

Patent Public Advisory Committee Meeting

Software Partnership & Application Preparation Notices



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for Patent Examination Policy
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Software Partnership Notice

- *Request for Comments and Notice of Roundtable Events for Partnership for Enhancement of Quality of Software-Related Patents*, published January 3, 2013
 - Requested public comments by April 15, 2013*
 - Announced listening sessions in Silicon Valley & New York City in February 2013

*Deadline was extended due to public request



Software Partnership Comments

- 98 comments received
 - Law Professors
 - Patent Practitioners
 - Corporations
 - Independent Software Developers; and
 - Software Coalitions



Software Partnership Comments

- Common Themes
 - Potential for improvements:
 - **35 U.S.C. § 112**, specifically paragraphs (a), (b) and (f)
 - Clarity of record
 - Focus on quality and consistency of actions
 - Prior art resources
 - No software specific rules



Application Preparation Notice

- *Request for Comments on Preparation of Patent Applications*, published January 15, 2013
 - Requested public comments by April 15, 2013*
 - Identified nine potential practices that applicants could employ to clarify claim scope and meaning
 - Received 28 comments from patent practitioners, corporations, and software coalitions

*Deadline was extended due to public request



Application Preparation Comments

- Common Themes
 - Advantages:
 - Clarity of record
 - Clarity of claim scope/meaning
 - Disadvantages:
 - Burdensome and costly
 - Negative impact on claim scope
 - Lack of harmonization with global patent practice



Next Steps

- Internal Team
 - Reviewing Comments
 - Developing Plan of Action
 - Examiner Training on 35 U.S.C. § 112(f)
- Additional Partnership Meetings
 - Topics for Further Discussion