

UNITED STATES  
PATENT AND TRADEMARK OFFICE



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A blurred, close-up image of a lens or optical component, possibly a microscope lens, with a red and white reflective surface. The image is positioned at the top of the slide, partially overlapping the dark blue header.

## Patent Quality Discussion Series

Western Michigan University Cooley Law School  
Auburn Hills, MI  
Wednesday, November 4, 2015

Leading in Quality Excellence – Every Interaction Counts



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# Opening Remarks

Christal Sheppard

Regional Director, Detroit Satellite Office, USPTO

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# Agenda

Time	Topic
9:00	Update on the Enhanced Patent Quality Initiative (EPQI)
9:45	Clarity of the Record
10:15	Break
10:30	Clarity of the Record Panel Discussion
11:30	Lunch
1:00	Improving Global Patent Prosecution
2:00	Measuring Patent Quality
3:30	Break
3:45	Enhancing Quality through Remote Examiner Interviews
4:15	Current Patent Automation Initiatives
4:55	Closing

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## Update on the Enhanced Patent Quality Initiative (EPQI)

Sandie Spyrou

Senior Advisor

Office of the Deputy Commissioner for Patent Quality, USPTO

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## World-Class Patent Quality System

*The Right Time for a Greater Focus on Quality*

- America Invents Act (AIA) provides a stable budget to pursue quality initiatives
- USPTO continues to reduce patent application inventory and pendency
- IT and other resource improvement initiatives support our employees
- Enhancing patent quality is a priority



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## World-Class Patent Quality System (con't)

*The Right Time for a Greater Focus on Quality*

- With AIA Post-Grant Reviews by the Patent Trial and Appeal Board (PTAB), issued patents can be under greater scrutiny
- Non-practicing entities continue to be a concern to the public; frivolous lawsuits hurt the IP system as well as the economy
- With clarity of patent rights comes certainty in patent rights making IP-intensive industries stronger
- USPTO has always made patent quality a priority



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The screenshot shows the USPTO website homepage. At the top, there is a navigation bar with the USPTO logo, the text 'UNITED STATES PATENT AND TRADEMARK OFFICE', and links for 'About Us', 'Careers', and 'Contact Us'. A search bar is also present. Below the navigation bar, there are tabs for 'Patents', 'Trademarks', and 'Learning and Resources', along with a 'Quick Links' dropdown menu. The main content area features a large blue banner with the text 'First time here? Let us help you find your bearings.' and a 'Get Going' button. Below the banner, there are sections for 'Learn About the Process' and 'Patents & Trademarks Initiatives'. The 'Patents & Trademarks Initiatives' section is circled in red and contains the link 'Enhanced Patent Quality Initiative' and the text 'Learn about USPTO efforts to increase patent quality.' At the bottom of the page, there is a URL: <http://www.uspto.gov/patent/initiatives/enhanced-patent-quality-initiative> and the number '8'.

## Enhanced Patent Quality Initiative

- In February, USPTO announced an Enhanced Patent Quality Initiative (see [80 Fed. Reg. 6475](#) (Feb. 5, 2015))
- This initiative was built around three patent quality pillars
  - Excellence in Work Products
  - Excellence in Measuring Patent Quality
  - Excellence in Customer Service
- USPTO presented six proposals to stimulate the public's thinking on patent quality



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## Federal Register Quality Proposals

- I. Excellence in work products
  1. Applicant requests prosecution review of selected applications
  2. Automated pre-examination search
  3. Clarity of the record
- II. Excellence in measuring patent quality
  4. Review/improvements to quality metrics
- III. Excellence in customer service
  5. Review of current compact prosecution model and effect on quality
  6. In-person interview capability with all examiners



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## Comment Sources

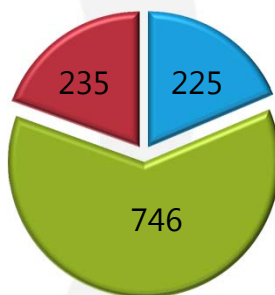
- Examiner Forums/Feedback
- [Patent Quality Summit](#)
- World Class Patent Quality Mailbox (WCPQ)
  - Internal
  - External\*
- Roadshows/Roundtables



\* [Official FR Notice responses](#)

## EPQI Comments

**1206 Comments\***

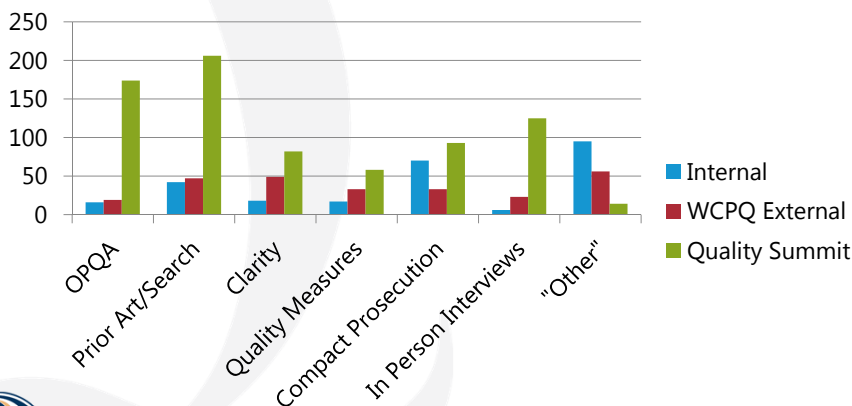


- Internal  
Includes Examiner Forum/Feedback and WCPQ Internal
- Patent Quality Summit
- WCPQ - External



\* Response/emails were broken into comments based on proposal categories. One email/response, therefore, may map to more than one submission.

## Topic Distribution By Source



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## Enhanced Patent Quality Initiative

### Evolving Programs

Focusing 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
- Clarity of the Record Training
- Post Grant Outcomes

*Pillar 3*

- Interview Specialist

#### Changes to Process/Product

*Pillar 1*

- Clarity of the Record Pilot

*Pillar 3*

- Reevaluate AFCP2.0, Pre-Appeal Conferences & QPIDS
- Design Patent Publication Quality



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## Next Steps

- We will continue to discuss these programs as they evolve and collect feedback through:
  - [WorldClassPatentQuality@uspto.gov](mailto:WorldClassPatentQuality@uspto.gov) email box
  - [Patent Quality Chat Webinar Series](#)
  - Patent Quality Roadshows/Roundtables
- We will use all feedback in the development of the evolving programs or for new programs
- We encourage all stakeholders to be involved by providing feedback, attending outreach events, or participating in pilot programs



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## Questions

Sandie Spyrou  
[Cassandra.spyrou@uspto.gov](mailto:Cassandra.spyrou@uspto.gov)  
Senior Advisor to the Deputy  
Commissioner for Patent Quality, USPTO

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# Clarity of the Record


Daniel Ryman  
Senior Advisor to the Deputy Commissioner for Patent Quality,  
USPTO

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# Agenda

- **Clarity of the Record Pilot**
  - Background
  - Structure of the Pilot
  - Goals of the Pilot
- **Master Review Form (MRF)**
  - Background
  - Goals of the MRF
  - Current Structure of the MRF
  - Implementation Plan



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## Clarity of the Record Pilot


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## Clarity of the Record Proposal

- Proposal 3 of the February Federal Register Notice sought comments on how to improve the clarity of the record
- It provided three exemplary procedures for comment:
  1. Making claim construction explicit on the record
  2. Recording interviews (and other oral conferences, such as appeal conferences) in further detail
  3. Providing a more detailed summary of the reasons for allowing a claim when a statement of the reasons for allowance is necessary



