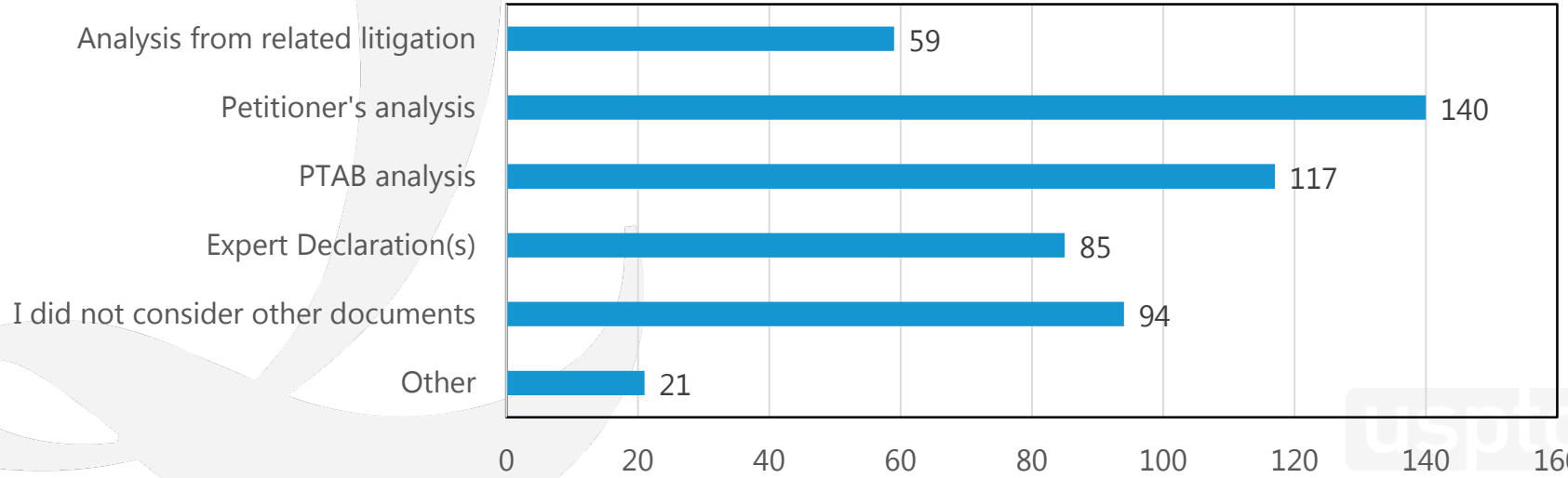
Post Grant Outcomes Pilot – How References Were Used?



Based on 127 Survey Responses

Post Grant Outcomes Pilot –
What Other PTAB Documents Were Used?

Did the examiner consider any other documents submitted with the petitions, e.g., expert declarations, PTAB analysis?



Based on 289 Survey Responses

Post Grant Outcomes - Objective 2

Targeted Examiner Training

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

Post Grant Outcomes - Objective 3

Examining Corps Education

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

Post Grant Outcomes Summary

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

Post Grant Outcomes - Next Steps

Advance Post Grant Outcomes

- Develop training and best practices collected from pilot
- Implement the program corps-wide
- Continue to collect suggestions from stakeholders about how to improve the program at WorldClassPatentQuality@uspto.gov

More information at the Pilot home page:
http://www.uspto.gov/patent/initiatives/post-grant-outcomes-pilot

Measuring Patent Quality

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Measuring Patent Quality at the USPTO

