

EVALUATION AND ANALYSIS OF INCREASES IN PERCEPTIONS OF PATENT EXAMINATION QUALITY

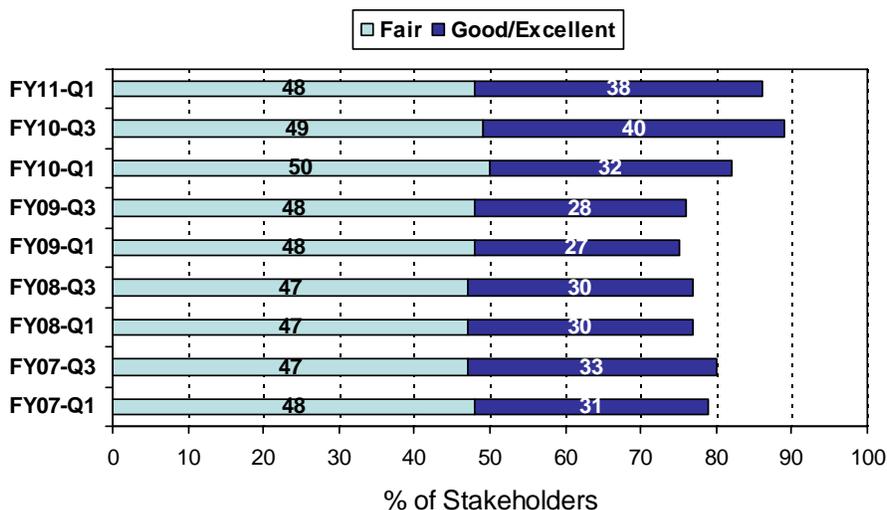
USPTO Office of Patent Quality Assurance (OPQA)

Since 2006 the United States Patent and Trademark Office (USPTO) has conducted an External Quality Survey* to gauge the perceptions of patent examination quality among applicants and practitioners. The key metric obtained from the survey – Rating of Overall Examination Quality – now serves as one of the components of the Patents Quality Composite, which is USPTO’s multifaceted approach to measuring patent examination quality.

From the inception of the survey in fall 2006 through the end of Fiscal Year (FY) 2009, perceptions of examination quality changed very little among survey respondents, with reports of good/excellent examination quality barely outnumbering the reports of poor/very poor examination quality. Beginning in FY 2010 (October 2009), the Office started seeing significant improvements in the perceptions of examination quality, and recent survey results (Spring 2011) indicate that there are now three (3) times as many respondents that rate patent examination quality as “good” or “excellent” as there are that rate patent examination quality as “poor” or “very poor”. Customers may also rate examination quality as “fair”.

For three (3) consecutive survey waves, over 80% of USPTO stakeholders have reported examination quality as fair or better. This is a significant improvement over all surveys conducted prior to October 2009. The first significant improvement was observed in FY10-Q1, and it was followed by another significant increase in FY10-Q3. Data from the FY11-Q1 survey show that the USPTO has been able to successfully maintain the higher perception levels.