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## General Takeaways from the Comments

- Building a complete and clear record through prosecution is important
  - Applicants recognize that patent examination is not an exact science
  - Clearly articulated rejections are critical to allow applicants to rebut on the record
- Examiners need additional training and examining time per case



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## Takeaways from the Comments on Proposed Procedures

- Claim construction is best done through the give-and-take of prosecution
- Interview summaries should allow the public to understand what was agreed upon and why, but requiring too much information can have a chilling effect on the interview
- Detailed reasons for allowance should be provided for every indication of allowable subject matter



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## Goals of the Clarity of Record Pilot

- Determine what resources are needed to implement the best practices for clarity of the record
  - Training
  - Examining time per case
- Determine the impact of these best practices
  - Prosecution
  - Post-grant outcomes



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## Master Review Form (MRF)

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## Internal Quality Reviews - Background

- The Office of Patent Quality Assurance (OPQA) collects data for data mining through four types of reviews
  - Final Disposition Compliance
  - In-Process Compliance
  - First Action on the Merits Review
  - Search Review
- SPEs in the Technology Centers also conduct a number of reviews, but the data from these reviews has not been retained for data mining
  - Signatory Panels
  - Performance Appraisal Plan (PAP) Reviews



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## Internal Quality Reviews – Background (con't)

- These reviews focus on **correctness** of an examiner's decision
- Data on **clarity** has not been routinely collected as part of these reviews



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## Master Review Form - Goals

- To create a ***single, comprehensive*** form that may be used by all areas of the Office when reviewing the quality of previously signed work
- To collect information on the ***clarity and correctness*** of Office actions



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## Master Review Form – Design

- The MRF will allow reviewers to record information on:
  - Search
  - Omitted Rejections
  - Rejections Made (both correctness and clarity)
  - Reply to Applicant
  - Final Rejection
  - Reply to After-Final Response
  - Other Quality Related Items (such as allowable subject matter and restrictions)



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## Master Review Form – Implementation

- To be piloted by OPQA reviewers and select SPEs in the Technology Centers
- To be rolled out to all SPEs in the Technology Centers at a to-be-determined date



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## Questions

Daniel Ryman  
[Daniel.ryman@uspto.gov](mailto:Daniel.ryman@uspto.gov)  
Senior Advisor to the Deputy  
Commissioner for Patent Quality, USPTO

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## PANEL DISCUSSION

### Clarity of the Record

**Moderator:**

Alford Kindred, Regional Manager, Detroit Satellite Office, USPTO

**Panelists:**

Sandie Spyrou, Senior Advisor, Office of Patent Quality, USPTO

Dan Ryman, Senior Advisor, Office of Patent Quality, USPTO

Deborah Saybolt, Saybolt IP

William R. Bourdreaux, Brinks, Gilson & Lione

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## PANEL DISCUSSION

### Clarity of the Record

- Claim Construction
  - Explicit
  - Through Prosecution
- Memorializing the Oral Record
- Reasons for Allowance

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# Improving Global Patent Prosecution

**Maria Holtmann**  
 Director of International Patent Cooperation  
 Office of International Patent Cooperation, USPTO

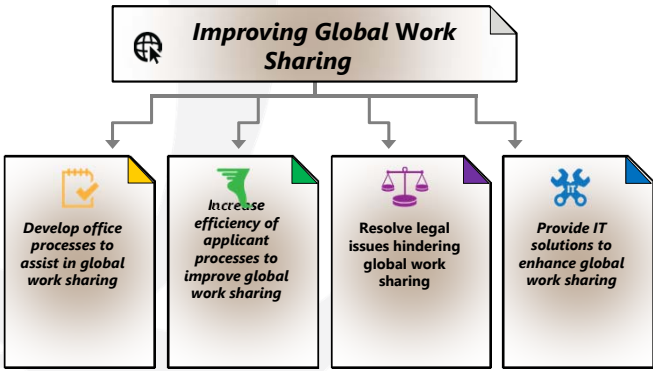
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## Office of International Patent Cooperation (OIPC)

*Improve the quality, efficiency and predictability of patent family prosecution, thereby improving the certainty of global patent rights.*



```

      graph TD
        A[Improving Global Work Sharing] --> B[Develop office processes to assist in global work sharing]
        A --> C[Increase efficiency of applicant processes to improve global work sharing]
        A --> D[Resolve legal issues hindering global work sharing]
        A --> E[Provide IT solutions to enhance global work sharing]
    
```



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# Collaborative Search Pilot Program (CSP)

Daniel Hunter  
 Director of International Work Sharing Planning & Implementation Division  
 Office of International Patent Cooperation, USPTO

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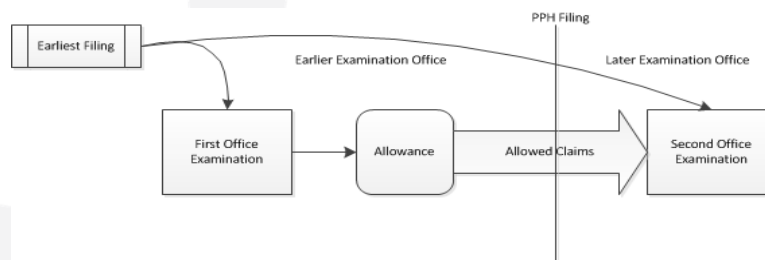


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# Work Sharing Programs

## Patent Prosecution Highway (PPH) – Serial Interoffice Prosecution

- Second Office acts on application after First Office Completes examination



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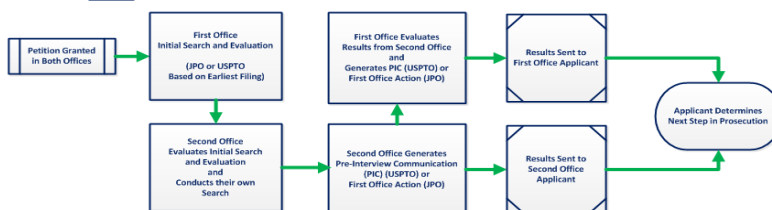
## New Collaborative Search Pilots

- Pilots with JPO and KIPO
- Parallel Pilots testing prosecution efficiencies taking different approaches to initial search and examination
  - JPO – **Serial search** on substantially similar claims prior to Pre Interview Communication
  - KIPO – **Parallel search** on substantially similar claims
    - Both office’s searches sent to applicant for consideration in response to Pre Interview Communication



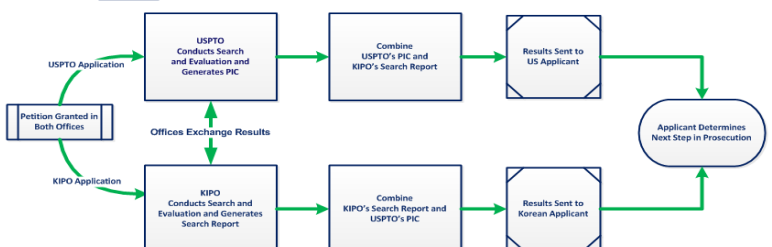
## New Pilot Comparisons

### JPO Pilot – Serial Search and Evaluation Prior to Examination



Corresponding applications must be filed in both the JPO and the USPTO no earlier than 3/16/13 and have not yet been examined.

