

Patent Public Advisory Committee Meeting

Patent Quality Initiative Updates



Drew Hirshfeld
Deputy Commissioner
for Patent Examination Policy
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Software Partnership Meetings

- USPTO held three Software Partnership meetings this year:
 - Stanford Law School, CA (February 12, 2013)
 - NYU Law School, NYC (February 27, 2013)
 - Berkeley Law School, CA (October 17, 2013)
- Next Software Partnership Meeting:
 - Alexandria, VA (December 5, 2013)



Software Partnership Meetings

- Berkeley, CA Software Partnership Meeting (October 17, 2013):
 - Discussed exploring the use of glossaries to enhance patent claim clarity
 - Received input from stakeholders regarding experiences with glossaries



Software Partnership Meetings

- Alexandria, VA Software Partnership Meeting
(December 5, 2013)
 - Discuss existing prior art resources and search tools available to examiners
 - Seek input from public on enhancing prior art resources



Training Update

- Recently completed training:
 - Compact prosecution training (May/June 2013)
 - 112(f) training (June/July 2013)
 - Identifying Limitations that Invoke 112(f)
 - Making the Record Clear

*Training material including slides and CBTs are available on our website at <http://www.uspto.gov/patents/law/exam/examguide.jsp>



Training Update

- Additional training being planned that will cover:
 - Claim construction (BRI)
 - Definiteness of claims and sufficient disclosure
 - Mayo/Myriad Guidelines



Improving Claim Clarity –Clarity of the Record

- Continue to develop examiner training that focuses on clarifying the patent examination record
- USPTO/AIPLA Partnering in Patents (October 23, 2013)
 - Held focus session with examiners and practitioners on identifying best practices for improving the clarity of the examination record
 - Input received from focus session will be used to develop clarity of record initiatives



Improving Claim Clarity - Glossary

- Conducted internal focus sessions with examiners and managers to capture views on effectiveness of use of glossaries
- Received stakeholder input on use of glossaries at Berkeley Software Partnership meeting
- USPTO is exploring potential pilot program to promote submission of a glossary to enhance claim clarity.



Improving Claim Clarity – Enhanced Quality Review Process

- Enhancements to Office of Patent Quality Assurance (OPQA) quality review process:
 - Increased granularity of data capture relating to functional claiming
 - Increased sampling size of quality reviews



Real Party in Interest

- Executive Action 1 - *“The PTO will begin a rulemaking process to require patent applicants and owners to regularly update ownership information when they are involved in proceedings before the PTO, specifically designating the ‘ultimate parent entity’ in control of the patent or application.”*

(White House Task Force on High-Tech Patent Issues, June 4, 2013)



Real Party in Interest

- Notice of Proposed Rulemaking (NPRM) – December 2013/January 2014
 - Public will have 60 days to submit written comments responsive to the proposed rule(s)
- Proposed legislation on “Real-Party-in-Interest”



Questions and Comments?

Drew Hirshfeld

Deputy Commissioner for Patent
Examination Policy

571-272-2168

Andrew.Hirshfeld@uspto.gov