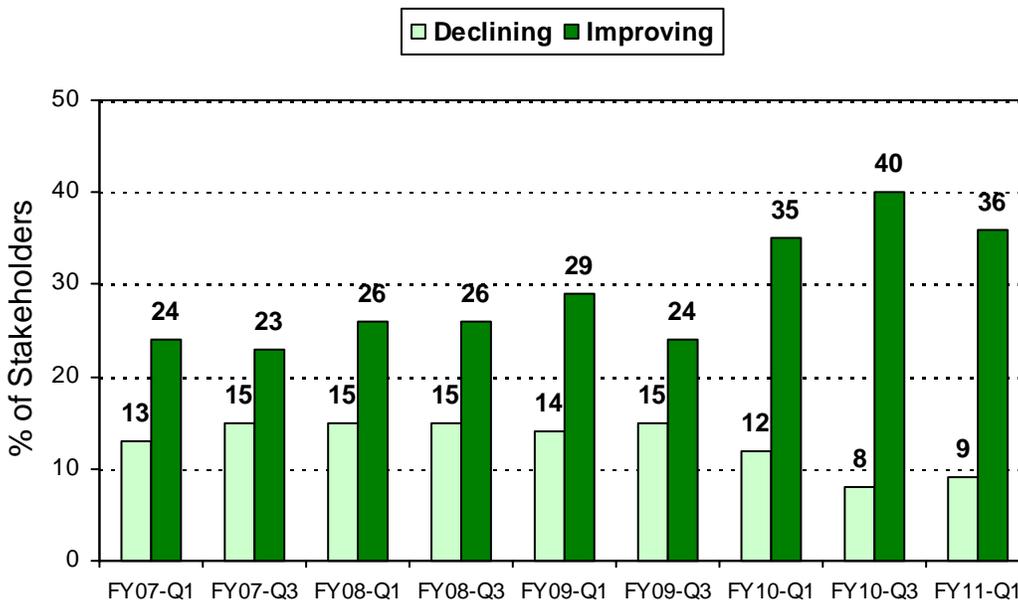
Perceptions of Examination Quality



Historically, customer perception surveys conducted by the USPTO have shown that stakeholder perceptions are difficult to change with the simple addition of one or two new quality initiatives. Applicants and practitioners want to see demonstrated and consistent improvement in examination quality before they are willing to elevate their rating from one category to the next. This is particularly noticeable when the rating categories are few and there are many factors (i.e. how stakeholders define quality) that are considered when choosing between rating categories. To help control for this effect and evaluate incremental improvements, the USPTO uses the External Quality Survey to also assess stakeholders’ perceived changes in examination quality. This allows a respondent that might not be at ease changing their rating from fair to good when they see the first signs of better examination quality to still provide an indication to the USPTO that they see examination quality improving. Similarly, respondents can report declining examination quality even if it is not to the point of impacting their overall assessment of examination quality. As shown below, and consistent with the overall examination quality ratings, since

FY10-Q1 the ratio of customers that say examination quality is improving versus those that say examination quality is declining is a healthy 4:1. Prior to the beginning of FY10, there were fewer than two customers that indicated examination quality was improving for every single customer that reported examination quality was declining.

Perceptions of Change in Examination Quality



In the most recent survey, virtually all of the respondents that cited examination quality as good or excellent reported that examination quality was either the same as it was in the previous three months (44%) or an improvement over the previous three months (55%). In addition, of the customers that rated overall patent examination quality as fair, nearly a third (29%) stated that they see examination quality as improving, compared with just 6% of this group saying it was declining.

Survey results of this nature are often presented with a reminder that it is perception data at a specific point of time that may or may not reflect all activities, initiatives, and accomplishments of an organization, and could even be influenced by external factors outside of the control of the organization being evaluated. While this reminder is still valid, the substantial positive changes with regard to perceptions of USPTO patent examination quality mirror improvements in other USPTO quality indicators over the same period of time. The USPTO Patents Quality Composite compares current performance against historical statistical achievements and progression towards desired levels of performance. Since the beginning of FY10, the improvements in customer perceptions of examination quality, when viewed relative to stretch goals, are equal to or exceeding the progress realized in three of the Office's other quality-related metrics: Final Disposition Compliance Rate, In-Process Compliance Rate, and Quality Index Reporting factors.

* The External Quality Survey (EQS) is designed to capture feedback from USPTO's frequent customers regarding the quality of work performed by the USPTO patent examiners. Since its inception in fall 2006, the survey has been administered by Westat, a research corporation consulting in statistical design, data collection and management, and research analysis work. Westat is responsible for the overall survey design, selection, and maintenance of the customer panel, development and administration of the survey instrument, data analysis, semi-annual briefings to USPTO staff, and preparation of semi-annual data files with documentation. The EQS was conducted quarterly between FY06-Q4 and FY09-Q3 and semi-annually since FY10-Q1. The EQS uses a rotating panel design in order to measure changes in the quality of USPTO's work over time. Customers participate in two consecutive data collection periods (waves) before rotating out of the panel. The panels are staggered to refresh 50% of the respondent pool each wave. The target population for the survey is those customers that have had the most contact with USPTO over the prior year, currently defined as filing 6 or more patent applications in a 12-month period. This population (approx. 15,000 customers) has historically represented 80-85% of all filed patent applications. Sample size for each wave is around 2,900 customers. Roughly 50% of the sampled customers respond to the survey which is administered via internet and mail.