### KIPO Pilot – Parallel Search and Evaluation Prior to Examination



Corresponding applications must be filed in both the KIPO and the USPTO no earlier than 3/16/13 and have not yet been examined.

## Collaborative Search Pilots

- Applications made special for first action
- Based on First Action Interview (FAI) Program
  - Claim Limits – 3 Independent/20 Total
  - Claim Matching –claims must correspond (slight difference between JPO and KIPO)
- Applicant Requirements:
  - Petition in both offices
    - Applicant consents to permit the USPTO and its partner offices to share information with partner offices under portions of 35 USC 122
      - (a) for sending to KIPO search results from unpublished US Applications
      - (c) & (e) for receiving KIPO/JPO search results and commentary in published US applications
- Pilot Duration is Two Years
  - JPO Pilot started August 1, 2015
    - 200 applications per year per office of first search
  - KIPO Pilot started September 1, 2015
    - 200 applications for each office of earliest priority



## CSP Statistics

as of 10/14/15

	JPO	USPTO
JPO - USPTO (8/1/15 - 7/31/17)	200/yr	200/yr
First Office - Number of Petitions Received	12	2
Second Office - Number of Petitions Received	2	12
Granted Petitions	8	9
Percentage of Goal Obtained	4%	5%

	KIPO	USPTO
KIPO - USPTO (9/1/15 - 8/31/17)	400 max.	400 max.
First Priority - Number of Petitions Received	15	6
Second Office - Number of Petitions Received	6	15
Granted Petitions	13	10
Percentage of Goal Obtained	3%	3%



## CSP Benefits

**Greater consistency in examination = More certainty of IP rights**

**Applications taken out of turn = Expedited search results and final disposition**



**It's FREE to file Petition!**



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## More Information Needed?

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**Amber Ostrup**

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Implementation, USPTO  
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# Global Dossier

Jessica Patterson  
Program Manager  
Office of International Patent Cooperation, USPTO

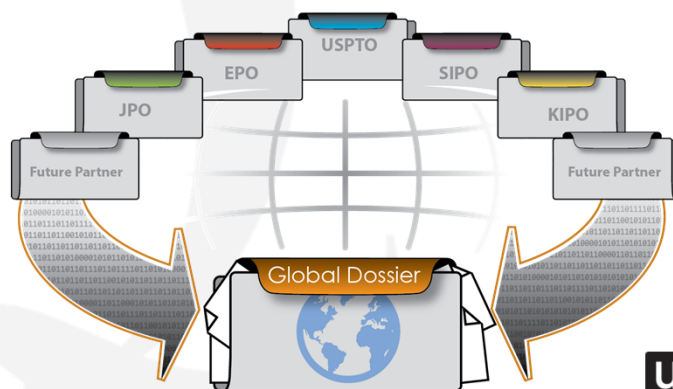
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# Global Dossier

Global Dossier is a set of business services modernizing the global patent system and delivering benefits to all stakeholders



Global  Dossier

## Global Dossier Task Force

### Members:

#### – IP5 Offices

- United States Patent and Trademark Office (USPTO)
- European Patent Office (EPO)
- Japan Patent Office (JPO)
- Korean Intellectual Property Office (KIPO)
- State Intellectual Property Office of the People's Republic of China (SIPO)

#### – Industry IP5 Members

- American Intellectual Property Law Association (AIPLA)
- Intellectual Property Owners Association (IPO)
- Japan Intellectual Property Association (JIPA)
- Korea Intellectual Property Association (KINPA)
- Patent Protection Association of China (PPAC)
- BUSINESSEUROPE



#### – World Intellectual Property Organization (WIPO)

## IP5 Priorities for Global Dossier

- USPTO – “Proof-of-Concept for Inter-Office Exchange”
  - Sharing documents between offices including for example, prior art exchanges, bib data updates, and supporting documents. Viewed as a first step towards cross-filing
- EPO – “Alerting”
  - Automated mechanism whereby each office alerts all the other offices, applicants, and representatives of changes in status to an application
- JPO – “XML”
  - Enabling each office, and possibly applicants and representatives, to download all application-related data from applications pending in other offices in XML format
- KIPO – “Applicant Name Standardization”
  - An automated mechanism that will assign a single, unique name to entities with applications pending in multiple office, including in instances where those entities may have used multiple names, or variations of a single name. to identify themselves
- SIPO -- “Legal Status”
  - A mechanism to allow users to view the legal status of an application in each office



## Global Dossier – Why Use it?

### Coming November 2015:

- Access to all available information about applications and patents in the participating offices with the first service – Dossier access
- Applicants can efficiently track and manage related applications across jurisdictions
- Easier and less costly to perform functions associated with due diligence, technology transfer, and litigation and appeal processes.

### Example of Future Services:

- Document exchange functionality
- Alerts
- XML functionality
- Linkage to WIPO CASE



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## Benefits of Global Dossier

*Cost savings - exploit more IP!*

**Improved patent quality**

**Higher value patents**

**Decreased time to file internationally**

**Increased ease of international filing**



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# Global Dossier First Release Demo

Nelson Yang  
 Patent Business Analyst  
 Office of International Patent Cooperation, USPTO

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# Global Dossier Landing Page

The screenshot shows the Global Dossier landing page with several callout boxes highlighting key features:

- Current Outages:** A notification at the top left stating "JPO OPD Dossier Access Services are down for scheduled maintenance".
- Service Availability Status:** A modal window showing the status for USPTO across different document types: Patent Family, Dossier Content, and Classification & Citation. The status is "UP" for both Actual and Scheduled access.
- Service Hours:** A table showing the scheduled outage hours for EPO, JPO, KIPO, and SIPO offices.

Office	Patent Family Service	Dossier Content Service	Classification & Citation Service
MONDAY	0000 - 1100 1100 - 1200* 1200 - 2300 2300 - 2315* 2315 - 2359	0000 - 2359	0000 - 1100 1100 - 1200* 1200 - 2300 2300 - 2315* 2315 - 2359
TUESDAY	0000 - 2300 2300 - 2315* 2315 - 2359	0000 - 2359	0000 - 2300 2300 - 2315* 2315 - 2359
WEDNESDAY	0000 - 1100 1100 - 1200* 1200 - 2300 2300 - 2315* 2315 - 2359	0000 - 2359	0000 - 1100 1100 - 1200* 1200 - 2300 2300 - 2315* 2315 - 2359
THURSDAY	0000 - 2300 2300 - 2315* 2315 - 2359	0000 - 2359	0000 - 2300 2300 - 2315* 2315 - 2359
FRIDAY	0000 - 2300 2300 - 2315* 2315 - 2359	0000 - 2359	0000 - 2300 2300 - 2315* 2315 - 2359
SATURDAY	0000 - 2300 2300 - 2315* 2315 - 2359	0000 - 2359	0000 - 2300 2300 - 2315* 2315 - 2359
SUNDAY	0000 - 2300 2300 - 2315* 2315 - 2359	0000 - 2359	0000 - 2300 2300 - 2315* 2315 - 2359

# Global Dossier Family List

The screenshot shows the uspto Global Dossier homepage. At the top, there is a navigation bar with links for Home, Public Pair, Common Citation Document, Current Service Status, Service Hours, Help, and Email Us. Below the navigation bar, there are search filters for Office (US) and Type (Application). A search box contains the text "Enter number". The main content area features a "Welcome to Global Dossier" message and a "Global Dossier Public Access" section. The footer includes a "Browse by Topic" section with links for Patents, Trademarks, Learning & Resources, About the USPTO, Usptoday, and Careers.