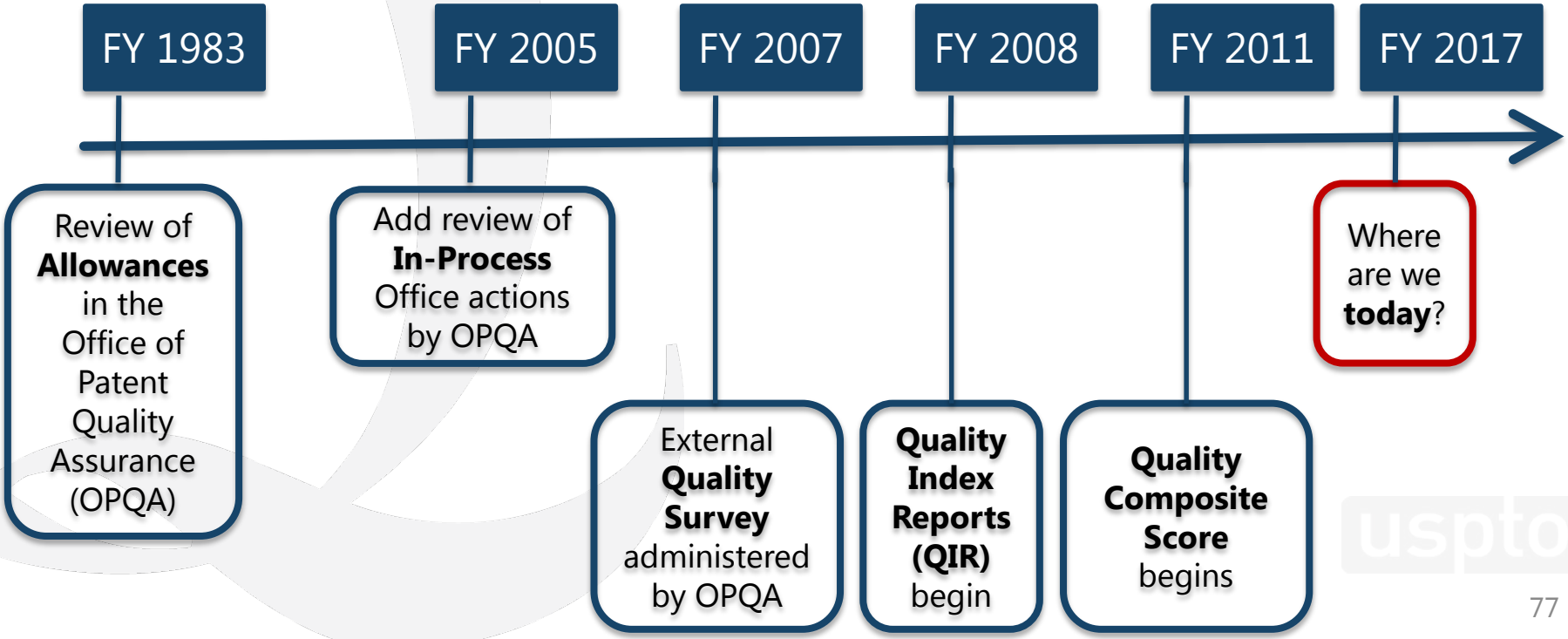
Primary focus has been on *examination* quality

- Examiners' adherence to laws, rules, and procedures
- Tracked against some established standards for desired outcomes
  - Correctness – statutory compliance
  - Clarity
  - Consistency
  - Reopening
  - Rework
  - Impacts on advancing prosecution
- Basis for historic "compliance" metrics reported by USPTO

Challenges in Measuring Quality

- Objectivity vs. Subjectivity
- Leading vs. Lagging indicators
  - What we are doing rather than what we did
- Controlling for a wide range of factors
  - *e.g.* technology, examiner experience, applicant behavior, and pilot programs
  - Establishing causal effects
- Balloon-effect of pushing quality could results in problems elsewhere
- Verification and validation of quality metrics
- There is no silver bullet
- Uniqueness of what we do

An Historical Perspective on Measuring Patent Quality



Overview of the Office of Patent Quality Assurance (OPQA)

- Review Quality Assurance Specialists (RQAS)
  - 65 reviewers
  - Average of 20 years of patent examination experience
  - Demonstrated skills in production, quality, and training
  - Assignments based on technology
- Major activities
  - Review of examiner work product
  - Coaching and mentoring
  - Practice and procedure training
  - Program evaluations, case studies, *ad hoc* analyses

Scope of OPQA Review

Where do we review?

- Mailed Office actions
  - Non-final rejections, Final rejections, and Allowances

How do we select what is reviewed?

