

**UNITED STATES
PATENT AND TRADEMARK OFFICE**

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Patent Public Advisory Committee Quarterly Meeting

Patent Examination Policy Update

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Functional Claiming Training Update

	Topic	Status
1.	35 USC §112(f): Identifying Limitations that Invoke §112(f)	Completed
2.	35 USC §112(f): Making the Record Clear	Completed
3.	35 USC §112(f): Broadest Reasonable Interpretation and Definiteness of §112(f) Limitations	Completed
4.	35 USC §112(f): Evaluating §112(f) Limitations in Software-Related Claims for Definiteness under 35 USC §112(b)	Completed
5.	Claim Interpretation: Broadest Reasonable Interpretation (BRI), plain and customary meaning of terms, and treating claim as a whole	Completed
6.	Claim Interpretation: Examining Functional Claim Language	Spring 2015
7.	§112(a): Written Description for all technical fields	Summer 2015
8.	§112(a): Enablement for all technical fields	Fall 2015

101 Training Update

- Multi-phased Examiner Training
 - Phase I – Corps-wide Training on Dec. 2014 Interim Guidance
 - Completed January/February 2015
 - Phase II – TC-specific Training based on examples
 - Mostly complete

Public Comments on 2014 Interim Eligibility Guidance

- A public comment period closed on March 16, 2015
- 61 public comments were received
- Common themes:
 - Positive step in clarifying examination procedures compared to the March 2014 guidance
 - Certain areas were identified for improvement/clarification
 - Published examples useful; strong desire for additional examples

Public Comments on 2014 Interim Eligibility Guidance

- Other notable themes include:
 - Clarification regarding identifying the exceptions
 - Parameters relating to the types of abstract ideas, for example for “certain methods of organizing human activity”
 - Role of preemption as it relates to the exceptions
 - Concern over the implementation of the guidance
 - Need for training and consistent application across art areas
 - Importance of making a prima facie case, with some proposing that examiners provide factual evidence
 - Various aspects of the markedly different characteristics

Next Steps

- Complete Phase II of Examiner Training
 - Publish Workshop Training Material
- Iterative refinements to the guidance based on judicial developments and feedback from the public and the examining corps
 - E.g., additional examples are being developed

Additional Resources

- General page for examination guidance and training materials

<http://www.uspto.gov/patents/law/exam/examguide.jsp>

- Specific page for the December 2014 Interim Eligibility Guidance

<http://www.uspto.gov/patent/laws-and-regulations/examination-policy/2014-interim-guidance-subject-matter-eligibility-0>

- Includes the Guidance document, additional claim examples and relevant case law
- All updates will be posted to this page

Questions and Comments

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