# Global Dossier Family List

The screenshot shows the uspto Global Dossier Family List page. The page displays a table of patent family members for the application number US 13565455. The table has columns for Office, Application #, Title, App. No., Priority #, Pub. #, Pub. Date, and Pub. Date. The first row shows the parent application: US 13565455 (9 Members in Patent Family (8 currently shown)). Below the table, there is a "Filtering" section with a dropdown for "IP Office Type" and a list of checkboxes for EPO, SIPO, KIPO, JPO, and USPTO. A "Sorting indicator" is shown above the table, and an "Office Action Indicator" is shown below the table. The footer includes a "Browse by Topic" section with links for Patents, Trademarks, Learning & Resources, About the USPTO, Usptoday, and Careers.

# Global Dossier Family List

**Download list of patent family members**

Office	Application #	Applicant	Title	App. Date	Priority #	Pub. # ID	Pub. Date	Action # ID
US	13565455	Applied Materials, Inc.	LASER MATERIAL REMOVAL METHODS AND APPARATUS	08/21/2009	US 8204468	WO 201007712 A2	03/11/2010	
EP	09612873	Applied Materials, Inc.	LASER MATERIAL REMOVAL METHODS AND APPARATUS	08/21/2009	US 8204468	EP 2139618 A2	06/08/2011	
US	12945488	Zhang, Zhenhua Rao, Vinodh V.S. Shah, Vinay K. Eberbacher, Chris	LASER MATERIAL REMOVAL METHODS AND APPARATUS	08/21/2009	US 8204468	US 2010095863 A US 8276420 B2	03/04/2010 09/04/2012	
CN	20112096403	APPLIED MATERIALS, INC.	Laser material removal methods and apparatus	08/21/2009	US 8204468	CN 100327611 A	01/09/2014	
CN	20088013789	The Applied Materials	Laser material					
KR	20111700076	Applied Materials, Inc.	LASER MATERIAL					
JP	2011297114	Applied Dossier	LASER MATERIAL					
US	12945451	ZHANG, ZHENHUA Rao, Vinodh V.S. Shah, Vinay K. Eberbacher, Chris	LASER MATERIAL					

**Publication Link**

**Publication Link**

# Global Dossier Quick View

**Open Document in New Window**  
**Download Document**  
**Add to Collections**

DATE	DOCUMENT DESCRIPTION	OPTIONS
Apr 28, 2015	Claims (ORIGINAL)	...
Apr 28, 2015	Argument (TRANSLATED)	...
Apr 28, 2015	Argument (ORIGINAL)	...

**Quick View Display**

**Collapse/Expand Quick View**

**First Office Action (TRANSLATED)**

The State Intellectual Property Office of People's Republic of China

200233

Application No. or Publication Issue No.:  
No. 20131094669.1

Applicant/Patentee: APPLIED MATERIALS, INC.

Title of Invention: Laser material removal methods and apparatus

**First Office Action**

1. Upon the request of substantive examination of the application, in accordance with Article 26.1 of the Patent Law, the State Intellectual Property Office performs the substantive examination for the aforementioned application for a patent for invention.

2. In accordance with Article 26.2 of the Patent Law, the State Intellectual Property Office proceeds to examine the aforementioned application for a patent for invention as to its substance on its own initiative.

3. The application requires on the basis of:

# Global Dossier Collections

The screenshot displays the 'Global Dossier Collections' interface for application US 13565455. The main table lists documents with columns for Office, Application #, Applicant, Title, App. Date, and Priority #. A 'Collections' sidebar on the right allows users to add documents to a collection. Callout boxes indicate the following actions:

- Open Document in New Window**: Points to the 'VIEW MORE' link in the document description.
- Download Document**: Points to the 'Download' icon in the document description.
- Add to Collections**: Points to the 'Add to Collections' button in the document description.
- Add Application to Collections**: Points to the 'Add to Collections' button at the bottom of the application entry.

# Global Dossier History

The screenshot displays the 'Global Dossier History' interface for application US 13565455. A 'History' pop-up window is open, showing a list of viewed applications and publications. The callout box indicates that this is the 'History of viewed applications'.

Category	Application/ID
Application	US 13565455
Application	EP 09811971
Publication	US 20070155322

# Global Dossier - Dossier View

**Download document list**

- US 12545488
- EP 09811971
- US 12545488
- CN 201310590403
- CN 200980133793
- KR 20117006576

**Shows Available Applications in Patent Family**

To view the document, please select one from the list

# Global Dossier - Dossier View

**Open Document in New Window**

**Download Document**

**Add to Collections**

**ALLOWANCE AND FEES DUE**

**NOTICE OF ALLOWANCE AND FEES DUE (PTOL-85)**

THE APPLICATION IDENTIFIED ABOVE HAS BEEN EXAMINED AND IS ALLOWED FOR ISSUANCE AS A PATENT. THE APPLICATION IS HEREBY REOPENED TO THE PUBLIC. THIS NOTICE OF ALLOWANCE IS NOT A GRANT OF A PATENT RIGHTS. THE APPLICATION IS HEREBY REOPENED TO THE PUBLIC. THIS NOTICE OF ALLOWANCE IS NOT A GRANT OF A PATENT RIGHTS. THE APPLICATION IS HEREBY REOPENED TO THE PUBLIC. THIS NOTICE OF ALLOWANCE IS NOT A GRANT OF A PATENT RIGHTS.

# Global Dossier Classification Data

The screenshot shows the USPTO Global Dossier interface for application 12141171. The 'Classification Data' section is expanded to show IPC and CPC codes. A box highlights the CPC code B23K 26/0853 and its description: '(Devices involving movement of the workpiece in at least in two axial directions, e.g. in a plane)'. Other CPC codes shown are B23K 26/0846 and B23K 26/0861. A 'Classification Description' link is visible below the CPC codes. The footer includes navigation links and the USPTO logo.

# Global Dossier Citations

The screenshot shows the USPTO Global Dossier interface for application 12141171, displaying the 'Citation Data' section. A table lists citations with columns for 'CITED BY', 'CITED IN', and 'PUBLICATION/PATENT NUMBER ID'. A box highlights the citation US2009023996A1, with a callout box containing three links: 'View Full Patent Family', 'View Application Dossier', and 'View Publication'. The footer includes navigation links and the USPTO logo.

## Future Plans (post-2015)

- Timeline view for applications
- Providing access to foreign publications
- Enhanced OA indicator
- Legal Status
- Providing XML data
- Linking to WIPO CASE



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## OIPC Website

The screenshot shows the USPTO website interface. At the top, there is a search bar and navigation links for 'About Us', 'Careers', and 'Contact Us'. Below the navigation, there are tabs for 'Patents', 'Trademarks', and 'Learning and Resources'. The 'Patents' tab is selected, and the 'International Cooperation' link is circled in red. Below the navigation, there are several sections: 'Learn About the Process' (with sub-sections for Patents and Trademarks), 'Fees and Payment', and 'Patents & Trademarks Initiatives'. The 'Patents' section includes links for 'General Information Concerning Patents', 'Patent Process Overview', and 'Search for Patents'. The 'Trademarks' section includes links for 'Trademark Basics', 'Trademark Process', and 'Search Trademark Database'. The 'Fees and Payment' section includes a link for 'Fees and Payment'. The 'Patents & Trademarks Initiatives' section includes links for 'Enhanced Patent Quality Initiative' and 'Patent Trial and Appeal Board'.