- Random sampling
  - Primary factors in sample size determination
    - Desired precision
    - How data will be used
    - Resources necessary for data collection
  - Maintain representativeness

Quality Metrics as an EPQI Program

- Federal Register Notice published on March 25
  - Requested feedback on:
    - Decision to replace Composite Quality Score with individual metrics
    - How to objectively measure patent examination quality
    - Standardized Master Review Form (MRF)
- Quality Metrics website: http://www.uspto.gov/patent/initiatives/quality-metrics
- Contact us at QualityMetrics2017@uspto.gov

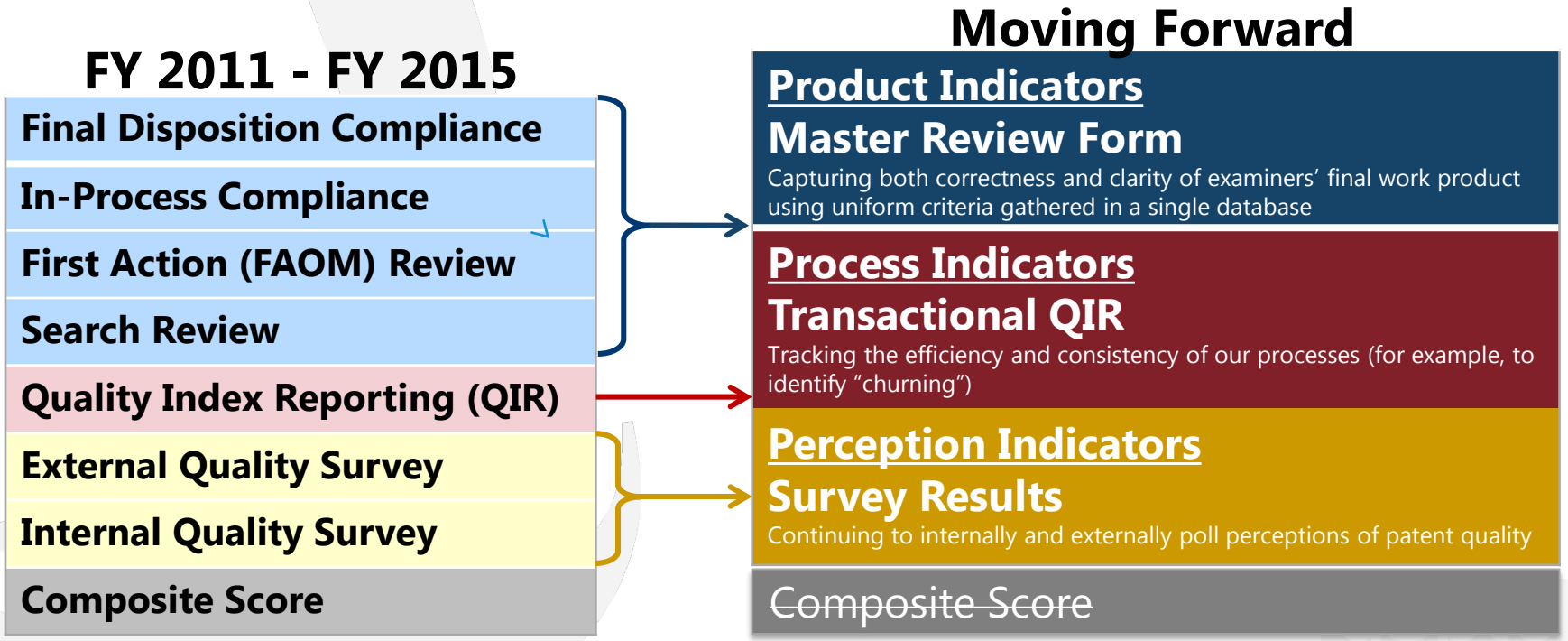
Quality Metrics - Feedback

- Feedback from Federal Register Notice

32 submissions received

6 submissions by Intellectual Property Organizations
1 submission by Law Firms
4 submissions by Companies
21 submissions by Individuals (18 unique individuals)

Quality Metrics - Redefined



Quality Metrics – Key Product Indicators

Product Indicators
Master Review Form
Capturing both correctness and clarity of examiners' final work product using uniform criteria gathered in a single database

