Patent Public Advisory Committee
Quarterly Meeting

Examination Time Analysis

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EXAMINATION TIME ANALYSIS: WHY?

We will establish the optimal pendency and quality levels for both patents and trademarks that will enable us to operate efficiently and effectively in a steady-state maintenance mode, while considering the expectations of the IP community. –USPTO Strategic Plan 2014-2018
EXAMINATION TIME ANALYSIS: Why now?

• Properly calibrated examination time is critical for establishing optimal pendency and quality levels

• Patent prosecution has substantially changed since goals were established. For example:
  – New technologies and increased technological complexity
  – Exponential growth of available prior art
  – Transition to the Cooperative Patent Classification (CPC)
  – Increased use of Electronic tools
  – Changes in policy and legal interpretations
EXAMINATION TIME ANALYSIS: Why now?

• There has not been a comprehensive reevaluation of examination time since the current examination time expectancies were established in the 1970s.

• Recent reports by oversight bodies such as the General Accounting Office and Office of the Inspector General have recommended that the USPTO reevaluate examination time.
Major items affecting Examination Time

- Differing Technologies
- Using data to analyze time
- Quality Enhancements/Expectations

Technology/Data
- Organizing like technologies together based on CPC
- Determine examining hours based on technology data and application characteristics

Stakeholder Outreach
- Obtain and analyze input from external stakeholders
- Obtain and analyze input from internal stakeholders

Quality and Clarity Actions
- Determine expectations based on outreach data and internal quality programs/data
External Outreach Efforts

• Federal Register Notice published October 25\textsuperscript{th} to solicit feedback and announce roundtables.
• During the roundtables we plan on a short education piece to inform applicants on our production system and gather stakeholder input.

Upcoming Roundtables

• November 14 in Alexandria
• November 29 in Dallas
• December 15 in Denver
• January 11 in San Jose
• Date for Detroit will be announced soon.
External Outreach Efforts

• Additionally, the Office plans engagement with a number of academic partnerships for input in collaboration with the USPTO’s Office of Chief Economist.
Internal Outreach efforts

- Conducted 17 focus sessions with examiners
- Crafting a survey using information from the focus sessions to be administered to all examiners and SPEs in the next few months
Quality and Clarity Team

• Formed a team to leverage our Quality data, EPQI initiatives, external and internal feedback to create recommendations of changes to the examination process that would effect time.
Technology/Data Team

• Formed a team to analyze and mine technology specific variables and data to help determine examination time for specific technologies.
• Utilizing historical data pertaining to all technology areas to help inform the expected hours associated with all art areas.
Important Links

• The ETA Website: https://www.uspto.gov/patent/initiatives/eta-external-outreach
Questions and Comments

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