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# OIPC Website

<http://www.uspto.gov/patents-getting-started/international-patent-cooperation>

**uspto** UNITED STATES PATENT AND TRADEMARK OFFICE

Patents Trademarks Learning and Resources Quick Links

Home / Patents/Getting Started / International Patent Cooperation

Helpful 27

**International Patent Cooperation**

"The establishment of the Office of International Patent Cooperation reflects the USPTO's strong commitment to the IP community in improving the international patent system," said Deputy Under Secretary of Commerce for Intellectual Property and Deputy Director of the USPTO Michelle Lee. "It will allow us to increase certainty of IP rights while reducing costs for our stakeholders and moving towards a harmonized patent system."

The USPTO's Office of International Patent Cooperation efforts will improve the quality, efficiency, and predictability of the patent system, and increase the certainty of global patent rights.

- ▶ **Collaborative Search Pilot Program (CSPP)** The USPTO is conducting two pilots, one with the Japan Patent Office (JPO) and one with the Korean Intellectual Property Office (KIPO). The purpose of CSPP is to provide our stakeholders with search results from two Offices early in the examination process so applicants can determine their next steps in patent prosecution.
- ▶ **Cooperative Patent Classification (CPC)** The Cooperative Patent Classification effort is a joint partnership between the United States Patent and Trademark Office and the European Patent Office to harmonize their existing classification systems (European Classification (ECLA) and United States Patent Classification (USPC) respectively) and migrate towards a common classification scheme.
- ▶ **Global Dossier** Dossier will provide all stakeholders with secure, one-stop access to related information from the IP's in the five largest patent offices in the world.
- ▶ **Patent Prosecution Highway (PPH)** The Patent Prosecution Highway speeds up the examination process for corresponding applications filed in participating intellectual property offices.
- ▶ **Global Patents Search Network (GPSN)** Search Chinese full-text patent documents in the English or Chinese language, including published applications, granted patents and utility models from 2005 to 2012.
- ▶ **International Patent Legal Administration** The International Patent Legal Administration educates and assists the patent community, develops policy, and resolves legal issues. The Administration covers the Patent Cooperation Treaty (PCT), the Hague Agreement Concerning the International Registration of Industrial Designs, and the Patent Prosecution Highway (PPH).

**Upcoming Events**

Improving Global Patent Prosecution Webinar

- September 8

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# Global Dossier Contacts

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## Questions

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## Measuring Patent Quality

Anthony Caputa  
Director of the Office of Patent Quality Assurance (OPQA), USPTO

Marty Rater  
Chief Statistician, OPQA, USPTO

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## Overview

- OPQA Structure
- Work Product Reviews
- Surveys
- Examiner Transactional Data
- Quality Composite
- Master Review Form
- Next Steps



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## Office of Patent Quality Assurance (OPQA)

- OPQA is responsible for the overall assessment and measurement of patent *examination* quality at the USPTO
- Measurement accomplished through:
  - Work product reviews
  - Administration of satisfaction-based surveys
  - Analysis of examiner transactional data



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## Office of Patent Quality Assurance – Make-Up

- 55 Review Quality Assurance Specialists (RQAS)
  - Former primary examiners with demonstrated skills in examination quality, productivity, efficiency, mentoring and training
    - Avg. 22 years patent examination experience
  - Tasks include review of examiner work product, training, mentoring, and serving as subject matter experts
    - Assigned to specific technology in which they have examination experience



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## Office of Patent Quality Assurance - Duties

- RQAS Duties:
  - 75% of time dedicated to review of work product
  - 25% of time providing Technology Center training and assistance
- 8 Supervisory RQASs (SRQAS) oversee the RQASs
  - Ensure consistency among reviewers
  - Validate issues raised and interact with Patent Corps
- Statisticians and program analysts



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## Work Product Reviews

- Randomly selected Office Actions to ensure that any metric we generate represents a true picture of all patent corps work product



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## Work Product Reviews (con't)

- Key metrics derived from work product reviews:
  - Final Disposition Compliance Rate
    - Measures correctness of the final determination made by an examiner – either the decision to allow a patent or finally reject it
    - Review for improper or omitted rejections, improper finality, failure to treat arguments
  - In-Process Compliance Rate
    - Measures correctness and reasonableness of Office Actions during prosecution (non-final actions)
    - Review for improper or omitted rejections, improper restriction practice, failure to treat arguments, and other issues that may significantly inhibit the advancement of prosecution



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## Other Work Product Reviews

- First Action on the Merits (FAOM) and Search:
  - Implemented in 2011 to better capture quality at initial stages of prosecution
  - Provides more insight into clarity issues than normal compliance reviews
    - Key focus of current quality initiative
- Targeted Reviews
  - Ad hoc reviews to assist in evaluating the effectiveness of training and the impact of programs on quality
    - e.g., 101 rejections, use of 3<sup>rd</sup> party art submissions, restriction practice



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## Internal Quality Survey

- Conducted semi-annually
- Measures patent examiner satisfaction with various factors that lead to the ability to perform high quality patent examination
  - Evaluates overall **examiner** experience in past 3 months with respect to:
    - Office-related factors: tools, training, etc.
    - Applicant-related factors: incoming patent applications, applicant responses, etc.



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## External Quality Survey

- Conducted semi-annually
- Measures applicant and practitioner satisfaction with patent examination quality
  - Evaluates overall **applicant** experience in past 3 months with respect to:
    - Consistency
    - Reasonableness of rejections
    - Adhering to rules and procedures



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## Quality Index Reporting (QIR)

- Statistical analysis of data representing examination events (examiner trends) occurring during prosecution
  - Data taken from the USPTO internal database
- Statistical analysis identifies outlier populations that can signal the presence of quality or procedural issues that represent best practices or opportunities for improvement
- Typically a process-based evaluation of quality rather than an end-product inspection



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## Uses of Quality Data

- In addition to generating metrics of quality to gauge performance, USPTO uses OPQA data to:
  - Develop training
  - Measure effectiveness of training
  - Determine the impact of USPTO programs on quality
    - Telework programs, etc.

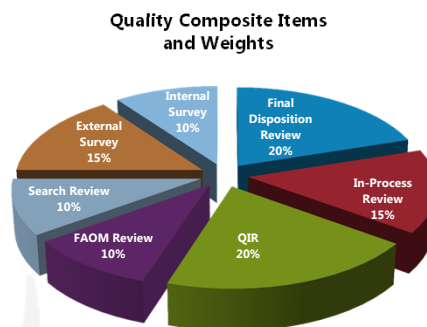


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## Quality Composite

- In 2011, USPTO implemented a Quality Composite in an attempt to consolidate the wide variety of quality metrics and generate a single index that could be used to quickly assess progress towards Office goals through 2015



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## Moving Forward

- Implement Master Review Form
  - Establish Clarity Metric(s)
- Eliminate Roll Up Metrics to Composite
- Update Metrics in response to User Feedback



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## Master Review Form - Goals