Process Indicators
Transactional QIR
Tracking the efficiency and consistency of our processes (for example, to identify "churning")

Perception Indicators
Survey Results
Continuing to internally and externally poll perceptions of patent quality

Key Product Metrics

- Correctness
- Clarity

Key Product Indicators – Correctness

- Correctness metrics will show compliance rate by statute
- Compliance Rate = $\frac{\text{Total Reviews – Non-Compliant Reviews}}{\text{Total Reviews}}$
- Non-Compliant Reviews = Omitted + Improper Rejections
- The total number of reviews will remain constant for all statutes and includes those reviews that USPTO's Office of Patent Quality Assurance conducts on randomly-sampled Office actions

Key Product Indicators – Clarity

- The USPTO is working on developing clarity metrics
- The Office is continuing to work on ensuring that the MRF captures clarity data as accurately as possible
- The USPTO is analyzing the MRF's clarity data for purposes of identifying quality trends

Quality Metrics – Key Process Indicators

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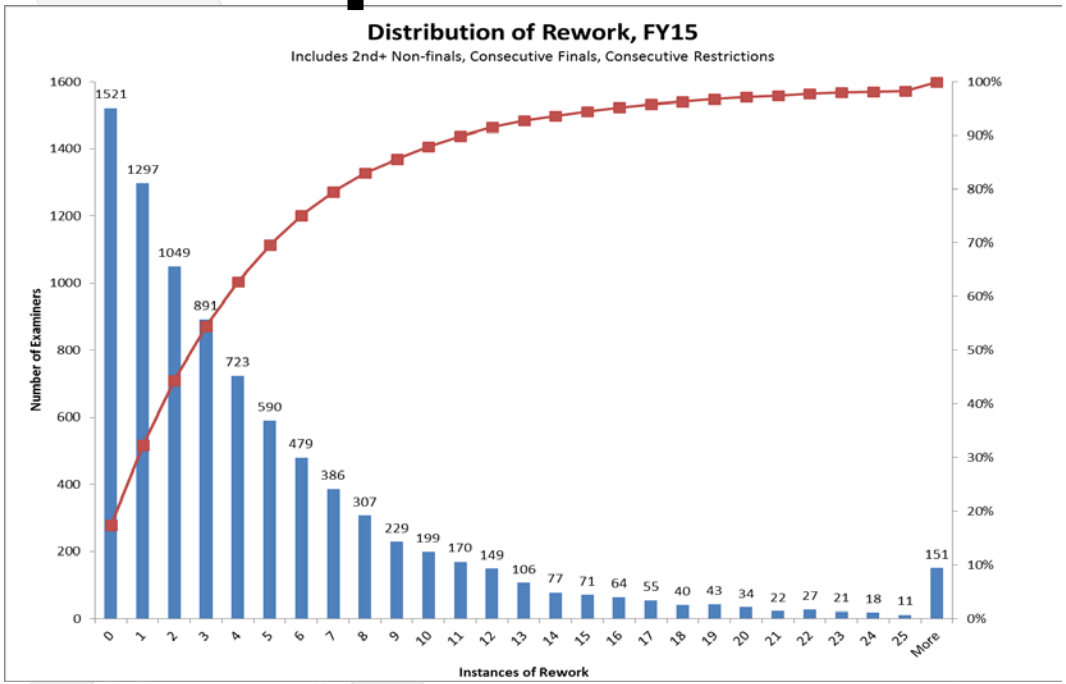
Key Process Indicators

- Reopening Prevention
- Rework Reduction
- Consistency of Decision-Making

Key Process Indicators – Approach

- Focus on three process indicators from our Quality Index Report (QIR)
  - Reopening Prevention
  - Rework Reduction
  - Consistency of Decision Making
- Use data to identify outliers for each indicator for further root-cause analysis
- Based on root-cause analysis, work to either capture any identified best-practices or train examiners, as appropriate

Metrics Example - Rework Reduction



Metric is sum of transactional QIR data points including consecutive finals, consecutive restrictions, and 2nd+ non-finals

