

Patent Public Advisory Committee Meeting

Examiner Training Update



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Examiner Training Update

- 35 U.S.C. 101
 - Subject Matter Eligibility

- 35 U.S.C. 112
 - Claim Clarity, including Functional Language, Definite Claim Boundaries, and Means-plus-Function Usage



Examiner Training Update: § 101

- Supreme Court decision: *Mayo v. Prometheus*
 - Issued Examiner Guidance July 3, 2012
 - *2012 Interim Procedure for Subject Matter Eligibility Analysis of Process Claims Involving Laws of Nature*
- Trained Examining Corps August 2012
 - Training covered Laws of Nature, along with Abstract Ideas (*Bilski* Factors) and other areas of particular concern tailored to each Technology Center

http://www.uspto.gov/patents/law/exam/2012_interim_guidance.pdf

http://www.uspto.gov/patents/law/exam/101_training_aug2012.pdf



Examiner Training Update: § 101

- Patents, Solicitor's Office and Board collaboration regarding *Mayo v. Prometheus*
 - Group discussions
 - Principles document
 - Group review
 - Draft guidance
 - Final review
 - Training developed



Examiner Training Update: § 101

- Next steps in view of Mayo:
 - Technology specific training examples are being developed
 - Next stage of training will be rolled out in smaller groups
 - Training will focus on areas that handle law of nature type claims, such as Technology Center 1600
- Awaiting several cases from Federal Circuit on computer implemented inventions



Examiner Training Update: § 112

Addressing Claim Clarity

- Preparing training on clarifying the record regarding means-plus-function limitations
- Gather input on public perception of clarity issues
 - Establishing new software partnership with industry
 - External quality survey
 - Preparing Best Practices RFC
 - Potential new training initiatives based on information gleaned from above