

**UNITED STATES
PATENT AND TRADEMARK OFFICE**



FY21 quality statistics & FY22 predictions

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UNITED STATES
PATENT AND TRADEMARK OFFICE



Statutory compliance measures

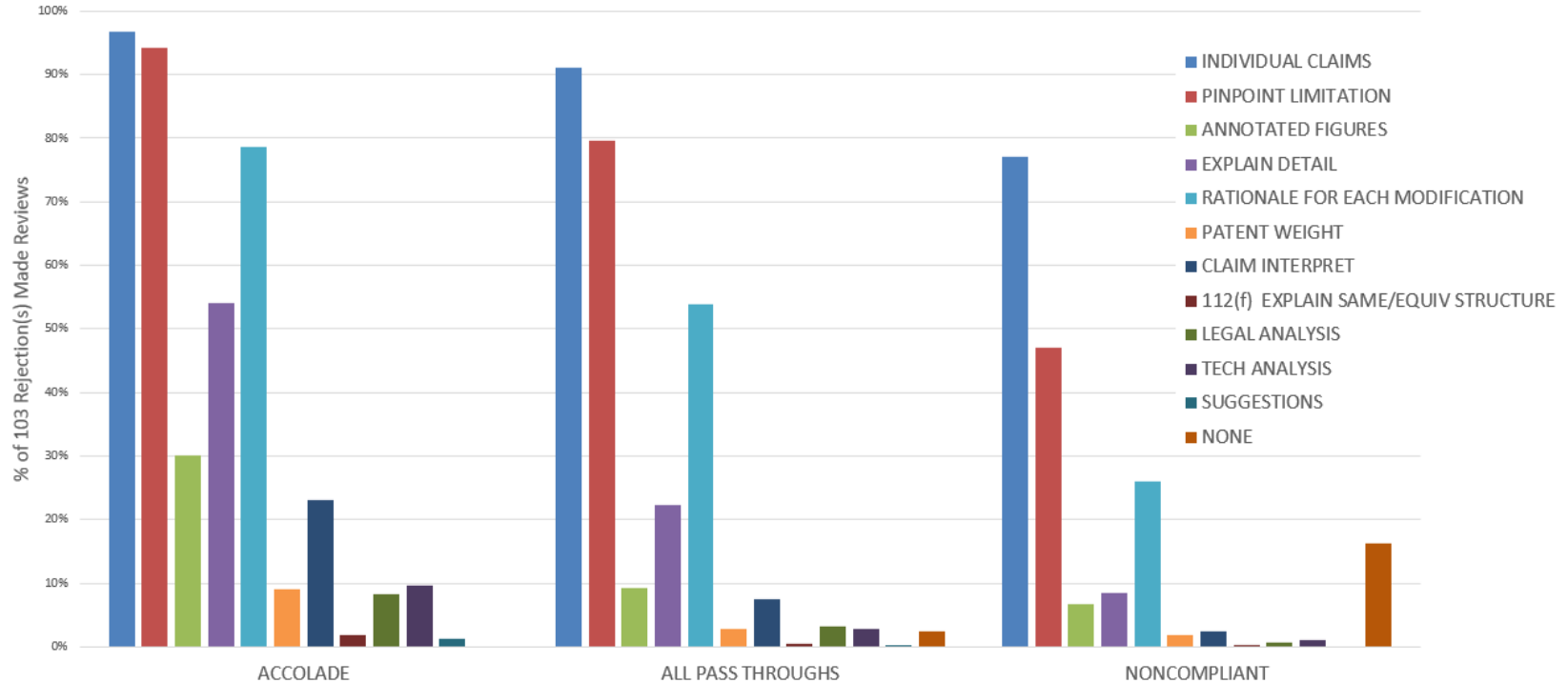
- OPQA reviews a representative sample of Office actions under the statutory compliance standard
- Focus on determining if appropriate and clear determinations were made for every pending claim based on the four patentability statutes (35 USC § 102, 103, 112, 101)
 - For rejected claims, the Office action must be correct and (1) clearly identify the claim and relevant statute; and (2) set forth sufficient evidence to put a person skilled in the art on notice as to why the claim is considered unpatentable so as to provide applicant with a fair opportunity to respond
 - For an allowed claim, the Office action must not omit a statutorily compliant rejection

Statutory compliance data (FY 2021)

Statute	Prevalence in Office Actions	FY 21 Compliance Goals	FY 20 Overall Compliance – All Claims	FY 21 Overall Compliance – All Claims	FY21 Improvement	FY 21 Overall Compliance – Independent Claims
101	7%	≥97%	97.7%	98.3%	+0.6%	98.5%
102	35%	≥95%	94.3%	95.0%	+0.7%	96.5%
103	77%	≥93%	88.9%	90.6%	+1.7%	94.6%
112	112(a) Enablement: 5% 112(a) Written Description: 8% 112(b): 31%	≥93%	90.6%	92.2%	+1.6%	96.1%

*Confidence interval for overall compliance: ± 0.5%

Characteristics in 103 Rejections



Accolades

- Accolade comments are used to recognize work that goes beyond the requirements in the MPEP
- Can be included in any Office Action Characteristics section of the MRF

All Accolades Identified – All Status			
Total Reviews	# of Reviews with Accolades	Accolades Reviews as % of All Reviews	FY21 Increase compared to FY20
12036	1873	15.6%	2.6%



Look ahead for FY 2022

- Continued focus on improving statutory compliance
 - Focus on 35 USC 103 and 35 USC 112
- Maintain high stakeholder satisfaction
 - Most recent external survey revealed customer perception of USPTO overall quality at all time high
- Technology Center impact plans
 - Targeted quality improvement efforts developed within each technology center



Thank you!

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