Note: Instances of rework impacted by *Alice Corp. v. CLS Bank* decision

Quality Metrics – Key Perception Indicators

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Process Indicators
Transactional QIR
Tracking the efficiency and consistency of our processes (for example, to identify "churning")

Perception Indicators
Survey Results
Continuing to internally and externally poll perceptions of patent quality

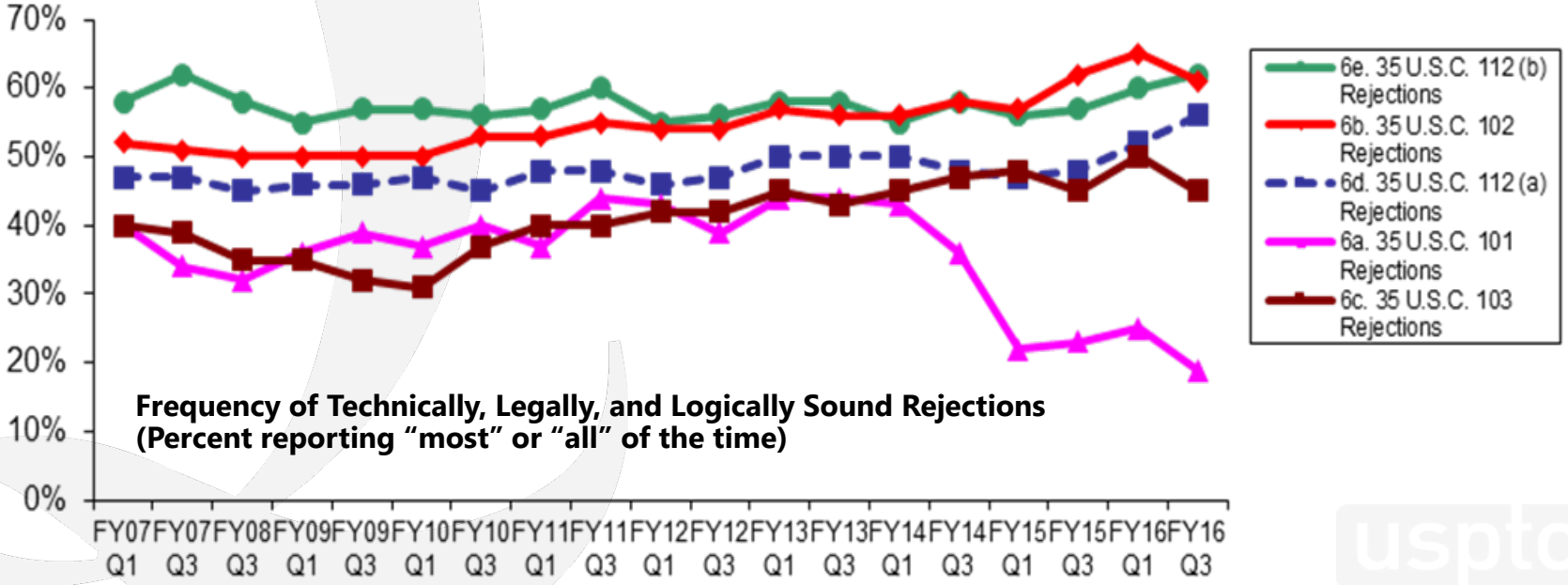
Vital Perception Indicators

- Root Cause Analysis
- Validation/Verification

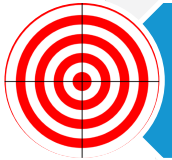
Key Perception Indicators - Approach

- USPTO has conducted internal and external perception surveys semi-annually since 2006
  - External survey is of 3,000 frequent-filing customers
  - Internal survey is of 750 randomly selected patent examiners
- The survey results will be used to validate other quality metrics

Perception Survey Results - Example



Quality Metrics - Next Steps



Publish Compliance Targets

Publish Clarity Data and Process Indicators

Action Plans on Process Indicators

Evaluate Perception Indicators

Panel Discussion


UNITED STATES PATENT AND TRADEMARK OFFICE
DEPARTMENT OF COMMERCE