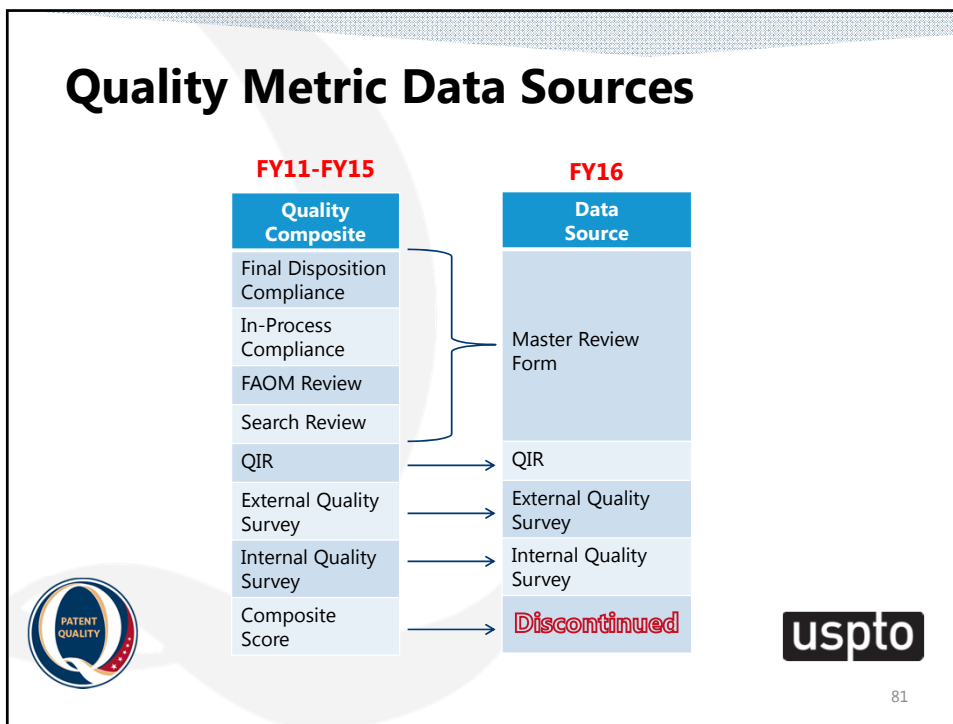
- To create a single, comprehensive form that is used by all areas of the Office when reviewing the quality of previously signed work
  - This will allow uniform standards to be applied to all such reviews
  - This will allow more reviews to be captured for data collection purposes
- To collect information on the clarity of Office actions



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# Quality Metric Data Sources



# Master Review Form

- Wide range of available metrics related to:
  - Correctness
  - Clarity
  - Search effectiveness
  - Claim construction
- Ability to report metrics by:
  - Statute
  - Action Type
  - Quarter
  - Technology Center
  - Nested variables, e.g. Action Type > Quarter
  - Other MRF demographic indicators
- “Correctness” metrics can be tracked against historic compliance rate metrics

**By Statute**

102 Rejections	Correctness (n=xxxxx)	Clarity (n=xxxxx)
% OK	% Great Extent	
% Needs Attention	% Moderate	
% Deficiency	% Limited Ext	
Confidence Interval	Avg. Clarity Score	

**By Action Type**

103 Rejections	Correctness (n=xxxxx)	Clarity (n=xxxxx)
% OK	% Great Ext	
% Needs Attention	% Moderate	
% Deficiency	% Limited Ext	
Confidence Interval	Avg. Clarity Score	

**By Technology Center**

112 (3) Written Description Rejections	Correctness (n=xxxxx)	Clarity (n=xxxxx)
% OK	% Great Ext	
% Needs Attention	% Moderate	
% Deficiency	% Limited Ext	
Confidence Interval	Avg. Clarity Score	

**Final Rejections**

FY16Q1	Correctness (n=xxxxx)	Clarity (n=xxxxx)
% OK	Average Clarity Score	
% Needs Attention	Standard Error of Mean	
% Deficiency	Confidence Interval	

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## Other Data Sources

- **Quality Index Reporting (QIR)**
  - Survey of SPEs driving metrics to be reported
  - Report variables individually rather than as an average of a few selected variables
  - Expanding items reported avoids one-size-fits-all approach employed since FY10 where reported metrics may not have adequately represented quality for specific technologies and/or changes in priorities and initiatives
  - Ability to compare to pre-FY16 levels
- **External Quality Survey**
  - Continued semi-annual administration of survey
  - Key metric remains “overall quality” rating
  - Expand metrics that can be reported from survey since not bound by single metric being used for composite. Currently gather perceptions related to:
    - Soundness of rejections, by statute
    - Consistency of examination among examiners
- **Internal Quality Survey**
  - Continued semi-annual administration of survey
  - Key metric remains “overall quality environment” rating



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## Questions

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 Chief Statistician, OPQA, USPTO

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# Enhancing Patent Quality through Remote Examiner Interviews

Tariq Hafiz

Director of Technology Center 2600, USPTO

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## Overview

- Interview Survey Results
- WebEx Interviews
- Authorization Policy
- Interview Resources
  - Interview Specialist
  - Public Interview Rooms
  - Website & Email box



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## Interview Surveys

- Surveys on interviews for both Examiners and Applicants were conducted in 2014
- Learn more about interview practice during prosecution
- Identify training opportunities



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## Interview Survey Results

- For advancing prosecution, Applicants were very positive.



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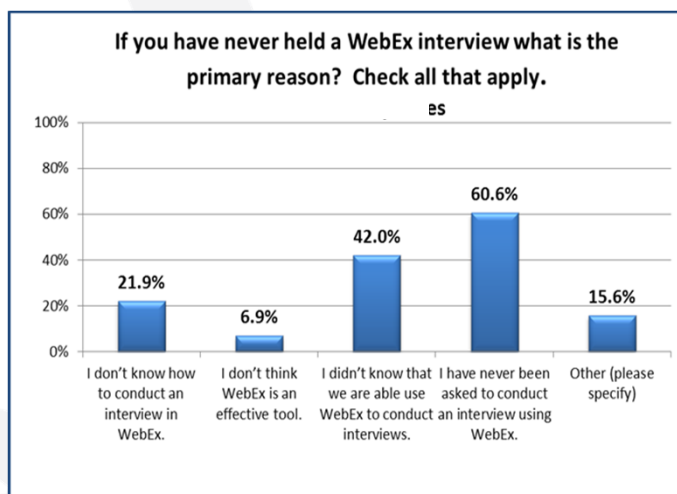
## Interview Survey Summary

- Most interviews are initiated by Applicants according to both surveys
- 99% of Applicants indicated that request for interviews are usually granted.



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## Training Opportunities



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## Verbal Authorization for Video Conferencing

### Change to Internet Usage Policy to Permit Oral Authorization for Video Conferencing Tools

- Policy has been updated to make it easier for Applicants to authorize the use of video conferencing tools to conduct examiner interviews.
- MPEP § 502.03 now allows a verbal request to authorize a WebEx interview, instead of submitting a written request.
- The verbal authorization is limited to the video conference interview and does not extend to other communications regarding the application.



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## Automated Interview Request (AIR) Form

- New web-based tool that allows Applicants to schedule an interview with an Examiner for their pending patent application.
- Enables an Applicant to submit a request for an interview from our Interview Practice website (<http://www.uspto.gov/patent/laws-and-regulations/interview-practice>) by simply filling out the AIR form. The request will then be sent directly to the Examiner's E-mail box.



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## Automated Interview Request (AIR) Form (con't)

- The submitted AIR form will provide the authorization (MPEP §502.03) needed for internet communication between the Applicant and the Examiner and will be in effect until the Applicant provides a written withdrawal of authorization to the Examiner of record.
- The proposed interview date/time must be at least one week from the date of the request.
- Applicant should receive a communication from the Examiner within 2 business days via either the telephone or E-mail.



