Patent Public Advisory Committee
Quarterly Meeting

Quality Metrics

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Associate Commissioner for Patent Quality
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Historical Perspective on Measuring Patent Quality

- FY 2005: Add review of In-Process Office actions by OPQA
- FY 2007: External Quality Survey administered by OPQA
- FY 2008: Quality Index Reports (QIR) begin
- FY 2011: Quality Composite Score begins
- FY 2017: Where are we today?

Where are we today?
## Quality Metrics Redefined

### FY 2011 – FY 2015

<table>
<thead>
<tr>
<th>Indicator</th>
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</thead>
<tbody>
<tr>
<td>Final Disposition Compliance</td>
</tr>
<tr>
<td>In-Process Compliance</td>
</tr>
<tr>
<td>First Action (FAOM) Review</td>
</tr>
<tr>
<td>Search Review</td>
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<tr>
<td>Quality Index Reporting (QIR)</td>
</tr>
<tr>
<td>External Quality Survey</td>
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<tr>
<td>Internal Quality Survey</td>
</tr>
<tr>
<td>Composite Score</td>
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</tbody>
</table>

### Moving Forward

#### Product Indicators
**Master Review Form**
Capturing both correctness and clarity of examiners’ final work product using uniform criteria gathered in a single database.

#### Process Indicators
**Transactional QIR**
Tracking the efficiency and consistency of our processes (for example, to identify “churning”).

#### Perception Indicators
**Survey Results**
Continuing to internally and externally poll perceptions of patent quality.

**Composite Score**
Key Product Indicators

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Correctness
Clarity
Key Product Indicators – MRF Based

• Metrics are derived from reviews done using the new Master Review Form (MRF)

• The MRF:
  – Is a single, comprehensive tool that can be used by all areas of the Office to consistently review finished work product
  – Collects information on clarity and correctness
  – Collects review results in a single data warehouse for more robust analysis
OPQA Reviews of Finished Office Actions

FY 2015
  • Completed 7,900 reviews

FY 2016
  • Completed 12,000 MRF reviews

FY 2017
  • Projected to complete 18,500 MRF reviews
  • Data captured at TC Level
Key Product Indicators – Correctness

- Correctness metrics will show compliance rate by statute
- Compliance Rate = \( \frac{\text{Total Reviews} - \text{Non-Compliant Reviews}}{\text{Total Reviews}} \)
- Non-Compliant Reviews = Omitted + Improper Rejections
- The total number of reviews will remain constant for all statutes and includes those reviews that USPTO’s Office of Patent Quality Assurance conducts on randomly-sampled Office actions
Key Product Indicators – Clarity

• The USPTO is working on developing clarity metrics

• The Office is continuing to work on ensuring that the MRF captures clarity data as accurately as possible

• The USPTO is analyzing the MRF’s clarity data for purposes of identifying quality trends
Clarity Standards

• Clarity questions are assessed as follows:
  – Average
  – Below
  – Above average

• Definition of AVERAGE drives the definition for above and below
  – Average clarity is the level of clarity expected for Office Actions from the great majority of examiners that is sufficient to allow anyone reviewing the Office Action to readily understand the position taken.
Key Process Indicators

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Perception Indicators
Survey Results
Continuing to internally and externally poll perceptions of patent quality

- Reopening Prevention
- Rework Reduction
- Consistency of Decision-Making
Key Process Indicators – Approach

• Focus on three process indicators from our Quality Index Report (QIR)
  – Reopening Prevention
  – Rework Reduction
  – Consistency of Decision Making

• Use data to identify outliers for each indicator for further root-cause analysis

• Based on root-cause analysis, work to either capture any identified best-practices or train examiners, as appropriate
Metric is sum of transactional QIR data points including consecutive finals, consecutive restrictions, and 2\textsuperscript{nd}+ non-finals

Note: Instances of rework impacted by Alice Corp. v. CLS Bank decision
Key Perception Indicators

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Root Cause Analysis
Validation/Verification

Continuing to internally and externally poll perceptions of patent quality
Key Perception Indicators

- USPTO has conducted internal and external perception surveys semi-annually since 2006
  - External survey is of 3,000 frequent-filing customers
  - Internal survey is of 750 randomly selected patent examiners
- The survey results will be used to validate other quality metrics
Perception Survey Results - Example

Frequency of Technically, Legally, and Logically Sound Rejections
(Percent reporting "most" or "all" of the time)
Next Steps

• Publish correctness targets
• Develop clarity metrics
• Use indicators to identify areas for improvement
Questions and Comments

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