Patent Public Advisory Committee Quarterly Meeting

Updates to examination time, application routing, and examiner performance appraisal

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Updates to the operational processes that support patent examination

• Patent prosecution has substantially changed over the past several decades.
  – New and converging technologies of increasing technological complexity
  – Growth of available prior art
  – Increased use of electronic tools
  – Changes in the legal landscape
  – Transition from the United States Patent Classification (USPC) system to the Cooperative Patent Classification (CPC) system
Updates to the operational processes that support patent examination

• Process for assigning applications to examiners (routing)
• Method used to allot time for examination of patent applications
• Evaluation of examiner performance of examining during via the performance appraisal plan (PAP)
Why are these changes important?

The updates to examination time, application routing, and the PAP collectively:

– Optimize pendency and examination timeframes
– Align production capacity with incoming workload
– Ensure highest level of quality for all work products
– Reflect changes in patent prosecution
– Address internal and external stakeholder experiences, priorities, and expectations related to examination time, quality, and application complexity
Background - Classification

• USPTO uses classification to:
  – Identify and group the technology captured in an incoming application
  – Match the technology in an application to a patent examiner
  – Assign examination time to an application
Background - Classification

• In October of 2010, USPTO and EPO agreed to jointly implement CPC
• Significant step towards international harmonization
• CPC is a more flexible and up-to-date classification system
Updates to the assignment of applications (1 of 2)

Key goals for the assignment of applications:

• Finalize the transition to CPC by eliminating USPC dependencies on operational processes
  – Decrease examiners’ burden of understanding and operating within two classification systems
  – Ultimately eliminate the Office’s administrative and cost burden of using two classification systems

• Maximize the retention of expertise and institutional knowledge of examiners
Updates to the assignment of applications (2 of 2)

• Utilizing CPC:
  – Applications will be routed to examiners based on an examiner’s work history (portfolio)
  – The classification picture on incoming applications will be compared to all examiners’ portfolios to find the best examiner to examine the application
Updates to assignment of time on applications

• Examination time still relies on the classification picture

• Additional time added to examination time:
  – Raise the minimum time for examination by nearly 5 hours
  – Add time to individual applications that are more difficult to examine or need more time (e.g., high number of claims, pages of specification, pages of IDS, etc.)
Updates to the assessment of performance (1 of 2)

The PAP provides:

• Clear roadmap of expectations and best practices to examiners
  – Foster the outstanding work that the vast majority of examiners already do
  – Valuable tool to assist in performance improvement

• Certainty and reliability of IP rights in a timely manner to the IP community
Updates to the assessment of performance (2 of 2)

Greater emphasis on:

– Search, Compact prosecution and Clarity
– Placing the best art of record in the case at the earliest possible time in prosecution
– Stakeholder interactions
Implementation

• Start transition in FY 2020
• Work with union on details of implementation
• Train managers and examiners
• Ensure IT is ready to support transition
Questions and comments

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