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## USPTO Automated Interview Request (AIR) Form

Recognizing that Internet communications are not secure, I hereby authorize the USPTO to communicate with the undersigned and any practitioner of record or acting in a representative capacity in accordance with 37 CFR 1.33 and 37 CFR 1.34 concerning a subject matter of this application via video conference or electronic mail. I understand that a copy of these communications will be made of record in the application file.

I acknowledge that this communication will be recorded as part of the application file.

\*Name:

Registration Number:  (5 Digit Numeric Only: 12345)

\*U.S. Serial Number:  (8 Digit Numeric Only: 12345678)

\*Confirmation Number:  (4 Digit Numeric Only: 1234)

\*E-mail Address:

\*Phone Number:  (10 Digit Numeric Only: 0123456789)

\*Proposed Date and Time of Requested Interview must be at least one (1) week later than current date:  
(Note: Confirmation of actual interview date and time will be arranged between examiner and requester)

MM  DD  YYYY  Time (EST)

\*Proposed Type of Interview:  Please select a Interview  (Examiners working remotely will offer Video Conference or Telephonic interviews)

I am the applicant or applicant's representative for this application.

\* Indicates fields that are required

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## WebEx Basics

- You need a computer and a high-speed Internet connection is recommended.
- WebEx is a web-based service, so you can use it from any computer (Windows, Mac, Linux, or Solaris).
- No software needs to be downloaded or purchased.
- A telephone will be used to join the audio component of the meeting while a video camera may be used as part of the visual component.



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## Click Link for Examiner

Open the email containing the WebEx online meeting invitation and click on the link to join the visual component of the online meeting.

To join the online meeting (Now from mobile devices!)

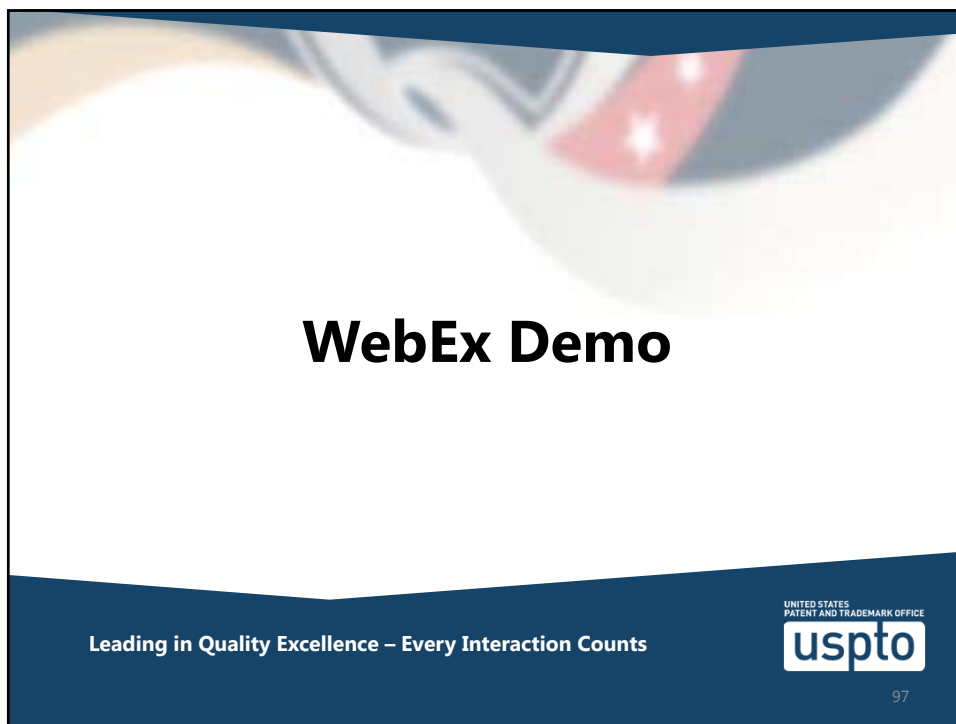
1. Click the following link: [Join the meeting](#)
2. If requested, enter your name and email address.
3. If a password is required, enter the meeting password:
4. Click "Join".



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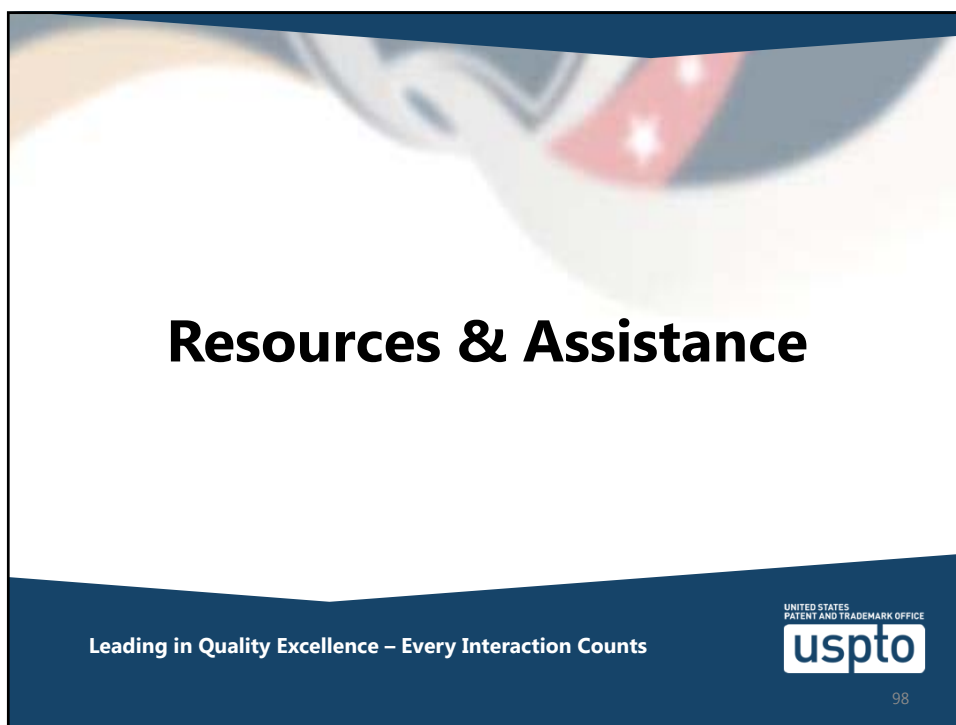


# WebEx Demo

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# Resources & Assistance

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## Interview Specialist

- Subject matter expert on interview practice and policy in each Technology Center
- To assist Examiners and Applicants in facilitating effective interviews
- The list of TC Specialists can be found here:  
<http://www.uspto.gov/patent/laws-and-regulations/interview-practice/interview-specialist>



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## WebEx Training & Assistance

- Applicants who are interested in more detailed WebEx training may request a **one-on-one** WebEx training session with an interview specialist.
- Please email your request to [ExaminerInterviewPractice@USPTO.gov](mailto:ExaminerInterviewPractice@USPTO.gov)
  - Include preferred dates and times
  - Please give at least one week notice



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## Public Interview Rooms

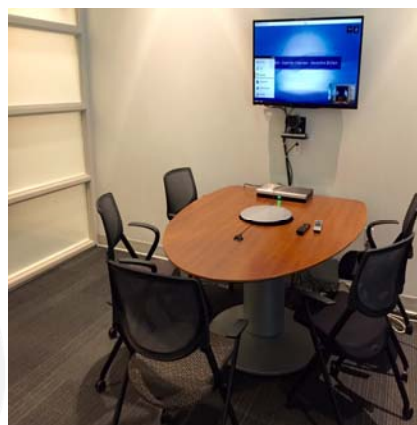
- A Public Interview Room is a video conference room on each USPTO campus designated for Applicants to use to connect and collaborate with examiners that are working remotely or at a different USPTO campus
- Currently in Alexandria, Detroit & Denver
- Coming soon to San Jose & Dallas



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## Public Interview Rooms

- Must be reserved by Examiner at least two business days prior to interview.
- Written or verbal authorization to communicate electronically is required prior to reserving a public interview room (see MPEP § § [502.03](#) and [713.01](#), and 80 Fed. Reg. 23787, April 2015).



