

JOINT USPTO PPAC QUALITY TASKFORCE

PROGRESS UPDATE



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Patent Public Advisory Committee Meeting



QUALITY FEEDBACK SOUGHT

- The USPTO in conjunction with PPAC formed a Joint Taskforce to address patent quality.
- On December 9, 2009, a Notice regarding this joint patent quality initiative was published in the Federal Register.
- This Notice sought public comment on methods to improve overall patent quality.
- In particular, the Notice requested comments directed toward identification of appropriate indicia of quality, and to the establishment of metrics for measurement of quality indicia.
- As of June 17, 2010, over 300 comments were submitted from individuals, law firms, corporations, associations, IP organizations, and government agencies.



REFINING QUALITY DISCUSSION

- Each of the comments was read and discussed within the USPTO; summaries of the comments are posted on the USPTO Web site along with the original submissions.
- The public comments along with current USPTO quality measures were used to develop proposed quality metrics for further discussion.
- These proposed quality metrics were posted on the USPTO Web site on April 23, 2010.
- On April 27, 2010, a Notice was published in the Federal Register announcing two public roundtable discussions. Additionally, the proposed quality metrics were posted to the uspto.gov Web site.



PUBLIC ROUNDTABLES

- On May 10, 2010, the first roundtable moderated by Commissioner for Patents Robert Stoll and PPAC member Marc Adler was held at the Los Angeles Public Library.
- On May 18, 2010, the second roundtable moderated by Undersecretary of Commerce for Intellectual Property and USPTO Director David Kappos and PPAC member Marc Adler was held at the USPTO and available via webcast on the USPTO Web site.



DEVELOPING QUALITY METRICS

- The developed FY 11 Patent Quality Metrics are a composite of the following seven (7) metrics with weights indicated in parentheses:
 - Final Disposition Compliance Rate (20%)
 - In-Process Compliance Rate (15%)
 - FAOM Search Review (10%)
 - Complete FAOM Review (10%)
 - Quality Index Report (QIR) Information (20%)
 - External Quality Survey (15%)
 - Internal Quality Survey (10%)



DEVELOPING QUALITY METRICS

- Patent Quality Metrics have been developed for FY 11 that take into account public input from the roundtables and the public comments
- Significant changes from the “proposed” Patent Quality Metrics
 - The complete application review changed to a complete review of the first action on the merits (FAOM)
 - The FAOM review divided into
 - Review of the search (i.e., the search(es) done prior to the FAOM)
 - Review of the FAOM itself
 - QIR will include percentage of restrictions done after second or subsequent action



NEXT STEPS

- Brief POPA and PPAC on the FY 11 Patent Quality Metrics
- Publish FY 11 Patent Quality Metrics paper on the USPTO's web site
- Publish a companion notice on USPTO's web site, in addition to the Patent Quality Metrics paper, indicating that patent quality metrics for FY 2011 have been adopted; the notice will also indicate that—
 - The USPTO is in the process of evaluating the suggestions from the roundtables and public comments for changes to improve patent quality and plans to implement those suggestions that are most conducive to achieving enhanced patent quality and that give the USPTO the best return on its investment of resources.
 - The USPTO will continue to evaluate what patent quality metrics give the best measure of patent quality and will adjust the metrics periodically based upon lessons learned.