Patent Public Advisory Committee Quarterly Meeting

Peer Search Collaboration Pilot

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Background

• Paired examiners each independently searched an application to evaluate results and share alternative practices in performing searches, including search practices that were most useful in a specific technology or mix of technologies.
• The pilot was designed to share search expertise between examiners and survey participants to measure the process and outcomes.
Process

• Lead examiner selected an application from their docket along with reason for selecting

• Secondary examiner, matched on technology, selected application from pool of applications identified by lead examiners

• Both examiners:
  – independently searched application
  – reviewed search findings from peer
  – met to discuss strategies and results
  – completed surveys and participated in focus sessions to measure effectiveness

Reason for posting application:
- 56% Help w/Limitation
- 36% Help w/Invention
- 8% 2nd Opinion
Participation demographics

Examiners: 160 examiners accepted*; 20 examiners per Technology Center (TC)
Signatory: 131 primary examiners; 29 non-primaries
Areas: utility patents (design and plant excluded)
Finishers: 145 examiners finished the pilot
Actives: 111 (75%) actively participated
Cases Collaborated: 130 (65 inter-TC, 65 intra-TC)
Duration: 2 quarters
Surveys: 260

*Limited to GS 12-15 examiners
Key findings

Did the paired pilot examiner's search results contain any relevant references not contained in your search?

- **Lead**
  - No: 19%
  - Yes: 81%

- **Secondary**
  - No: 25%
  - Yes: 75%
Key findings, cont.

• Could your results be used in a: 102, 103, neither a 102 or 103 rejection, or other rejection?
  – 61% of time the examiners agreed on use of results
  – 95% of time at least one of the examiners found art for a 102 and/or 103

• Compared with pre-pilot cases of participants, there was no significant increase in the % of FAOMs receiving a prior art rejection.
  – 44% with 35 USC §102 rejection
  – 83% with 35 USC §103 rejection
Key findings, cont.

Valuable networking

• Examiners reported that they benefited from the networking via the collaborations.
  
  – Participants reported that new examiner connections were made which aided in their ability to find peer resources for case assistance.
  
  – Networking between examiners led to knowledge transfer among them.
Key findings, cont.

Did you learn new search techniques or tips utilized by your paired examiner's search strategy?

– 68% of paired searches resulted in at least one of the examiners learning new techniques

– 26% of the time, both examiners claimed learning
Key findings, cont.

Reasons for differences between two sets of search results

- Types of search strategies: 51%
- Interpretation of claims: 32%
- Understanding of invention: 30%
- Types of searches used: 28%
- Skills and/or experience: 25%
- Search databases used: 19%
- N/A - No differences: 14%
Next steps

• Feedback from the union
• Monitor collaborated cases through final disposition in order to identify trends in prosecution outcomes
• Quality review of pilot applications
• Exploring intersections with other initiatives
Questions and comments

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