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## Website

<http://www.uspto.gov/patent/laws-and-regulations/interview-practice>

- USPTO.GOV
  - Policies
  - Training
  - FAQs
  - Contacts
- Comments & Questions  
[ExaminerInterviewPractice@USPTO.gov](mailto:ExaminerInterviewPractice@USPTO.gov)





The screenshot shows the USPTO website's 'Interview Practice' page. At the top, there's a navigation bar with 'Patents', 'Trademarks', and 'Learning and Resources'. The main content area features a sidebar with a list of links including 'Laws and Regulations', 'America Invents Act (AIA)', 'American Inventors Protection Act of 1999', 'Comments from the Public', 'Interview Practice' (highlighted), 'Examination Policy', 'Patent Related Notices', 'Patent Term Extension', 'Power of Attorney and Assignment', and 'Revised Amendment Practice 37 CFR'. The main content area has a heading 'Interview Practice' and a graphic that says 'INTERVIEWS FROM WHEREVER YOU CONNECT' with a map of the US and icons of people. Below the graphic, there's a paragraph explaining that 'Interview Practice' provides free access to video conferencing with USPTO examiners. There are also sections for a 'Survey' and a 'Federal Register Notice'.

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## Questions

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# Current Patent Automation Initiatives

Deborah Stephens  
Acting Deputy Commissioner for Patent Administration, USPTO

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## PE2E Functionality / Timeline

### PE2E Tools

- Docket Application Viewer (DAV)**  
*Display docket in various views, display CPC symbols, planner to prioritize work, manage each set of docket, create and manage notes, use of IDS viewers.*
- Search (EST)**  
*Enhanced search through search-as-you-type suggestions, filtering by classification, advanced highlighting and search history functionality.*
- Official Correspondence (OC) – Authoring/Workflow/RBAC**  
*Leverage notes and references, insert form paragraphs, flexible fields, request signature workflow for each document.*
- Cooperative Patent Classification (CPC)**  
*Modernize the classification system that is jointly managed and maintained by both the IP&O and USPTO, and will incorporate best practices in classification from the two offices.*

### PE2E Functionality / Timeline

March 11, 2015

**Patents-End-to-End will provide a single integrated toolset that will streamline examining processes, modernize technology, and reduce time needed to deploy product enhancements**

## Major PE2E Examination Products

Effort	Description	Release Date
<b>Docket &amp; Application Viewer (DAV)*</b> in Examination Tools & Infrastructure (ET&I) project (replaces eDan)	Case management tool: docket with multiple views; planner to prioritize work; document, claims, application management; IDS viewer, electronic notes	<b>Released Mar 2015</b> training underway (key dates on next slide)
<b>Official Correspondence</b> (Office Actions/replaces OACS)	Authoring & workflow solution; integrates with DAV by leveraging notes, references, & dispositions	Production release target Dec 2016 Pilot release December 2015
<b>Examiner Search</b> (replaces EAST/WEST)	Modern, scalable enterprise search for Patent Examiners	Production release target Dec 2016 Pilot release December 2015
<b>Cooperative Patent Classification (CPC)</b>	Harmonization & modernization of classification jointly managed between USPTO & EPO. Facilitates collaborative maintenance of classification system	<b>Released Jan 2013</b> <b>Enhancements release July 2015</b>
<b>Central Enterprise Data Repository (CEDR)</b>	Create new operational database to replace PALM that supports PE2E	Incremental releases for critical path items from above efforts

\* Docket & Application Viewer is the product created by the Examiner Tools & Infrastructure project

\* eCommerce Modernization encompasses USPTO's efforts to modernize Patent application systems; started Q3 FY15

\* Public dissemination (e.g., bulk download & Patent assignment search) is being modernized in a separate portfolio

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## Major PE2E External User Products

- Patent Center
  - Patent application filing, viewing and management
  - New, streamlined, and secure
  - Replaces EFS-Web, Public PAIR, and Private PAIR
  - Developed under the eMod Project, which aims to improve the electronic patent application process by modernizing its filing and viewing systems
    - Recent Features Released:
      - EFS-Web 85b
      - PAIR Self-Administration Tools



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## EFS-Web 85b

- Web 85b (Web Based Issue Fee Transmittal) allows filers with Power of Attorney to complete and submit a streamlined, highly automated web form
  - Replaces the traditional PTOL-85 Part B form which is required in every issued application (a paper form, or a flat PDF file submitted through EFS-web)
  - Benefits:
    - Automated generation of the 85b Issue Fee Transmittal based on user input or data retrieved from USPTO official records
    - Automated processing of the following:
      - Change of Entity Status
      - Change of Correspondence Address
      - Change of Fee Address



**Main Functions**

- New application/proceeding  
(This includes new filings of continuation, divisional, continuation-in-part and re-issue applications, as well as requests for continued examination (RCE) and continued prosecution application (CPA) are considered existing documents and must be filed as a request for automatic processing and immediate grant, if all petition requirements are met)
- Existing application/patent/proceeding
  - Select Type of Submission for Existing Application/Proceeding
  - Documents/Fees for an existing application/proceeding (applicant/representative only)  
(A request for continued examination (RCE) and continued prosecution application (CPA) are considered existing documents and must be filed as a request for automatic processing and immediate grant, if all petition requirements are met)
  - ePetition (for automatic processing and immediate grant, if all petition requirements are met)
  - Processing (Electronic Terminal Disclaimer and other requests for automatic processing)
  - eTerminal Disclaimer (for automatic processing and immediate approval, if all requirements are met)
  - Web Based Issue Fee Payment (Web 85b) (only available if POA filed in application)
    - The Web 85b option is currently available ONLY for registered patent practitioners' applications. However, the Web 85b option is NOT available if a filer with POA wishes to do so by any method other than a deposit account number (e.g., credit card, EFT fee payment using the following link: [Documents/85b](#)). The Office intends to expand to other filers in the future.

\*Application Number  (EXAMPLE: 99999999, 99/999999 or 99/12345678)  
 \*Confirmation Number  (EXAMPLE: 1234)

I certify, in accordance with 37 CFR 1.41(c)(1) that I am an attorney or agent registered with the USPTO and have been granted power of attorney in this application.

\*Name   
 \*Registration Number  (EXAMPLE: 12345)



## DEMO EFS-Web 85b

Office of Patent Information Management  
 United States Patent and Trademark Office



## PAIR Administration

- PAIR Administration is a new set of functionality in Private PAIR that enable users to self-administer a number of routine tasks that previously required submitting a form which then was manually processed
- New PAIR Administration functionality:
  - Create New Customer Numbers
  - Change Entity Status
  - Update Application Correspondence and/or Maintenance Fee Address
  - View Saved and Completed Requests



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## DEMO PAIR Administration

Office of Patent Information  
Management  
United States Patent and Trademark  
Office



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# Questions

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